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The Constitutional Role Of Judiciary in Political Decision Making

Introduction

In an democratic society the Judiciary plays a crucial role in upholding the rule of law, ensuring Justice has been delivered to people timely in an effective manner with all the due procedures that need to be followed and safeguarding the rights and freedom of individuals. Judiciary serves as a guardian in a democratic society. The separation of power divides governance in to three branches legislature, executive and Judiciary these all three work on the basis and according to constitution. The separation of power prevents the power in concentrating one hand in a parliamentary system like India the executive and legislature are interdependent on each other but judiciary is independent. The judicial head of the state that is Supreme Court act as a vital check in upholding the rule of law and protecting against power abuses ensuring a balanced democratic system. In this blog, we embark on a journey in political decision-making. We will explore how judiciary through its powers of interpretation and review, influences the course of political events and safeguards the principles upon which our democracy rests. From landmark cases like kesavananda Bharti¹ to the concept of judicial review, we will navigate the intricate interplay between law and politics, shedding light on the often-unseen hand of the judiciary.

Role of an Independent Judiciary in Democracy

India is the largest democracy in the world and any healthy democracy cannot thrive without an independent judiciary. The head of the judiciary that is the apex court of the state act as watchdog for constitution it will not allow any law that is against the doctrine of basic structure of the constitution. It will ensure that rule of law is upheld while considering at the

¹ AIR 1973 SUPREME COURT 1461, 1973 4 SCC 225 (last Visited 13th April 2024)
<https://indiankanoon.org/doc/257876/>

same time that fundamental rights of citizens are secured as it is enshrined in the constitution. Various provisions have been included in the Indian constitution to ensure an independent judiciary. This includes appointment of judges defining their salaries and allowances and all the other procedures on removal and even power to penalise the violation of law. Judiciary serves as a first limelight of defence against any excessive or unauthorized power of the executive or the legislative branch providing a system of checks and balances.

An independent judiciary fosters public trust and confidence in the legal system. When citizens believe that judges are free from external influences and bias they are more likely to have faith in the fairness and integrity of the judicial process. This trust is essential for the functioning of a democratic society, as it ensures that individuals are willing to abide by the decisions of the courts even if they disagree with them.

Constitutional role of judiciary

One of the most important primary role of judiciary is to interpret the constitution and check the constitutionality of the provisions it determine the meaning and application of specific cases for example Indian judiciary has developed a doctrine of basic structure of the constitution. The apex court of India that is Supreme court through its interpretation has stated that certain principles such as individual freedom, separation of power, supremacy of constitution, secular character of the constitution, federal character of the constitution, democratic and republican form of government, unity and sovereignty of india cannot be amended

Furthermore the judiciary has the power of judicial review any law through Article 32 that is The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.² and article 226 of the Indian constitution that clearly states that every High Court shall have the powers throughout the territories in relation to which it exercised jurisdiction to issue writ or orders to any person or authority.³ Basically this gives power to court to declare law invalid if its is violating the doctrine of basic structure of the constitution. This power is excercised through the power of judicial review it is a power of judiciary to declare a law or excecutive action unconstitutional this process is done usually by the apex court of the country.

² Constitution of India 1950, Art 32

³ Constitution of India 1950, Art 226

One of the key aspect of judiciary is to ensure that all citizens have access to the legal system and can seek redressal or remedy for the grievences this aids providing legal aid to those who are unable to afford representation and removing barriers to justice

Conclusion

In conclusion, the judiciary is a crucial component of democracy and plays a larger role than simply reading or interpreting the law the actions of judiciary through judicial review have a great influence on government major political decision are affected by the judiciary. In short it is an foundation of justice from defending personal freedoms to enforcing responsibility and supporting rule of law. However some issues still exist therefore a state is and must always should take efforts and steps to maintain an independent judicial system and also keep improving it from time to time.