

JUDICIAL PROCESS



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Introduction



- The judicial process refers to the system of courts and legal procedures used to **resolve disputes** and administer justice in a society.
- plays a crucial role in upholding the **rule of law** and **ensuring justice** in society.
- Everything done by judge in the process of delivery of justice is called Judicial Process .
- the judicial process contributes significantly to **maintaining social order** and safeguarding the rights and liberties of individuals.

Judicial process under Indian constitution



- The Constitution of India, adopted on January 26, 1950, establishes an independent judiciary with the Supreme Court of India as the apex court and a hierarchical structure of subordinate courts below it.
- **Key features of the judicial process under the Indian Constitution include:**
- **Independent Judiciary:**
- The Indian Constitution guarantees the independence of the judiciary to ensure that it can function impartially and without interference from the executive or legislative branches. Judges are appointed by the President of India based on the recommendations of the collegiums system or Judicial Appointments Commission, depending on the circumstances.

2. Supreme Court of India: The Supreme Court is the highest judicial authority in India and is vested with the power of judicial review. It has original jurisdiction in certain matters and appellate jurisdiction over decisions of the High Courts and other tribunals. The Supreme Court ensures the uniformity and consistency of the law across the country.

3. High Courts: Each state in India has a High Court, which is the highest judicial authority within the state. High Courts have the power of judicial review and exercise original and appellate jurisdiction over decisions of subordinate courts.

4. Subordinate Courts: Below the High Courts, there are a variety of subordinate courts, such as District Courts, Sessions Courts, and lower-level civil and criminal courts. These courts handle the majority of cases and are responsible for the administration of justice at the local level.

6. Judicial Review: The Indian judiciary has the power of judicial review, enabling it to review the constitutionality of laws, executive actions, and government decisions. If a law or government action is found to be unconstitutional, the judiciary can strike it down.

7. Due Process and Fair Trial: The Indian Constitution guarantees the right to a fair trial and due process of law. It includes the right to legal representation, the right to remain silent, the presumption of innocence, and protection against self-incrimination.

8. Public Interest Litigation (PIL): PIL is a unique feature of the Indian judicial process that allows citizens to seek justice on behalf of others, especially those who are disadvantaged or unable to access the legal system themselves. PIL has been instrumental in addressing various social and environmental issues in India.

8. Alternative Dispute Resolution (ADR): In addition to the regular court system, India promotes alternative dispute resolution methods such as mediation, arbitration, and Lok Adalats (people's courts) to provide faster and less formal avenues for dispute resolution.

Conclusion;

- The Indian judiciary has been actively involved in **interpreting the Constitution** and shaping the country's legal landscape through landmark judgments.
- The judicial process in India, while essential **for upholding the rule of law and protecting fundamental rights**, faces challenges like backlogs of cases and delays in disposing of matters.
- However, continuous efforts are being made to reform and strengthen the judicial system to make justice more accessible and efficient for all citizens