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JUDICIARY IN INDIA: STRUCTURE, FUNCTIONS, INDEPENDENCE AND CONTEMPORARY CHALLENGES

*Siddhant Sharma

Gujarat.

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*Corresponding Author: Siddhant Sharma

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ABSTRACT

The judiciary is one of the three principal organs of the Indian State and plays a central role in maintaining constitutional governance, protecting fundamental rights, resolving disputes and preserving the rule of law. The Constitution of India establishes an integrated judicial system headed by the Supreme Court, followed by High Courts and subordinate courts. Unlike a system in which courts are merely dispute-resolution bodies, the Indian judiciary also exercises constitutional review and can invalidate legislative or executive action that violates constitutional limitations. This research paper examines the structure and constitutional position of the Indian judiciary, its major functions, the principle of judicial independence, judicial review, public interest litigation and the relationship between courts and other organs of government. It also discusses major challenges, including judicial vacancies, delays, pendency, access to justice, infrastructure constraints and concerns regarding transparency and accountability. The paper argues that an independent judiciary is indispensable to democracy, but judicial effectiveness requires institutional reform, adequate resources, technological modernization and greater accessibility. Strengthening the judiciary therefore requires a balance between independence, accountability, efficiency and constitutional restraint.

1. INTRODUCTION

The judiciary is a fundamental institution of a constitutional democracy. Its primary responsibility is to interpret and apply the law, decide disputes and provide remedies when legal or constitutional rights are violated. In India, the judiciary has a broader constitutional role because the Constitution itself is the supreme law of the land. Courts therefore act not

only as forums for resolving private disputes but also as guardians of constitutional principles, fundamental rights and the rule of law.

The Constitution creates an integrated judicial structure consisting of the Supreme Court of India, High Courts in the States and a hierarchy of subordinate courts. Article 124 establishes the Supreme Court, while Article 214 provides for High Courts for the States. The constitutional design seeks to ensure that judicial power can operate independently of day-to-day political pressures. The judiciary is consequently expected to remain impartial while scrutinising the actions of the legislature and executive.

The importance of the judiciary is especially significant in a diverse country such as India, where disputes may involve individuals, communities, governments, corporations and public institutions. Courts provide a peaceful mechanism through which competing claims can be determined according to law rather than force or political influence. At the same time, the judiciary faces serious challenges relating to delay, case pendency, vacancies, infrastructure, legal costs and access to justice. The effectiveness of constitutional democracy therefore depends not only on judicial independence but also on the capacity of courts to deliver timely and accessible justice.

2. Constitutional Structure of the Indian Judiciary

India follows a unified judicial system rather than separate federal and state court systems. At the apex is the Supreme Court of India. Below it are the High Courts, followed by district and subordinate courts. This structure permits constitutional principles and legal standards to operate throughout the country while allowing High Courts to exercise jurisdiction within their respective territories.

The Supreme Court has original, appellate and advisory jurisdictions. It has original jurisdiction in certain disputes between the Union and States or between States, appellate jurisdiction over decisions of High Courts and other tribunals in appropriate cases, and advisory jurisdiction when the President seeks the Court's opinion on questions of law or fact of public importance. The Supreme Court is also a court of record and has important powers concerning constitutional interpretation and enforcement of fundamental rights.

High Courts occupy a crucial position in the judicial system. They exercise appellate and original jurisdiction in matters assigned by law and possess constitutional powers under Articles 226 and 227. Article 226 enables High Courts to issue writs for enforcement of fundamental rights and, importantly, for other legal rights as well. This makes High Courts significant institutions for judicial review and protection of individual liberty.

Subordinate courts constitute the level at which most citizens encounter the justice system. District courts and other subordinate courts handle civil, criminal and other matters under statutory frameworks. Their efficiency directly affects public confidence in the rule of law. A strong judiciary therefore requires attention not only to the Supreme Court but to the entire judicial hierarchy.

3. Functions and Role of the Judiciary

The first major function of the judiciary is dispute resolution. Courts decide civil disputes involving property, contracts, family matters and other private rights, as well as criminal cases involving offences against individuals and the State. By providing a legally recognised forum for disputes, the judiciary helps maintain social order.

A second major function is constitutional interpretation. Constitutional provisions often contain broad concepts such as equality, liberty, freedom and due process. Courts interpret these provisions in particular factual circumstances and thereby shape the practical meaning of constitutional rights. Through constitutional interpretation, the judiciary helps ensure that governmental power remains within legal limits.

A third function is the protection of fundamental rights. Article 32 gives individuals a constitutional remedy before the Supreme Court for enforcement of fundamental rights. High Courts also have wide writ jurisdiction under Article 226. These remedies make rights enforceable rather than merely declaratory.

The judiciary also performs the function of judicial review. Courts can examine whether legislation and executive action are consistent with the Constitution. Judicial review acts as a constitutional check on the concentration or misuse of public power. However, judicial review is not intended to replace the policy-making role of elected institutions. Courts must therefore balance constitutional scrutiny with institutional restraint.

Another important development is public interest litigation (PIL). PIL relaxed traditional rules concerning standing and enabled public-spirited individuals and organisations to approach courts concerning matters affecting disadvantaged groups or broader public interests. It has been used in areas such as environmental protection, prison conditions, bonded labour and governance. While PIL has expanded access to constitutional remedies, excessive judicial intervention in administrative or policy matters can also raise concerns about separation of powers.

4. Independence of the Judiciary

Judicial independence is essential because judges must be able to decide cases according to law and constitutional principles rather than political pressure, personal interest or public popularity. Independence does not mean absence of accountability; rather, it means freedom from improper influence while remaining bound by the Constitution and law.

Several constitutional arrangements support judicial independence. Judges of the Supreme Court hold office until the age of 65, while High Court judges ordinarily hold office until the age of 62. Removal is subject to a constitutionally prescribed process rather than ordinary executive discretion. Conditions of service and institutional arrangements are also designed to protect courts from arbitrary interference.

The method of judicial appointments has nevertheless been the subject of sustained constitutional debate. The Constitution was amended in 2014 to introduce the National Judicial Appointments Commission (NJAC), but the Supreme Court struck down that constitutional amendment and the related legislation in 2015. The existing collegium system therefore continues to play a central role in higher judicial appointments. The debate illustrates the continuing tension between judicial independence, transparency, accountability and the role of elected institutions.

Independence must also be accompanied by public confidence. Transparency in appointments, clear standards of conduct, reasoned judgments and institutional mechanisms for addressing legitimate complaints can strengthen the credibility of courts without compromising their decisional independence.

5. Judicial Review and the Basic Structure Doctrine

Judicial review is one of the most important features of India's constitutional system. It allows courts to determine whether laws and government actions comply with constitutional requirements. The doctrine became particularly significant through decisions interpreting the limits of Parliament's amending power.

In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court developed the basic structure doctrine. The Court held that although Parliament possesses broad power to amend the Constitution, it cannot destroy or alter its basic structure. Features associated with the basic structure include constitutional supremacy, republican and democratic government, secularism, federalism, separation of powers, rule of law and judicial review.

The doctrine has become a major safeguard against constitutional amendments that could fundamentally transform the constitutional order. It reflects the idea that constitutional

democracy cannot be reduced to the temporary will of a legislative majority. At the same time, the doctrine is controversial because it gives judges substantial authority to determine what constitutes the Constitution's basic structure. Its legitimacy therefore depends on careful reasoning, constitutional fidelity and institutional restraint.

Judicial review more broadly ensures that public authorities remain accountable to law. Yet courts must recognise the limits of their institutional competence. Economic policy, administration and complex technical decisions may require expertise and democratic accountability that courts do not possess to the same degree. A principled judiciary therefore protects constitutional boundaries while avoiding unnecessary substitution of judicial preferences for policy choices.

6. Major Challenges Facing the Indian Judiciary

The most visible challenge is judicial delay and case pendency. A legal right is of limited practical value if a person must wait for many years before receiving a final decision. Delay can increase litigation costs, weaken evidence, prolong uncertainty and reduce public confidence.

Vacancies among judges and court staff contribute to this problem. Courts also require adequate infrastructure, including courtrooms, trained administrative personnel, digital facilities, libraries and secure record systems. The growth of digital courts and e-filing has created opportunities to improve efficiency, but technology must be supported by reliable infrastructure and digital literacy.

Access to justice is another concern. Legal proceedings can be expensive and difficult to understand for people without legal knowledge. Language, geography, economic status and social disadvantage can create additional barriers. Legal aid and simplified procedures are therefore important components of substantive access to justice.

Transparency and accountability present another challenge. Judicial independence must not become a justification for institutional opacity. At the same time, mechanisms of accountability must be designed carefully so that legitimate criticism and oversight do not become tools for intimidation or political interference.

Finally, the judiciary must manage the expanding scope of litigation. Public interest cases, constitutional challenges and matters involving government policy can place significant demands on judicial time. Courts must distinguish genuine constitutional or public-interest questions from litigation that primarily seeks administrative or political outcomes.

7. Reforms and the Way Forward

Judicial reform should focus on improving both the quantity and quality of justice. First, vacancies should be filled in a timely manner and judicial recruitment should be supported by effective training. Second, court infrastructure and administrative capacity should be strengthened, particularly at district and subordinate levels.

Third, technology should be used strategically. E-filing, digital case management, virtual hearings where appropriate, searchable judgments and automated scheduling can reduce administrative burdens. Technology, however, should complement rather than replace human judicial reasoning and should not exclude people who lack digital access.

Fourth, alternative dispute resolution mechanisms such as mediation, arbitration and Lok Adalats can reduce pressure on courts when disputes are suitable for settlement. Early settlement can save time and resources for both litigants and the justice system.

Fifth, legal aid and public legal education should be strengthened. People should be able to understand basic rights, procedures and available remedies. Courts and legal services institutions can contribute through plain-language information and accessible services.

Finally, judicial accountability should be strengthened through transparent institutional practices, while preserving decisional independence. The objective should not be to make judges responsive to political or popular pressure, but to ensure that institutions are open, reasoned and capable of correcting errors.

8. CONCLUSION

The judiciary is indispensable to India's constitutional democracy. It resolves disputes, protects rights, interprets the Constitution and reviews the exercise of public power. Its independence enables judges to decide difficult cases without improper influence, while judicial review ensures that constitutional limitations remain meaningful.

At the same time, independence alone cannot guarantee effective justice. Delays, pendency, vacancies, infrastructure shortages, unequal access and concerns about transparency continue to affect the justice system. Reform must therefore combine institutional independence with efficiency, accountability and accessibility.

The future of the Indian judiciary depends on strengthening the entire judicial ecosystem rather than concentrating only on constitutional courts. Adequate staffing, modern infrastructure, responsible use of technology, alternative dispute resolution, legal aid and transparent institutional practices can make justice more timely and accessible. A strong judiciary is ultimately not measured only by the power of its highest court but by whether an

ordinary citizen can realistically obtain a fair remedy within a reasonable time. Protecting that ideal is essential to the continuing strength of the rule of law and the constitutional promise of justice in India.

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