STUDY NOTES · BASIC CONCEPT

What Is Judicial Independence? What are the Important Constitutional Articles on the same?

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A. What Is Judicial Independence?

Judicial independence means that judges can decide cases impartially, without improper influence from the executive, legislature, private interests or other external actors.

Its constitutional significance includes:

1. Protection of fundamental rights.
2. Impartial resolution of disputes.
3. Prevention of arbitrary exercise of State power.
4. Enforcement of the rule of law.
5. Preservation of constitutional supremacy.
6. Important: Judicial independence does not mean freedom from the Constitution, law or legitimate accountability.

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B. What Is Access to Justice?

Access to justice means that individuals can effectively seek legal remedies, understand their rights and obtain fair resolution of disputes.

Major barriers include:

1. High litigation costs.
2. Delays and case backlogs.
3. Shortages of judicial personnel and infrastructure.
4. Language and geographical barriers.
5. Limited legal awareness.

6. Inadequate legal representation for disadvantaged groups.
7. Improving access requires affordable legal services, effective legal aid, accessible courts and simplified procedures.

C. Important Constitutional Articles

Article	Significance
Article 32	Right to approach the Supreme Court for enforcement of fundamental rights
Article 136	Supreme Court's discretionary special leave jurisdiction, subject to constitutional and statutory provisions
Article 141	Law declared by the Supreme Court is binding on all courts in India
Article 142	Supreme Court's power to pass decrees or orders necessary for doing complete justice in a cause or matter before it
Article 214	Provides for a High Court for each State
Article 226	High Courts' power to issue writs for fundamental rights and other legal purposes
Article 50	Directive to separate the judiciary from the executive in the public services of the State

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D. What Is Judicial Review?

Judicial review is the power of constitutional courts to examine whether legislative and executive actions comply with the Constitution.

It helps:

1. Protect fundamental rights.

2. Check arbitrary government action.
3. Maintain constitutional limits on State power.
4. Resolve questions concerning the validity of laws and administrative decisions.
5. Judicial review is a central feature of India's constitutional framework.

E. What Is Judicial Accountability?

Judicial accountability refers to mechanisms that help ensure judicial conduct and administration comply with constitutional and legal standards.

It can involve:

1. Reasoned judgments and open court proceedings, subject to lawful exceptions.
2. Appellate and review mechanisms.
3. Established procedures for addressing judicial misconduct.
4. Transparent court administration.
5. Ethical standards and appropriate disclosure requirements.
6. Key distinction: Accountability must be designed to preserve judicial independence rather than permit improper pressure on judicial decisions.

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F. What Is Public Interest Litigation (PIL)?

Public Interest Litigation enables eligible persons or organizations to approach a court in appropriate cases concerning public interest, particularly where disadvantaged groups may struggle to access justice themselves.

PIL has contributed to judicial intervention in areas such as environmental protection, prisoners' rights and public accountability.

However, courts must guard against misuse of PIL for private disputes, publicity or political purposes.

G. What Is the Role of Free Legal Aid?

Article 39A of the Constitution directs the State to ensure that the legal system promotes justice on the basis of equal opportunity and to provide free legal aid through suitable legislation or schemes.

The Legal Services Authorities Act, 1987, provides the statutory framework for legal services authorities and eligible persons' access to legal aid.

Legal aid helps reduce economic barriers to justice and supports fair participation in legal proceedings.

Relevance for UPSC

- GS Paper II: Judiciary, constitutional bodies, judicial review and separation of powers.
- GS Paper II: Fundamental rights, legal aid and access to justice.
- GS Paper IV: Integrity, impartiality, accountability and public service ethics.
- Essay: Justice delayed is justice denied; trust in democratic institutions.

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