

The protection
against the danger of
a capricious



**ASSIGN
BUSTER**

The judiciary is the guardian of the rights of man and it protects these rights from all possibilities of individual and public encroachments. The feeling in an average citizen that he can rely on the certain and prompt administration of justice maximizes his liberty. If there is no adequate provision for the administration of justice, the liberty of the people is jeopardized, for there is no definite means which should ascertain and decide rights, punish crimes, and protect the innocent from injury and usurpation. “ If the law be dishonestly administered,” says Bryce, “ the salt has lost its flavour; if it be weakly and fitfully enforced, the guarantees or order fail, for it is more by the certainty than by the severity of punishment that offenders are repressed.

If the lamp of justice goes out in darkness, how great is that darkness.” In ancient polity the executive and the judicial functions were combined. The early monarch was the fountain of justice. But it afterwards came to be realized that justice could not be secured if the judicial and executive functions were combined in one person. Historically, the concentration of power to interpret and administer in the same hands has always been associated with tyranny.

Every citizen needs the amplest protection against the danger of a capricious interpretation of law. The modern State is, accordingly, inconceivable without a separate judicial organ functioning independently and impartially.