

Judicial System in India and United States of America: A Comparative Analysis

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Abstract

Judicial independence is universally recognised as a foundational principle of constitutional democracy and an indispensable condition for the rule of law. It enables courts to function impartially, free from external pressure, and to act as guardians of constitutional values and individual rights. This assignment undertakes a detailed comprehensive study of the independence to Judiciary in India and USA, two major constitutional democracies with distinct political system and legal traditions. While both countries place judiciary at centre of constitutional governance, they adopt different institutional mechanism to safeguard judicial autonomy. India relies on explicit constitutional provision, judiciary evolved doctrine, and a judge-led appointment process, whereas the United States emphasis life tenure, separation of power, and post appointment insulation from political influence.

The study examines key dimensions of judicial independence, including constitutional foundation, appointment procedures, tenure and removal, financial autonomy, judicial review, and contemporary challenges. By analysing similarities and differences, the paper argues that judicial independence is shaped by historical experience and constitutional design rather than a uniform model. The assignment concludes that despite procedural variation, both India and United States have developed strong framework to preserve judicial independence, which remains essential for democratic governance, constitutional supremacy, and protection of fundamental rights

Keywords: Judicial Independence, Comparative Constitutional Laws, Separation of Power, Judicial Review, Judicial Appointments, and Rule of Law.

1. Introduction

Judicial Independence occupies a central position in modern constitutional democracies. It refers to the ability of courts and judges to perform their constitutional duties without interference, influence, or pressure from executive, legislature, political actor, or private interests. An independent judiciary is essential not only for maintaining constitutional supremacy and public confidence in the legal system. Without judicial independence, and constitutional guarantees risk being reduced to mere formalities (Dicey, 1959).

In democratic systems are governed by written constitutions, the judiciary performs a dual role. On the one hand, it resolves disputes between individuals and the states; on the other hand it act as a interpreter and protector of constitution. This latter role assumes particular importance in societies characterised by political competition, social diversity, and the exercise of wide governmental powers. Judicial independence ensures that court can check legislative and executive arbitrariness while safeguarding fundamental rights (Dicey, 1959).

India and the United States are among the the most influential constitutional democracies in world. Despite differences in historical background , political structure, and legal tradition, both countries accord high degree of importance to judicial independence. The United States follows a presidential system in which judicial independence has evolve through constitutional interpretation and long standing conventions. A comparative study of these two systems provides valuable insights into how different constitutional designs seek to achieve the same democratic objective : an autonomous and impartial judiciary

2. Conceptual Understanding of Judicial Independence

Judicial independence refer to the ability of judges and courts to make decisions based solely on laws and facts, without fear of reprisal or expectarion of rewards. It has both institutional and personal dimension. Institutional independence relates to separation of powers and constitutional safeguards, while personal independence concerns of security tenure, fixed remuneration, and protection against arbitrary removal (Seervai, 2013).

Montesquieu's theory of Separation of powers emphasizes that liberty can only exist when judicial power is separated from legialative and aexecutive authority. Modern Constitutional democracies adopt this principle to prevent concentration of power and to preserve democratic accountability (Jain, 2022).

Judicial independence is closely linked to the rule of law. Dicey (1959) emphasis that equality before law and supremacy of law are meaningless without independent courts capable of enforcing legal limits on governmental power. Contemporary constitutional theory further recognises judicial independence as essential for the protection of fundamental rights , minority interests, and constitutional morality. Thus, judicial independence is not an end in itself but a means to secure democratic governance and constitutional justice.

3. Explanation of Arlin M. Adams 'The Role of Federal Judiciary'

In his article The Role of the Federal judiciary, judge Arlin M. Adams explains how the role of federal courts in United States has changed over time and how this affect judicial independence . In simple terms , he argues that when U.S. Constitution was created, the federal judiciary was expected to have limited but important functions. Its main task was to settle dispute between states, interpret federal law, and protect constitution. The judiciary was designed to be independent so that it could act without political pressure.

However, over time, the role of federal courts expanded significantly. Adams explains that during important historical periods- such as the civil war, the post-war reconstruction era, the economic crisis of the great

depression, and the civil right movement- the federal judiciary become deeply involved in major social and political issues. For example, cases like Dred scott and leter decision during new deal era and the civil right period shows how court influence national policy. This expansion increased both the power and responsibility of the judiciary.

Adams also highlights concerns about the growing workload of federal courts. As the federal government expanded its role in economic regulation, welfare policies, civil rights, and administrative laws more cases were brought before federal judges. This led to a dramatic rise in the number of cases. According to Adams, when courts become overloaded, there is a risk that their efficiency and quality of

decision making may suffer. If too many judges are appointed without structural reforms, consistency in judicial decision may weaken.

Most importantly, Adams stresses that judicial independence does not mean unlimited power. Court must remain independent from political branches, but they must also maintain public respect and institutional balance. If courts become too political, too bureaucratic, or too disconnected from democratic accountability, their legitimacy may decline.

In relation to the concept of judicial independence, Adams article teaches three important lessons:

1. Judicial independence was originally designed to protect constitutional governance, not to make courts supreme over all political questions.
2. As the role of courts expands, maintaining independence becomes more complex because courts increasingly deal with controversial social and political issues.
3. Structural reforms must protect independence while ensuring efficiency, accountability, and consistency in judicial decisions.

Thus, Adams discussion help us understand that judicial independence is not static. It evolves with historical circumstances, political developments, and the growing responsibilities of courts. His analysis supports the broader argument of this assignment that independence of the judiciary must be balanced with institutional capacity and democratic legitimacy (Adams, 1980).

4. Constitutional Foundations of Judicial Independence

4.1 Judicial Independence in India

The Constitution of India explicitly incorporates judicial independence as a core constitutional value. The framers of the constitution were deeply conscious of the need for an autonomous judiciary, particularly in light of colonial experiences, where courts often functioned under executive influence. Consequently, several provisions were incorporated to secure judicial independence (Austin, 2016).

Article 50 of Indian Constitution directs state to separate the judiciary from executive. Although included among Directive Principle of State Policy, these provisions reflect the constitutional commitment to judicial autonomy. Article 124 and Article 217 deal with appointment, tenure, and condition of service of judges of supreme court and high court. Article 129 and 215 confer upon the Supreme Court and High Court to punish for Contempt, thereby safeguarding judicial authority and dignity.

Further, Article 121 prohibits discussion in parliament regarding the conduct of judges except during impeachment proceedings. Taken together, these constitutional safeguards established the judiciary as an independent and co-equal branch of government (Austin, 2016).

4.2 Judicial independence in USA

Judicial independence has been a core political value in United States since the founding of the republic. Alexander Hamilton, in urging ratification of the constitution of the United States, took as obvious the need for a steady, upright and impartial administration of laws by a judiciary of firmness and independence. Liberty be said “would have everything to fear from judiciary unin with the legislature or the executive. (The Federalist: no 78).

“Judicial independence” means different things to different people. At the least it refers to the ability of judges to decide disputes impartially despite real, potential, or proffers of favour. It is perhaps most important in enabling judges to protect individual rights even in the face of popular opposition.

A belief in judicial independence however, exist in United States alongside an equally strong belief in democratic accountability. Government James Madison wrote during the ratification debate, must derive all its power directly or indirectly from the great body of the people. (The Federalist: nos 37,39) “Accountability” with respect to judges also has different meaning. Some belief that judges decisions reflects popular preferences. The United States is a laboratory of efforts to adjust judicial independence and accountability to one another, with its federal judiciary of roughly 900 life tenured judges and 800 term limited judges and the 28000 judges of 50 states, the district of Colombia and Puerto Rico.

The provision in the United States to promote judicial independence on the other hand and to promote democratic control of the judiciary on other may be arrayed on a continuum. Judicial independence takes various forms shaped by different legal provisions , political traditions and cultural expectation that have evolved over time and continue to inspire debate and self reflection (Federal Judicial Center, 2000)

5. Judicial Appointments

5.1 Appointment of Judges in India

The Constitution had laid down provisions for the impartial and merit based appointment of judges to the superior courts. However, the spirit of constitutional provisions has been affected by the biases and prejudices of appointing authorities. The proposed National Judicial Commission is a welcome development and will hopefully ensure that the judiciary remains free of executive influences. It means government intends to introduce a major change in the prevailing methods of appointments. Under the Article 124(2) of the constitution, supreme court judges are appointed by the president after consultation with some judges of the supreme court and high court of his own choice. However, in the case of the appointment of the judges other than the chief justice, the president is bound to consult with the chief justice of India (Nirmalendu Bikash Rakshit, 2004)

The makers of our constitution have surely considered these arguments and hence, they have provided for some checks on presidential power of choosing the judges. So, Article 124(2) and 217(1) enjoins that the president must, before making such appointments, consult with some judges of the supreme court of India and high courts and in some cases consultation with chief justice of India or the chief justice of the relevant high court has been made obligatory.

Yet there are some loopholes in the whole arrangement. First, Article 124(2) and 217(1) stipulate that the president will nominates the judges after consultation with some jurists and judges of his own choice and this is mandatory. But these provisions do not, by any means, indicate that he must abide with suggestions of such persons (Nirmalendu Bikash Rakshit 2004).

5.2 Appointment of Judges in USA

As one of the oldest democracies in the world, the process of judicial appointment in USA has been shaped by centuries of history. There is a unique process of judicial appointments in federal supreme court of United States where president and the Senate share the power conjointly, but independently of each other. It looks into the factor which have assumed relevance in the decisions making process of both the president and the senate. The theoretical structure for the appointment of judges in USA is sound, the greatest achievement has been the processes which have developed beyond a direct mandate of law. The conventional practices associated with the process of judicial appointment have brought in a degree of transparency which is elusive in many other countries.

The procedure for appointing federal judges in United States is established by the United States is established by the United States Constitution. Article II, Section 2 of the constitution gives the President

of the United States and other federal courts. However, these nominations do not become effective until they are approved by the United States Senate. This shared responsibility between the executive and legislative branches ensure a system of checks and balances in the judicial appointment process (United States Constitution, Art. II, Sec.2). After the president nominates a candidates, the proposal is usually reviewed by the United States Senate Committee of judiciary. The committee studies the nominee's legal qualifications, professional background, and previous judicial and legal work. Once the committee completes its review, it sends its recommendation to the full senate. The Senate then debates the nomination and decides whether to confirm the candidates through a majority vote (Chemerinsky, 2019). Judges appointment to the federal judiciary general serve for life, provided they maintain good behaviour. This system is intended to protect judicial independence by allowing judges to make decisions based on law rather than political pressure. Life tenure also helps maintain stability within judicial system and strengthens the ability of courts to act as impartial interpreters interpreters of the constitution (Chemerinsky, 2019).

6. Challenges Ahead

USA

Political Challenges

The Constitution commands that the forces of the government be isolated among free branches; official, authoritative and legal. Be that as it may the judiciary is financed; similar to every single other piece of the government, through apportionments bills passed by congress and marked by president. You have heard that the judiciary doesn't have the intensity of the tote. To be sure, it doesn't it is needy for its money related job on congress and the president (International Journal of Law Management and Humanities, 2020).

The judiciary money related issues are put together not just with respect to the declining level of their apportionments yet in additions on the way that 84% of cost comprise of two things over which it has little control in the close to term lease and faculty costs (International Journal of Law Management and Humanities, 2020).

Structural Challenges

The declining preliminary rate in common cases has been joined by an unprecedented increment in the utilization of private debate goals discussions, for example, discretion and intervention, which occupy case from the government court or when a case is documented in administrative court, are to either by understanding or by heading from the area court. The expanding dependence on staff that is happening at the re-appraising level because of taking off caseloads and a reasonable hesitance to manage the taking off caseloads by expanding the quantity of judges is another reason for concern (Sharma,2020).

India

Backlog of pending case

India's genuine framework has the best excess of pending cases on the planet- as much as 30 millions cases are pending. Of them, more than 4,000,000 are High court cases, 65000 supreme court cases. This number is constantly broadening and this itself shows the inadequacy of the certifiable framework. Additionally, in addition by virtue of this wealth, a large portion of the detainees in India's remedial offices are prisoners predicting starter.

Appointment of Judges

Recently we saw an ugly battle between the government and Indian Judiciary on the issue of appointment of judges. Even the constitution was amended and NJAC was brought replacing the previous collegium. Later we saw how the Supreme Court upheld NJAC as unconstitutional and restored the old system of collegium (International Journal of Law Management and Humanities).

7. Comparative Review of both Judicial System

Both India and the USA recognise the important of judicial independence for maintaining constitutional democracy. In both countries, judges enjoy security of tenure and protection of salary to prevent political interference. The judiciary in both system system also possesses the power of judicial review, allowing courts to interprets the constitution and invalidate unconstitutional law.

However, there are important differences between the two systems. In the United States, federal judges enjoy life tenure, which provides strong insulation from political influence. In India, judges serve until a fixed retirement age, but the collegium system gives the judiciary significant influence over appointments. Another difference is that many state judges in the United States are elected by voters, whereas in India judges are appointed rather than elected.

These difference reflects the distinct constitutional traditions and political contexts of the two countries. While the American model emphasizes life tenure and Constitutional safeguard, the Indian model focuses on institutional mechanism that reduce political interference in Judicial appointments.

8. Perspective

Judicial independence is essential in a democratic system because it allows courts to decide cases fairly without pressure from the executive or legislative branches. If judges are influenced by political authorities, the rule of law and protection of citizens rights may be weakened. Therefore, an independent judiciary is necessary to ensure impartial administration of justice and maintain constitutional balance (Dicey, 1959).

The doctrine of separation of powers also supports judicial independence by ensuring that the judiciary functions separately from other branches of government. This separation enables courts to act as a check on the misuse of governmental power and to protect constitutional principle (Jain, 2022). In both India and the United States, judicial independence plays a crucial role in upholding constitutional governance and safeguarding fundamental rights.

However, judicial independence must also be balanced with accountability to maintain public confidence in the justice system. Mechanisms such as justice system. Mechanism such as judicial review, ethical standards, and impeachment procedure help ensure that judges remain responsible while exercising their independent authority (Chemerinsky, 2019).

9. Conclusion

It may fairly be concluded that both the judicial system are remarkable both in terms of their organization and the way each has handled the challenge from time to time and evolve with the ever changing needs of society. Judiciary has always remained the guardian of rights of the citizens.

It goes without a doubt that independence of judiciary is very essential for to perform according to expectations and to established rule of law in the society. The judicial system of both USA and India share sharp contrast but in the end they stands for the same principles of equity, justice and good

conscience. Whether in terms of judicial review of its own decisions or standing firm on maintaining the principle of natural justice the judiciary has always kept in mind the interest of citizens. Today people have faith in this organ of government more than other two.

The basic function of judiciary is to interpret law keeping in mind various factors like intention of legislature. But over the past decade there has been a major shift in the role of judiciary across the globe. They have expanded their function in the interest of the citizens and even went further to the extent of giving the direction to the executive and legislature based on the facts and circumstances of each case. This has increased the role of judiciary and further expanded its independence and power in the legal realm. On the other hand today we see some major challenges facing judiciary like appointment of judges, attack on its independence, corruption and various others. They call for collective effort to curb such factors which might restrain impartial functioning of judiciary. There must be a balance between power and duty. Only then the ideals of democracy will survive and the spirit of justice prevails.

10. Case Studies

United States: Judicial Approach to Racial Discrimination

1. *Brown v. Board of Education*, marked a turning point in American constitutional law by rejecting racial segregation in public education. The Court reasoned that separating students on the basis of race creates inherent inequality and violates the principle of equal protection. This decision triggered large-scale desegregation efforts across the country.
2. *Sweatt v. Painter*, demonstrated that equality cannot be judged only by physical facilities. The Court recognized that factors like academic environment, reputation, and professional opportunities also determine equality, thereby exposing the deeper impact of segregation.
3. *Runyon v. McCrary*, clarified that racial discrimination is not permissible even in private educational institutions. The ruling expanded the scope of civil rights protections by ensuring that private actors are also bound by anti-discrimination norms.
4. *United States v. Bhagat Singh Thind*, highlighted how racial identity was interpreted through social perception rather than scientific reasoning. The judgment denied citizenship to an Indian applicant, reflecting the restrictive and exclusionary nature of early immigration laws in the United States.

India: Judicial Approach to Caste-Based Discrimination

1. *State of Kerala v. N. M. Thomas*, established that true equality requires taking into account historical disadvantages. The Court supported affirmative measures for backward classes, emphasizing that equal treatment may require differential policies.
2. *Indra Sawhney v. Union of India*, provided a structured framework for reservation policies in India. It upheld affirmative action for socially and educationally backward groups while also setting reasonable limits to maintain balance within the system.
3. *Navtej Singh Johar v. Union of India*, broadened the understanding of equality by focusing on dignity, individual autonomy, and constitutional morality. Although not directly about caste, it strengthened the anti-discrimination framework under Article 1.
4. A 2024 Supreme Court decision addressing caste-based division of labour in prisons recognized that such practices reinforce social hierarchy and violate.

Comparative Understanding

1. The United States primarily focuses on eliminating racial segregation and ensuring equal protection under the law, especially through judicial intervention.
2. India adopts a broader approach by combining the prohibition of discrimination with affirmative action to address deep-rooted social inequalities like caste.
3. While American jurisprudence evolved from dismantling segregation, Indian jurisprudence emphasizes redistribution and social justice alongside equality.
4. Both systems ultimately recognize that achieving real equality requires more than formal legal guarantees and must address structural discrimination embedded in society.

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