

Pol-Science.

Q#5 What is the significance of independent Judiciary in a democratic republic?

Do you think that without an independent Judiciary a system of checks and balances can be established in the government? Explain with appropriate example.

Decoding:-

- Discuss how an independent Judiciary upheld or independent Judges helps keep the governments honest and protect people's rights
- Give example of situation where a lack of independent Judges have helped keep democracy alive.
- This question wants you to explain why it's important for judge to be free from outside influence to keep a fair balance in government.

Ans Introduction:-

Judiciary is one of the three main organs. It also work under the constitution for the safety of constitution. Its importance is as great as that of the executive and legislature. Independence of the Judiciary means that the judge should be independent of the other two organs

So as to administer justice with impartiality and according to law for this purpose it is necessary that the appointment and tenure of the judges should not depend upon the pleasure of the other organs.

⇒ ~~the~~ Necessity of Independent of Judiciary

⇒ Roles of the independent Judiciary

- a) Settlement dispute
- b) Interpretation of law
- c) Preventive justice
- d) Judicial review

⇒ Checks and Balance

- Federalism and the Doctrine of Judicial Review.
- Courts act as guardian and protectors
- To protect the bill of right or fundamental rights

⇒ Examples

- water gate scandal (U.S)
- Removal of Pakistani PM (Pakistan)

Challenges and Criticisms

- it erodes checks over the powers of legislature
- The power of Veto
- Judiciary violate the concept of sovereignty.

Critical Analysis :-

As with the importance and position of third organ, Judiciary not sovereign but not like sovereign, need to be independent for the sake of Democracy. Judiciary work as organ of state under constitution but for the safety of constitution it can prevent the bill which make effect to the constitution and make the other two organ : Executive and Legislature to work under the constitution.

Conclusion :-