

# Indian Judiciary

The Indian government is supported by three pillars: the legislature, the executive branch, and the judiciary. In India, the judiciary is independent. The judiciary's operation cannot be hampered by the other branches of the government. The judiciary is the part of the government responsible for interpreting the law, resolving conflicts, and providing justice to all citizens. The judiciary is seen as the protector of the Constitution and the watchdog of democracy. An unbiased and independent court is essential for democracy to work properly.

The Indian Judiciary is independent. This means that the legislative and executive branches of government do not meddle with the judiciary's ability to carry out its duties.

- The other organs respect the judiciary's decision and do not meddle with it.
- Judges can carry out their responsibilities sans fear or favour.
- Additionally, the judiciary's independence does not imply that it operates capriciously or without any oversight. It is answerable to the nation's Constitution.
- The Constitution has a number of clauses that guarantee the preservation and protection of the judiciary's independence.

## Structure of Indian Judicial System

A single, integrated judicial system operates in India. The Supreme Court (SC) is at the apex of the pyramid-shaped structure that makes up India's judicial system. District and subordinate courts are below the SC, which is followed by the High Courts. The upper courts directly supervise how the lower courts run their operations. The division and hierarchy is better explained in the pointers below;

- **Supreme Court:** The Supreme Court was established on January 28, 1950, and is the nation's highest court. Since it is the final court of appeal, both initial lawsuits and appeals against High Court rulings are permitted. The Chief Justice of India and 25 more judges make up the Supreme Court. The Indian Constitution establishes the Supreme Court's power in Articles 124 to 147.
- **High Courts:** The highest judicial entity at the state level is the High Court. The jurisdiction of High Courts is outlined in Article 214. In India, there are 25 High Courts. High Courts only have criminal or civil jurisdiction if the State's lower courts are unable to handle the case. Even appeals from lesser courts may be heard by high courts. On advice from the CJI, the Chief Justice of the High Court, and the Governor of the State, the President of India appoints judges to the High Court.
- **District Courts:** The State Governments of India create District Courts for each district or group of districts according to the number of cases and population density. High Court decisions are binding on District Courts, which are directly under their direct control. There are typically two types of courts in each district, Criminal Courts and Civil Courts. District Judges are in charge of District Courts. Depending on the volume of cases, additional district judges and assistant district judges may be appointed. The High Court hears appeals against District Court rulings.
- **Lok Adalats/Village Courts:** These village-level subordinate courts offer a method for alternative conflict resolution in villages.

- **Tribunals:** The Constitution gives the executive branch the authority to establish specialised tribunals to handle particular situations, such as those involving taxes, real estate, consumers, etc.
- **Appellate jurisdiction:** The power of a court to rehear or reconsider a case determined by a lower court is referred to as appellate jurisdiction. The Supreme Court and High Courts of India both have appellate authority. They have the power to either reverse or sustain lower court rulings. There are three different jurisdictions for the Supreme Court. They are advisory, appellate, and original. The Constitution's Articles 131, 133, 136, and 143 all refer to the Supreme Court's authority.

Additionally, the legal system has two branches, which are as follows:

- **Criminal Law:** These regulate any citizen or corporation who commits a crime. A criminal case begins when the neighbourhood police report a crime. The matter is ultimately decided by the court.
- **Civil law:** These involve cases where a citizen's fundamental rights have been violated.

## Role of Judicial System in India

The functions of the judiciary in India are:

1. **Management and Delivery of Justice:** Applying the law to individual instances or resolving disputes is the judiciary's main duty. When a matter is presented before the courts, the evidence put out by the parties "determines the facts" involved. The law then decides which law is relevant to the situation and applies it. The court will administer punishment to the guilty party if they are proven to have broken the law during the process of the trial.
2. **Judge-Case Law's Creation:** The judges frequently struggle or are unable to choose the right legislation to apply in a given situation. According to their experience and common sense, judges make decisions regarding the proper law in these situations. As a result, judges have amassed a substantial body of "case law" or "judge-made law." According to the "stare decisis" theory, judges are generally expected to follow their earlier rulings in cases that are identical to their own.
3. **Constitution's Guardian:** The SC, India's highest court, serves as the Constitution's watchdog. The court resolves any problems of jurisdiction between the federal government and the states, or between the administration and the legislature. The judiciary declares any statute or executive action that contravenes a constitutional requirement to be illegal or invalid. It is known as "judicial review." The benefit of judicial review is that it protects people's fundamental rights and maintains harmony between the union and the divisions in a federal state.
4. **Watchdog of Fundamental Rights:** The judiciary makes sure that neither the State nor any other entity infringes on people's rights. By issuing writs, the superior courts uphold fundamental rights.
5. **Supervision:** In India, the higher courts also have the responsibility of overseeing the lower courts.
6. **Advisory Body:** The SC in India also serves as a consultative body. On constitutional issues, it may offer its professional advice. When the executive demands it and when there are no arguments, this is done.
7. **Administrative Body:** The courts perform a number of administrative and non-judicial tasks. The courts have the authority to appoint receivers, handle decedents' estates, and award certain licences. They appoint guardians for little children and lunatics and register marriages.

8. **Federal Role:** In a federal system like India's, the court also plays a crucial role in settling conflicts between the federal government and the states. Additionally, it resolves conflicts between states.
9. **Judicial enquiries:** Typically, commissions that look into instances of omissions or mistakes on the part of public employees are chaired by judges.

## Challenges Faced by Indian Judiciary

The Indian legal system, which is premised on the system of common law, is a sophisticated blueprint of law and morality; however, it has retained its "lordships culture" and experienced jurisprudence, which has resulted in inefficiency in the system and greater threats of failure under its own weight. This observation is not only made by judges but also by their counterparts across the bench, the public prosecutors.

- Judges are elevated as a special class of people in Indian public life, not because there is a widespread lack of faith in the institution of justice as a whole. Recent revelations, such as inconsistencies in appointments and the need for inspection, reflect.
- The Public Prosecutor is a crucial member of the criminal justice system who prosecutes cases on behalf of the government and, in essence, represents the community. However, there have been criticisms of the way the prosecutorial system has operated, with claims of political neutrality, political subordination of interests, abuse of power, inefficiency, etc. being made.
- The Indian judiciary has been referred to by Justice Sridevan as an "old boys club." Only about 10% of judges are female, which is a concerning representation rate. And although empathy is gender-neutral, it is crucial to have a gender-balanced representation because the nation's top court must consider the perspectives of both sexes when making decisions.
- One of the most serious problems with the Indian legal system is the backlog of cases. If the vacancies are fulfilled, the backlog will be reduced and the court system will operate more efficiently.
- Despite being a well-known issue, nepotism is rarely addressed in India out of concern for "the Independence of Judiciary." This problem mostly arises as a result of the "shady" appointment process that affects the judiciary.
- According to Article 44[17] of the Indian Constitution, "the state shall endeavour to offer to its citizens a uniform civil code throughout the territory of India." It is frequently questioned if India should not create a uniform civil code in light of Article 44 of the Indian Constitution.

Despite this, the existence of these problems cannot be used as a benchmark to assess the responsiveness of the Indian judiciary because steps are being taken to address each major problem and inevitably the Executive and the Legislature as well (independence of the judiciary).