

# Administration of Justice

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# The Administration Of Justice Objectives

- The administration of justice is a cornerstone of any civilized society. It ensures the maintenance of law and order, resolves disputes, and protects the rights of individuals. In India, the administration of justice holds a pivotal role in upholding the principles of democracy, equality, and the rule of law.
- The administration of justice is essential for maintaining societal harmony and upholding democratic values.

## *The primary objectives of the administration of justice are:*

1. Maintenance of Law and Order: Ensuring societal stability by enforcing laws.
2. Protection of Rights: Safeguarding individual rights and freedoms.
3. Dispute Resolution: Providing mechanisms to resolve conflicts peacefully.
4. Deterrence: Preventing future violations through punishments and penalties.

- **Criminal= PUNISHING OFFENDERS/Civil=UPHOLDING RIGHTS**

# Indian legal system predominantly follows the Adversarial System inherited from British common law/Not inquisitorial

- The Indian legal system predominantly follows the Adversarial System inherited from British common law, where two opposing parties present their cases before a **NEUTRAL JUDGE WHO ACTS AS AN IMPARTIAL REFEREE**. In this system, the judge's role is primarily **passive, listening to arguments and evidence presented by the prosecution and defense, with the burden of proof on the prosecution or parties**. However, Indian courts have increasingly incorporated elements of the Inquisitorial System, particularly in Public Interest Litigation (PIL) cases and social justice matters, where **judges take a more active role in fact-finding and questioning**. This hybrid approach is evident in provisions like Order 16 Rule 14 of the Civil Procedure Code, which empowers courts to summon witnesses independently, and Section 168 of the BSA, allowing judges to ask questions or order production of any thing or document =to discover or obtain proper proof of relevant facts. Section 348 of the BNSS allow judges to summon witnesses

# Supreme Court=Multifaceted Role

- **Guardian of the Constitution**
- **Final Court of Appeal**
- **Protector of Fundamental Rights**
- **Guardian of Federalism**
- **Constitutional Interpretation**
- **Settlement of Legal Principles (All Decisions Binding)**
- **Final Interpreter of any law**
- **Extraordinary Powers to Issue any Order Necessary for "COMPLETE JUSTICE"**

# EXTRAORDINARY POWERS TO ISSUE ANY ORDER NECESSARY FOR "COMPLETE JUSTICE"

- Article 142 of the Constitution of India grants the Supreme Court extraordinary powers to issue any order necessary for "complete justice" in cases before it. This provision allows the Court to **GO BEYOND STATUTORY LAW** when required to ensure justice is served. The Supreme Court has invoked Article 142 in numerous landmark cases to address legislative gaps, protect fundamental rights, and uphold constitutional values. While Article 142 enables judicial activism and innovation, its broad scope has also raised **concerns about potential overreach and arbitrariness**. The Supreme Court has used this power to issue guidelines on issues like **sexual harassment at workplaces, environmental protection, and civil rights**. However, the Court has also emphasized the need for judicial restraint in exercising these powers. Recent empirical studies show the Court has explicitly used Article 142 in hundreds of cases since 1950, mostly in civil matters.

# The Administration Of Justice=JDS

- Proving Guilty Intention( Conspiracy Angle)
- Based On Oral evidence =inferior compared to Documentary
- Witnesses= Those who come to Court do not Speak Truth
  - Those who Speak Truth do not come to Court
- Material Interest
- Focus on Accused/ Adversarial System
- Personnel =Police/Prosecutor/Judges and their Discretion
- Burden of Proof Principles
- Policy & Principles=1-100/BNSS 180/181 No Sign/Evidence 181 Statements /Confession to PO/Reformative/Lie/Expert Opinion / Confession of a Co-ACC/

# India primarily follows a common law system inherited from British rule

- The Indian legal system uniquely blends elements of both Common Law and Civil Law traditions, primarily rooted in the Common Law system due to British colonial influence. Common Law, characterized by judge-made law through precedents (stare decisis), forms the backbone of Indian jurisprudence, where courts rely heavily on previous judicial decisions to ensure consistency and predictability. This is exemplified by Article 141 of the Indian Constitution, which states that the law declared by the Supreme Court is binding on all courts within India.
- However, India also incorporates significant aspects of Civil Law, which emphasizes codified statutes and written laws rather than judicial precedents. Thus, India also has extensive codified legislation, a hallmark of civil law systems, including the Indian Penal Code, the Code of Civil Procedure, and various other statutes.

# The Constitution of India

- The Constitution of India serves as the supreme law of the land and forms the foundation of the Indian legal system. The Constitution outlines the framework for the country's governance, describing the powers and responsibilities of the executive, legislative, and judicial branches. Thus, the Constitution provides a comprehensive framework that governs the nation's political, social, and economic fabric.
- Adopted on January 26, 1950, it establishes India as a **sovereign, socialist, secular, and democratic republic**. It guarantees **fundamental rights to citizens** and provides for an **integrated judicial system** with the Supreme Court at its apex. The Constitution incorporates elements from various legal traditions, blending common law principles inherited from British rule with civil law features. It establishes a **federal structure with unitary features**, dividing powers between the central and state governments. The Constitution also provides for **independent bodies** like the Election Commission and the Comptroller and Auditor-General **to safeguard democratic principles**. Notably, the Indian Constitution is known for its length and detail, containing 22 parts, 448 articles, and 12 schedules, making it one of the most comprehensive **constitutional documents** in the world.

Preamble = core philosophy and guiding principles that shape the nation's governance/***KEY 2 OPEN***

- Often described as the "**identity card**" or "**political horoscope**" of the Constitution, the Preamble outlines the objectives and ideals upon which the Indian state is founded. Landmark Kesavananda Bharati Case (1973), affirming the Preamble as an integral **PART** of the Constitution. The Preamble declares India to be a **sovereign, socialist, secular, and democratic republic**, emphasizing **justice, liberty, equality, and fraternity as its core values**. While **not directly enforceable in courts**, it **PLAYS A CRUCIAL ROLE IN CONSTITUTIONAL INTERPRETATION** and reflects the will of the people as the ultimate source of constitutional authority.

# SOVEREIGN, SOCIALIST, SECULAR, AND DEMOCRATIC REPUBLIC

- **Sovereign:** Asserts the ultimate authority of the Indian polity, indicating that the governance of India is free from external control and interference.
- **Socialist:** Reflects a commitment to **ACHIEVING SOCIAL AND ECONOMIC EQUALITY, REDUCING DISPARITIES, AND PROMOTING THE WELFARE OF ALL CITIZENS THROUGH EQUITABLE DISTRIBUTION OF RESOURCES.** India follows a mixed economy model, the socialist ethos is reflected in several constitutional provisions, such as the Directive Principles of State Policy (Part IV), which urge the state to secure the right to adequate means of livelihood, equitable distribution of wealth, and protection of weaker sections of society.
- **Secular:** Signifies the principle of **state neutrality in religious matters**, ensuring that no particular religion is accorded official status and promoting equality and freedom of religion for all citizens.
- **Democratic:** Affirms the adoption of a **representative democracy**, where the **power to govern is vested in the hands of the people**, and elected representatives are accountable to the populace.(off/buy/far)
- **Republic:** Declares India as a republic, where the head of state is elected, and the position of the head of state is not hereditary.

# Justice Liberty Equality

- **Justice:** Encompasses the principles of **SOCIAL, ECONOMIC, AND POLITICAL** justice, striving to ensure equality before the law, equal opportunity, and the absence of discrimination.
- **Liberty:** Vouches for individual freedoms, including freedom of **thought, expression, belief, faith, and worship**, fostering a climate of personal autonomy and self-determination.
- **Equality:** Emphasizes the pursuit of equal **status and opportunities** for all individuals, irrespective of caste, creed, gender, or economic status.

# Organs of the Government/State

The administration of justice is structured into three main organs:

- Legislature: Responsible for enacting laws.
- Executive: Ensures the implementation of laws.
- Judiciary: Interprets laws and adjudicates disputes.

# Principles Governing Administration of Justice

- Rule of Law: The law is supreme, and no one is above it.
- Separation of Powers: Ensures the independence of the judiciary from the executive and legislature.
- Natural Justice: Includes principles like the right to a fair hearing and absence of bias.
- Access to Justice: Ensuring justice is accessible to all, including marginalized communities

Key Components

of

Justice Administration

# Supreme Court=Multifaceted Role

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# The High Courts/25 /Highest Judicial Authority In States

- **Can Interpret Law or Constitution**
- **Court of Record=Punish for all Contempts**
- **Original Jurisdiction:** High Courts have original jurisdiction in matters related to fundamental rights enforcement, company law, admiralty, testamentary and matrimonial cases. In some states, they also have original jurisdiction over civil cases of higher value.
- **Appellate Jurisdiction:**
- **Supervisory Jurisdiction:** High Courts exercise supervisory jurisdiction over all subordinate courts within their territorial jurisdiction. This power allows High Courts to ensure that the lower courts function within their legal bounds and follow proper procedures.
- **Writ Jurisdiction:**
- **Judicial Review:** High Courts can invalidate laws and executive actions that contravene the Constitution, thereby acting as a check on arbitrary governance.

## Subordinate Courts

- At the district level, the court system includes District and Sessions Courts, followed by lower courts such as those of Civil Judges and Judicial Magistrates. These courts form the backbone of the justice system, handling the majority of civil and criminal cases.

# Civil Justice System

- Handles private disputes between individuals, organizations, or corporations
- Operates through civil courts at various levels
- Follows the Civil Procedure Code, 1908
- Provides remedies like specific performance, damages, and injunctions
- Lok Adalats (people's courts) for alternative dispute resolution

# Criminal Justice System

- Deals with offenses against society
- Involves police, prosecution, courts, and correctional institutions
- Follows the BNSS,2023-New Criminal Procedure
- Aims at both punishment and rehabilitation

# Alternative Dispute Resolution

- Includes mechanisms like arbitration, mediation, and conciliation
- Reduces court burden and provides faster resolution
- Governed by the Arbitration and Conciliation Act, 1996
- Increasingly important in commercial disputes

# ARBITRATION, MEDIATION, AND CONCILIATION= ADR MECHANISMS

- Arbitration, mediation, and conciliation are all alternative dispute resolution methods, but they differ in key aspects. **Arbitration is a more formal process** governed by the Arbitration and Conciliation Act, 1996, where an arbitrator makes a legally binding decision after hearing both parties. Mediation, primarily governed by the Civil Procedure Code, 1908, involves a **NEUTRAL THIRD PARTY FACILITATING COMMUNICATION BETWEEN PARTIES TO REACH A MUTUALLY AGREEABLE SOLUTION.** The mediator does not make decisions but helps parties negotiate. Conciliation, also covered under the Arbitration and Conciliation Act, 1996, is **similar to mediation but allows the conciliator to be more proactive in suggesting solutions.** Unlike arbitrators, conciliators and mediators cannot enforce their decisions. Arbitration decisions are legally binding, while mediation and conciliation agreements become binding only if formalized into a contract. **Arbitration is generally more adversarial and resembles a court proceeding,** whereas **mediation and conciliation are more collaborative** and focus on maintaining relationships between parties. All three methods reduce the burden on the judicial system.

# Unique Features= PIL & LEGAL AID

## PIL

- Innovative judicial tool for protecting public interest
- Relaxed locus standi requirements
- Enables judicial activism and social justice
- Has led to significant social reforms

## LEGAL AID

- Constitutional mandate under Article 39A
- Provides free legal services to disadvantaged sections
- Implemented through Legal Services Authorities
- Essential for ensuring access to justice

# Recent Reforms and Innovations

## TECHNOLOGY INTEGRATION:

- E-courts project
- Virtual hearings
- Digital case management
- Online filing facilities

## PROCEDURAL REFORMS:

- Fast-track courts
- Evening courts
- Mobile courts
- Plea bargaining in criminal cases

# LEGISLATIVE CHANGES

- New Criminal Laws
- Commercial courts for business disputes
- Specialized tribunals
- Updated arbitration laws
- Time-bound disposal provisions

# Future Directions: The administration of justice

- Modernization through technology
- Strengthening alternative dispute resolution
- Improving access to justice
- Reducing delays and pendency
- Enhancing judicial infrastructure
- Training and capacity building

# Role of Different Stakeholders:

## **JUDICIARY:**

- Interpretation of laws
- Dispute resolution
- Constitutional protection
- Law development through precedents

## **BAR:**

- Legal representation
- Assistance to courts
- Professional ethics
- Legal research

## **GOVERNMENT:**

- Legislative framework
- Infrastructure provision
- Implementation support
- Budget allocation

# Challenges

- Huge backlog of cases
- Inadequate Police-to-population ratio
- Inadequate judge-to-population ratio
- Infrastructure constraints
- Delays in justice delivery
- High costs of litigation
- Corruption: Instances of corruption undermine public trust in the judiciary.
- Overcriminalization: Proliferation of laws and overlapping jurisdictions lead to complexity and inefficiency.