

INDEPENDENCE OF JUDICIARY IN INDIA

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ABSTRACT

Constitutionalism demands that the judiciary be independent. It is the litmus test for a functioning democracy, since it provides checks and balances on the executive's absolute power. Instances from the Supreme Court of India's illustrious history demonstrate the passion and bravery with which the judiciary defended and maintained democracy through difficult times. A quick examination of comparable circumstances in other democracies confirms the view that the judiciary's independence is essential, and its role in the preservation of democracy is enormous. In recent months, inaction on the part of the higher courts and executive meddling have been seen in India's socio-political landscape, leading one to question whether the judiciary is still independent after all. The effect of an independent judiciary on the preservation of independent rights is examined in this essay.

KEYWORDS: *Constitution, Democracy, Independence, Judiciary, Supreme Court.*

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