Polity & Governance · GS - II

"Constitutionally guaranteed judicial independence is a prerequisite of democracy." Comment.

EXAM YEAR	PAPER	SUBJECT
2023	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Judicial independence protects constitutional supremacy, fundamental rights and separation of powers by insulating courts from executive and legislative pressures; however, independence must coexist with judicial accountability and institutional transparency.

Model Answer

Introduction

Judicial independence means the ability of courts to adjudicate disputes impartially without fear or favour. In India, it is an essential component of the constitutional scheme and democratic governance.

Body

Why Judicial Independence is Essential for Democracy

Constitutional supremacy: An independent judiciary acts as the guardian of the Constitution and ensures that legislative and executive actions remain within constitutional limits.

Protection of fundamental rights: Through judicial review and writ jurisdiction, courts protect citizens against arbitrary state action.

Checks and balances: Judicial independence prevents concentration of power by enabling courts to scrutinise unconstitutional laws and executive decisions.

Rule of law: Equality before law requires an impartial adjudicatory institution capable of deciding cases even against powerful actors.

Federal balance: The judiciary settles Centre-State and inter-State disputes, thereby preserving constitutional federalism.

Constitutional Safeguards

Security of tenure, difficult removal procedure, fixed service conditions, judicial review, separation of judiciary from executive and protection of judicial salaries from legislative voting collectively reinforce independence.

Need for Accountability

Independence cannot mean immunity from scrutiny. Transparent appointments, reasonable judicial accountability, declaration of assets, institutional mechanisms against misconduct and timely disposal of cases are necessary.

Conclusion

Thus, judicial independence is indispensable to democracy because it converts constitutional promises into enforceable rights. **An independent but accountable judiciary provides the institutional balance necessary for constitutional democracy.**

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