

Judicial system in India a critical study

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Abstract

Man is a social being. The society is characterized by the interdependence of men. This interdependence serves various purposes and needs. But it also gives rise to a conflict of individual interest with social interest. To settle this conflict certain norms and rules are made by the society. These rules are enforced by some kind of sanctions which settle the conflict under the wider wings of equity, justice and good conscience which are and have been gradually recognized by the state. The intervention of the state through its organs is necessary for fair play. It is at this stage that the quest for justice becomes significant. The nations which do not ensure to its people justice without delay are destined to doom and lose their identity sooner or later. In our country, the Justice Delivery System has reached on the verge of collapse. To make a critical analysis of present Indian judicial system and the impact on the society give suggestion like A.D.R. The topic of the present research is an attempt to study the present state of affairs of the Justice Delivery System, its problems like the biggest problem of delay, expensiveness being the reason of docket exclusion, uncertainty and lack of infrastructure etc., the identification of causes and concrete suggestions so as to ensure the true spirit of the Preamble of the Constitution of India. In our country, under the Constitution of India, the judiciary is the protector, guardian and the prime institution to administer justice. The Preamble to the Constitution of India clearly depicts the aims and the aspirations of the people of India. It is unfortunate that even after more than 70 years of independence, the goals for which our freedom fighters fought and shed their blood, have not been achieved. The object of paper is to define judicial system and problem.

Keywords: judicial system, delay in justice, freedom of judiciary

Introduction

Our country India is a democratic country, means that the government has to be by the people, for the people and of the people. It guarantees to its citizens various rights through its Constitution & the supremacy of the constitution can be maintained only through an impartial and independent judiciary^[1]

There are various provisions in the constitution of India themselves which ensure the independence of the judiciary.

- Article 50 says that Separation of judiciary from executive is one direct provision which ensures the independence and no interference from the executive.
- Article 211 and Article 121 say that No discussion on the conduct of any judge from the High Court/Supreme Court in the Parliament or the state legislature with respect to their discharge of the duties or their workings.

Defining Judicial Independence

"Independence of the judiciary means... that every judge is free to decide matters before him in accordance with his assessment of the facts and his understanding of the law without any improper influence, inducements or pressures, direct or indirect, from any quarter or for any reason....^[2]"
 Much of the debate on judicial independence is confused by how various discussants define the term "judicial independence".

The other organs of the government like the executive and legislature must not restrain the functioning of the judiciary in such a way that it is unable to do justice.

- The other organs of the government should not interfere with the decision of the judiciary.

Judges must be able to perform their functions without fear or favour. Independence of the judiciary does not imply arbitrariness or absence of accountability. Judiciary is a part of the democratic political structure of the country. It is therefore accountable to the Constitution, to the democratic traditions and to the people of the country.

Indian Judicial System has a long history right from the pre-British days. In the 18th century a uniform pattern of judiciary emerged and during the British regime High Courts were established in presidency towns. Thereafter, in 1937, the Federal Court was established to hear the appeals from the High Courts. Because of complexities of personal laws of Muslims and Hindus and various customs & practices, there were initial difficulties in administration of justice. After independence, the government focused on to have a systematic judicial system throughout the country and many new subordinate courts were established in various parts of the country. Today there is a network of over 14 thousand courts all over India and these courts are dealing with 4 crores of cases.

The independence of the Judiciary, which is a cardinal principle of the Constitution and has been relied on to justify the deviation.

Justice P.N. Bhagwati

On the subject of independence of the judiciary, it was opined, that "...The concept of independence of judiciary is a noble concept which inspires the constitutional scheme and constitutes the foundation on which rests the edifice of our democratic polity. If there is one principle which runs through the entire fabric of the entire Constitution, it is the principle of the rule of law and under the Constitution, it is the judiciary which is entrusted with the task of keeping every organ of the State within the limits of the law and thereby making the rule of law meaningful and effective...The judiciary stands between the citizen and the State as a bulwark against executive excesses and misuse or abuse of power by the executive, and therefore, it is absolutely essential that ^[3] the judiciary must be free from executive pressure or influence and this has been secured by the Constitution makers by making elaborate provisions in the Constitution. "...It was felt, that the concept of "independence of the judiciary" was not limited only to the independence from executive pressure or influence, but it was a much wider concept, which took within its sweep, independence from many other pressures and prejudices. It had many dimensions, namely, fearlessness of other power centers, economic or political, and freedom from prejudices acquired and nourished by the class to which the Judges belong. It was held, that the principle of "independence of the judiciary" had to be kept in mind.

Justice A.C. Gupta

On the subject of the "independence of the judiciary", it was opined, that the same did not mean freedom of Judges to act arbitrarily. It only meant, that Judges must be free, while discharging their judicial functions. In order to maintain "independence of the judiciary", it was felt, that Judges had to be protected against interference, direct or indirect. It was concluded, that the constitutional provisions should not be construed in a manner, that would tend to undermine the concept of "independence of the judiciary"

Justice R.S. Pathak

With reference to the issue of "independence of the judiciary", it was observed, that while the administration of justice drew its legal sanction from the Constitution, its credibility rested in the faith of the people. Indispensable to such faith, was the "independence of the judiciary".

Justice E.S. Venkataramiah

With reference to the "independence of the judiciary", it was opined, that the same was one of the central values on which the Constitution was based. It was pointed out, that in all countries, where the rule of law prevailed, and the power to adjudicate upon disputes between a man and a man, and a man and the State, and a State and another State, and a State and the Centre, was entrusted to a judicial body, it was natural that such body should be assigned a status, free from capricious or whimsical interference from outside, so that it could act, without fear and in consonance with judicial conscience.

Hierarchy of Courts and Justice System in India

Courts and Justice system in India the courts are divided into three categories with top court, middle court and lower court. The top court is named as the Supreme Court, while

the middle court is named as High Court, and the lower court is named as District Court.

- **Hierarchy of courts in India.**
- **The judicial system of India.**

The feature Indian judiciary ^[4] system is its hierarchical structure of courts. There are different levels of judiciary system in India empowered with distinct type of courts. The courts are structured with very strong judiciary and hierarchical system as per the powers bestowed upon them. This system is strong enough to make limitation of court with its jurisdiction and exercise of the power. The Supreme Court of India is placed at the top of the hierarchical position followed by High Courts in the regional level and lower courts at micro level with the assignment of power and exercising of the same for the people of India.

Supreme Court of India

Supreme Court of India is the highest level of court of Indian juridical system which was established as per Part V, Chapter IV of the Constitution of India which endorses the concept of Supreme Court as the Federal Court to play the role of the guardian of the esteemed constitution of India with the status of the highest level of court in the status of appeal cases.

Constitution Regulation

As conferred by Articles 124 to 147 of Indian Constituency, the jurisdiction and composition of the Supreme Court is being fixed. This court is primarily of the status of appellate court. This court is accepting the appeals of cases which are being heard in the High courts situated in different states and union territories with dissatisfaction of related parties. This court also accepts writ petitions with the suspected occurrence of activities which may infer about violation of human rights and subsequent petitions are accepted to hear and judge the consequences of such happenings.

These types of petitions are accepted under Article 32 of Indian constitution. This article confers the right to ensure remedies through constitution. This court also hears about such serious issues which need to be attended with immediate attention

History

This court has started its operation since 28th January 1950 with the inaugural sitting, the day since when the constitution of independent India had been effectively applicable. The court had already taken care of more than 24,000 judgments as per report of the Supreme Court.

Structure and Application

This court is comprised of the Chief Justice along with 30 other judges to carry on the operation of the court. The proceeding of the Supreme Court is being heard only in the language of English. The Supreme Court is governed by the Supreme Court Rules which was published in the year 1966. The same had been fixed under the Article number 145 of the Constitution of India to ensure the regulation of procedures and practices of the Supreme Court. This article is passing through the process of upgrading with the presently enforced Article as per the Supreme Court Rules, 2013.

High Court of India

Constitution

High Courts are second Courts of Importance of the democracy of India. They are run by Article 141 of the Constitution of India. They are governed by the bindings conferred by the Supreme Court of India so far judgments and orders are concerned. The Supreme Court of India is the highest level of courts and is responsible for fixing the guidance to the High Courts set by precedence.

High courts are the types of courts which are instituted as the courts powered by constitution with the effect of Article 214 Part IV Chapter V of the Indian Constitution. There are 24 high courts in India taking care of the regional juridical system of India out of which Kolkata High Court is the oldest.

Jurisdiction

These courts are mainly confined to the jurisdiction of state, group of states or Union Territory. They are being empowered to govern the jurisdiction of lower courts like family, civil and criminal courts with other different courts of the districts. These courts are of the statute of principal civil courts so far originality of jurisdiction is concerned in the related domain of the states and the other district courts.

These courts are treated as subordinate to High Courts by status. But High Courts are mainly exercising their jurisdiction related to civil or criminal domain if the lower courts are proved incapable of exercising their power as per authorization extended by law. These situations may be generated through the inability of financial or territorial jurisdiction. There are specific areas in which only High Courts can exercise the right for hearing like cases related to Company Law as it is designated specially in a state or federal law.

But normally the high courts are involved in the appeals raised in the cases of lower courts with the writ petitions as conferred in Article 226 of the Constitution of India. The area of writ petitions is also the sole jurisdiction of high courts. The jurisdiction of High Court is varying so far territorial jurisdiction is considered.

Official structure and application

The appointment of the judges of High Courts are being executed by the President of India with the consultation of the Chief Justice of India, the Chief Justice of High Court and the Governor of the state or union territory.

Decision on the number of judges in High Court is mainly dictated considering the higher number of either the average of organization of main cases for the last years as per the average nationally calculated or the average rate of main cases disposed per judge per year in the respective high court.

The high courts with handling of most of the cases of a particular area are provided with the facility of permanent benches or branches of the court situated there only. To serve the complainants of remote regions the establishment of circuit benches had been made to facilitate the service with the schedule of operation as per the occurrence of visit of the judge.

Lower Courts of India

▪ District Courts

▪ Constitution

The basis of structuring of district courts in India is mainly depending upon the discretion of the state governments or the union territories. The structure of those courts are mainly made considering several factors like the number of cases, distribution of population, etc. Depending upon those factors the state government takes the decision of numbers of District Courts to be in operation for single district or clubbing together different adjacent districts.

Normally these types of courts exercise their power of juridical service in district level. These courts are covered by the administrative power of the High Courts under which the district courts are covered. The judgments of the district courts are subject to review to the appellate jurisdiction of the respective high court.

Structure and Jurisdiction

The district courts are mainly run by the state government appointed district judges. There are additional district judges and assistant district judges who are there to share the additional load of the proceedings of District Courts. These additional district judges have equal power like the district judges for the jurisdiction area of any city which has got the status of metropolitan area as conferred by the state government. These district courts have the additional jurisdictional authority of appeal handling over the subordinate courts which are there in the same district specifically in the domain of civil and criminal affairs.

The subordinate courts covering the civil cases, in this aspect are considered as Junior Civil Judge Court, Principal Junior and Senior Civil Judge Court, which are also known as Sub Courts, Subordinate Courts. All these courts are treated with ascending orders. The subordinate courts covering the criminal cases are Second Class Judicial Magistrate Court, First Class Judicial Magistrate Court, and Chief Judicial Magistrate Court along with family courts which are founded to deal with the issues related to disputes of matrimonial issues only. The status of Principal Judge of family court is at par with the District Judge.

There are in total 351 district courts in operation out of which 342 are of states while 9 are of union territories.

▪ Village Courts

▪ Constitution Structures and Features

The village courts are named as Lok Adalat or Nyaya Panchayat which means the service of justice extended to the villagers of India. This is the system for resolving disputes in micro level. The need of these courts is justified though the Madras Village Court Act of 1888. This act is followed by the development post 1935 in different provinces, which are re-termed as different states after the independence of 1947.

This conceptual model had been started to be sued from the state of Gujarat consisting of a judge and two assessors since 1970s. The Law Commission had recommended in 1984 to form the Nyaya Panchayats in the rural areas with the people of educational attainment. The latest

development had been observed in 2008 through initiation of Gram Nyaylayas Act which had sponsored the concept of installation of 5000 mobile courts throughout the country. These courts are assigned to judge the petty cases related to civil and criminal offence which can generate the penalty of up to 2 years imprisonment.

So far the available statistics of 2012 there are only 151 Gram Nyaylayas which are functional in this big country which is far below the targeted figures of 5000 mobile courts. While trying to find the basic reasons for this non achievement, it was found as financial constraints followed by shown reluctance by the lawyers, respective government officials and police.

Judicial System of India

The present judicial system of India is being made effective through the Constitution of India. The judicial system of India is mainly consisting of three types of courts- the Supreme Court, The High Courts and the subordinate courts. The effective rules and regulations are made of the Constitution and other laws and regulation structured mainly upon the basis of British Law with the improvised version suitable for India.

These rules and regulation along with the Constitution are elementary in fixing the composition, jurisdiction and power of the respective courts. The below discussion will highlight the features and the roles of the three types of courts so far the judicial system of India is concerned.

Supreme Court- Its role in the judicial system

This court is with the status of the highest level of courts as per Chapter IV of Part V of the Indian Constitution. This court is situated in the capital of India, New Delhi. The panel of judges is comprised of Chief Justice and twenty other Judges.

Appointment of Judges

The judges of Supreme Court are being appointed by the President of India. The system is to send the panel of probable judges by the Chief Justice of Supreme Court through collegiums to the President of India with the approval of the Central Government.

The qualifications and the conditions of the judges so far appointment and the tenure of service are fixed as per below:

- He should be the citizen of India.
- He should have the experience of serving as the Judge of High Court for a minimum period of at least five years or he should be an advocate of High Court for at least ten years or he should be considered by the President as a distinctive jurist.
- The Judge of the Supreme Court is eligible for performing his duties by holding office up to the age of sixty-five year if he has not resigned or disqualified on the basis of any act of misbehavior or proving incapable of holding his duties.

Jurisdiction of Supreme Court

The jurisdiction of Supreme Court is classified under different types:

Original jurisdiction: The Supreme Court exercises original jurisdiction exclusively to hear the cases of disputes between the Central Government and the State Governments

or the interest of the States. The Supreme Court has original but not exclusive jurisdiction for enforcement of Fundamental Rights as per the provision of Constitution of India through the way of writs.

Appellate Jurisdiction: The Supreme Court has the jurisdiction of hearing the appeal raised against the judgment of all High Courts of India provided the respective High Court grants the certificate related to the query about the interpretation of the Constitution of India. In case of any civil dispute, if the High Court thinks that the intervention of Supreme Court is required to resolve substantial query of law regarding importance in general is there and the High Court infers that the specific query is to be decided by the Supreme Court.

In case of any criminal dispute, if the High Court thinks that the same is to be heard by the Supreme Court. It is the discretionary power of the Supreme Court to hear any criminal case without the certificate of High Court against the judgment conferred by High Court through which any verdict of death sentence is being pronounced while reversing the original judgment of the lower court of release order to the accused or in case of withdrawal of case from the lower court.

Supreme Court has the power to exercise extra ordinary jurisdiction to hear any appeal related to any matter for which any court or tribunal had decided with judgment through the option of special leave petition except the case of tribunal related to armed Forces. Supreme Court has the power to withdraw or transfer any case from any High Court. The Supreme Court has the authority to review any verdict ordered. The law of Supreme Court is put the binding on all courts across India. Even the Supreme Court has the authority to create any rule of government with the approval from the President of India. Supreme Court is defined as the Court of record with the right to make punishment for the contempt of court.

Advisory jurisdiction: The Supreme Court has the option to report its opinion to the President about any questions raised of public importance referred by the President.

The High Courts- Its role in the judicial system

The Constitution of India has conferred the provision regarding the judicial system through Chapter V of Part VI for high courts. The main features are discussed below:

Establishment

The Constitution conferred that each state or more than one state should have one High Court. The Union Territories of Manipur, Goa and Tripura have the judicial Commissioner Courts. The Constitution has made provision for the other Union Territories to establish high courts.

Court of Record

All the High Courts have the power to pronounce punishment for contempt of court and thus, they will be treated as Court of Record.

Appointment of Judges

The appointment of the Judges of High Court is done by the President of India with the consultation of the Chief Justice of India, the Chief Justice of respective high Court and the Governor of the state.

Number of Judges

The President of India has the authority to fix the number of judges of the High Court as per requirement. The basic factor for this purpose is being settled though the central executive which can decide about the number of judges in High Court which is being decided with flexible attitude.

Qualification of Judges

A person, being the citizen of India with holding the judicial office in India for 10 years or an advocate of High Court for 10 years is eligible for being the Judge of High Court.

Tenure of service

The judges of the High Court have the maximum period of service up to sixty-two years. Till then they cannot be removed from their duties if any occurrence of misbehavior or incapability is proved and seconded by two third of members of both houses of parliament through voting.

Salary of Judges

This is done as per prescribed declaration in the second schedule of the Constitution and cannot be changed without any amendment of the Constitution.

Revenue

The old-fashioned restriction since 1915 regarding revenue is being outdated on the original jurisdiction of the High Courts of Kolkata, Chennai and Mumbai.

Writ Jurisdiction and Superintendence

Except for High Courts of Kolkata, Chennai and Mumbai none has the power to issue the privileged writs. At present Article 226 of Constitution of India has given the power to the high Courts to issue different writs.

Article 227 of Indian Constitution has empowered all high courts to practice superintendence over all the courts of tribunal effective within the regional jurisdiction of the High Court.

Subordinate Courts of India

Chapter VI of Part VI of the Indian Constitution has made provisions for subordinate courts related to the judicial system. These courts are in the state level under the direct superintendence of High Court. The activities like appointment promotion and posting of judges are made by the Governor of the state by consulting respective High Court.

The criterion of eligibility of district judge is that he must be an advocate for minimum seven years with the recommendation of the respective high court. Respective High Court has the sole discretionary power related to the administrative matters like posting, promotion or leave which can be conferred by the conditions of service as per the law applicable for subordinate courts.

Panchyats

As per the provisions made in Part IV of the Constitutions, the directive of panchyats is fixed which endorses the concept of self-governance through Article 40 of this part. The panchayats are there in the rural area to resolve the issues related to civil or criminal issues by following the simple system of informal application to enhance to scope of compromise between the parties. Article 50 had made provision separating the judiciary from the administrative

executive deployed in the public services of the state.

Justice Delivery System

Man is a social being. The society is characterized by the interdependence of men. This interdependence serves various purposes and needs. But it also gives rise to a conflict of individual interest with social interest. To settle this conflict certain norms and rules are made by the society. These rules are enforced by some kind of sanctions which settle the conflict under the wider wings of equity, justice and good conscience which are and have been gradually recognized by the state. The intervention of the state through its organs is necessary for fair play. It is at this stage that the quest for justice becomes significant the nations which do not ensure to its people justice without delay are destined to doom and loose their identity sooner or later. In our country, the Justice Delivery System has reached on the verge of collapse. The people are dying waiting for their causes to be heard and decided. The above quoted verse reaffirms that we, the highly placed persons must do our duties and setup those bench marks which could take the whole human kind as well as our nation on the path of progress and prosperity. This reminds us that 'we' constitute a privileged class because we have been and are being taught at the cost of millions of people of this country. Therefore we owe a duty towards firstly the whole mankind, secondly this nation, thirdly the society and the family and then comes our own individual interests. It is in this sense that we must try to become nation assets rather than national liabilities. Mechanisms derive their structure and power from the laws, policies, and regulations made by the government. They operate as of the government and are funded by the state. Their function is to interpret and resolve conflicts about the laws, as well as determine responsibility for violations of the laws. In federal sys ^[5] items, formal justice mechanisms may also derive from the power of a specified federal entity within the nation-state.

The official courts form the centre of the formal justice sector. Key actors in the formal justice sector can include judges, prosecutors, defense attorneys, civil attorneys, staff that support the operation of the courts, and those who provide court-mandated services to survivors. The formal justice sector may also include non-court mechanisms, such as arbitration, mediation, or restorative justice. Law enforcement officers, such as police, also interact closely with both the formal and informal justice sector. For more information on law enforcement see the Security Sector module on this site.

Problem in Indian Judiciary

There are various problem related to justice and public interest. The crime increasing day by day because there are numbers of loop holes in the judicial system that is why the case pending delay in justice there are many problem listed below.....

The 'climb up' of cases

Cases are seldom decided at the subordinate level and often get heard at various levels of judicial hierarchy.

Shortage of judges

There is an acute shortage of judges due to reasons like delay in appointment etc, and the lower judiciary seldom attracts good talent. The recruitment process attracts

allegations of corruption.

Proliferation through SLPs

A lot of cases are entertained under article 136, which would otherwise not fall in the criminal/appellate/advisory jurisdictions.

Technical nature of cases

Often the judges have to hear cases related to technical matters such as taxation, environmental policy etc. Lack of expertise: Judiciary lacks expertise in dealing with new age problems like Corp Tax, Cyber laws, International treaties, Climate change and its conservative attitude is exploited and corrupt go scot free.

Recently we have seen efforts like separate benches for Trade disputes, Tribunals, Lok Adalats and Rural courts, NJAC, release of under trials, PIL etc to unclog our courts but complete overhaul of the system is need to ensure people continue lay their faith in our judicial system. Transparent appointment process, e-gov, Judicial accountability and All India Judicial Service can be starting points in the much-needed reformation.

1. lack of technological penetration in judiciary.
2. The standardization of cases across the states is different leading to lack of understanding about the problem and learning from good practices from one court to another.
3. Liberal grant of adjournments by the courts.
4. Lack of infrastructure and manpower shortage.

Low conviction rate: has failed to deter ^[6] criminals, huge number of prisoners languishing without a trial- This has broken down our justice delivery system.

No interaction with society

In developed countries people are also made part of decision making. In india judiciary has not been able to create interaction with citizen. We need to create forum for interaction between between judiciary and society and create avenue for society to be involved in judicial processes.

Vacancy of post

HC off approved strength of 900 there is vacancy of 250. lower no of subordinate courts of approved strength of 18000 there are only 15000 subordinate court. Law commission actually recommended 50000 courts. We need to improve infrastructure of sub ordinate courts and increase there no to the approved strength.

Pendency

Judicial proceedings are complex and entangled in technical jargon. Cases take years, sometimes decades, to be decided. Low conviction rate has failed to deter criminals, huge number of prisoners languishing without a trial This has broken down our justice delivery system. Expensive and delayed justice: Judicial proceedings are prohibitively expensive, confusing for commoners and delay in justice delivery has denied gainful opportunities for many. Recently we have seen efforts like separate benches for Trade disputes, Tribunals, Lok Adalats and Rural courts, NJAC, release of undertrials, PIL etc to unclog our courts but complete overhaul of the system is need to ensure

people continue lay their faith in our judicial system. Transparent appointment process, e-gov, Judicial accountability and All India Judicial Service can be starting points in the much-needed reformation. Indian judiciary has own set of problems because of different- different problems like in many district courts, HCs and SC still chief justices and judges position are vacant, lack of expertise on different matter e.g. Science and various related filed of science, patent etc. No proper mechanism is followed while dealing with the case of various capacity by judges in terms of time and even they are not liable under Right to information act to finish the unfinished task properly and speedily. No up gradation in terms of techno savvy, competence and different skill-sets etc. Lack of fast track courts, mechanisms like Lokadalats and permanent Lok adalats, and even different set of dispute redress mechanism like for check bounce case, property and various civil case mechanism etc. Even the registry office is unable to publish and update on record of pending case and cases of more than 58years are still lingering in one or other HCs in India. Everybody knows this fact in the executive and judiciary what kind of attention judiciary requires but nobody takes actions over. Its a mere fact government come and go and cases and judiciary linger on and on. recently NJAC act passed by government but the its validation is not accepted by the SC and various legal professionals which is unique sense in terms of corruption free and speed handling of cases.

Objective of the Research

To make a critical analysis of present Indian judicial system and the impact on the society give suggestion like A.D.R. The topic of the present research is an attempt to study the present state of affairs of the Justice Delivery System, its problems like the biggest problem of delay, expensiveness being the reason of docket exclusion, uncertainty and lack of infrastructure etc., the identification of causes and concrete suggestions so as to ensure the true spirit of the Preamble of the Constitution of India. In our country, under the Constitution of India, the judiciary is the protector, guardian and the prime institution to administer justice. The Preamble to the Constitution of India clearly depicts the aims and the aspirations of the people of India. It is unfortunate that even after more than 70 years of independence, the goals for which our freedom fighters fought and shed their blood, have not been achieved.

Conclusion & Recommendation

Former Indian Prime Minister, Atal Bihari Bajpai, had lamented that the inability of India's judicial system to deliver speedy justice had itself become the source of much injustice. Judicial action must be fast and effective. Rules for judicial proceeding should make the disposal of case time bound. Frequent adjournment should not be permitted and the performance of judicial officers should be judged on the basis of their judgement and efficiency in their working. Criminal justice system can be considered effective redressal mechanism only if criminal case are disposed quickly. There are procedural improvement required. While the code of civil procedure was amended in 2001, 2002 there ^[7] is still scope for improving orders issued under the code for issues like written statement costs examination of parties, framing of issues, etc.

Recommendation

1. Strengthening of legal education.
2. Strengthening of the Bar.
3. Simplification of rules and procedures.
4. Time bound filling of vacant post in judiciary.
5. Transparency of court proceeding.
6. Faster and speedy case resolution.
7. Computerization of cases and records and other modern management techniques should be introduced in the judicial system.
8. Judicial action must be fast and effective.

References

1. Shiva Rao, Framing of Indias constitution A study, Wadhwa & co.p.288, New Delhi, 1968.
2. CIJL Bulletin 8, 1981.
3. Supreme court advocate –on record – association and ors. Vs. Union of India. MANU/sc/1183/2015
4. <https://blog;ipleaders in/ courts-justice-system in India>.
5. <http://www.endvawnow.org/en/articles/880-formal-justice-mechanisms.html>
6. www.lawyersclubindia.com › Articles › Constitutional Law.
7. www.legalservicesindia.com/article/464/Judicial-Process-in-India.html