

A STUDY ON THE CHALLENGES OF INDIAN JUDICIAL ADMINISTRATION

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ABSTRACT

Indian Judicial System is the Paramount institution of the world's largest democracy. Its purpose is to give justice to innocent and punish the wrongdoer. As an institution, the Indian judiciary has always commanded considerable respect from the people of the country. The roots of this high regard lies in the independence, impartiality and integrity of the members of the judiciary. Yet pendency of Lakhs of cases is the matter of serious concern. Shortage of judges, infrastructure and Lack of Transparency has been highlighted as one of the major reasons for the same. Undeniably corruption and counsel-side delays are other well-known reasons for prolonged delay. To mitigate such delays, there is a need for more transparent and accountable judicial system. This paper aims to overcome the current Challenges in Indian Judicial System and Reformation.

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CHAPTER-I

1.1 INTRODUCTION

The Indian democracy is carved out of three main organs which are legislature, executive and judiciary. All of them have different and distinct work. They work as a specialized organ. It is important to emphasize upon the fact that judiciary works as an autonomous and independent organ. For any country to grow and progress the judiciary should have an independent structure. The Indian judiciary is regarded as one of the strongest judiciaries in the world. The structure of the Indian judiciary is provided by the Constitution and it also serves as a watchdog of the Indian Constitution and safeguard fundamental rights. As India uses the oldest legal system which reserve many of the characteristics that the British judicial system left behind. It complies to the “common law system” of legal jurisdiction; common law is the body of law created by judges and it controls subsequent judgments. However, there are some intrinsic issues with our legal and judicial system, which expose its flaws and shortcomings and call for Immediate accountability and adjustments. The criminal cases in India would take more than 40 years to resolve and civil cases would never be resolved at the current rate of disposition.

1.2 MEANING OF JUDICIAL ADMINISTRATION

In a very layman language judicial administration are nothing but rather a way or process by which the courts are managed and administered. In India there is high pendency of cases which would be dealt in detail in later half of the research paper. Judicial administration just increases the efficacy in which a judicial set- up of any country works or functions. The ambit of judicial administration can also bring upon the scope of the power of judicial review which is the inherent power of the Supreme Court under Article 13 of the constitution of India. In the landmark case of *Shankari Prasad v. Union*¹ of India it was the first case which dealt with the doctrine of judicial review in India.

1.3 RESEARCH QUESTIONS

- What are the reformative measures for the Judicial Administration?
- Whether the delay in justice render injustice?

¹ 1951 AIR 458, 1952 SCR 89

- Whether the use of technology reduces the burden of judges?

CHAPTER-II

HIERACHY OF THE COURTS

Indian Judiciary presently has a sanctioned strength of around 34 Supreme Court Judges, around 1100 High Court Judges and about 22,750 lower court Judges for a population of 1340 million. This provides a Judge-population ratio of around 19 Judges per million (as against 50 to 110 Judges per million in developed countries). The sanctioned strength is reached and the judiciary normally operates with a working strength hovering around 75% of the sanctioned strength. Consequently, the actual Judge-population ratio in India is only around 13 to 14 Judges per million.

The total number of cases pending in Indian courts is around 41 million - 35 million in trial courts, 5 million before State High Courts and 60,000 before the Supreme Court. All cases, either criminal or civil, are decided by non-jury trials, which means that in every case tried, the Judge has to render a reasoned decision on merits. All cases are heard in open court except review petitions in the Supreme Court. All parties are given opportunity to make submissions (oral/written) in support of their cases. In cases other than appeals and miscellaneous matters, they are also given opportunity to produce evidence. In and around the time when the country attained Independence, the criminal cases and civil cases pending in courts were in equal proportion. Progressively, the proportion of criminal cases has increased. At present, out of the 35 million cases pending in trial courts across the country, only about 10 million are civil cases and remaining about 25 million are criminal cases, the ratio being 27: 73. The ratio of civil cases and criminal cases varies around 13:87 (Bihar) and around 50:50 (in Tamilnadu, Andhra Pradesh, Telangana and Karnataka).

WHY CRIMINAL CASES ARE FAR HIGHER THAN CIVIL CASES?

PRIMARY VIEW

- The rapid deterioration in moral values and loss of confidence of the common man in the rule of law and judicial system (on account of delays, high costs, uncertainty of outcome, inflexible results, etc.) and

- The reluctance of many to approach civil courts for relief, preferring to take law into their own hands and have recourse to extrajudicial resolution process, thereby increasing crimes and consequently increasing the number of criminal cases.

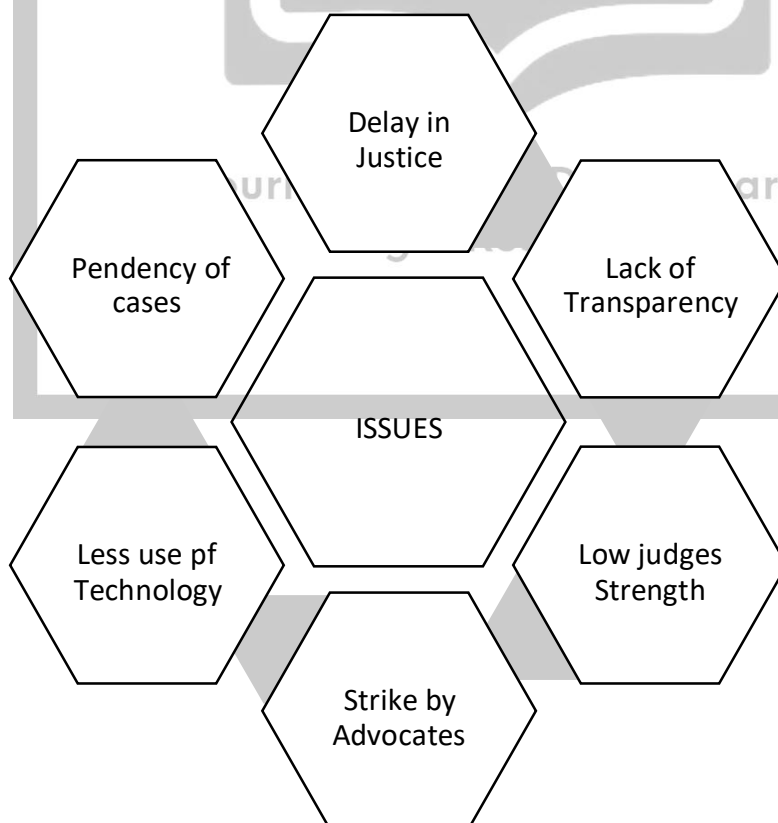
SECONDARY VIEW

- Criminalisation
- Tribunalisation

Out of the criminal cases, the cases relating to offences triable by sessions courts constitute only around 20% to 25% warrant cases triable by Magistrates and summons cases constitute the remaining 70% to 75%. Disputes relating to immovable properties (urban lands, agricultural lands and buildings), family relations, compensation claims (motor accidents and land acquisition) constitute the bulk of civil disputes. About 80% of the civil cases go to trial and hardly about 15 to 20% of the cases get settled at pre-trial stage.

CHAPTER-III

CHALLENGES IN JUDICIAL ADMINISTRATION



3.1 DELAY IN JUSTICE

The biggest challenge is the delay in disposal of cases and huge backlog. The pendency in High Courts and trial courts is gradually increasing. A decade ago, about 3.5 million cases were pending in the High Courts and about 24 million cases were pending in the trial courts. The pendency has risen to around 5 million cases in the High Courts and around 30 million cases in the trial courts². The courts function under outdated procedural laws. The Code of Civil Procedure is century old. Even the new Code of Criminal Procedure is more than 45 years old and it is mostly a rehash of an earlier Code of 1898. The Evidence Act is enacted in 1872. These procedural laws were enacted when litigations were few, to ensure fairness to the litigants, to bring uniformity in decisions and decision-making and to minimise or rectify judicial errors by providing several tiers of challenge by the way of appeals, review and revisions. They enable filing of innumerable interlocutory applications which may results in the main matter being lost sight of. They also enable motions for adjournments which are usually sought and given. Delay has now become a fixed part of the judicial process. As a result, litigation has become costly, prolonged, clumsy, uncertain, rigid process and is no longer considered to be user-friendly, effective or efficient³. The proliferation of laws and increase in population has resulted in an enormous increase in the number of litigations. There has been inadequate assessment of “Judicial Impact”, that is impact of new legislations on increasing the case load on the judiciary.

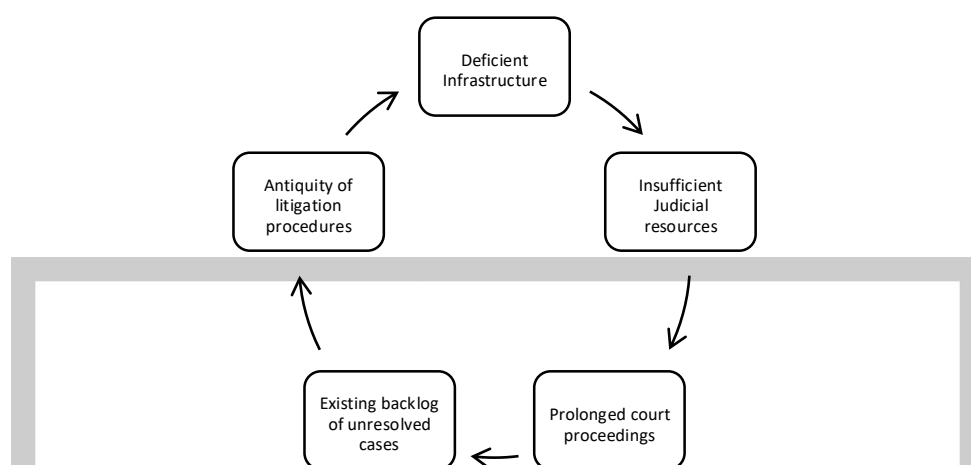
Example Insertion of a provision in NI Act making dishonouring of cheques a criminal offence resulted in an annual filing of about 2 million criminal complaints without a corresponding increase in the Judge-strength. The overloaded judicial system has to struggle with huge insufficient manpower, pendency and elaborate procedural laws.

The responses of the judiciary for demand for better processes of selection of Judges and their training has been unsatisfactory. In commercial litigations, delay destroys businesses. In family disputes, delay destroys peace, health and harmony, turning litigants into nervous wrecks. In most criminal cases, the humiliation, harassment or trauma undergone by an accused during the long-drawn prosecution is more than the ultimate punishment handed out. All these have created delay resulting in discontent and frustration among litigants.

² Ajay Kumar, Judicial Delays in India: Causes & Remedies Vandana,2012

³ CJI Justice K.G. Bala Krishnan, Efficient Functioning of India's Justice Delivery System (2007) 4 SCC J-15

REASONS FOR JUDICIAL DELAY



The delays, when considered with other factors associated with litigation, in particular, the rigidity or inflexibility in decisions, high cost of litigation, technicalities in laws, make the litigants feel that justice has become illusive and elusive. Consequently, confidence in the justice system and the rule of law is steadily destroyed; and people with grievances, complaints and causes start thinking of solutions outside legal framework to get quick relief. Though well aware that these extra-judicial recourses are illegal and risky, more and more persons are persuading themselves to believe that will give swift, decisive and effective results. In this process, law-abiding citizens are turning into society of lawbreakers. This is the most dangerous side effect of the delay.

The injustice caused on account of delay in deciding cases is mind-boggling. When there is delay, witnesses died, witnesses forget, witnesses are bought and turned hostile and evidence disappears. The investigating officers are retired, transferred, expired or become unavailable. The victims and their families are persuaded or threatened to “give up” and face ruination. The public forgive and forget. The Judges and prosecutors get tired and exhausted. The cause is that India has one of the highest rates of acquittals. The high rate of acquittals demoralises the victims, the police and the law-abiding citizens. At the same time, the offenders continue their life of crime⁴. The rule of law become mockery. Not all the accused are guilty. Many innocents are being accused of crimes or are framed on the basis of slipshod investigations, political or local rivalry, false accusations and family vendetta. Though a person accused of a crime is deemed to be innocent till proved guilty in a court of law, an arrest or being charged with an

⁴ (2009) 8 SCC 106

offence takes away his livelihood and freedom, apart from destroying his reputation. His family members are avoided, becoming outcasts overnight. Up to 3000 under-trial have been rotting in jails across the country for more than five years. There are nearly 2000 children behind bars as their mothers are under trial prisoners. At least 50% of the under-trial prisoners will ultimately be acquitted on trial. When an under trial who is behind bars for several years is ultimately acquitted, he or she has no remedy for the loss of precious years of his or her life, reputation and freedom. Same position of those who are convicted of crimes and languishing in jails during the pendency of their appeals who are ultimately acquitted in appeals.

3.2 LACK OF ACCESS TO JUSTICE

Each unsolved grievance of weaker sections, poor and downtrodden is invariably a cry for justice involving liberty, life, food, safety, shelter or security. Ignorance and Poverty are the twin barriers denying them access to justice. Legal awareness, Financial aid and easy access to justice by way of committed quality legal services, can remove these barriers and give them a level playing field to secure and seek justice⁵. Anyone subjected to inequalities and injustices, when not able to access Speedy and effective justice, tends to take law into their own hands. As a result, several disputes which ought to be found solution in civil litigation end up as crimes. There are also political and social ramifications of discontent occurs from the inability to get justice. If the poor and weaker sections cannot go to police for fear of being harassed, ignored or being falsely implicated, and if they cannot approach courts for want of easy access, then they do not have any effective forum to address their grievances. That leads helplessness, resentment, anger and frustration, which is dangerous mix that can erupt into serious and sudden violence. Those subjected to injustices and not having access to justice became easy prey to calls of militancy, terrorism, anarchy, vigilantism and insurgency, tearing the very fabric of democracy.

Indian judiciary, by tradition, follows the British system where the Judge is considered to be neutral umpire who is not expected to investigate into truth, but merely considers the documentary and oral evidence placed before him, hears the arguments and then decides in favour of one who has made out a better case on law and facts. He takes no positive/active part in moulding neither guiding the case nor seeking truth. But what happens where the dispute is between powerful and rich on one side and a poor and downtrodden on the other? What happens when the litigation is between the incapable citizen on one side and the mighty State

⁵ (2016) 7 SCC 221

on the other? What happens if the fence starts eating the crop and person in power acts against the interests of the Government for personal gain and practice nepotism? What happens if the person who comes knocking the doors of the court belongs to a weaker section - a child, woman, infirm, aged or disabled who does not have any resources to fight? What happens when a tribal who has no idea about the rights and obligations, is catapulted into fighting a scheming land grabber or a mining baron or a ruthless loan shark or an insensitive and non-caring Government? Should the Judges keep quiet and watch when the interests of the weak and poor are destroyed and mauled? Should the Judge merely sit and watch when misleading and false charges are brought by the police against an innocent or when the powerful and rich cover up their mistakes and draw red-herrings with the help of unscrupulous lawyers? Should the Judge sit and watch when the sabotaging of a criminal case begins from the stage of registering the complaint and the basic evidence is not presented by the prosecution? Is it not the duty of courts to not only do justice, but also to assure that justice? Is it not a fact that a court alone does/can, provide a level playing field for the weaker, poor, downtrodden sections to challenge or take on the powerful, rich and the mighty?

In India the Legal Services Act enjoins the Legal Services Authorities under the Act to render to every weaker, poor and disadvantaged person, legal service for the conduct of any case or legal proceeding before any court or tribunal [Section 12 read with Section 2(c) of the Act]. The Legal Service Authorities at national, State, district and taluk levels are administered and controlled by Judges. Unfortunately, those availing legal services are not satisfied with their quality either due to lack of choice of counsel or due to non-friendly/unhelpful attitude of officials of Legal Service Authorities or due to the fact that legal aid counsel is not competent

3.3 MAINTAINING THE CREDIBILITY

John Marshall said, “Power of Judiciary lies not in punishing for contempt, not in deciding cases, not in imposing sentences but in the trust, faith and confidence of the common man⁶.” The Supreme Court observed⁷, “The judiciary has no power of the sword or the purse. It sustains only by public confidence and it is important to the stability of the society that the confidence of the public is not shaken.” Judiciary, like any other great and big institutions, while growing, has become unwieldy, inefficient and lethargic. It is difficult to keep pace with the growing expectations. As more and more Judges are appointed, there is also every

⁶ Quoted in *Rajesh Kumar Singh v. High Court of Judicature of M.P.*, (2007) 14 SCC 126.

⁷ *K. Veeraswami v. Union of India*, (1991) 3 SCC 655.

likelihood of some of them lacking in impartiality, integrity and judicial temperament and some of them lacking in wisdom and efficiency. As a result, as the number of Judges grows rapidly, there are chances of erosion of credibility and trust in the institution where the highest degree of independence, probity and impartiality are expected. Loyalty, friendship and gratitude which are considered as “good qualities” in humans are considered as “weaknesses” of a Judge, if he allows those feelings to interfere with their judicial functions. There are several causes leading to erosion of credibility that bears examination.

i) THE UNCERTAINTY OF OUTCOME

Litigants hate uncertainty, Lawyers hate uncertainty. A lawyer would like to anticipate the outcome of a case, with reference to the prevailing legal position as applied in the facts of the case. Citizens want to conduct or arrange their affairs in accordance with the settled position of law. If a citizen is before a court, he expects the same relief and the same treatment as extended to others who are similarly situated. The outcome of a case depends on the facts of the case, the legal position, the manner in which the case is presented, the efficiency and ability of the advocates, the care taken by the litigant to place all relevant facts on record, and the understanding capacity, personal philosophy, impartiality and integrity of the Judges⁷. A litigant may succeed in the trial court, but lose in appeal. He may succeed in the trial court and first appellate court, but may lose in the second appeal. On the other hand, he may lose before the trial court also in the first appellate courts but succeed in the second appeal. The hierarchy of appeals, revisions, review leads to reversals and further reversals. At each stage, the several factors play a part. This may lead to uncertainty, a lot of uncertainty in fact.

ii) HIGH NUMBER OF ACQUITTALS

An eminent lawyer said, In India, many major crimes are not reported. If reported, sometimes registered. Even if registered, instead of the true perpetrator being apprehended and identified, many innocents are framed. Even if the true perpetrator is identified, mostly he is not charged and even if charged, not properly prosecuted. Even if he is prosecuted, not convicted. Even if he is convicted, not adequately punished. At each crucial stage - reporting the crime, registering the FIR, charging, investigation and trial the system has enough loopholes to allow criminals to walk free. The Huge number of acquittals in criminal cases is mainly due to three reasons. The first is the criminal procedure which is to give effect to the

⁷ The Nature of the Judicial Process — Lecture I (Yale University Press, 1921)

doctrine that “Let hundred guilty go unpunished but not one innocent should be wrongly punished”, is constantly misused by those who are guilty. The second is the lacunae in investigation by the police and prosecution by the prosecuting agency. The third is delay. When there is delay, witnesses die, witnesses forget, witnesses are threatened, with the result, witnesses are not available or made to turn hostile. As a result, several contested criminal trials result in acquittal of the accused by giving benefit of doubt, that is, guilt has not been proved beyond reasonable doubt. Unfortunately, the blame for the high percentage of acquittals is placed at the judiciary thereby affecting its credibility.

iii) MURMURS REGARDING INTEGRITY OF JUDGES

Lack of integrity among Judges is a Growing murmur. There are different Prospective on the question whether corruption in judiciary should be discussed and how it should be dealt with. One view is that instances of corruption must be considered as mere aberrations and there must be no open debate as that tends to erode the confidence of the public in the judiciary as well as the credibility of the judiciary. It is pointed out that the faith and trust in the judiciary can be maintained only if the judiciary is seen as a noble, honest and virtuous institution; and that random corruption and dishonesty is disproportionately magnified by constant talk and debate about corruption in the judiciary, leading to loss of faith in the judiciary thereby destroying its credibility. The other view is that the corruption in the judiciary is openly discussed and widely published.

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3.4 OTHER CHALLENGES

CORRUPTION

The Indian court system is similarly eroded as every other government institution, and there is no system of accountability. It is not possible to file a FIR against a judge who accepts bribes without the consent of the Chief Justice of India.

LACK OF TRANSPARENCY

The Right to Information Act does not apply to the judicial Administration system. The citizens of India are not properly informed about important issues pertaining to the functioning

of the Indian judicial system, such as the accountability and fairness of the system⁸. Transparency in the appointment of judges is also mandatory. The Constitution⁹ guarantees the right to free speech and expression, which also includes the right to know. However, the present system infringes on this fundamental right.

The Supreme Court decision in *Supreme Court Advocates-on-Record Association v. Union of India* (“NJAC”)¹⁰ case highlighted the need for greater transparency in the functioning of the collegium system. Judge Chelameswar said, ‘The refusal to attend collegium meetings because their work is so opaque that even the members do not know the basis for the appointment of a judge shows the intense malice that appointments create. There is a need to ensure that “Judicial independence and accountability go hand in hand.”’

GAP WITH SOCIETY

Judicial system of any nation must be a fundamental component of society, and interactions with that general public must be pertinent and frequent. The Indian court system, which was inherited from the British judicial system, has no relationship with the society and Law enforcement officials are still unable to interact with the general public.

NEPOTISM

The appointment of 1/3 of the 33 judges on the Allahabad High Court’s judge panel was questioned because some of them were blood relatives of judges of the Supreme Court of India and the Allahabad High Court. This issue arises primarily due to the “questionable” appointment procedure that concerns the judiciary. Some have even alleged that the NJAC judgement was not an attempt to save the independence of judiciary, rather an attempt to save nepotism, casteism and favoritism that operates at the level of higher Judiciary¹¹. Justice Rang Nath Pandey also shared these concerns with PM Modi, while describing to him that people with no proper knowledge of law are being appointed as judges, he went on to highlight the flaws in the collegium system while noting that the Judges are appointed first, and only after their appointment their names are disclosed, this eliminates any possibility of

⁸ *Supreme Court of India v. Subhash Chandra Agarwal*, 2020 SCC OnLine SC 1459.

⁹ The Constitution of India, 1950. Art. 124

¹⁰ AIR 2015 SC 5457

¹¹ ‘Nepotism, casteism’: Judge pans judicial appointments in letter to PM Modi, *The Hindustan Times* (July 03,

due diligence over this appointment leading to extraneous factors to creep into appointment process¹².

CHAPTER - IV

REFORMATION OF THE JUDICIARY

ADMINISTRATION SYSTEM

APPOINTMENT SYSTEM

Vacancies must be filled immediately and it is required to establish an appropriate timeline for the appointment of judges and to provide the suggestions in advance. Another significant element is that unquestionable aid India in developing a better judicial system is the All India Judicial Services (AIJS).

INCREASED USE OF TECHNOLOGY

Virtual hearings were already tested during the Pandemic period, and there is no reason why they cannot make more institutional. The courts should consider this as a long-term solution rather than considering this as an urgent remedy or emergency. Additionally, it can be necessary to acknowledge the arrival of technology and set up all of its components to control it.

INCREASE THE NUMBER OF JUDGES

The vital step is to raise the number of judges at every level, ideally by three, and at least by two. India needs to fill the open positions and make the number of modifications in resolving the country's major judicial competence issue. More judge openings are required, especially at the lowest levels of the judicial Administration.

SEPARATE JUDICIAL AND ADMINISTRATIVE TASKS

The majority of administrative responsibilities should be controlled by the agency to free up judge's time, which should be necessary for their area of expertise.

¹² <https://www.hindustantimes.com/india-news/judge-writes-to-pm-modi-over-appointments/storyPSVAIh3Xz2WMP9h71GPGBL.html>

PROPER INVESTIGATION

India lacks an investigation policy, which leads to many innocent people being wrongfully arrested and punished. This fact has been demonstrated in various cases. Scientist Nambi Narayanan is charged to develop a cryogenic rocket engine at the Indian Space Research Organization. He was wrongly accused of disclosing technical information about the project and he was imprisoned for 50 days and tortured. He was discharged after a CBI inquiry. However, it eroded his reputation and left his life in complete turmoil.

INNOVATIVE SOLUTIONS

The solution for clearing the massive backlog of cases requires not only appointment of more judges; it also requires innovative solutions.

BETTER DISTRICT COURTS

The district courts are the leading area of concern in India's need for judicial reform, which requires a bottom-up strategy. Plenty of cases are still outstanding in the lower courts. Thus more judges should be appointed to the district courts to cope with the backlog.

CASE MANAGEMENT

It is a methodical way to keep an eye on cases and resources as they go through the legal system. It may be possible to improve management by altering the court's rules regarding evidence and process as well as the number of adjournments, and delay. The data or records of each judge for the disposal of cases must be made public.

ADDITIONAL REFORMS

- Identify the root causes of delay.
- Recommend Reforms.
- Monitor the implementation of Reforms.
- Assess the impact of reforms.
- Promote Transparency and Accountability.
- Encourage stakeholder participation.

- Ensure timely appointments.
- Modernize the infrastructure.

CHAPTER - V

STANDARD PROBLEMS AND SOLUTIONS IDENTIFIED IN SEVERAL JUDICIAL CONFERENCES AND WORKSHOPS

Debates and Discussions among Judges in various law conferences have repeatedly identified the following causes for the delay and present condition of Judiciary

- Insufficient number of Judges;
- Lack of adequate facilities and infrastructure;
- Lack of efficient clerical assistance and secretarial;
- Inadequate numbers of Public Prosecutors¹³; □ Lack of cooperation from the Bar members;
- Inadequate of court staff;
- Shoddy or Incompetent investigations by investigating agencies;
- Delay in service of summons/notices to accused/respondents/defendants by process police and servers;
- Burdening of Judges with extra-judicial work which divert their time and focus from judicial work;
- Increase in engineered and frivolous litigations and

5.2 FURTHER SOLUTIONS

- Justice delivery system can be said to function satisfactorily when it renders fair and efficient, speedy justice at affordable and reasonable cost, securing human rights, ensuring the rule of law and helps in achieving good governance. To achieve that goal, it is not sufficient to merely improve the performance of Judges, but a parallel effort must be made
- to have better laws - either by enacting good laws or by amending existing laws to make them better and by repealing bad laws;

¹³ (1999) 7 SCC 467

- to improve the processes of registering complaints, prosecuting of offenders and investigating of crimes;
- to ensure that the legal profession retains a service-oriented noble profession and does not become a business; and
- to improve the quality of legal education.
- When these areas remain not attended sufficiently or unattended, they also affect the credibility of the judiciary.

What the High Courts can do?

- Train the Judges to increase their potential, efficiency and capability.
- Train the court officers, back-office staff and sub-staff, secretarial assistants, so that they can function as efficient support staff.
- Support Judges in their work and protect them from unwarranted criticism, political interference and media pressure.
- Regulate and streamline the reporting of decisions so that the courts are not deluged with inconsistent or divergent views.
- Avoid or reduce drastically, deputing or posting Judges to non-adjudicatory or nonjudicial work.
- Liberate Judges from Legal Services, in particular, conducting and organising legal awareness programmes and Lok Adalats.
- Periodically evaluate the performance of Judges and offer them guidance and counselling and redress their grievances.
- Recommend and follow up with the Government measures for adequate infrastructure, institutional reforms, and facilities for courts.

What the Supreme Court can do?

- Evolve and implement a better system for appointing Chief Justices and approving the recommendations for appointing High Court Judges to improve the functioning of the High Courts and subordinate judiciary.

What the State can do?

- Judicial impact assessment should be prepared; whenever new laws are made. Periodically assess and provide additional courts with adequate staff and infrastructure, in consultation with the High Court.
- Entrust the legal services to the Executive Wing of the Government for implementation, in consultation with the High Court or other stake holders, by appropriate amendment to the Legal Services Authorities Act, 1976.
- Constantly strive to simplify procedural laws to expedite hearing and disposal of cases and to improve and bring clarity in substantive laws by repealing or amending outdated or unworkable or draconian laws.
- Improve Legal Education and provide compulsory apprenticeship to the Bar members¹⁴.
- Establish a Judicial Management Cadre to control the administration of judiciary
- Establish Training and Research Centre for improving legislative drafting, conducting Judicial Impact Assessment, and training Law Officers of the Government.
- Improve the functioning of investigating and prosecuting agencies to ensure proper and timely investigation and prosecution.
- Take steps to prohibit/ discourage trial by media which may strain the independence and impartiality of Judges

What the Judges can do?

- Improve their judicial, administrative and management skills.
- Maintain values and ethical standards¹⁵ in judicial life.
- Maintain constitutional values, goals and make a sincere attempt to render justice.
- Encourage ADR process and actively participate in ADR processes.
- Apply and adopt the technology for case management principles.

What the Bar can do?

- Render proper assistance to courts.
- Protect the reputation of the judiciary.

¹⁴ (2008) 15 SCC 166

¹⁵ (2012) 9 SCC J-5

- Encourage ADR processes¹⁶.
- Maintain the ethical¹⁷ values of the Bar.

What the media can do?

- Responsible and Proper reporting of matters relating to courts¹⁸.
- Not to resort to media trials¹⁹.

CHAPTER - VI

CONCLUSION

The Indian judicial system is one of the powerful pillars of Indian democracy, it is currently experiencing issues that are rendering it ineffective. As a result, the public is losing hope in the judicial system and is hesitant to turn to this institution for assistance in resolving their problems. Since “justice delayed is justice denied,” it is crucial that the judiciary solves these issues as soon as possible to ensure that Indian citizens do not hesitate to approach it. What do persons expect from Judges, by way of “justice delivery”? They expect a civil justice system which is positive, fair, balanced, reliable and consistent. They expect a criminal justice system which punishes the guilty, saves the innocent, deters potential offenders and protects the public and their interest. They expect a system which keeps the proper society and keeps pace with the changing times. They expect a change of the colonial era feudalistic mind set, so as to aid a developing democracy with a burgeoning market economy by wielding proactive judicial tools to render justice to all sections of the society. They expect the higher judiciary to maintain a responsible activist role and take note of the ground realities and also the weaknesses, difficulties, and limitations of political regimes and control public interest litigation in a responsible manner for the betterment. They expect alternative modes of dispute resolution to provide relief expeditiously and economically giving them the choice to meet their requirements.

¹⁶ (2010) 8 SCC 24

¹⁷ (2012) 8 SCC 58

¹⁸ Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1

¹⁹ (2012) 10 SCC 603

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