

Judiciary

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Introduction

- ▶ **The Judiciary is the third organ of the government**
- ▶ **It has the responsibility to apply the laws to specific cases and settle all disputes**
- ▶ **It acts as their protector against the possible excesses of legislative and executive organs**
- ▶ **Role of Judiciary as the guardian protector of the constitution and the fundamental rights of the people**

Functions of Judiciary

- ▶ **To Give Justice to the people**
- ▶ **Interpretation and Application of Laws**
- ▶ **Role in Law-making**
- ▶ **Equity Legislation**
- ▶ **Protection of Rights**
- ▶ **Guardian of the Constitution**
- ▶ **Special Role in Federation**
- ▶ **Advisory Functions**
- ▶ **To conduct Judicial Inquires**

Importance of Independent Judiciary

It enjoys importance in the eyes of the people because it acts as:

- ▶ **The dispenser of Justice**
- ▶ **Protector of the rights of the people**
- ▶ **Arbiter of center-state disputes**
- ▶ **Safeguard against Legislative and executive excesses**
- ▶ **Check against arbitrary exercise of powers by the power-holders**
- ▶ **Guardian of Rule of Law and Justice**

Independence of Judiciary

- ▶ **The chief quality which helps the judiciary to faithfully administer justice and to perform its functions efficiently is judicial independence**
- ▶ **Judiciary must work independently without any interference of the other two organs of the government**
- ▶ **Dr. P. Sharan, “is a corner stone of every democratic government and upon it is built the structure of civil liberty.”**
- ▶ **Judiciary can perform its functions only when it is free to administer justice according to law.**
- ▶ **Without being well organized and independent it can never serve its purpose**

Organisation of Judiciary on following features

- ▶ **Appointment of only highly qualified and experienced judges**
- ▶ **The Judiciary must have prevented the executive and legislature from committing excesses**
- ▶ **The ability of the judiciary to maintain and independently run the judicial administration**
- ▶ **The judiciary must be made the guardian protector of the constitution**
- ▶ **It must be ensure full, fair and less-expensive opportunities to the people for defending their rights and getting justice**

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- ▶ **The method of appointment of judges must be fair, systematic, effective and transparent**
- ▶ **Method of removal of judges should be difficult and no single should have the power to remove the judges**
- ▶ **Judges must be paid high salaries, necessary allowances, good service conditions and appropriate retirement benefits**

