

Challenges For Judicial Accountability And Judicial Independence In India

Jyoti Sharma*

Abstract

The three branches of the Indian government-the legislature, the executive branch, and the judiciary-each carry out three crucial tasks: creating rules, enforcing rules, and adjudicating rules. The division of powers, which ensures accountability, restrains the government, and protects our rights and liberties, is the guiding idea behind this formulation. In actuality, this is primarily motivated by the adage that “power corrupts men, and absolute power corrupts totally.”

The another concept of checks and balances, which complements the separation of powers or balance of power. The checks and balances theory basically says that no organ should have uncontrolled power. A balance is ensured by having the other two check and restrain the power of one organ. Power, after all, “may be the antidote to power alone.” We see prez is accountable to both the executive and the legislative, individually and collectively, though this accountability has decreased due to the anti-defection law, which threatens the legislator with removal if he expresses even the slightest hint of discontent, which could result in his constituency going unrepresented. As a result, Parliament merely gives its approval to all choices made by party leaders. The court reviews the laws passed by the legislature and considers them invalid if they conflict with the Constitution. The people who elect the legislature for a five-year term also hold them accountable. Given this, it is obvious that the court is responsible for protecting fundamental rights as well as the Constitution. Despite this, there has been a dramatic uptick in judicial corruption, which is proving to be counterproductive and pointing to a lack of accountability inside the institution. This is what I will be talking about in my research. This is significant because we define justice-social, economic, and political justice-in the preamble. Any organisation that has any sort of public power must answer to the people. Power with individual accountability is necessary in a “democratic republic” in order to prevent the collapse of any democratic regime.

Judicial accountability and judicial independence are seen as the opposite concept but it is necessary to ensure a balance between them.

*Legal Consultant, Haryana