

13. What is the importance of an independent judiciary in a democracy? Highlight the safeguards in our political-constitutional setup to ensure the independence of judiciary. (250 WORDS) 15

Approach:

- Describe the meaning of independence of judiciary.
- Briefly state the need for the independence of the judiciary.
- Mention various provisions to ensure independence of judiciary.
- Conclude with the need to balance judicial independence with judicial accountability.

Answer:

Democracy in India rests on the constitutional scheme of separation of powers between the three organs of the government, with adequate checks and balances to ensure that the rights of the citizens are duly protected and there is no misuse of power. A judiciary free from encroachments, pressures and interference is an integral part of this scheme.

The Indian judiciary, with the Supreme Court (SC) at the apex and High Courts (HCs) at the state level, has been assigned a very significant role in the Indian democratic system. The SC is a federal court, the highest court of appeal and the guardian of the Constitution. Along with the HCs, it is the guarantor of the fundamental rights of the citizens.

Independence of judiciary is ensured by following safeguards:

- **Mode of appointment** – Appointment of judges of the SC and the HC is done by the President on the recommendation of the collegium of the judiciary. This ensures that absolute discretion of the executive is curtailed and judicial appointments are not based on political considerations.
- **Security of tenure** – Judges can be removed only on the grounds mentioned in the constitution.
- **Conduct of Judges cannot be discussed** in any legislature except when impeachment motion is under consideration.
- **Fixed service conditions** – The salary, allowances, privileges etc. cannot be changed to their disadvantage after appointment
- **Expenses charged on Consolidated Fund** – therefore free from annual parliamentary voting.
- **Power to punish for its contempt** – Thus, its actions and decisions cannot be opposed or criticised arbitrarily.
- **Other provisions** – such as Ban on practice after retirement, no power with Parliament to curtail its jurisdiction, Freedom to appoint its staff etc. also helps in maintaining its independence.

In a democratic polity, all power is held in trust of the people and must be exercised for the people. Therefore, while safeguarding judicial independence, it is essential to balance it with judicial accountability and transparency.

14. Even though Indian federalism has matured quite a bit, with states having far greater control of their economic and political management, serious structural problems still remain. Discuss. (250 WORDS) 15

Approach:

- In the introduction, elaborate on how Indian federalism has matured over the years.
- Then highlight greater control of states on their economic and political management.
- Then the mention the persisting structural problems.
- To conclude mention initiatives taken to strengthen federalism and issues that needs to be addressed.

Answer:

Indian federalism has come a long way from single party, overly centralized union government towards the era of cooperative and competitive federalism. Indian states have much greater control over their economic and political management. This is illustrated as under:

Economic decentralization

- 14th Finance Commission recommendations to increase tax receipt devolution to state from 32% to 42% gave a massive boost to financial autonomy to the states.