

## **1. HOW IS THE INDEPENDENCE OF THE APEX JUDICIARY SECURED? DISCUSS THE CONSTITUTIONAL PROVISIONS TO THIS EFFECT.**

The Supreme Court is integral part of democratic political system. It is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution. Its independence is therefore essential for the effective discharge of the duties assigned to it. The Constitution of India has made the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court.

**Mode of Appointment:** The judges of the Supreme Court are appointed by the President (the Cabinet) in consultation with the judiciary itself. Their appointments are not biased by political consideration.

**Security of Tenure:** The judges enjoy the security of tenure. They can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. They do not hold the office during the pleasure of the executive.

**Fixed Service Condition:** The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be changed to their disadvantage after their appointment except during financial emergency.

**Expenses charged upon Consolidation Fund of India:** All the expenses of the apex court like salary, allowances etc are charged upon the Consolidated Fund of India.

**Conduct of Judges cannot be discussed:** The Constitution prohibits any discussion on the conduct of judges of Supreme Court in respect of their duties neither in Parliament and State Legislature except when an impeachment process is underway

**Ban on Practice after Retirement:** The Supreme Court judges are prohibited from pleading or acting in any Court or before any authority within the territory of India.

The SC enjoys power to punish for its contempt. Its action and the decisions cannot be criticized and opposed by anybody.

The Parliament does not enjoy the power to curtail the constitutionally approved jurisdiction of the SC but it can extend it.

There is also separation of judiciary from executive in public services. Thus, the independence of the judiciary is secured in India.