

ROLE OF JUDICIARY IN BALANCING INDIVIDUAL RIGHTS AND PUBLIC INTEREST

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ABSTRACT

"Justice's wheels are notoriously sluggish to turn. However, they do turn, even if the wait time can often be years or even decades." The third crucial branch of the Indian government is the judiciary. The legislative and executive branches are the other two. Their distinct roles are to create laws and carry them out. It is the foundation of the government since the judiciary is the sole branch that has the authority to decide cases involving conflicts between the federal government and the states, between states and their inhabitants, and between states. All parties, including the government and citizens, must abide by the judgments rendered by the judiciary. In India, the judiciary upholds the constitution, defends human rights, and fosters civility and peace. It checks and balances the government's executive or legislative acts. Answering the question of whether Indian judges are immune to political influence is extremely challenging. As everyone is aware, the Supreme Court and lower courts in India are solely in charge of defending the fundamental rights of Indian citizens. Therefore, it makes sense that the courts should be granted broad authority in order to preserve peace and achieve the goal outlined in the constitution's Preamble. The entire system will come to a standstill if the judges exhibit partiality or if they are influenced by politicians. This article attempts to demonstrate that the court is carrying out its duties impartially and free from political influence by presenting a number of examples. The judiciary plays a very admirable role. It is shifting its strategy from antiquated forms of discipline to more creative ones. This work by our judiciary was acknowledged and appreciated globally.

Keywords: Judiciary, Activism, Supreme Court, Fundamental Rights.

INTRODUCTION

The largest constitution in the world is the one of India. It offers the three primary organs that democracy depends on. The legislative, executive, and judicial branches are among these three agencies. The legislature is the body that enacts laws. The Lok Sabha, or Lower House, and the Rajya Sabha, or Upper House, are the two houses. In the Lok Sabha, bills are draughted and approved by the majority. After passing, the measure is forwarded to the Rajya Sabha for consideration; if it passes, it then goes to the president for his or her signature. The bill becomes

a law after the president signs it into law. The executive branch is yet another crucial constitutional organ. The role played by the Executive incorporates the application of the law. The judiciary has the authority to punish the guilty if the law is not applied strictly. Therefore, the judiciary plays a crucial role in punishing the guilty or wrongdoer. Therefore, it is expected of the court to carry out its duties with extreme caution and impartiality to ensure that no one is denied justice because of their sex, caste, creed, or religion. Our constitution is the largest in the world because of its distinctive three-tier structure.

ROLE OF JUDICIARY

The inhabitants of India are shielded against any partial ruling by the Constitution. For this reason, the Judiciary has the highest authority to decide cases in accordance with the law. India's courts do not reflect any political power and are not under the government's control.

1. The independence of the judiciary necessitates the "separation of powers." This essentially means that the executive and legislative branches cannot impede the judiciary's ability to carry out its duties. Therefore, in order for the Supreme Court and the High Courts to effectively exercise their independent authority, their judges must be chosen free from partisan or private influence or intervention from other parts of government.
2. Court Structure: The legislative and executive branches are the two other pillars of a democracy, with the judiciary serving as one of them. To make sure that the democratic system functions effectively, all three collaborate.

But both the legislature and the executive branch require restraints on their authority.

The judiciary plays a number of crucial roles, such as:

District Court: Located in each state's district, this is the lowest court. The majority of people go here for any disputes pertaining to their city or religion.

High Court: Every state has a High Court of its own. Which unquestionably serves as the state's highest court? Anyone who feels wronged by the District Court's order may file an appeal for its complaints with the High Court.

Supreme Court: This is a nation's highest court. It is superior to all other courts, including district courts and high courts. The Supreme Court's rulings are supreme above those of all lower courts. The Supreme Court's ruling is final and enforceable against the parties.

3. Dispute Resolution: People can be punished by the courts for the crimes they commit. The judiciary is in charge of handling practically every social circumstance that calls for regulations.

There fore, the courts step in to offer solutions whenever there is a disagreement. The State is in charge of resolving disputes, whether they are between citizens, citizens and the government, two governments, or even the federal and state governments.

4. **Judicial Review:** The Indian Constitution is ultimately under the jurisdiction of the judiciary. Therefore, the court has the authority to overrule laws passed by the Parliament if there is any infringement of the basics of the Constitution. Judicial Review is the name of this procedure.
5. **Respecting the Law and Upholding essential Rights:** Our Constitution outlines nearly all of the essential rights of Indian citizens. According to Articles 226 or 32 of the Constitution, any citizens may petition the Supreme Court or their local High Courts if they believe that any of these rights have been infringed.

JUDICIARY UNDER INDIAN CONSTITUTION

According to the Indian Constitution, the judiciary is essential. Its accomplishment has had a significant impact on every aspect of the country's life. Being one of the most influential organisations in the world, it renders decisions on matters pertaining to every aspect of human existence and interpersonal relationships. It upholds the constitution, defends human rights, and fosters harmony, goodwill, and balance between the several branches of government. A number of sections in the Indian Constitution, which was draughted by the Constituent Assembly and went into effect on January 26, 1950, address the composition, authority, and functions of the judiciary. All of the states and union territories adopted a unified system as a result. It essentially established a three-tiered legal structure, including the Supreme Court, each State's High Court, and the Union Territories.

The level of judicial intervention may vary depending on the legal system in place in various nations worldwide. For instance, the judiciary may only use a restricted range of judicial review powers in relation to the government's delegated laws and ministerial actions in Britain because there is no written Constitution. Therefore, the application and interpretation of the law constitute the law of the British judiciary.

The judiciary is regarded as the highest authority in the United States, surpassing both the legislative and executive branches.

The United States Constitution gives the judiciary the power to restrain the other two branches of government if they overreact.

Nonetheless, the judiciary in India now has extensive judicial review authority over the state's legislative and executive branches as well as the judiciary's judicial actions. The Indian Supreme Court and High Court serve as arbiters to decide or settle any issues that may emerge between the State and the Centre. They also defend and uphold individuals' fundamental rights against the States' capricious actions.

Additionally, they interpret the legislation that the legislature has passed. If any fundamental rights or human rights are restricted by any act of the legislature or executive branch, the Supreme Court's decision is final.

One of the Indian Apex Judiciary's most distinctive features is its authority to decide whether constitutional amendments, whether codified or uncoded, are legal. This authority may not be found in any other constitution.

In summary, in constitutional democracies, the judiciary often carries out one or more of the following duties:

These are:

Interpreting the constitution while taking the framers' intentions into consideration.

Upholding the federal principle of keeping the balance between the states and the federal government or between the several branches of government.

Defending and preserving citizens' fundamental rights.

Putting the legislature's laws into practice and interpreting them.

To monitor and balance the government's executive or legislative acts.

Article 32 and Article 226 of the Supreme Court and the High Court, in turn, have the authority to grant writs or orders to accomplish the goals of those articles.

The Judiciary can question the government about how its programs are being implemented through Public Interest Litigations. For instance, the Apex Court established guidelines for the collection, storage, and distribution of blood for transfusion as well as how to ensure that blood transfusions are risk-free in *Direction in Common Cause v. Union of India*.

The Supreme Court once more ordered the government to use slides in movie theatres or special education classes in schools or colleges to spread awareness about the environment in

M.C. Mehta v. Union of India.

In a highly well-known case, the Supreme Court established guidelines for the education of prostitutes' children.

In the *Azad Rickshaw Puller's Case*, the Supreme Court in turn ordered Punjab National Bank to provide loans to the rickshaw pullers along with a comprehensive repayment plan. However, Chief Justice J.S. Verma stated in *Vishakha and Others v. State of Rajasthan* that "the legislature and the executive have the primary responsibility for ensuring the safety and the dignity of the citizens through appropriate legislation and the creation of a mechanism for

its enforcement." However, when there are instances of people's fundamental rights being violated, certain rules should be established to preserve these rights in the absence of legislation.

IS INDIAN JUDICIARY REALLY FREE FROM POLITICAL INFLUENCE?

Answering this question is really difficult.

If politicians are eliminated from a system, a political influence can also be eliminated. The Constitution is protected by the Supreme Court. Protecting the fundamental rights of all citizens of our nation is its exclusive duty, but the Honourable Judges and their nominations determine how transparent the judiciary is.

We should consider the following points:

1. The Collegium System administered the appointment of judges until August 2014. Because of the way judges are appointed, the judiciary is totally independent of politics and has nothing to do with politicians or their viewpoints.

Then a pivotal moment occurs. The National Judicial Appointments Commission (NJAC) is a commission. The appointment and transfer of judges to India's higher judiciary are handled by this body. By modifying the Indian Constitution by the Constitution (Ninety-Ninth Amendment) Act, 2014, which was approved by the Rajya Sabha on August 1, 2014, and the Lok Sabha on August 13, 2014, the NJAC was created in India.

The aforementioned bill was only approved by both houses in a single day. NJAC Composition: Let's examine NJAC's composition:

According to the constitution's modified provisions, the NJAC shall be made up of the following six individuals:

Chief Justice of India (Chairperson, former Chief Justice of India). The CJI (ex-officio) and two additional senior judges of the Supreme Court. The source of political influence is the Union Minister of Law and Justice (former Cio). Two notable individuals.

We can now form an opinion about how it would be without political influence. Can our judges provide the average person a fair and unafraid ruling when it comes to politicians? In the broad pretext, the answer is no. Politics still has an impact on the judiciary. It is widely known in the legal community that certain judges openly support specific political affiliations, and this causes resentment within the bar.

However, there is no direct political influence on the Indian judiciary. In common law, there are numerous instances where we are proud of our judiciary or judicial system. Appraisable decisions were made by Indian judges in cases that were extremely stringent. It is the organ that consistently maintains the public's trust in rem.

Let's take a closer look at a few of the situations.

1. The Apex Court requested that Mayawati, the supremo of the Bahujan Samaj Party, repay the money—roughly 2000 crores—from her own purse in the first case that is significant to mention here.

Advocate Ravi Kant spearheaded a Public Interest Litigation (PIL) at the Supreme Court in 2009. After hearing the petition, CJI Hon'ble Ranjan Gogoi requested that Sushri Mayawati pay 2000/- crores out of her own money.

The case's outcome could definitively resolve the controversy surrounding the use of public funds to construct elephants. Sculptures, including her own, in Noida and Lucknow while she was the U.P. chief minister.

Even though BSP Supremo Sushri Mayawati claimed in her own ruling that her statues symbolised the Dalit struggle, the statues were constructed with appropriate funding, and elephants are not just a symbol of the BSP.

In Indian traditional architecture, they serve as a symbol of architecture.

Despite the fact that the individual is president of any political party or influential group, this case demonstrates that our judiciary is completely immune to political influence.

2. The instance of Bihar's Chief Minister Nitish Kumar and his role in the November 16, 1991, murder of Sitaram Singh, a Congress member, is another significant one that warrants mention here. However, the chief minister of Bihar views it as nothing more than "political vendetta."

A man named Ashok Singh, claiming to be Sitaram's relative, accused Nitish Kumar and a number of other people of planning to assassinate Sita Ram in order to win the election.

On March 15, 2019, the criminal proceedings against Bihar Chief Minister Nitish Kumar that had been started by a lower court in a murder case that was 28 years old were overturned by Justice A. Amanullah of the Patna High Court.

An Indian citizen's faith in the judiciary was highlighted in this case.

3. Nitish Kumar encountered a fresh issue in July 2017. In the affidavit he filed before the election commission, a Delhi lawyer named Mr. M.L. Sharma led a PIL in the Supreme Court to have Kumar's election to the Bihar Legislative Council revoked on the grounds that he had purportedly dismissed the pending criminal case against him.

Sharma further asserted that, with the exception of July 17, Kumar had concealed his criminal history when running for office since 2004.

In Court on its Own Motion v. Ajay Bansal and Ors., Punjab and Haryana High Court Justices B.K. Roy and N. Sud. noted that "those who criticise the judiciary must keep in mind that they are attacking an essential institution."

For the rule of law to endure, but which lacks the resources to defend itself. It cannot because of the fundamental essence of things.

In India, the judiciary is independent of a person's popularity, political influence, or the important and prominent position they hold. The judiciary rendered its decision without any outside influence.

On February 12, 2019 Hon'ble Chief Justice of India Ranjan Gogoi issued an unprecedented verdict. He directed S. Bhasuran, the CBI's legal advisor, and M. Nageswara Rao, the previous interim director, to sit "in the corner of the court room" for contempt of court till the end of the day. 18 Additionally, they were told to pay Rs. 1 lakh apiece within a week. Their crime was "wilfully" disregarding the court's directives to not transfer an investigation into the Muzzafarpur Shelter Home Abuse Case.

They claimed in their affidavit that the joint secretary in question, A.K. Sharma, was transferred because it was a promotion and that they believed they could obtain the court's approval for it retroactively, therefore their apologies was barely persuasive to the court. It is uncommon for the court to urge someone to sit in a corner of the courtroom as though to degrade him, even though it is within its authority to order a contestant to remain there until the end of the day.

SUGGESTIONS

1. Strengthen Judicial Independence: Ensure the judiciary's independence by implementing a transparent and merit-based appointment process, free from political influence.
2. Enhance Access to Justice: Improve access to justice for marginalized communities by increasing legal aid services, simplifying procedures, and promoting alternative dispute resolution mechanisms.
3. Promote Judicial Accountability: Establish a robust accountability mechanism to ensure judges are impartial, transparent, and accountable for their decisions.
4. Foster Public Trust: Enhance public trust in the judiciary by promoting transparency, engaging in public outreach, and providing clear explanations for judicial decisions.

RECOMMENDATIONS

1. Judicial Reforms: Implement reforms to improve the efficiency and effectiveness of the judiciary, such as streamlining procedures, reducing pendency, and increasing the use of technology.

2. **Capacity Building:** Provide ongoing training and capacity-building programs for judges, lawyers, and court staff to enhance their skills and knowledge.
3. **Public Interest Litigation:** Encourage public interest litigation to promote social justice and protect fundamental rights.
4. **Collaboration with Other Branches:** Foster collaboration between the judiciary, legislature, and executive to ensure a balanced approach to governance.

These suggestions and recommendations can help improve the role of judiciary in balancing individual rights and public interest, promoting justice, and upholding the rule of law.

CONCLUSION

In Indian democracy, the Supreme Court is essential. It is one of the three equal branches of the national government and the highest court in the Indian judicial system. Its main, if not only, duties include defining the parameters and content of its central stance and interpreting the Indian constitution.

The courts, as the primary defenders of the constitution, are regularly asked to judge whether laws passed by a parliamentary majority are constitutional.

In India, the other two branches of government are likewise subject to checks and balances by the Supreme Court.

It is true that the Supreme Court and the judiciary have occasionally ventured into the mainstream political sphere, but due to self-discovery and public uproar, they have since returned to their own purview.

Ultimately, this analysis found that the Supreme Court has always upheld the principle of constitutionalism and has generally performed its constitutional job admirably. The judiciary must avoid entering the political sphere by abstaining from taking on political roles. They should keep in mind that the court can only purchase the time required for the revitalisation of other government institutions; it cannot save the nation. The judiciary should constantly remind itself that the supremacy of the constitutional law, not the judiciary itself, is what is needed most, even though it is a well-established fact that the Supreme Court's judicial activism has assisted in upholding citizens' rights and interests and in maintaining the other branches of government within their constitutional bounds.

It would be quite suitable to use the words of Dr. A.S. Anand, Chief Justice of India, to summarise judicial activism in India: "The Supreme Court of India celebrated its 50th anniversary on January 26, 2000. It is time at this point.

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