

# [Judges translate and apply the law alongside](https://assignbuster.com/judges-translate-and-apply-the-law-alongside/)

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Judges play an important role in theCanadian constitutional democracy. A statethat acknowledges the executive and legislativepowers, requires establishments to take controlwhen those powers areexceeded. These organizations arethe courts.

Mirroring this essential objective, theConstitution of Canada, like those of most modern nations, ensures the basic autonomy of the courts and the judgesToinfluence a parliamentary framework under the lead of lawto work, a democracy requires unbiased, autonomous mediators, who can settleissues in a genuine and unbiased manner. Judges decipher the law, survey theproof exhibited, and control how hearings and trials unfold in their courts. Most important of all, judges are fair chiefs in the quest for equity.

Thejudge, nonetheless, stays over the shred, giving a free and fair-mindedappraisal of the facts and how the law applies to those realities. Thejudiciary needs to translate and apply the law alongside the constitution andto give fair-minded mediations of debate between the state and people, amongstpeople, and between various levels of government inside the state. Canada’s Court SystemThe Canadian judiciary consists of four levels of court. Each type of court has its ownjurisdiction, which means that it has the authority todecide specific types of cases: Provincial and territorial (lower) courts.

Provincial and territorial courts of appeal. The federal court system The Supreme Court of Canada In a democracy, the exercise of political power mustrespect the law, the constitution, and the will of the people, through thedecisions of their elected legislative representatives.  Thisrequires that power be separated so that the head of government and hisministers do not have the power to make the law or to interfere in courtcases.  In a democracy, the executive branch implements policies andprograms, administers the national budget, and conducts nationalaffairs.

It may also propose laws, but only the parliament may enactlegislation, including the budget.  Only the courts can decide theguilt or innocence of individuals charged with a crime, and only the highercourts can determine whether a law or a government action or policy isconstitutional. In a democracy, the judiciary has four mainresponsibilities.

These includes formulating the rule of law through theinterpretation and application of law, settling disputes, checking legality andbeing a player in state politics. To accomplish these four duties, the basicprinciples of a liberal democratic state has to be upheld along with the principlesof a legal democracy and state.  Thejudiciary protects the citizens should their duly elected representatives inthe legislature choose to undertake such actions that violate constitutionalrights of anyone in the society. Judiciary defends the citizens when suchviolations occurs.

Unlike the legislative and executive branches, the judiciaryis not answerable to any elected representatives or the government. They canmake independent decisions and the other branches has no powers to question them. The prime responsibility of the judges is to guard the constitution and to makesure that any amendments made to it are not against the rights of citizen.

Thisis the basic reason judges and judiciary as a whole should be an independentinstitution. The involvement of other branches of government in workings of thecourt should be as limited as is possible. In instances where any rule isdeemed unsuitable, constitution also outlines the process of amending theconstitution. As a democratic society, we have seen earth-shatteringchanges in the relationship amongst people and the state.

The judiciary has theinformation and experience to make enormous commitments to the support andproceeding with development of the democratic society. The part of the courtsas resolver of debate, translator of the law and protector of the Constitution, requires that they be separate in authority and function from every singleparticipant in a democratic frameworkThe sanctioning of the Canadian Charter of Rights andFreedoms in 1982 widely extended the power of the courts in Canada. With theCharter in place, the courts could arbitrate not just upon the division ofpowers between various levels of government, but additionally upon theconstitutionality and legality of laws established by Parliament and theprovincial lawmaking bodies. In a democracy, the activity of political power must regardthe law, the constitution, and the will of the citizen, through the choices oftheir elected representatives.

This requires power be isolated, so the headof government and his ministers don’t have the ability to make the law or tointerfere in court cases. In a democratic country like canada, the executivebranch implements laws and policies. It might likewise propose laws, however, just the parliament may order enactment. Just the courts can decide the guiltyor innocence of people accused of a crime, and just the higher courts candecide if a law or an administration activity or arrangement is in accordanceto the constitution