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QUEST FOR JUSTICE: UNDERSTANDING INDIAN JUSTICE MECHANISM

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ABSTRACT:

Within the legal system, the pursuit of justice is a basic goal that embodies the values of responsibility, equity, and fairness. This article looks at how justice has changed in modern legal systems, examining its many facets in various legal systems and jurisdictions. It explores the methods used to pursue justice, such as the function of judicial systems, the impact of cultural norms, and the impact of legal changes. Aspects of justice include substantive equity, procedural fairness, and a proper harmony of individuals and what is best for society all these are being taken care of in the discussion. The paper also examines case studies that demonstrate the difficulties and achievements in obtaining justice, emphasizing the complex relationship that exists between morality, the law, and social transformation by means of a critical analysis of contemporary legal processes.

Keywords: Justice, Independence of Judiciary, Judicial Review, Jurisprudential aspect, etc.[1]

INTRODUCTION:

"Justice" as Plato says is an endowment of every human being[2]*, he who is devoid of it, is forced to live a marginalized life*.

The whole institution of "law" was made for the purpose of delivering justice, in the absence of this objective; law is nothing more than a legitimate coercive force. The greatest achievement of any civilized society lies in its ability to deliver justice. The speed at which justice is administered reflects the level of civility in a society and determines how effectively its members can access their rightful share of justice. Ensuring access to justice is not just the government's responsibility; it requires the collective effort of all stakeholders working together to keep the justice system functioning smoothly. Justice serves as a cornerstone of society, promoting fairness and reinforcing the rule of law.

[1] Ayush Mishra, Revisiting Tribunalisation of justice in India, IJalr (Dec. 1, 2024, 8: 10 P.M.), https://ijalr.in/wp-content/uploads/2022/09/REVISITING-TRIBUNALISATION-OF-JUSTICE-IN-INDIA.pdf.
[2] Plato, Republic.

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In India, a nation marked by its diverse and complex socio-political landscape, the pursuit of justice remains both a significant challenge and an evolving process. This article explores the Indian justice mechanism, delving into its structure, challenges, and ongoing reforms.

JUSTICE DELIVERY SYSTEM IN INDIA:

The Indian judicial system, one of the most complex and oldest in the world, has its foundations in ancient Indian legal traditions, while also being influenced by the colonial British legal framework. As a democratic republic, India has a well-organized judiciary aimed at upholding the Constitution and delivering justice. However, despite its robust framework, the system grapples with numerous challenges that affect its efficiency and accessibility. India's judicial system, one of the world's oldest and most intricate, is shaped by a blend of ancient Indian legal traditions and the legacy of British colonial law. As a democratic republic, India boasts a well-structured judiciary designed to uphold the Constitution and ensure justice. Despite its well-established framework, the Indian judicial system struggles with various challenges that affect its effectiveness and accessibility.

Indian Judicial System's Structure:

The Indian judiciary operates at different levels, with the Supreme Court at the top of the hierarchy:

Supreme Court of India:

Established under Article 124 of the Constitution, the Supreme Court is the highest judicial authority in the country.[3] It has a combination of original, appellate, and advisory jurisdictions. The President of India appoints the judges of the Supreme Court, and the court is headed by the Chief Justice of India.

High Courts:

According to Article 214, every state or a set of states has a High Court.[4] These courts also are in charge over subordinate courts as well as have original and appellate jurisdiction. High Court judges are appointed by the President of India after consulting with the Chief Justice of India, the Governor of the respective state, and the Chief Justice of the concerned High Court.[5]

[3] INDIA CONST. art. 124.
[4] INDIA CONST. art. 214.
[5] Lukmaan IAS, https://blog.lukmaanias.com/2024/09/14/effective-consultation-how-sc-ruling-underlines-process-of-hc-judges-appointment/ (last visited Dec. 1, 2024).

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Subordinate Courts:

These involve district courts and its subdivisions like the Magistrate Courts, the Sessions and Family Courts. These are courts in US jurisdiction that adjudicate over civil and criminal issues with a particular concentration on the district's civil and criminal case. The subordinate judiciary is an important branch of the justice system as it is the lowest tier in the court system that Interacts with the public[6]. Being the trial courts, they are closer to the litigants.

Lok Adalats or Village Courts:

These are grassroots-level judicial bodies that operate within villages, offering an alternative mechanism for resolving disputes efficiently and amicably.

Tribunals:

The constitution does allow the government to form special tribunals where there is need for appellate tribunals.

INDEPENDENCE OF JUDICIARY:

An impartial judiciary composed of competent judges is the best guarantee of proper administration of justice, and in the final analysis, of defense of human rights.[7] The landmark judgment in *Kesavananda Bharati v. State of Kerala*[8] laid The foundation for recognizing judicial independence as a key aspect of the Constitution's basic structure was established and reinforced through subsequent landmark rulings, including the *State of Bihar v. Bal Mukund Sah*.[9]

Impartial Justice: Judicial independence ensures that judges can make decisions based solely on the law and facts of the case, free from external influences such as political pressure, government interference, or personal biases. This neutrality is essential for upholding the rule of law and providing fair and equal treatment to everyone.

Checks and Balances: An independent judiciary acts as a safeguard against the misuse of power by the executive and legislative branches. By ensuring that laws and actions are in line

[6] Dr. Amit Mehrotra, Mr. Shaswat Gupta, REGIONAL CONFERENCE (SOUTH ZONE-I) ON 'ENHANCING EXCELLENCE OF THE JUDICIAL INSTITUTIONS: CHALLENGES & OPPORTUNITIES, National Judicial Academy (Dec.1, 2024, 8:20 P.M.), https://nja.gov.in/Concluded_Programmes/2018-19/P-1123%20Programme%20Report.pdf.

[7] Annual Report of the Inter-American Commission of Human Rights, 182 (1985)

[8] IndianKanoon, https://indiankanoon.org/doc/257876/ (last visited Dec.1, 2024).

[9] (2000) 4 SCC 640)

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with constitutional principles, the judiciary prevents power from being abused, thereby protecting democracy and governance.

Public Confidence: A judiciary that functions independently fosters trust in the legal system. When people believe that judicial decisions are made with fairness and integrity, they are more likely to respect and follow the rule of law. This trust is vital for social stability and the legitimacy of the justice system.

JUDICIAL REVIEW:

This refers to the authority of courts to assess the constitutionality of legislative actions that fall within their jurisdiction. If a law is deemed unconstitutional, the courts have the power to declare it invalid and refuse to enforce it.[10] "Judicial Review," said Khanna, J., in the Fundamental Rights case,[11] Judicial review is a crucial part of our constitutional system. The Supreme Court and High Courts have the authority to examine whether statutory provisions align with the Constitution. If a law is found to conflict with the Constitution, which is the ultimate standard for legality, these courts can strike down the unconstitutional provisions.

History demonstrates that unchecked power often leads to corruption and, eventually, to tyranny and chaos. To prevent such outcomes, systems have been designed to limit and balance authority. Montesquieu's principle of the separation of powers was developed to address this issue. By dividing government functions among the legislature, executive, and judiciary, the risk of any one branch gaining absolute control is minimized. This separation helps maintain a balance of power, ensuring that constitutional freedoms are upheld and protected.[12]

The concept of Judicial Review was initially introduced by the Supreme Court of the United States. Interestingly, the U.S. Constitution, in its original form, did not explicitly include a provision for Judicial Review. The concept of judicial review was established by the U.S. Supreme Court in the landmark case *Marbury v. Madison*.[13]

In India, the case of *Keshavanand Bharati* reaffirmed that judicial review is a fundamental aspect of the Constitution. The Court ruled that this power is a "basic feature" of the Indian

[10] E.S. Crown- Essay on the Judicial Review in Encyclopedia of Social Sciences, Vol. VIII, p. 457
[11] Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461
[12] Letters by James Adams to Richard Henry.
[13] 2L Ed. 60.

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Constitution and cannot be altered or abolished through constitutional amendments under Article 368[14]. Again in, *L. Chandra Kumar v. Union of India*,[15] The Supreme Court has ruled that the authority of judicial review, granted to the High Courts under Article 226 and to the Supreme Court under Article 32, is an integral part of the Constitution's basic structure.[16] This power cannot be removed or nullified, even through a constitutional amendment.

OBLIGATION OF JUDGES AND LAWYERS TOWARDS SOCIETY IN THE DELIVERY OF JUSTICE:

Judges and lawyers have vital roles in ensuring the delivery of justice. They bear specific responsibilities to society to ensure that justice is administered fairly, impartially, and effectively. These duties are grounded in ethical principles, professional standards, and the broader social contract that supports the legal system.

Obligations on Judges

- **Impartiality:** Judges must remain impartial, making decisions based solely on the law and the evidence presented. They should avoid any bias, whether personal, financial, or political, that might influence their judgments.
- **Upholding the rule of law:** Judges are responsible for ensuring that their decisions reflect the consistent application of the law. They must interpret and apply laws in a way that maintains legal coherence and stability.
- **Transparency and Accountability:** Judges must be transparent in their reasoning, providing clear and well-reasoned judgments that can be understood by the parties involved and the public. They are also accountable to higher courts and the public for their decisions.
- **Respect for human rights:** Judges must ensure that their decisions protect and promote the human rights of individuals, particularly in cases involving vulnerable populations

[14] INDIA CONST. art. 368.
[15] AIR 1997 SC 1627.
[16] INDIA CONST. art. 226, 32.

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- **Independence:** Judges must remain impartial and free from external influences, such as political interference or public opinion. Their rulings should be guided strictly by legal principles and the rule of law, without being swayed by external factors.

Obligations on Lawyers:

- **Advocacy and Representation**: Lawyers are obligated to represent their clients to the best of their abilities while adhering to legal and ethical standards. This entails offering representation that is both competent and diligent.
- **Confidentiality**: Lawyers must keep their client's information confidential, fostering trust and encouraging full disclosure of facts necessary for effective representation.
- **Duty to the Court**: Lawyers have an obligation to uphold integrity[17], honesty, and respect in their conduct towards the court. They must not mislead the court or obstruct the administration of justice.
- **Promotion of Justice**: Lawyers have a broader obligation to society to promote justice. This includes participating in pro bono work, improving access to legal services, and working to ensure that the legal system is fair and just.
- **Ethical Practice**: Lawyers must adhere to the ethical codes of their profession, which govern their conduct both in and out of court. This involves steering clear of conflicts of interest and upholding professional integrity at all times. Both judges and lawyers have an ongoing responsibility to engage with society to ensure that the legal system remains responsive to the needs of the public. This includes participating in legal education, advocating for legal reforms, and working to improve the public's understanding of the legal system.

Key Jurisprudential Aspects of Justice in India:

The legal, philosophical, and theoretical examination of justice serves as the core foundation of justice in India. Indian jurisprudence seeks to provide a holistic framework for justice by intertwining legal principles, moral philosophy, and the socio-political context. The evolving

[17] Weirfoulds, https://www.weirfoulds.com/assets/uploads/11024_10167_CEA-A-Lawyers-Duty-to-the-Court.pdf (last visited Dec.1, 2024).

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nature of justice in India integrates constitutional values, social justice, and the rule of law, reflecting a commitment to ensuring that justice is a tangible reality for all citizens, particularly the marginalized and disadvantaged, rather than merely a procedural formality. An egalitarian, inclusive, and socially responsive judicial system is shaped in large part by the Indian judiciary, which interprets laws in the context of social reality and constitutional principles. This all-encompassing strategy guarantees that justice in India involves not simply upholding the law but also advancing equality, fairness, and human dignity.

There has been a raging debate between eminent scholars over the issue of whether it is possible to realize justice through law. G.W.F. In his work *The Phenomenology of Spirit*, Hegel examines the Greek tragedy Antigone by Sophocles, highlighting the conflict between natural and positive law as key to understanding justice. Hegel argues that ethical consciousness can only realize justice through the legal system. However, philosophers like Karl Marx and Jacques Derrida challenge Hegel's view, arguing that true justice cannot be fully attained within the confines of legal structures. They explore the relationship between power and justice, questioning how natural justice can challenge state authority and how political laws should be subjected to reason and morality. Additionally, they emphasize the role of civil disobedience in transforming law to better serve justice.[18]

CONCLUSION:

"*Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress*".[19]

The judgment of Anita Kushwaha[20] deals with this question. The initial myth that the law is for everyone to access faded away with every approaching human rights violation case. It was quickly recognized that simply granting rights is not enough to address citizens' grievances. Instead, there should be an accessible mechanism allowing individuals to easily approach judicial forums. The principle of "justice delayed is justice denied" emphasizes that access to justice, as a constitutional value, would remain a mere illusion if it is not delivered promptly.

[18] Susan W. Tiedenbrun, On Civil Disobedience, Jurisprudence, Feminism and the Law in Antigones of Sophocles and Anouilh, 11 (1) CARDOZO STUDIES IN LAW AND LITERATURE 36 (1999

[19] Martin Luther King Jr

[20] Anita Kushwaha v. Pushap Sudan, (2016) 8 SCC 509

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Justice if not swift will fade away the trust of the citizens in the adjudicatory mechanism of the country. It would not only amount to a denial of access to justice but also a denial of justice itself. The right to a speedy trial has consistently been recognized by the Court as an essential component of fundamental rights.[21] Access to justice holds constitutional value only when it is accompanied by the timely delivery of justice to citizens. In conclusion, the proper functioning of justice relies heavily on the commitment of judges and attorneys to fulfill their professional and ethical responsibilities. Judges are tasked with ensuring impartiality, upholding the rule of law, and protecting human rights, while attorneys must focus on representing their clients, maintaining confidentiality, and promoting justice. Both play a crucial role in ensuring that the judicial system remains fair, transparent, and accessible to all.

[21] Hussainara Khatoon v. State of Bihar, (1980) 1 SCC 81.

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