

Discuss the relationship between the Legislature and the Judiciary in India. Examine how recent judicial interventions reflect the principle of checks and balances.

Understanding Question- Finding Information

- **Precise Syllabus Mapping:** Separation of powers between various organs dispute redressal mechanisms and institutions. **(GS Paper – II)**
- **Marks and Words Limit:**
 - The marks-oriented approach to answering **(10-mark, 150-word)** questions in the question is to use **Bullet Points** (one idea per bullet point), **Brainstorming**, or a combination of both.
 - The way to score good marks in questions worth **(15 marks. 250 words)** is to use the **Heading** and **Subheading** method while writing your answers.
- **Directive words**
 - Discuss → Explain nature and features of the relationship
 - Examine → Analyse judicial interventions and their implications
- **Focal points of the questions:**
 - Constitutional anchoring
 - Separation of powers with overlap

Answer Writing Structure

A. Introduction Paragraph

- Constitutional anchoring
- Separation of powers with overlap

B. Body Paragraph

a. Relationship Between the Legislature and the Judiciary

Dos & Don'ts: Explain constitutional design, not conflict.

- **Constitutional Supremacy and Judicial Review**
 - Judiciary interprets the Constitution and laws
 - Power to review legislative actions for constitutional validity
 - Ensures rule of law and fundamental rights
- **Legislative Powers vis-à-vis Judiciary**
 - Legislature enacts laws and can amend the Constitution
 - Can respond to judicial verdicts through legislation
 - Parliamentary privileges and law-making autonomy
- **Mutual Respect and Functional Independence**
 - Judiciary independent from legislative control
 - Legislature does not interfere in judicial functioning
 - Balance ensures institutional harmony

b. Judicial Interventions and Checks & Balances

Dos & Don'ts: Focus on principle, not case-listing.

- **Protection of Constitutional Values**
 - Courts act as guardians of the Constitution
 - Interventions aimed at preserving democracy, rights and accountability
- **Review of Legislative Excesses**
 - Striking down unconstitutional laws
 - Interpreting legislative intent within constitutional limits

- **Institutional Corrective Role**
 - Addressing legislative vacuum or executive inaction
 - Ensuring transparency and fairness
- **Limits and Self-Restraint**
 - Doctrine of judicial restraint
 - Courts acknowledge legislative domain
 - Emphasis on institutional balance

C. Conclusion:

- Emphasise harmony, not confrontation

Dos & Don'ts

- **Do for Maximum Marks**
 - ✓ Can use Brainstorming Idea: Legislature (law-making) ⇌ Judiciary (review) → Constitutional balance
 - ✓ Anchor arguments in constitutional principles
 - ✓ Maintain balanced, non-political tone
 - ✓ Highlight checks and balances, not institutional rivalry
 - ✓ Focus on role and limits of judiciary
 - ✓ Use analytical language (oversight, accountability)
- **Don't do these Common Mistakes**
 - × Don't take sides (judicial activism vs parliamentary supremacy)
 - × Avoid naming too many cases unnecessarily
 - × Don't use opinionated or media-style language
 - × Avoid treating judiciary as superior or subordinate
 - × Don't confuse executive-judiciary with legislature-judiciary roles

Notes Oriented Content for Writing Answer

The relationship between the Legislature and the Judiciary in India is fundamentally defined by the Constitution, which delineates their separate powers but also provides mechanisms for interdependence and oversight. This balance is a cornerstone of India's democratic structure, ensuring accountability and preventing the concentration of power.

Relationship Overview: Separation vs. Overlap

India follows a functional separation where powers are broadly demarcated but not watertight.

- **Legislature (Parliament/State Assemblies):** Primary role is law-making. It holds the Judiciary accountable through the power of impeachment (Articles 124(4) and 217) and by prescribing court strength and jurisdiction.
- **Judiciary (Supreme Court/High Courts):** Acts as the Guardian of the Constitution. It interprets laws and can declare them unconstitutional via Judicial Review (Article 13).
- **Mutual Non-Interference:**
 - **Article 121/211:** Restricts legislative discussion on the conduct of judges.
 - **Article 122/212:** Prevents courts from questioning the validity of legislative proceedings based on procedural irregularities.

Judicial Interventions as Checks and Balances

Recent judicial interventions demonstrate how the courts act as a corrective force when the Legislature fails to act or oversteps its bounds.

- **Filling Legislative Vacuums (Judicial Activism):**
 - **Electoral Bonds Case (2024):** The SC struck down the scheme, citing it violated the voters' right to information, thereby checking legislative attempts to institutionalize anonymous political funding.
 - **Vishakha Guidelines:** Established rules for workplace harassment in the absence of legislation, which Parliament later formalized into the POSH Act, 2013.
- **Limiting Legislative Competence:**
 - **Basic Structure Doctrine:** Established in Kesavananda Bharati (1973), this doctrine prevents the Legislature from amending the core identity of the Constitution.

- **NJAC Verdict (2015):** The Court struck down the 99th Amendment to protect judicial independence from executive/legislative interference.
- **Enforcing Accountability:**
 - **Assent to Bills (2025):** The SC set timelines for Governors and the President to act on bills, preventing the "pocket veto" from stalling the legislative will of elected state assemblies.
 - **"Bulldozer Justice" Directives (2024):** Using Article 142, the SC issued binding guidelines against unlawful demolitions, checking executive/legislative trends that bypassed due process.

Critical Perspective: Activism vs. Overreach

While these interventions maintain balance, they also face criticism for Judicial Overreach, where the court assumes functions technically belonging to other branches.

- **Concerns:** Unelected judges making policy-level decisions (e.g., firecracker bans, liquor bans on highways) can undermine the democratic mandate of elected representatives.
- **Equilibrium:** The relationship is a constant "tug-of-war" where judicial proactiveness is often a response to legislative inertia or executive excesses.

These instances demonstrate that the Indian Judiciary effectively uses its constitutionally granted powers to ensure that the other branches of government operate within their defined boundaries, thereby upholding the vital democratic principle of checks and balances.
