UNIQUE LEGAL COURT ROOM STORIES

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BRIEF HISTORY OF THE EVOLUTION OF COURTS IN INDIA

Law in India has evolved from religious prescription to the current constitutional and legal system we have today, traversing through secular legal systems and the common law.

India has a recorded legal history starting from the Vedic ages and some sort of civil law system may have been in place during the Bronze Age and the Indus Valley civilization. Law as a matter of religious prescriptions and philosophical discourse has an illustrious history in India.

Emanating from the Vedas, the Upanishads and other religious texts, it was a fertile field enriched by practitioners from different Hindu philosophical schools and later by Jains and Buddhists.

The common law system – a system of law based on recorded judicial precedents- came to India with the British East India Company. The company was granted charter by King George I in 1726 to establish "Mayor's Courts" in Madras, Bombay and Calcutta (now Chennai, Mumbai, and Kolkata respectively). Judicial functions of the company expanded substantially after its victory in Battle of Plassey and by 1772 company's courts expanded out from the three major cities. In the process, the company slowly replaced the existing Mughal legal system in those parts.

Following the First War of Independence in 1857, the control of company territories in India passed to the British Crown. Being part of the empire saw the next big shift in the Indian legal system. Supreme courts were established replacing the existing mayoral courts. These courts were converted to the first High Courts through letters of patents authorized by the Indian High Courts Act passed by the British parliament in 1862. Superintendence of lower courts and enrolment of law practitioners were deputed to the respective high courts.

During the Raj, the Privy Council acted as the highest court of appeal. Cases before the council were adjudicated by the law lords of the House of Lords. The state sued and was sued in the name of the British sovereign in her capacity as Empress of India.

During the shift from the Mughal legal system, the advocates under that regimen, "vakils", too followed suit, though they mostly continued their earlier role as client representatives. The doors of the newly created Supreme Courts were barred to Indian practitioners as the right of audience

was limited to members of English, Irish and Scottish professional bodies. Subsequent rules and statutes culminated in the Legal Practitioners Act of 1846 which opened up the profession regardless of nationality or religion.

Coding of law also began in earnest with the forming of the first Law Commission. Under the stewardship of its chairman, Thomas Babington Macaulay, the Indian Penal Code was drafted, enacted, and brought into force by 1862. The Code of Criminal Procedure was also drafted by the same commission. Host of other statutes and codes like Evidence Act (1872) and Contracts Act (1872).

In 1861, the Indian High Courts Act, 1861 was enacted to create high courts for various provinces and abolished Supreme Courts at Calcutta, Madras and Bombay and the sadar Adalat's in presidency towns in their respective regions. These new high courts had the distinction of being the highest courts for all cases till the creation of the Federal Court of India under the Government of India Act 1935. The Federal Court had jurisdiction to solve disputes between provinces and federal states and hear appeals against judgement of the high courts. The first CJI of India was H. J. Kania.

The Supreme Court of India came into being on 28 January 1950. It replaced both the Federal Court of India and the Judicial Committee of the Privy Council which were then at the apex of the Indian court system.

The Supreme Court initially had its seat at the Chamber of Princes in the parliament building where the previous Federal Court of India sat from 1937 to 1950. In 1958, the Supreme Court moved to its present premises in New Delhi. Originally, the Constitution of India envisaged a supreme court with a chief justice and seven judges; leaving it to Parliament to increase this number.

At the dawn of independence, the parliament of independent India was the forge where a document that would guide the young nation was being crafted. It will fall on the keen legal mind of B. R. Ambedkar to formulate a constitution for the newly independent nation.

The Indian Bar had a role in the Independence movement that can hardly be overstated – that the tallest leaders of the movement across the political spectrum were lawyers is ample proof. Perhaps it is the consequent understanding of law and its relation to society that prompted the founding fathers to devote the energy required to form a Constitution of

unprecedented magnitude in both scope and length.

The Constitution of India is the guiding light in all matter's executive, legislative and judicial in the country. It is extensive and aims to be sensitive. The Constitution turned the direction of the system originally introduced for perpetuation of colonial and imperial interests in India, firmly in the direction of social welfare. The Constitution explicitly and through judicial interpretation seeks to empower the weakest members of the society.

India has an organic law because of the common law system. Through judicial pronouncements and legislative action, this has been fine-tuned for Indian conditions. The Indian legal system's move towards a social justice paradigm, though undertaken independently, can be seen to mirror the changes in other territories with a common law system.

From an artifice of the colonial masters, the Indian legal system has evolved as an essential ingredient of the world's largest democracy and a crucial front in the battle to secure constitutional rights for every citizen.

INCIDENTS TAKEN PLACE IN THE INDIAN COURTS

1. **Rohini court firing**: A firing incident was reported at Rohini court in Delhi. Three gangster were killed in. Gunshots are heard in court and policemen and lawyers are seen in a scramble in the building. Gunmen were dressed as lawyers, present in court, shot gangster Jitender Gogi thrice. Special force personnel escorting the gangster then fired back, killing both the attackers on the spot.

   Jitender Gogi, a notorious gangster involved in over 30 criminal cases and in Tihar jail since last year, was declared dead in hospital. A rival gang, going by the name "Tillu Gang", had plotted to kill him when he was brought for his court hearing today, said the police. "Two from rival gang opened fire at Jitender Gogi inside the court. The police acted swiftly and killed both the assailants," Delhi Police Commissioner Rakesh Asthana. According to the police, when Gogi was brought to the court, with heavy police escort, two attackers dressed as practising lawyers, complete with "collar band, black blazer and trouser and black shoes", suddenly

started firing at him. The incident marks a huge security lapse on court premises. A lawyer, Lalit Kumar, said: "The judge was in court, lawyers were present and Jitender Gogi was there. These two shooters who looked like 'lawyers' started shooting. A woman intern was also hit by a bullet."

The shootout inside a courtroom that left several people injured and raised serious questions about security in a heavily protected and sanitised zone. The big question was whether the metal detector were not working in the court premises and it is a serious matter of investigation.

2. **Nagpur court lynching case**: A decade after dreaded goon Bharat Kalicharan alias Akku Yadav was lynched inside a courtroom by a mob that included 50 women, all 18 accused in the sensational murder case were acquitted by the same court on Monday. The murder of Akku on August 13,2004, had hogged headlines as the serial killer, rapist and extortionist was hacked to death inside Court No. 7 on Nagpur district and session court premises. His killing put to an end the two decades old reign of terror over kasturba Nagpur Slums. Fifth district and additional session judges VT Suryavanshi acquitted all the 18 accused, including five women, due to lack of evidence while observing "it was difficult to believe the eyewitnesses that actually saw the incident." There was total 22 accused in the case that attracted even international media, but three of them – Devanganabai Humne, Ajay Mohod and Anjanabai Borkar – expired during the course of trail. They were booked under Section 120(B), 121(A), 143, 147, 349, 353, 332, 326, and 427 apart from 302 of the IPC. Though there were about 80 witnesses, the prosecution produced only 16 before the court.

While acquitting the accused present in the court along with other people from Katurba Nagar slums, the judges blamed Jaripatka Police for being "hand-in-glove" with Akku.

3. **Constable on duty at Delhi high court shoots self with service weapon**: A police constable on duty at the Delhi high court allegedly shot himself dead with his service rifle on Wednesday. The constable of the Rajasthan Armed Constabulary had come for duty earlier in the day and was stationed near Gate number 3 of the high court, the Delhi Police said.

The deceased was a resident of Kotkasim in Alwar and said to be around 30 years of age. He had joined duty on Wednesday around 9.30 am after coming back from a leave.

One Police Constable allegedly died by suicide by shooting himself with his service rifle. He had come for duty this morning and was stationed near Gate number 3 of Delhi High Court: Delhi Police

Further investigation was underway. New Delhi deputy commissioner of police Deepak Yadav said no suicide had been recovered yet.

"Probe is underway to find out the circumstances prompting him to take this step. No suicide note has been recovered," Yadav was quoted as saying.

The suicide came days after the dramatic shootout of gangster Jitender Mann alias Gogi inside Rohini district court in the national capital.

The incident had raised major security concerns on the court premises.

4. **Fraud lawyer arrested, sent to jail**: An alleged fraud 'lawyer' who had no requisite degree but was practising in the Dhubri court in Assam was arrested and sent to jail today. A senior advocate of the court suspecting Mintu Burman to be fraud lawyer had questioned him last evening and found out that he had passed the Class 12 examination and has no LLB degree and was yet practising as a lawyer in Dhubri court, police said.

The lawyer and a colleague had lodged an FIR on behalf of Dhubri Bar Association lodged a complaint with the police yesterday. An FIR under IPC sections 419(cheating by personation) and 420 (cheating and dishonestly inducing delivery of property) was registered against the man, police said.

5. **Sensing arrest, women 'lawyer' who practised with fake degree flees from kerala courts**: A woman who practised in the Alappuzha court for the last two-and-a-half years after presenting fake law certificates on Thursday reached the court to surrender but fled from the premises sensing the arrival of police.

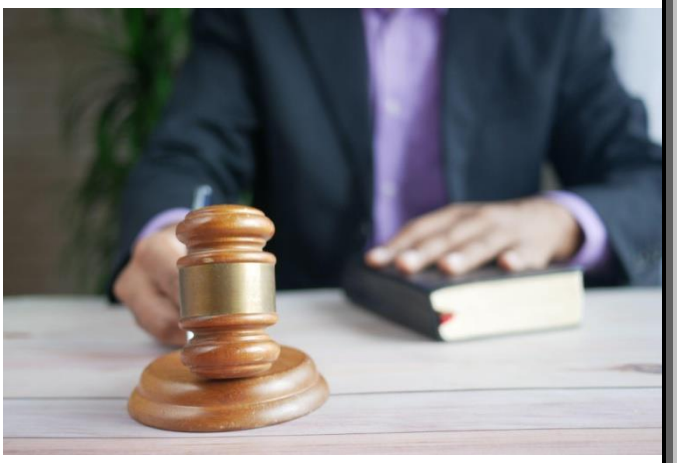
Cessy Xavier, 27, a native of Ramankari in Kuttanad, reached the Judicial Magistrate Court on Thursday morning. When she arrived there, she realised that the

Alappuzha North police registered a case under sections 417 and 419 of the IPC, which was non-bailable, and immediately fled from the court. Police said she escaped through the backdoor of the court with the help of some advocates.

The Alappuzha North police registered a case based on the complaint of the Alappuzha Bar Association. The complaint said her qualifications were fake and she presented a fake roll number of the Kerala Bar Council to the Association.

An anonymous letter received at the Bar Association said the woman's certificates were fake following which the Bar Association examined the roll number of the Kerala Bar Council and found it was the roll number of another person. The Association also found that she did not register with the council, the police said.

"JUSTICE IS A MACHINE THAT, WHEN SOMEONE HAS ONCE GIVEN IT THE STARTING PUSH, ROLLS ON OF ITSELF." REALITY?



The above quoted lines are given by John Galsworthy, he was an English novelist and playwright.

Justice, in its broadest sense, is the rule that individuals get what they merit, with the understanding of what then, at that point comprises deserving being affected upon by various fields, with many varying perspectives and viewpoints, including the ideas of moral rightness dependent on morals, discernment, law, religion, value and reasonableness. The state will now and then undertake to expand justice by working courts and authorizing their decisions.

Therefore, the use of justice varies in each culture. Early hypotheses of justice were set out by the Antiquated Greek rationalists Plato in his work The Republic, and Aristotle in his Nicomachean Morals. Since the beginning different speculations have been set up. Backers of the heavenly order

hypothesis have said that justice issues from God. During the 1600s, rationalists, for example, John Locke said that justice gets from normal law. Common agreement hypothesis says that justice is obtained from the shared arrangement of everybody.

During the 1800s, utilitarian thinkers, for example, John Stuart Plant said that justice depends on the best results for the best number of individuals. Hypotheses of distributive justice concentrate on what is to be appropriated, between whom they are to be conveyed, and what is the legitimate dispersion. Egalitarians have said that justice can just exist inside the directions of uniformity.

John Rawls utilized a common agreement hypothesis to say that justice, and particularly distributive justice, is a type of decency. Robert Nozick and others said that property rights, likewise inside the domain of distributive justice and normal law, augments the general abundance of a financial framework. Speculations of retributive justice say that bad behavior ought to be rebuffed to safeguard justice. The firmly related helpful justice (additionally here and there called \"reparative justice\") is a way to deal with justice that spotlights the requirements of casualties and guilty parties.

Justice, in philosophy, the idea of an appropriate extent between an individual's deserts (what is justified) and the great and awful things that come to pass for or are assigned to the person in question. Aristotle's conversation of the goodness of justice has been the starting point for practically all Western records. As far as he might be concerned, the critical component of justice is treating cases the same, a thought that has set later thinkers the assignment of working out which similitudes (need, desert, ability) are applicable.

Aristotle distinguishes between justice in the appropriation of riches or different products (distributive justice) and justice in repayment, as, for instance, in punishing somebody for an off base he has done (retributive justice). The idea of justice is additionally fundamental in that of the simply express, a focal idea in political philosophy makes it clearer to understand and i.e., “Justice delayed is justice denied”

The above quoted lines need to be interpreted with the other quote which gives more light to the previous one and is a legal maxim. It means that if legal redress or equitable relief to an injured party is available, but is not forthcoming in a timely

fashion, it is effectively the same as having no remedy at all.

This guideline is the reason for the right to a fast preliminary and comparable rights which are intended to assist the overall set of laws, because of the injustice for the harmed party who supported the injury having little expected opportune and powerful cure and goal.

The expression has turned into an energizing weep for lawful reformers who view courts, councils, judges, mediators, authoritative law judges, commissions or governments as acting too leisurely in settling lawful issues — either on the grounds that the case is too complicated, the current framework is excessively intricate or overburdened, or on the grounds that the issue or party being referred to needs political blessing.

Individual cases might be influenced by legal reluctance to settle on a choice. Rules and court rules have attempted to control the propensity; and judges might be dependent upon oversight and even discipline for relentless disappointments to choose matters opportune, or precisely report their excess. At the point when a court takes a matter "under advisement" – anticipating the issue of a legal assessment, request or judgment and thwarts last mediation of a claim or goal of a movement – the issue of idealness of the decision(s) becomes an integral factor.

Thus, if a person or a victim who wants to get justice has only to file a FIR, it is like pressing the power on button of the machine, the process of getting justice starts from there itself. After that if the person willingly takes his/her case back then only this process will stop otherwise the chain or machine of justice rolls itself. Thus, it makes the quote clear that "Justice is a machine that, when someone has once given it the starting push, rolls on of itself."

IS JUSTICE ACTUALLY BEING SERVED IN TODAY'S WORLD?

In his farewell speech, Justice J.R. Midha stated, "In the Court of Justice, both the parties know the truth, it is the judge, who is on trial."

The above-mentioned statement is so true and emphasizes on the immense role and responsibility placed on the shoulders of the judiciary to ensure delivery of justice.

Justice is the soul of every judicial system. Ulpian defined the term 'justice' as "the constant and perpetual will to render to everyone that to which he is entitled". The Constitution of India, through its Preamble, has guaranteed to its citizens 'Justice'- economic, political, and social.

However, even after 75 years of independence, achieving quality and substantive justice is a far-fetched dream for most of the India's population. In the area of an effective justice delivery system, India is plagued with several concerns that makes one question whether "Justice is actually being served in the truest sense in India?"

Undoubtedly, the prime reason behind the reply in the negative to the question is the huge pendency of cases in the Indian legal system. As rightly said, "Justice delayed is justice denied." The Indian judiciary has a huge backlog of pending cases in the world with statistics estimating more than 30 million pending cases.

It is sad to see that a judgement is delivered with respect to a property dispute decades after it was instituted and the plaintiff who may have instituted may not even be alive to enjoy the benefits of the judgment in his favor and his children or grandchildren who had continued the case would enjoy the same. Similarly, gross injustice is meted out due to delays in the criminal justice system.

An infamous example for this point is the Bhopal Gas Tragedy case. After a long trial that stretched over 4 years, the SC held that Union Carbide Corporation must pay compensation amounting to approximately Rs. 750 crores.

However, till this date, most of the victims of the horrific disaster have not

been compensated. Another example would be the Bhanwari Devi gang rape case. This sensational case was the one that led to the development of sexual harassment against women legislation in India. However, the victim of the case is still hoping for justice even today, 29 years down the line. Nearly three decades have passed, and several of the accused have breathed their last. "Yaha nyaya nahi mila, Bhagwan ki adalat mein toh milega. (I may not have got justice here, but they will be tried in God's court)," the brave Devi firmly believes.

Like any other institution in India, the Indian judicial system is also plagued with corruption. Evidence has also been tampered with in several cases due to political pressure or sometimes due to callousness.

Over the decades, corruption in the Indian judiciary coupled with political influence and power had increased to a large extent. It is sad to say that despite being one of the most powerful organs of the government, several cases have opened the eyes of the public to the apparent corruption present in the Indian judiciary.

The high-profile murder case of law student Priyadarshini Mattoo was one in which the law student was allegedly brutally murdered and raped by Santosh Singh, who was the son of a high-ranking police officer. The accused's death sentence was ultimately commuted to life imprisonment by the Supreme Court. This is one of the cases to have triggered public indignation over the miscarriage of justice at the instance of a high profile and influential accused and tampering of evidence was a major issue faced by the prosecution.

A crime affects the life of a victim completely. Once the victim meets the formal legal system after filing of the complaint, ensuring the safety and welfare of the victim ought to be a duty of the State. In several cases due to lack of protection to the survivor victim, the accused tends to misuse this lack of safety to pressurize and/or harm the victim and her family. Even if the victim does get the judgment in his/her favor after several years, would such justice balance out the threats that she had to face for all the years when the trial was in process?

On 28 July 2019, the 2017 Unnao rape case victim and her lawyer were seriously injured and two of her family members died when a truck struck their car. The truck had blackened license plates, and the police officers assigned to provide security for the victim were not present, with the explanation that there was no

space in the car in which the victim was traveling.

In another horrifying incident at Unnao, the 23-year-old Unnao rape case survivor who was burnt alive on Thursday by two accused died on Friday night at Delhi's Safdarjung Hospital after battling for life for almost 40 hours. The young rape survivor had been attacked on Thursday morning by two - Shivam Trivedi and Shubham- accused of raping her last December. As she was on her way to nearby town Raebareli to testify against the criminals in a local court she was waylaid, attacked, stabbed and then finally doused with kerosene and set ablaze in broad daylight.

Just how the safety of victims is necessary, it is equally necessary to safeguard the safety of witnesses of a case. Witnesses are a key element in a criminal trial, as it is the testimonies of the witnesses, which establish the guilt of the accused. However, it is not uncommon to see witnesses turning hostile due to facing threats, intimidation, use of power and influence amongst other factors.

Cases wherein the witness or his/her family has been harmed are common stories in India. Vikash Kumar, a witness in two different murder cases, was shot dead near Hakimganj in Bihar's Lakhisari district in March this year. Vikash was set to testify in the retired Army jawan murder case before a court in Lakhisarai but was killed.

Hence, there are several judgments given in favor of the accused because the witnesses have turned hostile which makes one question the delivery of justice in that case. As the Indian Courts have often recognized, "The edifice of administration of justice is based upon witness coming forward and deposing without fear or favor, without intimidation or allurement in Courts of Law."

Thus, right to a speedy and fair trial is an important facet of the right to life as held by the Indian courts. It is further important to flip and look at the other side and note the hardships faced by the accused in certain cases.

The pendency of cases and the inordinate delays lead to injustice for the accused as well. In Indian prisons, majority of the prisoners are undertrials. In certain instances, some undertrials end up spending more amount of time inside the jails than the actual term that they would have served if found guilty. Additionally, the expenses incurred by the accused to defend himself through a lawyer and the pain that he/she goes through cannot be neglected.

Such inordinate delays in disposal of any case are a huge injustice for the accused as well who may be innocent and had to face several hardships throughout the entire long duration of the trial. Additionally, one cannot forget that an accused in a criminal case is always presumed innocent unless proven guilty in a court of law.

The recent outrage in the nation upon the death of Father Stan Swamy who was charged under the Unlawful Activities (Prevention) Act (UAPA) for an alleged Maoist conspiracy that led to caste clashes near the Bhima Koregaon village some years ago. Many citizens expressed anger at the way he was jailed during Covid-19 and repeatedly denied bail, despite his sensitive medical condition as he was suffering from Parkinson's disease. Historian Ramachandra Guha termed his death as "a case of judicial murder".

Another important concern is the stigma faced by the victims of several crimes, especially in sexual offences in the society. The victim has to face a lot of stigma and the society does not shy away from trying to judge the victim's character or search ways to try to place the blame on the victim for the horrendous incident that has traumatized him/her for life. In certain areas, it is also observed that such victims face a huge amount of humiliation to face society and find it difficult to reintegrate and live their lives in peace. In such cases, even if the judiciary passes an order in favor of the victim by convicting the accused, we would fail as a society in the eyes of justice.

Media trials are yet another concerning issue when it comes to ensuring a fair trial. The media is also an important pillar of a democracy. But of lately, it has turned into a public court by determining the guilt or innocence of an accused whose case is currently pending before the courts.

The case of the untimely death of Sushant Singh Rajput and the media trials conducted on the alleged involvement of his girlfriend Rhea Chakraborty is an unfortunate example of a media trial where some media channels went ahead and even declared her guilty by attempting to show certain so-called evidence. As a result of this, the public is prejudiced due to which the accused who should have been assumed innocent is presumed to be a criminal abandoning all his rights and liberty unrepressed.

Hence, the above factors make one understand that justice is unfortunately not served in the Indian system even today. This does not mean that it happens in all cases. Undoubtedly, there are

numerous judgments in which our Courts delivered effective and timely justice, safeguarding the interests of the parties involved.

However, if the above discussed factors exist, we cannot say that justice is served in our society as failure to deliver justice to even a small proportion of the population is a huge setback to our society. This would eventually lead to lack of faith and trust of the public in the judiciary which would lead to a collapse of the entire system. Hence, these factors ought to be tacked immediately and effectively.

As Lord Hewart rightfully said,

"Justice must not only be done, but must manifestly be seen to be done".

THE COVID-19 CRISIS: A NEW CHALLENGE BEFORE THE INDIAN JUSTICE AND COURT ADMINISTRATION SYSTEM

1.1- Impact of the COVID-19 crisis on the Working of the Lok Adalat's (People's Courts)

To be more accessible to the people, Mobile Lok Adalat's also function in various parts of the country travelling from location to location to resolve disputes.

It has been rightly observed that the concept of Lok Adalat (People's Court) is an innovative Indian contribution to world jurisprudence. The introduction of Lok Adalat's added a new chapter to the justice dispensation system of this

country and succeeded in providing a supplementary forum to the victims for a satisfactory settlement of their disputes.

The ruling of a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law. The Legal Services Authorities Act of 1987 gave a statutory status to the Lok Adalat, pursuant to the constitutional mandate specified in the Article 39-A of the Constitution of India.

Ever since beginning, the mode of hearing in Lok Adalats has been through physical presence of the concerned parties. However, of late, a new trend is observed in their functioning. More specifically, the COVID-19 crisis safety protocols have compelled the introduction of virtual hearings in this avenue of justice administration as well.

This is clearly evident from the case of the Punjab State where this new trend has initiated. In early December 2020, admitting the impact of the COVID-19 crisis, the concerned legal authority of the Punjab State had announced that 'In view of the Covid pandemic, the Punjab State Legal Services Authority has decided to hold National Lok Adalat in the e-Lok Adalat format for the first time in the entire state on December 12," and the District and Sessions Judge and Member Secretary of the Punjab State Legal Services Authority clearly specified that "…the decision to conduct e-Lok Adalat has been taken to maintain social distancing protocol amid the pandemic'.

1.2- COVID-19 Crisis and Functioning of Courts

In addition to derailing other sectors, the COVID-19 crisis had also seriously impacted the normal functioning of justice administration in India, as in other countries and threw a spanner in the way of normal functioning of courts. Not only in the Apex Court and high courts in all the states of the country but the reverberations of the COVID-19 crisis were also felt till the lowest rung of justice administration, i.e., all the district and subordinate courts.

Briefly, in simple terms, what kind, and the ambit of impact the COVID-19 crisis had on the functioning of courts in India can be gauged from various court orders issued from time to time by competent judicial authorities.

1.2.1- The Supreme Court of India

Taking the case to the Supreme Court first, a number of steps were taken at that level to ensure the safety of the lawyers, litigants and the general visiting public. Early enough the Supreme Court had also started taking necessary precautions to counter the threat of the COVID-19 crisis.

For instance, the Supreme Court issued a notification in March 2020 and directed that the functioning of the Courts from Monday, 16 March 2020 was to be restricted to urgent matters with such number of Benches as may be found appropriate. Further, no persons except the lawyers who were going to act in the matter, i.e., either for argument or for making oral submissions or to assist along with one litigant only, were to be permitted in the courtroom. Mentioning of matters were to be made before the Mentioning Officer only.

What is of particular significance is that in view of the COVID-19 crisis, the Supreme Court also laid down the standard operating procedures for lawyers and litigants-in-person for attending urgent hearing of a matter through video conferencing.

It is significant to note that in view of the COVID-19 crisis threat, the Supreme Court decided to use technology more in judicial proceedings and directed that for services of notices and summons, pleadings it was realized that it was not possible during lockdown to visits postal offices so Apex Court permitted that the service of notices and summons may be done by email, fax, or through an instant messenger service. Significantly, the Supreme Court had earlier taken Suo Motu cognizance of the difficulties faced by lawyers and litigants during lockdown due to COVID-19 and had decided to extend the period of limitation prescribed under laws for initiating arbitral proceedings and the cheque bounce cases with effect from March 15 till further orders. Also, regarding the functioning of Commercial Courts, the Supreme Court had extended the limitation period fixed for mediation by 45 days after lifting of the lockdown.

1.2.2 The High Courts

At the next lower level of justice administration, i.e., at the State level, even the high courts in the country did not lag and had been issuing COVID-19 crisis related guidelines from time to time.

For instance, to take an illustrative example of one State Court, in April 2020, keeping in view the prevailing situation arising due to outbreak of the

novel coronavirus (COVID-19), the Hon'ble Chief Justice of the Punjab and Haryana High Court ordered that while performing the duty in the court, the judicial officers as well as the officials were to ensure the proper precautionary measures to be adopted strictly including use of masks, hand sanitizers etc. besides maintaining safe social distancing. Directions were also issued that whenever any person was to be produced in the court by the police for the purpose of the police remand etc.

1.2.3 The District and Subordinate Courts

In March 2020 again, at the grassroots level of justice administration also, necessary directions were given to all the District and Subordinate Courts all over the country by their respective high courts to strictly adhere to various guidelines issued regarding the COVID-19 crisis to check its spread. For illustration, the Hon'ble Chief Justice of the Punjab and Haryana High Court had issued on 17 March 2020 the following orders.

All the Courts at District and Sub-Divisional level in the States of Punjab, Haryana and U.T. Chandigarh were to take up only bail matters and matters requiring urgent stay/injunction, till further orders. The remaining matters were directed to be adjourned. The matters fixed for final argument (including time bound matters) were to be adjourned to date beyond 31.03.2020.

If prayed, the Court was to consider the exemption applications sympathetically and avoid personal appearance, as far as practicable, to avoid human footfall in the Court Complex. While avoiding passing of adverse/default orders every effort was to be made by the Judicial Officers to avoid crowding in the respective Court Room/s. No under-trial prisoner was to be produced before the subordinate courts till further orders and facility of video Conferencing was ordered to be utilized for the said purposes including extension of remand.

Significantly, it was ordered that in all the matters effort was to be made by the concerned Courts to use Video Conferencing facilities, thereby avoiding human contact. It is to be noted that the orders also covered the court premises as well as the canteens and Bar Rooms with clear directions that the District and Sessions Judge(s) were forthwith required to coordinate with the District Administration, Health Authorities, Bar Association for ensuring the cleanliness/sanitization in the Court Premises.

The representatives of the Bar Association were also requested to avoid crowding in the Bar Rooms and, if necessary, the closure of the Bar Rooms and Canteens during this period was also to be considered. The orders also discouraged clients' physical presence in the court premises and directed that the advocates be instructed through the representatives of the Bar Association to advise their clients not to visit the Court Complex unless their presence was directed by the Court or was unavoidable.

Most importantly, it was also ordered that all precautionary measures as advised by the government authorities in the matter were to be strictly adhered to and followed in letter and spirit.

1.2.4 Virtual Hearings

As a result of these measures, court virtual hearings are becoming more and more common by the day. Normally, virtual proceedings were being conducted in the pre-COVID-19 crisis era generally in criminal cases where the accused could not be produced physically before the court due to security reasons. However, due to the strict COVID-19 crisis safety protocols, the courts have started hearing even the normal cases through videoconferencing. To quote some recent examples, 'High Court stays regular selection of medical faculty,' stated a newspaper headline and besides giving other details about the case also mentioned that the parties appeared before the Bench through 'video-conferencing'.

In line with this new trend, according to the Law Ministry, the e-Committee of the Supreme Court and the Department of Justice of the Government of India, released funds 'to set up video conference (VC) cabins in 2,506 court complexes across the country, … While 5.21 crore (over Rs. 5 million) was released in September (2020) to set up the cabins, another Rs. 28.89 crore (nearly Rs. 29 million) was given in October to buy equipment'.

Incidentally, it is interesting to note here that the pre-COVID-19 crisis era was never witness to such a haste in resorting to the use of technology in justice administration in India and the judiciary had even opposed it earlier. For instance, though the use of the video conferencing mode of court hearings had made its appearance much prior to the COVID-19 crisis, at that time the judiciary was divided over the benefits or

appropriateness of its use. Even the Supreme Court of India dilly-dallied in its view and did not seem to be sure whether to favor video-conferencing or e-hearings in justice administration or not.

Under the changed circumstances the Supreme Court has started playing a different tune regarding video conferencing, 'In fact, it (the Supreme Court) has fast-forwarded that which was in the pipeline for a few years now – court hearings through video conferencing.' The Supreme Court now appears to be going full steam and encouraging e-hearings in E-judiciary.

THE COURTS' RESPONSES TO COVID-19 – A SPEEDIER METAMORPHOSIS OF E-COURTS TO E-JUDICIARY IN THE POST COVID-19 CRISIS ERA

So, summarizing broadly, it can be said that the E-courts in India are digitized courts which, using the information and communication technologies (ICTs) and the Internet, provide online information to various stakeholders. Such online information may be a one way or two-way communication.

One-way information involves the courts providing information online, such as every possible information as made available on a court's website. It also includes sending information to a person through any commonly used electronic mode such as SMS or WhatsApp. Whereas a two-way traffic, for example, includes online interaction among the litigants and lawyers and the courts.

In fact, it would also be pertinent to mention here that much before the advent of the COVID-19 crisis, E-courts had also become quite common in many

other countries of the world as well, including the United States, South Korea, Singapore and so on.

In India, as in other countries, the E-courts were already playing an important role in avoiding unnecessary congestion in the courts by giving opportunities to stakeholders to interact online with courts — a requirement that had emerged and had become more of a necessity much later under the safety protocols of the COVID-19 crisis.

However, E-judiciary is a step beyond E-courts. E-judiciary involves not only filing of cases online, but also includes, among other things, avenues for online interaction between the judges and advocates, online proceedings, online examination and cross examination of witnesses and finally passing of online judgements.

Prior to COVID-19, after the success of E-courts, there was no urgency in moving forward and things had been moving at their own bureaucratic pace in the implementation of E-judiciary in India.

However, the COVID-19 crisis, due to its safety protocol norm of social distancing, started nudging the judicial administration to take a quicker leap from the existing stage of E-courts and jump to the next level, i.e., E-judiciary. In fact, as a direct consequence of the COVID-19 crisis, after E-courts we are now witnessing a new impetus to leapfrog from E-courts to E-judiciary as a preferred mode of justice administration in courts at various levels, as the following examination of the courts' responses to COVID-19 illustrates.

COVID-19 Crisis and Functioning of Courts

In addition to derailing other sectors, the COVID-19 crisis had also seriously impacted the normal functioning of justice administration in India, as in other countries and threw a spanner in the way of normal functioning of courts. Not only in the Apex Court and high courts in all the states of the country but the reverberations of the COVID-19 crisis were also felt till the lowest rung of justice administration, i.e., all the district and subordinate courts. Briefly, in simple terms, what kind, and the ambit of impact the COVID-19 crisis had on the functioning of courts in India can be gauged from various court orders issued from time to time by competent judicial authorities.

1. **The Supreme Court of India**

Taking the case of Supreme Court first, several steps were taken at that level to ensure the safety of the lawyers, litigants and the general visiting public. Early enough the Supreme Court had also started taking necessary precautions to counter the threat of the COVID-19 crisis.

For instance, the Supreme Court issued a notification in March 2020 and directed that the functioning of the Courts from Monday, 16 March 2020 was to be restricted to urgent matters with such number of Benches as may be found appropriate. Further, no persons except the lawyers who were going to act in the matter, i.e. either for argument or for making oral submissions or to assist along with one litigant only, were to be permitted in the courtroom.

Mentioning of matters were to be made before the Mentioning Officer only. What is of particular significance is that in view of the COVID-19 crisis, the Supreme Court also laid down the standard operating procedures for lawyers and litigants-in-person for attending urgent hearing of a matter through video conferencing.

Due to safety reasons in view of the COVID-19 crisis, the Supreme Court had also cautioned that within the court premises ``in view of the advisory issued by the Government of India cautioning against mass gathering(s) to avoid the spread of Novel Coronavirus (sic) (COVID¬19) infection, following precautionary measures are being put in place '(emphasis added)'….

All staff members are impressed upon not to crowd at any particular place in the Supreme Court premises, except where their presence is officially required." Moreover, the Supreme Court of India had been operating at a reduced capacity since mid-March 2020, "to help prevent the spread of COVID-19. Nevertheless, with the aid of technology, it has continued to hear urgent matters, while still safeguarding the health of judges, advocates, litigants, and registry officials '(emphasis added)'. It has relied heavily on e-filing and video-conferencing to continue to operate."

It is significant to note that in view of the COVID-19 crisis threat, the Supreme Court decided to use technology more in judicial proceedings and directed that for services of notices and summons, pleadings it was realized that it was not possible during lockdown to visits postal offices so Apex Court permitted that the service of notices and summons may be done by email, fax, or through an instant messenger service.

Significantly, the Supreme Court had earlier taken Suo motu cognizance of the difficulties faced by lawyers and litigants during lockdown due to COVID-19 and had decided to extend the period of limitation prescribed under laws for initiating arbitral proceedings and the cheque bounce cases with effect from March 15 till further orders.

Also, regarding the functioning of Commercial Courts, the Supreme Court had extended the limitation period fixed for mediation by 45 days after lifting of the lockdown.

2. The High Courts

At the next lower level of justice administration, i.e., at the State level, even the high courts in the country did not lag and had been issuing COVID-19 crisis related guidelines from time to time. For instance, to take an illustrative example of one State Court, in April 2020, keeping in view the prevailing situation arising due to outbreak of the novel coronavirus (COVID-19), the Hon'ble Chief Justice of the Punjab and Haryana High Court ordered that while performing the duty in the court, the judicial officers as well as the officials were to ensure the proper precautionary measures to be adopted strictly including use of masks, hand sanitizers etc. besides maintaining safe social distancing.

Directions were also issued that whenever any person was to be produced in the court by the police for the purpose of the police remand etc., it was to be ensured that such person was wearing mask and his hands were properly sanitized before entering the court complex and the safe social distancing was to be maintained inside the court.

3. The District and Subordinate Courts

In March 2020 again, at the grassroots level of justice administration also, necessary directions were given to all the District and Subordinate Courts all over the country by their respective high courts to strictly adhere to various guidelines issued regarding the COVID-19 crisis to check its spread.

For illustration, taking the example of the all the District and Subordinate Courts in the states of Punjab, Haryana, and the Union Territory of Chandigarh, regarding precautionary measures in wake of pandemic due to outbreak of Novel Coronavirus (COVID-19), the Hon'ble Chief Justice of the Punjab and Haryana High Court had issued on 17 March 2020 the following orders.

All the Courts at District and Sub-Divisional level in the States of Punjab,

Haryana and U.T. Chandigarh were to take up only bail matters and matters requiring urgent stay/injunction, till further orders. The remaining matters were directed to be adjourned. The matters fixed for final argument (including time bound matters) were to be adjourned to date beyond 31.03.2020. If prayed, the Court was to consider the exemption applications sympathetically and avoid personal appearance, as far as practicable, to avoid human footfall in the Court Complex. While avoiding passing of adverse/default orders every effort was to be made by the Judicial Officers to avoid crowding in the respective Court Room/s. No under-trial prisoner was to be produced before the subordinate courts till further orders and facility of video Conferencing was ordered to be utilized for the said purposes including extension of remand.

Significantly, it was ordered that in all the matters effort was to be made by the concerned Courts to use Video Conferencing facilities, thereby avoiding human contact. It is to be noted that the orders also covered the court premises as well as the canteens and Bar Rooms with clear directions that the District and Sessions Judge(s) were forthwith required to coordinate with the District Administration, Health Authorities, Bar Association for ensuring the cleanliness/sanitization in the Court Premises.

The representatives of the Bar Association were also requested to avoid crowding in the Bar Rooms and, if necessary, the closure of the Bar Rooms and Canteens during this period was also to be considered. The orders also discouraged clients' physical presence in the court premises and directed that the advocates be instructed through the representatives of the Bar Association to advise their clients not to visit the Court Complex unless their presence was directed by the Court or was unavoidable.

The unit criteria and Action Plan applicable to all subordinate courts was ordered to remain suspended from 16.03.2020 till 31.03.2020. Institutional training was also ordered to be stopped with clear instructions that the Chandigarh Judicial Academy was to suspend all its Institutional Training programmes, till further orders.

The subordinate judiciary was asked to remain alert and if necessary, the District and Sessions Judges in order to meet out any eventuality with regard to precautionary measures in wake of pandemic novel coronavirus (covid-19)

were authorized to take suitable administrative measures at their own level with prior intimation to the respective Hon'ble Administrative Judge.

Most importantly, it was also ordered that all precautionary measures as advised by the government authorities in the matter were to be strictly adhered to and followed in letter and spirit.

4. Virtual Hearings

As a result of these measures, court virtual hearings are becoming more and more common by the day. Normally, virtual proceedings were being conducted in the pre-COVID-19 crisis era generally in criminal cases where the accused could not be produced physically before the court due to security reasons.

However, due to the strict COVID-19 crisis safety protocols, the courts have started hearing even the normal cases through videoconferencing. To quote some recent examples, 'High Court stays regular selection of medical faculty,' stated a newspaper headline and besides giving other details about the case also mentioned that the parties appeared before the Bench through 'video-conferencing'.

In line with this new trend, according to the Law Ministry, the e-Committee of the Supreme Court and the Department of Justice of the Government of India, released funds 'to set up video conference (VC) cabins in 2,506 court complexes across the country, … While 5.21 crore (over Rs. 5 million) was released in September (2020) to set up the cabins, another Rs. 28.89 crore (nearly Rs. 29 million) was given in October to buy equipment'.

Incidentally, it is interesting to note here that the pre-COVID-19 crisis era was never witness to such a haste in resorting to the use of technology in justice administration in India and the judiciary had even opposed it earlier. For instance, though the use of the video conferencing mode of court hearings had made its appearance much prior to the COVID-19 crisis, at that time the judiciary was divided over the benefits or appropriateness of its use. Even the Supreme Court of India dilly-dallied in its view and did not seem to be sure whether to favor videoconferencing or e-hearings in justice administration or not.

More specifically, "In the year 2014, a Division Bench of the Supreme Court, while allowing a transfer petition, made observations about the usage of video conferencing facility to hold matrimonial

proceedings when both parties were not located within the jurisdiction of the same court…. Soon after this judgment was pronounced, the Supreme Court took to directing video conferencing in most transfer petition matters.

However, this change was short lived, as a subsequent three-judge bench judgment of the Court in Santhini v. Vijaya Venketesh overruled the judgment in Veni Nigam's case.

Notably, the judgment in Santhini's case was delivered by a 2:1 majority.

While the majority (the then Chief Justice Dipak Misra along with Justice AM Khanwilkar) took the view against video conferencing '(emphasis added)', Justice DY Chandrachud dissented and wrote an opinion in favor of video conferencing".30 Earlier reservations in judiciary notwithstanding as 'The judgment in Santhini's case to a large extent dissuaded the adoption of video conferencing in conducting hearings, …. Yet, when the exigency of COVID-19 stuck the nation, only video conferencing came to the rescue of litigants.'

Ironically, under the changed circumstances the Supreme Court has started playing a different tune about video conferencing, 'In fact, it (the Supreme Court) has fast-forwarded that which was in the pipeline for a few years now – court hearings through video conferencing.' The Supreme Court now appears to be going full steam and encouraging e-hearings in E-judiciary but, nevertheless, hastened by the COVID-19 crisis, it took six years for that metamorphosis to happen in justice administration in India.

THE POSSIBLE CHALLENGES TO E-JUDICIARY

The judiciary is one of the four pillars of any democracy. In 2020, the entire world was taken aback by the Covid 19 pandemic. One of the major changes witnessed across the globe was the transition from the physical mode to the online mode across various sectors of life, be it education, work or even the judiciary.

There was no doubt that there could be no halt in the access and delivery of justice in India even during the unprecedented times being faced during the ongoing pandemic. And in the event of rising number of covid 19 cases, the Supreme Court, High Courts and several district and subordinate courts began

functioning virtually during lockdowns. It is, however, pertinent to note that the concept of e-judiciary for India was already in focus and was an ongoing project in the recent years even before the onset of the pandemic. An E-Court project was in the development phase and the E-courts service app was in use. However, the Covid 19 pandemic forced the judiciary to take a quick and much needed leap towards functioning virtually, especially for the hearing of urgent matters, due to the requisite social distancing norms.

The primary goal of the establishment of E-courts is to ensure that justice is delivered to all citizens in a transparent, accessible, and less expensive manner via virtual courts. However, an e- judiciary in India at present also has given rise to several challenges.

The challenges to setting up an e- judiciary in India are as follows:

1. Need for a well-established system

Setting up an e-judiciary permanently for the long run calls for the establishment of an organized and reliable for the entire process. When the SC had begun functioning virtually for urgent matters during the lockdowns, several lawyers lamented over the poor technical arrangements for the virtual hearings. Receipt of the meeting links at the last moments coupled with serious network issues and bad quality of the calls were cited.

A systematic system needs to be designed to ensure that all the necessary documents are handed over in time for such virtual hearings. It is critical to draw up a well-defined and comprehensive framework as it can help in laying a concrete roadmap and direction to the scheme of the e-judiciary in India.

2. Highly costly affair

E-Courts will additionally, also prove to be cost-intensive as setting up state of the art e-courts and the necessary infrastructure will require the deployment of new-age technology. In the long run, e-courts may face the issue of lack of sufficient funds.

3. Efficient and organized Data storage facility

Another challenge when it comes to an e-judiciary is the importance of setting up a centralized portal for safe-keeping of judicial information.

The amount of data that would have to be managed and stored in such a system would be one of the biggest challenges faced by the judiciary. It is estimated that

approximately 85k files with 1.3TB data will be generated per year.

It is also vital to ensure that the data storage facility is reliable and not a single data or file would

4. Challenges for the Advocates

Another challenge brought by e- judiciary is the fact that the advocates must be well versed in the usage of technology and must keep up with the changing needs in the society.

Even the Parliamentary Panel recognized that more than half of lawyers, particularly in the district and subordinate courts, lacked a laptop or a computer and further, lacked the abilities necessary for participation in virtual hearings. Nonetheless, it believed "In coming times, technology will emerge as a game-changer and advocates would be required to use technological skills in combination with their specialized legal knowledge and, therefore, they should keep up with the changing times"

Thus, there exists a need to train all the individuals involved in the judicial process, including advocates, judiciary, judicial officers, clerks, and other court staff to ensure that they are keeping up with the rapid changes in technology.

5. Cyber security and related threats

With the advent of e-courts, Cyber security is yet another concern. Initially, the SC had instructed that the virtual hearings would be conducted through an application known as 'Vidyo'. However, later. WhatsApp, google meet and Zoom calls have been frequently used by several courts while holding virtual hearings.

Such applications would ignite further concerns regarding confidentiality and protection of data of such hearings. A pillar of a democracy should not rely on such third- party apps.

Further, protecting the data in an e-judiciary and safeguarding it against any cybercrime is essential. As of now, the Government has undertaken steps to address this issue, however, it is mostly focused on merely framing and issuing guidelines. The practical reality and further implementation are yet to be observed.

6. Behavior of witnesses and falsification of evidence

Experts believe that there is a huge difference between evidence testified in an open court and in a virtual hearing. For instance, expressions and body language play a huge role during the process of cross- examination. However,

this is hugely impacted in a virtual hearing as the facial expressions and gestures may not be clearly visible or may be distorted due to low network or delay in streaming.

Similarly, the witness or complainant in a virtual hearing will testify from the comforts of their home and may not feel the pressure which one feels in the court atmosphere, which may lead to increase in false testimonies.

7. Access to justice

Another major concern for the smooth functioning of a e-judiciary is the digital divide in India, which is an alarming reality. Several areas in India, especially the rural areas do not have the privilege to enjoy the facilities of electricity and internet in their areas.

Official statistical reports in 2017 stated that approximately 72% of the population in India does not have any access to internet facilities. Because of the same, the access to justice to the population belonging to such areas is seriously affected. It should never be the case that the judiciary has seemed to have shut its doors for the poor and underprivileged sections of society.

Hence, the transition journey for our Indian judiciary to a e-judiciary would not be one through a bed of roses. The above discussed challenges ought to be addressed for the smooth functioning of the e- courts and for faster yet effective delivery of justice, even during unprecedented times.

Source:https://www.thequint.com/news/law/how-virtual-court-hearings-impacted-prisoners-right-to-fair-trial

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COMPARISON BETWEEN JUSTICE SERVE IN INDIA AND JUSTICE SERVED IN OTHER COUNTRIES

There is a need to explore the current state of justice in India in comparison to how justice is served in other countries. Although relative in its application, justice is uniform at its core. In India, there lies a presence of one hundred and thirty police officers per one lakh people.

There exist nine investigation departments under the Central government that has prepared examination officials to check any

criminal behavior occurred in the past or occurring. Five Policing Agencies goes under the state including the Traffic Police – who is liable for both keeping up with and researching violations.

All reported crimes need legitimate assets (both human and innovative) to gather proper evidence and observers need to be introduced in court based on which 'justice' is being filled in according to its expression in the Constitution.

In any case, on the off chance that you anyplace examine India particularly in UP, Bihar side you can undoubtedly figure out that either a police power is insufficient or unfit or reluctant to perform examination given the political tension, and this is normal for people. For the most part matters which are given solid inclusion from media are "somewhat" appropriately explored yet that as well (is problematic given the confirmations are compromised in the due time). Additionally, the support of Evidence and Witnesses and case files are likewise a question of concern.

We Indians have a fixed and inflexible idea of justice. As we probably are aware, our legal executive is visually impaired and depends solely on facts, eyewitnesses and figures, and while it has its pros and cons, in the long run it doesn't make any difference that how often verifications and offender will change his assertion. The representation by the attorney is authentically founded on criminal's monetary status and case's force. No matter what the case might be, in most cases – the monetary status can very well act as a determiner for the fact whether the person would get a spotless chit from the court. Salman Khan got his clean chit, however what about people like Narullah Shariff?

Nirbhaya was the situation of genuine bad faith of Indian legal powers just to grave it under of contemplations of normal people. Being a lady, I was stunned and broken heart by knowing the way that the very own capital could be unsafe. The Indian government did not lie behind to search for the advantages it could reap by scrutinizing the resistance from their grimy legislative issues yet additionally this dolt legal law was failed to provide justice for her.

Such violations are a genuine mirror to show us all that we are all its part as well and by one way or another we assisted with raising its heads more definitely on the grounds that we never talk until it's our own issue.

JUSTICE IN AMERICA

Justice, in a way of thinking, is an elusive idea. Plato's Republic helps us to remember the reality behind the idea of justice and the perception it offers is that perhaps justice is illusionary, and there is no justice at all. We will be characterizing justice as a fair reaction to one's activities.

Our justice framework has as hard a period as any reaching this end, however it isn't without progress. At the point when we look on a singular level at the consequences of our courts, we can put forward the viewpoint that justice had been served. However, it is fairly like contrasting apples and oranges, the activities of culprits are met with as near impartial activity as we can see.

For example, the new preliminary of charged sanctuary executioner Jonathan Doody in Arizona showed the preliminary framework's capacity to have balanced governance as it needed to attend two court dates before consistent conviction was reached. This significant advance is fundamental in the decision of what the result will behold, however human blunder doesn't leave it as a matter of course. The antagonistic preliminary framework is all that that we can define in deciding the establishment of justice with wide, culpability or guiltlessness.

Following that, we can ascribe punishments for activities. In the above case, it not really settled that Mr. doody will spend whatever remains of his life in jail. This sets up an impartial proportion of life for life in the best way where we can.

JUSTICE IN UNITED KINGDOM

My viewpoint is that it is an exhaustive framework, yet the foundation part of the "framework" is coming up to be short. This isn't simply in criminal yet in all the Ministry of Justice courts. They are shutting courts to "set aside cash" however are confronting the expense of shut structures.

A renowned district court in my own town got shut about eleven years back, and the structure has been abandoned. The closest province court lies at a comparatively farther distance of twelve miles and is intensely overbooked. As an offended party you can regularly have your case suspended because of a put away, break directive or comparative where time is of the pith. At the point when you arrive, you are frequently lined up and the adjudicators are regularly truly

irritated by the in and out strain on hearings.

Judge's courts are likewise being shut and moved.

It implies that many police headquarters have cells loaded with detainees and presently need to go about as cab drivers rather than simply taking them straightforwardly from the cells at the station and into the court. In the town where I grew up the police headquarters had the typical functional part which included formally dressed and fields garments, an enormous region for police vehicles to be noticeable, carports, a public office, police houses, cells, and a justice court. The structure is still there however empty except for the vehicles in the front, an office and an occasionally open public work area.

SUGGESTIONS AND RECOMMENDATIONS TO ENSURE THAT JUSTICE IS BEING SERVED

Over the years, the Law Commission of India's reports have recommended several reforms. In addition to these, there were reports by Justice GC Rankin (1925), Justice SR Das (1949), and Justice VS Malimath (2003). Civil society organizations have also released reports on the different facets of the justice delivery system. Despite the plethora of such documents, the inefficient justice delivery system has only become more inefficient.

To redress the situation, we need to have a bottom up approach. The principal problem is with the district courts where lakhs of litigants meet the justice delivery system. Unless the problems of these courts are addressed, other temporary changes and ad hoc reforms at the Supreme Court and high courts will have no bearing on the system, and the average litigant will continue to suffer "the slings and arrows of outrageous fortune."

It is time to stop discussing hackneyed issues such as filling up vacancies (how many judges do we really need?), tackling the huge number of pending cases (how do you define pendency?), and establishing special courts or fast-track courts (now special fast-track courts and fast-track special courts) and get on with reforms. Lord Devlin is believed to have said: "If our business methods were as antiquated as our legal

system, we would have become a bankrupt nation long back". How true, in our context.

Here are some suggestions to improve the legal system:

First, improve the district courts. A high-level team must visit each district court to ascertain what is lacking in terms of infrastructure and facilities. It would surprise many to know that many court halls and rooms for the registry have not been whitewashed for several years. Broken windows, chairs, shelves and almirahs can be found across most.

Second, identify the number of pending cases and the status of each case. My experience has been that judges know the number of pending cases, but not their status. During a discussion organized by the National Judicial Academy, Bhopal, it became clear that a large number of criminal cases are being shown as pending because of inadequate or insufficient responses from the prosecution. With some assistance, such cases can literally be disposed of in a matter of minutes.

Discussions must also be held with district court judges to appreciate the bottlenecks they encounter in their day-to-day functioning and to understand their needs with a view to ease their high-pressure assignment. Some people tend to postpone decisions, but judges cannot afford to do so and must decide several requests and cases every day.

Third, case and court management must be encouraged and embedded in the justice delivery system. (Case management is a comprehensive system of management of time and events in a lawsuit as it proceeds through the justice system, from initiation to resolution).

These are some illustrative suggestions, but there is enough data and research that can be used to change the legal system. However, what is absent is a strong will to change.

It is worth recalling from the preface to the Justice Malimath Committee's report: "Everything has been said already, but as no one listens, we must always begin again." (Andre Gide).

A beginning can be made (again) today, and with the "nudges" suggested by several organizations in the India Justice Report, which was released on November 7 in New Delhi.