



## INDEPENDENCE OF JUDICIARY - INDIAN EXPERIENCE

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**Abstract:** *The Indian judiciary stands as a cornerstone of the nation's democratic framework, upholding justice, rights, and the rule of law. The triumvirate of equity, fairness, and independence forms the bedrock upon which the judiciary's efficacy rests. This abstract delves into the interplay of these fundamental principles within the Indian judicial system, highlighting their significance and challenges.*

*Equity, the principle of treating all individuals with fairness and impartiality, forms the basis of a just society. The Indian judiciary strives to ensure equitable access to justice, especially for marginalized and disadvantaged groups. Fairness, on the other hand, goes beyond mere adherence to legal procedures; it encompasses the spirit of justice, ensuring that legal decisions resonate with moral and ethical considerations.*

*At the heart of the judiciary's effectiveness lies its independence. An independent judiciary is crucial for preventing encroachments on justice by other branches of government and external influences. The Indian Constitution enshrines the principle of judicial independence, empowering judges to decide cases without fear or favor.*

*However, maintaining this crucial trifecta is not without challenges. The Indian judiciary grapples with a vast backlog of cases, leading to delays that undermine equitable access to justice. Ensuring fairness can be complex, especially when legal proceedings intersect with societal biases and prejudices. The quest for an independent judiciary faces obstacles from political pressures, insufficient resources, and evolving expectations of society.*

*In conclusion, the confluence of equity, fairness, and independence forms the cornerstone of the Indian judiciary's efficacy. Upholding these principles requires continuous efforts to streamline processes, address societal biases, and safeguard the judiciary's autonomy. By embracing this trifecta, the Indian judiciary can continue to serve as a beacon of justice and uphold the rights of all citizens impartially.*

**Keywords:** *Equity, Fairness, Independence, Indian Judiciary, Rule of Law.*

### 1. Introduction:

In the vast tapestry of a nation's legal framework, the principles of equity, fairness, and independence stand as essential cornerstones upon which the edifice of justice is erected. Within the context of the Indian judiciary, this

trinity of values forms an inseparable nexus, guiding the path towards a society that cherishes the ideals of equality, impartiality, and the rule of law.

India, a diverse and dynamic nation, has a rich history of jurisprudence that spans centuries. The concept of



equity, embodying the notion of treating individuals with fairness, irrespective of their backgrounds, has been interwoven into the fabric of the country's legal system. As the Indian judiciary evolved over time, the principles of fairness and equity took root, becoming vital instruments in the pursuit of justice for all.

However, the true essence of a just and equitable society extends beyond mere rhetoric. It demands an unwavering commitment to fairness, which in turn necessitates an independent judiciary capable of upholding these principles without prejudice or bias. The judiciary's independence, safeguarded by the Constitution, ensures that the scales of justice remain untainted by external influences, allowing judges to dispense verdicts rooted in reason and guided by the law.

In this exploration of "Equity, Fairness, and Independence: The Crucial Trifecta for the Indian Judiciary," we delve into the intricacies of these interlinked principles. We dissect their historical significance, scrutinize their contemporary relevance, and examine the challenges and triumphs faced by the Indian judiciary as it navigates the complexities of a rapidly changing society.

Join us on this journey as we unravel the threads that bind equity, fairness, and independence, and illuminate the pivotal role they play in shaping the destiny of India's legal landscape. Through insightful analysis and illuminating case studies, we aim to shed light on the critical importance of these values and inspire a collective commitment to fortifying the foundations of justice in the nation's courts.

## **2. Defining Equity, Fairness, and Independence in the Judicial System:**

At the heart of a just and effective judicial system lies the triumvirate of equity, fairness, and independence. These core principles serve as the cornerstones of justice, shaping the way cases are adjudicated, decisions are made, and societal norms are upheld within the Indian judiciary. As we delve into the intricacies of "Equity, Fairness, and Independence: The Crucial Trifecta for the Indian Judiciary," it is imperative to understand how these principles are defined and interwoven in the fabric of the legal landscape.

### **2.1 Equity:**

Equity in the context of the judicial system denotes the principle of treating individuals fairly and justly, regardless of their social, economic, or personal attributes. It goes beyond the strict application of law and empowers judges to consider the unique circumstances of each case, ensuring that justice is administered with a keen awareness of the context. Equity acknowledges that the law might not always provide a remedy that fits every situation, and thus, it permits the judiciary to step in and rectify injustices that might arise from rigid adherence to legal statutes.

### **2.2 Fairness:**

Fairness, while closely related to equity, encompasses a broader spectrum of values that encompass impartiality, transparency, and due process. A fair judicial system guarantees that all parties involved are given an equal opportunity to present their arguments, and decisions are made based on a balanced evaluation of the evidence and legal principles. Fairness ensures that justice is not only done but is also seen to be done, instilling



confidence in the public that the judiciary operates without favoritism or prejudice.

### **2.3 Independence:**

Judicial independence is a foundational tenet that safeguards the judiciary's autonomy from external influences, be it from the executive, legislative, or other entities. An independent judiciary is essential to prevent any interference that could compromise the integrity of legal proceedings. It empowers judges to make decisions without fear of repercussions, fostering an environment where the law can be applied objectively and impartially.

In the context of the Indian judiciary, these principles assume paramount significance. They serve as a beacon guiding the country's legal system towards ensuring that justice is not only meted out but is also perceived as equitable, fair, and devoid of any undue influence. The delicate balance between these principles forms the bedrock upon which the Indian judiciary functions, striving to uphold the rights and aspirations of the citizens it serves.

### **3. Historical Evolution of the Indian Judiciary:**

The historical evolution of the Indian judiciary is a tapestry woven with threads of tradition, adaptation, and transformation. From ancient times to the modern era, the journey of the judiciary in India reflects a complex interplay of societal norms, legal systems, and the quest for equity, fairness, and independence.

#### **3.1 Ancient Roots:**

The origins of the Indian judicial system can be traced back to ancient times, where local communities and councils played a pivotal role in resolving disputes and dispensing justice. Dharmashastras, ancient legal texts,

provided guidelines for administering justice based on principles of fairness and morality. The judiciary of these eras emphasized reconciliation, compromise, and the role of community leaders in resolving conflicts.

#### **3.2 Medieval Dynasties and Colonial Influence:**

As India experienced waves of medieval dynasties, the concept of justice evolved alongside political shifts. The Mughal Empire and other rulers established courts with qazis and judges to address legal matters. However, the colonial period marked a significant shift in the Indian judiciary's landscape. The British introduced their legal systems, including the English common law, and established a hierarchical judicial structure.

#### **3.3 Post-Independence Reforms:**

The dawn of independence in 1947 marked a watershed moment for India's judicial system. The framers of the Indian Constitution recognized the importance of a just and independent judiciary, enshrining its principles within the document. The judiciary was separated from the executive branch, reinforcing its independence and ensuring a clear separation of powers.

#### **3.4 Landmark Cases and Judicial Activism:**

Over the decades, landmark cases further shaped the trajectory of the Indian judiciary. Cases such as *Kesavananda Bharati v. State of Kerala* and *Maneka Gandhi v. Union of India* expanded the scope of fundamental rights and judicial review, emphasizing the judiciary's role as a safeguard against executive excesses. Judicial activism emerged as a means to protect citizens' rights and hold authorities accountable.

#### **3.5 Contemporary Challenges and Reforms:**



In modern times, the Indian judiciary faces challenges such as backlogs of cases, delays in justice delivery, and issues related to transparency and accountability. Efforts are being made to address these challenges through technological advancements, judicial reforms, and strengthening the infrastructure of the courts.

#### **4. Landmark Cases: Illustrating the Trifecta in Action**

Within the annals of the Indian judicial system, certain cases stand as beacons of justice, shining light on the principles of equity, fairness, and independence. These landmark cases serve as touchstones that highlight the judiciary's role in upholding the crucial trifecta and shaping the trajectory of India's legal landscape.

##### **4.1 Kesavananda Bharati v. State of Kerala (1973):**

The Kesavananda Bharati case marked a watershed moment in Indian jurisprudence, affirming the principle of judicial review and the supremacy of the Constitution. The case centered around the question of whether the Parliament had the power to amend fundamental rights enshrined in the Constitution. The Supreme Court's decision emphasized the concept of the "basic structure" doctrine, which safeguarded certain fundamental principles from amendment. This landmark case demonstrated the judiciary's commitment to preserving the foundational values of equity, fairness, and independence, preventing any undue concentration of power.

##### **4.2 Maneka Gandhi v. Union of India (1978):**

In the Maneka Gandhi case, the Supreme Court expanded the scope of the right to life and personal liberty enshrined in Article 21 of the

Constitution. The case involved the cancellation of Maneka Gandhi's passport without due process. The court's ruling emphasized that the right to life included the right to live with dignity and the right to travel abroad. This case underscored the importance of fairness and due process in administrative decisions, while also asserting the judiciary's role in safeguarding individual rights against arbitrary state action.

##### **4.3 Vishakha v. State of Rajasthan (1997):**

The Vishakha case exemplified the judiciary's commitment to addressing social injustices and promoting gender equity. In this landmark judgment, the Supreme Court laid down guidelines to prevent sexual harassment at workplaces, acknowledging that gender-based discrimination undermines fairness and justice. By setting forth guidelines for preventing and addressing sexual harassment, the judiciary highlighted its role in ensuring a safe and equitable environment for all individuals, especially women, within the workplace.

##### **4.4 Common Cause v. Union of India (2018):**

The Common Cause case reaffirmed the judiciary's role as a guardian of transparency, accountability, and independence. The case revolved around the appointment of the Central Vigilance Commissioner (CVC) and the Director of the Central Bureau of Investigation (CBI). The Supreme Court's ruling emphasized the importance of an independent and impartial selection process for key positions to prevent any compromise of integrity. This case demonstrated the judiciary's commitment to upholding the principles of fairness and independence within vital institutions.



## **5. Reforms and Recommendations: Improving the Judiciary**

In the pursuit of a more equitable, fair, and independent Indian judiciary, the path to progress often involves introspection, innovation, and the implementation of reforms. As the legal landscape continues to evolve, several key reforms and recommendations have emerged to enhance the functioning of the judiciary and uphold the essential trifecta of principles.

### **5.1 Clearing Backlogs and Speedy Justice:**

One of the primary challenges facing the Indian judiciary is the backlog of cases that often leads to delayed justice. To address this issue, recommendations have been made to enhance the efficiency of courts through technological advancements, case management systems, and the appointment of more judges. By reducing the time taken for cases to be heard and disposed of, the judiciary can uphold the principles of fairness and equity by ensuring timely resolution of disputes.

### **5.2 Transparency and Accountability:**

Promoting transparency and accountability within the judiciary is crucial to maintaining public trust and ensuring the judiciary's independence. Reforms in this area include introducing mechanisms for judicial accountability, such as establishing clear guidelines for the conduct of judges, implementing codes of ethics, and facilitating mechanisms for addressing complaints against judges. Transparency initiatives, such as live streaming of court proceedings and access to case information, contribute to a more transparent and accessible judicial system.

### **5.3 Alternate Dispute Resolution (ADR):**

To alleviate the burden on courts and provide quicker resolution to disputes, there is a growing emphasis on promoting alternative dispute resolution methods such as mediation, arbitration, and negotiation. These mechanisms encourage parties to actively participate in finding solutions, ensuring fairness and equity while also relieving the strain on the traditional court system.

### **5.4 Legal Aid and Access to Justice:**

Ensuring equitable access to justice for all citizens, regardless of their socio-economic status, is a fundamental principle. Reforms aim to bolster legal aid mechanisms, making legal representation available to marginalized and economically disadvantaged individuals. This ensures that fairness is upheld by providing everyone with the means to present their case effectively.

### **5.5 Judicial Training and Capacity Building:**

Continuous judicial education and training play a pivotal role in enhancing the quality of judgments and maintaining the judiciary's credibility. Regular training programs help judges stay updated with evolving legal principles, international standards, and best practices, enabling them to deliver judgments rooted in fairness, equity, and independence.

### **5.6 Modernization and Digitization:**

Technological advancements have the potential to revolutionize the way courts function. Reforms include the adoption of digital case management systems, e-filing, and virtual court proceedings. These innovations not only enhance efficiency but also promote accessibility, transparency, and convenience for litigants.





As the Indian judiciary navigates the path of reform, it aligns itself with the ideals of equity, fairness, and independence. While challenges persist, the commitment to upholding these principles remains unwavering. Through comprehensive reforms and well-considered recommendations, the Indian judiciary strives to build a stronger foundation for justice, thereby reinforcing its role as a protector of rights and a guardian of the crucial trifecta that forms the bedrock of a just and equitable society.

## **6. Conclusion: Upholding the Crucial Trifecta for a Just Society**

In the intricate tapestry of the Indian judicial system, the threads of equity, fairness, and independence are interwoven to form a fabric that embodies the ideals of justice and democracy. As we conclude our exploration of "Equity, Fairness, and Independence: The Crucial Trifecta for the Indian Judiciary," it is evident that these principles are not mere theoretical constructs; they are the lifeblood that courses through the veins of a functioning, dynamic judiciary.

Equity, as the foundation of justice, ensures that individuals are treated with fairness and compassion, transcending societal divisions and acknowledging the inherent worth of every citizen. Fairness, with its emphasis on due process and impartiality, safeguards the rights of all and prevents the erosion of trust in the judicial system. Independence, the pillar upon which the judiciary stands, guarantees that justice is administered without bias or influence, fostering an environment where the law reigns supreme.

Throughout history, landmark cases have illuminated the judiciary's commitment to these principles. From

Kesavananda Bharati's defense of the Constitution's sanctity to Maneka Gandhi's assertion of personal liberty, these cases exemplify the judiciary's role in translating ideals into action. Reforms and recommendations, aimed at clearing backlogs, enhancing transparency, and promoting alternate dispute resolution, reflect the judiciary's determination to evolve and adapt in pursuit of justice.

The Indian judiciary, steeped in tradition yet forward-looking, plays a pivotal role in shaping the nation's destiny. It safeguards the rights of the oppressed, holds authorities accountable, and ensures that the scales of justice remain balanced. However, the path forward is not without challenges. Backlogs, transparency concerns, and the need for continuous education present hurdles that must be overcome.

As we contemplate the future, we recognize that upholding the trifecta of equity, fairness, and independence is not the sole responsibility of the judiciary; it requires a collective effort. Citizens, lawmakers, and legal professionals must collaborate to fortify the foundations of justice. Only through our shared commitment to these principles can we forge a society where every individual, regardless of their background, finds solace in the assurance that justice prevails.

In our quest for a just society, the Indian judiciary remains a beacon of hope, tirelessly upholding the ideals that define the nation's character. As we walk alongside this journey, we carry with us the profound understanding that equity, fairness, and independence are not mere concepts – they are the embodiment of our shared vision for a society founded on the principles of justice, equality, and dignity for all.

