

## ABSTRACT

### INDIAN JUDICIARY OSCILLATING BETWEEN FREEDOM AND INDEPENDENCE: WHETHER CJI IS THE MASTER OF THE ROSTER?

\* SONAL BHARTI<sup>1</sup>

*The judiciary in India has been assigned a significant role to play. It has to dispense justice not only between one person and another, but also between the state and the citizen. It interpretes the Constitution and act as its Guardian by keeping all authorities- legislative, executive, administrative, judicial and quasi- judicial within bounds.*

*The Judiciary has power to protect people's Fundamental rights from any undue encroachment by any organ of the Government. The Supreme Court, in particular, acts as the guardian and protector of the fundamental rights of the people. A person complaining of breach of his fundamental right can straight away invokes the writ jurisdiction under Article 32 of the Constitution. In the words of the Court itself, it acts " as a sential on the que-vive to protect fundamental rights". while interpreting the fundamental rights and other constitutional provisions, at times the Supreme Court has displayed judicial creativity of a very high order. The Court accpets that it has to create a law creative role.*

*Although against the infringement of fundamental freedom of any person's right Courts are there to resolve the dispute. But what would be the fate of the situation where there is rift between the Senior most Judges of the Supreme Court and Chief Justice of India regarding the allotment of the cases. Whose right has superceeded whom is the matter in contoversy.*

**KEYWORDS: DISPENSE, UNDUE ENCROACHMENT, INVOKES, QUE-VIVE, JUDICIAL CREATIVITY, SUPERCEEDED**

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<sup>1</sup> SONAL BHARTI, 1st SEMESTER, LL.M.(1 YEAR), NATIONAL UNIVERSITY OF LAW, DELHI