

## **Topic: Emergence of Justice delivery system in India: Current challenges and suggestions.**

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## ABSTRACT

The system of justice in India, pivotal to democratic ideals, ensures equal access to justice under the law for all citizens. The justice delivery system in India is not new; it dates back to the Vedic era. Since the beginning of society, there have been rules and regulations to ensure proper governance. These rules and regulations were not formal, but they were profoundly influenced by religion, customs, and the will of the ruler or chief, and they were not uniform throughout the country. Different states had different laws, and even the rules changed across tribes, colonies, etc. As society progressed, laws changed and finally India became Independent on the 15<sup>th</sup> of August 1947 and from then we can witness the era of the formal and codified laws. Indian laws are regarded as the most effective and people-friendly laws in the world today. Every citizen is protected by the Indian Constitution, human rights laws are enforced, and the Indian people enjoy a plethora of other rights and privileges that are uncommon in other nations. Despite progress, it faces numerous obstacles that hinder its effectiveness, fairness, and broad reach. This article explores these challenges, focusing on different persisting challenges and proposing practical solutions to strengthen India's justice delivery framework.

India's justice system comprises a vast network of courts, law enforcement agencies, and supporting institutions. Rooted in the Indian Constitution, it guarantees fundamental rights like legal equality (Article 14) and fair trials. However, realizing these rights is often obstructed by procedural delays, case backlogs, judicial accountability deficits, and inefficiencies within police operations.

## 1. Introduction

*A King who administers justice in accordance with 'dharma', evidence, customs, and written law will be able to conquer whole world" -Kautilya*

"Justice" the word itself denotes a sense of responsibility, equality, fair treatment, better policy, reasonable laws, etc. According to the Oxford Dictionary, justice means "*the fair treatment of people*". As the definition denotes the fair treatment of people, it must be achieved through a proper system, a channelized mechanism. The main issue is that by whom and how the meaning of the word justice will be ensured. Justice should prevail through a proper system, i.e., a justice delivery system. The main aim of the justice delivery system is

to enforce laws, ensure public safety, and deliver justice to those who have been victims of crimes.

The concept of justice lies at the heart of any functioning society, serving as the bedrock upon which social order, stability, and trust are built. In the Indian context, the pursuit of justice is enshrined as a fundamental principle in the Constitution, with the promise of ensuring equality before the law and the protection of individual rights. However, the realization of this promise remains elusive, as the Indian justice delivery system grapples with a myriad of challenges that hinder its effectiveness. The Indian justice delivery system is a complex and multifaceted entity, comprising various institutions, processes, and actors, each playing a crucial role in the administration of justice. At its core lies the judiciary, entrusted with the responsibility of adjudicating disputes, interpreting laws, and ensuring the fair and impartial resolution of conflicts. A network of law enforcement organizations supports the judiciary, with the police playing a key role in the criminal justice system.

## **2. History**

In India, the development of the justice delivery system can be traced back to the Vedic period itself. Its evolution can be traced back to having a civil law system during the Bronze Age and the Indus Valley civilization. Indian laws have been developing continuously and adapting themselves as per the requirement of time. Laws have evolved from religious sentiments, and their customs to the current constitutional system we have today. Vedas, Upanishads and other religious philosophies from Hindu customs were followed by people from different religions and others in the later time period. Continuously laws have been evolving during the various dynasties of rule in India to a secular legal system, like secular court systems under the *Mauryas (321-185 BCE) and the Mughals*.

### **2.1. Religious Laws**

Hindu Laws were something that was being followed in India for centuries as the rulers were Hindus and the country was following Hindu culture widely. Hindu laws were being governed through religious texts and sources like Vedas, Upanishads, Smritis, etc.

Dharma means righteousness, duty and law. Dharma suggested a better way of living life, moral duties, legal duties and religious duties. It was not a book of laws and procedures, but to live life in such a religious manner that a society with no crime or sins can be achieved, but

anyone who contravenes that, the texts suggested ways for its “prayaschit”. Hindu laws were distinct and were changing according to place, community, caste, people, etc.

## 2.2. Dharmashastra

Dharmashastra is a religious text in Sanskrit and it provides rules for both a household (how to live one’s life without breaking any law and committing any sin) and rules for religion, law and conduct of a king as well.

Dharmashastra majorly contains three topics:

- **Achara:** This deals with the rules for our daily conduct and household. How a person should live his life, what should be his conduct, what food should he eat, how to offer worship, what should be his conduct, his duties (according to four Varna/cate), etc.
- **Vyavahara:** This contains the rules and regulations, law. It talks about the “rajadharmas”, the dharma of a king towards his people, the conduct of a king toward the citizens of his state, enforcing the justice delivery system, conducting a fair trial, and providing punishment to the guilty one.
- **Prayaschitta:** This prescribes the punishment for different crimes/forbidden acts/sins, for violating the laws of dharma by a person.

## 3. Evolution of Justice Delivery System in India:

With the advent of the British colonial administration, India witnessed a judicial system introduced based on Anglo-Saxon jurisprudence. In Anglo-Saxon System, generally, has four vital units for the delivery of the criminal justice system, namely:-

1. Police
2. Prosecution
3. Judiciary
4. Correctional Institution

During British rule in India, there was significant growth and the development of courts in India. The Charter of 1661 was the first step toward establishing the Judicial Court in British India. In the Charter of 1687, the East India Company was given power and to construct a

Municipality and a Mayor's Court in Madras. ***Also, one can easily trace the emergence of the Independence of the Judiciary from the charter of 1726.*** The Mayor's court was completely independent of the executive, there was no interference from the executives in either the working or jurisdiction of the court. The judicial plan of 1772 had provisions for different courts like Small Cause Court, Mofussil/District Courts, Sadar/Provincial Courts. Following the Judicial Plan of 1774, the Judicial Plan of 1780 was implemented by Warren Hastings wherein the Judiciary and executive were completely separated so that both could work independently and smoothly.

Sir Elijah Impey was appointed sole Judge of the Sadar Diwani Adalat in October 1780. After taking office, Impey implemented several systemic changes in order to strengthen the judicial system. In a planned manner, he prepared 13 articles of regulation for the proper functioning of civil courts. ***After several rounds of revisions, adjustments, and additions, the first civil code of India having 95 articles was adopted and passed in July of 1781.***

Lord Cornwallis introduced a new judicial plan in 1787 where he again combined both the Revenue and Judicial system into a single authority. The collector was appointed as the authority to collect the revenue and decide the disputes arising from the revenue matter as well altogether. In 1790, Lord Cornwallis introduced the Judicial Plan of 1790 through which he restructured the whole criminal justice system in British India.

A new hierarchy of courts was established for the ease of citizens namely: Courts of District Magistrate, Circuit Courts & Sadar Nizamat Adalat. Again Lord Cornwallis introduced a new plan in 1793 and again restructured the entire system. In this system, the judiciary was separated from the executive. In the last plan, the collector was responsible for the collection of revenue, as well as looking after the cases arising out of revenue. Now, the collector was only responsible for the collection of revenue. Judicial powers were withdrawn from him in this plan.

The first Law Commission was established in 1833 with an aim to codify all Indian Laws. Lord Macaulay was appointed as the first chairman of the Law Commission. The Act required that any laws passed in India be submitted before the British Parliament. The main function of the law commission was to research the current laws, find the defects in them, suggest measures to improve them via amendments in laws, bridging the gap between the justice system and citizens, and finally bring reform to the legal system. *In accordance with*

*the first law commission's recommendations, the Code of Civil Procedure (1859), Criminal Procedure Code (1862), and Indian Penal Code (1860) were all drafted.*

### **3.1. Some other important acts to show the strengthening of the Judiciary above the social evils :**

#### **3.1.1. Bengal Sati Regulation Act of 1829**

As discussed above, every religion had its own set of conduct, and with time corruption entered everywhere. Unjustified interpretations of religious texts, superstitions and a lot more factors were responsible for such corruption.

“**Sati Pratha**” was one of the same inhuman practices followed by the Hindu community of that time. Sati was a term used to describe a widow whose husband died and who was forced to be burned alive with her husband's dead body. The belief behind this tradition was that the wife of Lord Shiva burnt herself in the fire. They considered it to be the purest form of love. This heroic act was first adopted by the Kshatriya families which were widespread in the country and then people started forcefully practicing it. Widows against their will were forced to practice this act and let her get killed with her dead husband. Historians claim that this practice was never Indian as some centuries back, there was no existence of this culture and Indians considered women as the form of goddess and had a superior place in the family. They claim that this might have been brought to India by some invaders like Scythian invaders earlier in their history. There were different ways of performing this act, one can cut her neck, or drink poison and then lie next to the dead body of her husband, or alive she can lie next to her husband and die.

Bengal Sati Regulation Act of 1829 was passed on the 4th of December 1829 by Governor-General Lord William Bentinck which banned the practice of Sati Pratha in all of British India. The regulation described the practice of Sati as revolting against the feelings of human nature.

#### **3.1.2. Hindu Widows Remarriage Act of 1856**

In this series of developments, the Hindu Widows Remarriage Act of 1856 has played a vital role. Earlier, Child marriage was being practiced in India, where infants at the age of going to school were being married by their families. Children were married when they reached puberty or the then present legal age of marriage, and if her spouse died, she was not allowed

to remarry and was forced to live the rest of her life alone with constraints. Child marriage was also banned in India by The Child Marriage Restraint Act, of 1929.

Even if one marries at the age of 20-30 and her spouse dies, still she has her whole life to live, still, she can restart her life and have a family, and children, but this practice was not allowed at that time.

*“The problem of widows—and especially of child widows—was largely a prerogative of the higher Class people among whom child marriage was practiced and remarriage prohibited. Irrevocably, eternally married as a mere child, the death of the husband she had perhaps never known left the wife a widow, an inauspicious being whose sins in a previous life had deprived her of her husband, and her parents-in-law of their son, in this one. Doomed to a life of prayer, fasting, and drudgery, unwelcome at the celebrations and auspicious occasions that are so much a part of many communities of any religion family and community life, her lot was scarce to be envied.*

*On the other hand, particularly Sudra caste and Dalits—who represented approximately 80 percent of the Hindu population—neither practiced child marriage nor prohibited the remarriage of widows.”*

.....Lucy Carroll (1983)

Atrocities to the widows can easily be imagined from a simple rule that ‘A widow in India was not allowed to wear a blouse or choli under her sari’. To wear white clothes, live in other houses, not considered to be lucky, they were not invited to any auspicious occasions, restrictions on food, restrictions in social life and many more were some of the restrictions that she had to follow her whole life.

Hindu Widows Remarriage Act of 1856 passed on the 16th of July, 1856 legalized the remarriage of the widow and talked about her rights in the whole Jurisdiction of India under the East India Company Rule.

Further during the colonial rule in India, the Hon’ble Supreme Court was first established in Calcutta under section 13 of the 1774 charter and commenced its operations in January 1775. Finally, the Supreme Court of India was established on the 26th of January, 1950, and two days later, on the 28th of January, 1950, India became a sovereign democratic republic and this new Supreme Court marks the new modern era of legal rights in India.

#### **4. Issues and challenges in the current Judicial System.**

India's justice delivery system has undergone changes at every stage of history; some of these changes have been positive, while others have been detrimental. Eventually, these problems were fixed, and after progressive reform and development, we are now in the present. The judiciary is not the only components that make up the justice delivery system; they also include the police, public prosecutors, executive magistrates, other law enforcement departments and other agencies that either directly or indirectly assist the judiciary in order to keep the system functioning and accomplish its objectives.

The difficulties that the justice delivery system is currently facing will now be covered, along with potential solutions:

##### **4.1. Police Investigation**

Police, as a front-line component of the criminal justice system, play a critical role in providing justice to individuals in need. They are the ones who apprehend the criminals and assist the courts in carrying out their judicial tasks properly. To maintain and strengthen public trust in the administration of criminal justice, the police must advocate for the prosecution of actual convicted criminals by the courts. It is a natural law tenet that has been legislated in many countries that a person is innocent unless proven guilty, differently by a professional court that is neutral and unbiased.

As the primary investigative and law enforcement agency, the police play a pivotal role in the prevention, detection, and prosecution of crimes, thereby exerting a significant influence on the overall functioning of the justice delivery system.

In addition to resource constraints, the Indian police administration grapples with systemic issues such as corruption, politicization, and lack of accountability. Instances of police misconduct, abuse of power, and extrajudicial killings are not uncommon, reflecting a broader culture of impunity and disregard for the rule of law. Political interference in police operations and decision-making further compromises the autonomy and impartiality of law enforcement agencies, undermining public trust and confidence in their ability to uphold justice.

Moreover, the Indian police administration is confronted with resource constraints that undermine its ability to discharge its duties effectively. In the case of *Prakash Singh v.*



***Union of India (2006)***, the Hon'ble Supreme Court has directed the States to introduce legal amendments to ensure that, except under extraordinary circumstances, police officers be guaranteed a minimum tenure of two years. This was done to guarantee that political meddling at the posting and transfer levels is kept to a minimum and that police officers have the "operational autonomy" they need to work well without worrying about being transferred too soon. The case of ***Prakash Singh v. Union of India (2019)***, highlighted the inadequate infrastructure, manpower shortages, and lack of modern equipment plaguing the Indian police force. The Supreme Court, in its landmark judgment, called for sweeping reforms to overhaul the functioning of the police administration and enhance its capacity to uphold the rule of law.

In addition to these challenges, the politicization of the police administration and the pervasive influence of political interference further compromise the autonomy and impartiality of law enforcement agencies. The case of *Prakash Singh vs. Union of India* emphasized the detrimental impact of political interference on police operations and underscored the imperative of insulating the police from undue political pressure.

Apart from the resource constraints and other influences, the working of the police has been in question since the initial days.

Chapter 12 of the C.r.P.C/ Chapter 13 of the BNSS deals with the Information to the police and their powers to investigate wherein police investigate the criminal case, maintain case diary, submit case diary and perform other duties under various sections like section 156 (Police officer's power to investigate cognizable cases) / 175 BNSS, Section 157 (Procedure for investigation) / 176 BNSS, Section 158 (Report how submitted) / 177 BNSS, Section 172 (Diary of proceedings in investigation) / 192 BNSS, Section 173 (Report of police officer on completion of investigation) / 193 BNSS and others. Primarily, the power to investigate any criminal case lies o the police department, and in every case, a dedicated police officer is deputed (Investigating officer, I.O) who conducts the investigation.

As seen in the movies, the practical investigation followed by the investigating officer is quite different. As a practicing advocate, I have witnessed faulty or improper investigations in many cases wherein respective Investigating officer doesn't look towards any lead provided by an person related to the case. While submitting the chargesheet/Final form, the

police formally conclude the investigation that the investigation has been done and the accusations against the accused seem to be true or false.

Majorly, the cases where the police investigation is completed, the steps followed in the investigation are the statement of the informant, the restatement of the informant, Physical verification of the place of occurrence, the statement of the witnesses and then going through the injuries/postmortem if any, the Investigating officer concludes the investigation as the accusations against the accused seem to be true or false.

If someone looks for a scientific investigation, they usually can't find one if there isn't a high-profile issue involved. The investigation must be done in scientific ways, elaborating the grounds on which the investigating officer finds it appealing that any person seems to be involved in the crime or not.

**Illustration:** In any F.I.R., any accused person asks his Investigating officer that at the time of the criminal incident, if he/she was at some different place and his tower location must be fetched in order to prove his innocence & help with the investigation. Further, if his request is ignored by the investigating officer, then the accused has to move to the Hon'ble High Court in the writ jurisdiction for the proper investigation so that the tower location must be fetched. These types of negligence by the police officers overburden the Judiciary. If the investigating officer has followed his duty, the person does not have to move to Hon'ble High Court for the proper investigation. In situations where a police officer neglects a representation and the prayer is ultimately determined to be accurate by a court order, the negligent officer must be held liable.

## 4.2. Custodial deaths

Custodial deaths are also a major setback in the Justice Delivery system. Custodial death is a heinous crime in modern society. While we have several laws in place to protect and safeguard those who have been arrested, and even the Indian constitution protects those who have been detained, death in police custody calls into question the current protections for those who have been arrested. Only in the year 2020, NCRB reports 76 deaths in police custody. These statistics are quite disturbing and shocking in today's modern world.

The Hon'ble Supreme Court has ruled in many cases that police brutality, illegal use of power, and custodial torture should be immediately banned as they are violative of the

fundamental rights provided by the Indian Constitution. The Hon'ble Supreme Court has clearly stated in the case of **Kishore Singh Vs. State of Rajasthan**, AIR 1981 SC 625 that the use of third-degree by the police is violative of Article 21 of the Constitution of India

*“In our opinion, if crimes are committed by ordinary people, ordinary punishment should be given, but if the offence is committed by policemen, a much harsher punishment should be given to them because they do an act contrary to their duties”* Hon'ble Supreme Court has observed this in the case of **Prakash Kadam Vs Ramprasad Vishwanath Gupta**, (2011) 6 SCC 189. In the leading judgment of **D.K. Basu v. State of West Bengal** (AIR 1997 SC 610), the Supreme Court laid down detailed procedures for police and other investigating agencies to follow in cases of arrest, detention, and interrogation. However, this case is from 1997, and according to NCRB data, the cases of custodial death have not ended till now. Even in 2022, we continue to see incidences of custodial death.

In a rape and murder case of Hyderabad-based doctor (**GS Mani and another versus Union of India** | WP(Crl) 348/2019) four accused were shot dead by the police, reportedly when they tried to 'escape from custody'. However, six days later of this unfortunate incident, Honb'le SC appointed a three-member committee to enquire into this matter.

*“In our considered view, the accused were deliberately fired upon with the intent to cause their death and with the knowledge that the firing would invariably result in the death of the dead suspect,”* the commission said in its findings.

The Hon'ble Supreme Court in the case of **Paramvir Singh Saini Versus Baljit Singh** SLP (CRIMINAL) NO.3543 of 2020, AIR 2021 SC 64, has ordered to installation of cameras in every police station.

After examining all of the facts discussed above, I believe that the existing rules and guidelines governing custodial death require significant reform. Custodial Death and torture can also be stopped by the action of installing the cameras on the dress of police officers. More severe punishments should be imposed, the compensation amount provided to the victim's family should be bearded by the police officer involved in that unfortunate incident, more emphasis should be placed on training police officers in dealing with arrested people,

and more transparency should be implemented throughout the system. As previously stated, cameras should be mounted on every police officer's uniform; this move will also considerably reduce the number of occurrences of custodial death. The Supreme Court guidelines to install CCTV cameras in every police station, so that no area is left over, should be properly implemented, and excuses like the camera was not operational and similar reasons should not be taken into consideration, but pre-measures should be taken, and emergency backup in case of camera issue and its parts should be available at all times. Except for extreme emergencies, these reasons should not be taken into consideration.

### 4.3. Witness protection Scheme

According to the Bentham, *“Witnesses are the eyes and ears of the justice.”*

A witness is a person who has specific information/knowledge regarding a crime, incident, or subject matter that is fact in issue in court and who, via his/her testimony, assists the court in reaching a decision. The information provided by a witness in court is known as testimony, and it is utilized as evidence to establish the facts of the crime. Due to witnesses turning hostile, due to the threats/fear people are not interested in being witnesses of any case, even though they have witnessed the crime/incident. The common saying of the people is *“Kon es lafde me padega”*. Even the educated person is hesitant to be the witness in any case due to fear. Due to this, the real culprits are not being punished.

*“witnesses are the eyes and ears of justice”.* When the witnesses are not able to depose correctly in the court of law, it results in low rate of conviction and many times even hardened criminals escape the conviction. It shakes public confidence in the criminal justice delivery system. It is for this reason there has been a lot of discussion on witness protection and from various quarters demand is made for the State to play a definite role in coming out with witness protection programme, at least in sensitive cases involving those in power, who have political patronage and could wield muscle and money power, to avert trial getting tainted and derailed and truth becoming a casualty. A stern and emphatic message to this effect was given in Zahira Habibullah case [**Zahira Habibullah Sheikh v. State of Gujarat, (2006) 3 SCC 374 : (2006) 2 SCC (Cri) 8**].

In the case of **Mahendra Chawla and Ors. v. Union of India and Ors.** 2019 (14) SCC 615 & **People's Union for Civil Liberties v. Union of India**, (2004) 9 SCC 580, the Hon'ble Apex court has said that lack of proper protection given by the state, and threats to life are among one of the major causes of witnesses changing their stand. In various judgments like **National Human Rights Commission v. State of Gujarat and Ors.**(Best Bakery Case) **Rajubhai Dhamirbhai Baria and Ors. v. The State of Gujarat and Ors.** the Hon'ble courts have emphasized the protection of the witness and stressed on the state to evolve the machinery for giving the protection to the witness.

Law Commission 154<sup>th</sup> report has also observed that, *"necessary confidence has to be created in the minds of the witnesses that they would be protected from the wrath of the accused in any eventuality."*

Article 21 of the Indian Constitution provides the right to a fair trial, and if the witness is compromised or a threat is used on them, a fair trial can't be achieved and it violates Article 21. After the LakhimpurKheri incident, in the case of IN RE: VIOLENCE IN LAKHIMPUR KHERI (U.P.) LEADING TO LOSS OF LIFE Hon'ble Supreme Court expressed surprise that among 100s of the gathered persons in this incident, only 23 eyewitnesses were traced.

Even now, many are afraid to be witnesses in any court after witnessing these incidents. Nobody wants to jeopardize the safety of their family and risk their own lives. We need to update the current witness protection systems, make the trial more comfortable for the witness so that they do not fear the court, conduct the evidence where there is a need for a witness in less time, and prescribe more deterrent punishment if the witness's security is violated. We watched the entire court proceedings in online form during COVID-19, hence we could permanently take witness testimony in online form. There is no need to appear in court; doing so will undoubtedly benefit the present system. When any witness reports the incident of threat to any police officer, the concerned police officer should immediately act on it, evaluate the level of threat and further provide immediate security, if needed. Unnecessary excuses by police officers like come tomorrow, today the officer is not available, you can't meet him as he's busy with some senior officer and all sorts of other excuses, any reasonable man will think that he should take care of his security as the police

who is supposed to protect them is not responding properly and as the result, he steps back from giving the testimony. Apart from that, public awareness regarding the witness protection programmes should be conducted so that common people are aware of the efforts by the government to ensure their safety and do not hesitate to become witnesses in any case.

#### **4.4. Pendency of the cases**

*“Justice delayed is equivalent to justice being denied”*

.....Justice MunishwarNath Bhandari,.

According to the National Judicial Data Grid (District Court of India), the total number of cases pending in all district courts of India is 4,56,61,001. In the state of Bihar, the total number of pending cases in all District Courts is 36,10,483. According to the data of the National Judicial Data Grid, High Courts of India (HC NJDG), the total number of cases pending before the Hon’ble Patna High Court is 2,00,564. The pendency of cases is also a major problem in the Indian Judicial system.

The number of cases pending in the Indian judiciary is concerning. With each passing day, more cases are being registered in the courts throughout the country. Is the conventional way of going to trial and waiting years for the judgment worth of? Judgment in a commercial dispute after years is worth fighting for? Who will bear the inflation rate in the awards in the corporate disputes? There are many factors which are involved in the backlog of cases.

To decrease the pendency of cases in the country, the best way is to shift towards the dispute resolution mechanism. Arbitration, Mediation, Conciliation, and LokAdalats are the modes of the ADR by which one can get their disputes dissolved. These mechanisms are time and cost-friendly. Section 89 of the Code of Civil Procedure encourages out-of-court settlements. Strengthening Lok Adalat’s and legal aid clinics can facilitate community-based dispute resolution.

People in rural areas are still unaware of the ADR procedure and think it is proper to approach the court for even minor issues. Major disputes in villages involve the issue related to property, its partition, and similar civil issues that go on for years and years and generations to generations which are involved in a single partition or similar civil dispute.

**Ego litigation is seen majorly in rural areas in property matters, which could be easily addressed by the ADR Mechanism.** The ADR process can readily resolve these conflicts in a matter of days or months, reducing the pressure on the legal system.

Similar to the matrimonial disputes being referred majorly into mediation for faster settlements, a similar approach should be followed by the Indian judiciary to the property disputes as well, to send it to the compulsory mediation first and trial should be conducted in the only situation when the mediation fails. Initiating the trial should be the last resort in civil disputes. Proper advertisement and awareness campaigns should be organized in rural areas so that people can be more confident in approaching the ADR system as compared to the conventional trial system and this can only be achieved when they have faith in this system.

#### **4.5. Legislative effect assessment**

*“Decisions like the liquor ban in Bihar in 2016 “put a huge burden on courts. There are three lakh cases pending in the courts. People are waiting for justice for a long time and now the excessive cases related to liquor violations put additional burden on courts,”*

.....Justice N V Ramana

To outlaw any sort of social or similar evil that has not previously been addressed by our laws, either an amendment to the current law or new legislation is enacted. New challenges arise with changing times, and in order to address them, we must modify our laws as well. For example, before computers and other electronic devices, there was no need for rules governing them. With time in every hand and a smartphone in every hand, our lives are dependent on technology; we can do our office work while sitting at home, thus technology-related crimes have evolved, and we have new legislation to address those challenges, the IT Act of 2000. We amended our penal laws following the Nirbhaya incident, as well as numerous other amendments have been made in response to changing times.

While implementing any legislation, it is expected for the government to conduct a legislative effect assessment of the proposed legislation before enacting the legislation. The government should have studied and assessed the effects of its policy decision. A government's political decisions have social and legal consequences that must be considered while creating laws. As no special infrastructure had been developed before the implementation of this act, arrests

arising out of this legislation slowed the whole existing system of the courts and increased the pendency of the cases.

Sometimes, we have to see some quick legislation passed which increases the unexpected pressure on the present system and chokes it completely. Example: The Bihar Prohibition and Excise Act was passed and implemented in 2016 to completely ban liquor sales and consumption in the territory of Bihar. Although the motive of the legislation was good and it helped the financially and socially backward society of Bihar, to save money, domestic violence cases decreased and violence and crimes related to liquor decreased but it created some challenges as well. As the legislature effect assessment has not been done properly before the enactment of the act, no proper infrastructure has been developed; the legislation has resulted in the creation of pendency of cases in Bihar. Before the enactment of the act, neither a new court had been made nor the number of Hon'ble Judges has been increased. Hundreds of thousands of new cases emerged quickly after the act, and the number of judges remained the same. Eventually, this led to an increase in the number of cases pending in Bihar.

## **5. Conclusion:**

The Indian justice delivery system grapples with a plethora of challenges, ranging from systemic inefficiencies to structural deficiencies, all of which contribute to the erosion of public trust and confidence in the administration of justice. India's justice system faces significant challenges but also opportunities for reform. Procedural delays, judicial accountability issues, police inefficiencies, and barriers to access must be addressed. Through comprehensive reforms, technological integration, and community engagement, India can achieve a more efficient, equitable, and accessible justice system. Police administration plays a vital role in this transformation. By enhancing training, infrastructure, and independence, and by protecting human rights and witnesses, the integrity of the justice system can be upheld.

A collaborative effort involving the judiciary, police, legislature, and civil society is essential. By implementing the recommended reforms, India can advance toward a justice system that truly embodies democratic principles, the rule of law, and equality for all citizens.



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