A STUDY ON THE LEGAL SYSTEM OF INDIA

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ABSTRACT

Law is a set of obligations and principles imposed by the government for securing the welfare and providing justice to society. India's legal framework reflects society's social, political, economic, and cultural components. The standard law system garnered its roots throughout the history of the legal system in India. The main sources of law in India are the Constitution, statutes, customary law, and the judicial decisions of superior courts. The laws passed by parliament may apply throughout all or a portion of India, whereas the laws passed by state legislatures normally apply within the borders of the states concerned. This research study aims to understand the legal system of India and analyze it from the common people's point of view In the present research, the researcher used a descriptive survey method, which includes presentations of facts and a class of events, and involves the procedure and enumeration of measurements, to examine the viewpoints. The researcher used a convenience sampling design to collect the information from 15 respondents

INTRODUCTION

India has one of the oldest legal systems in the world with its laws and jurisprudence dating back centuries and evolving like a living way of life with the people of India adapting to the changing times India formed a constituent assembly to frame its constitution, which adopted the principles of Democracy, Secularism, Fraternity, and most importantly the Right to Equality for every individual in the country. The Constitution of India is the guiding force for making legislation and Acts throughout India and any law which is in contravention of the provisions of the constitution will be deemed unconstitutional. While India has formed its constitution by itself, it still follows many of the archaic laws and even full codes from the British era for different offenses like the Indian. The judiciary is one of the pillars of Indian democracy which has stood against the injustices done by governments and individuals to secure the rights of the aggrieved parties. But in recent times it is being seen that many issues and problems are plaguing the delivery of justice to the common people. Though India has one of the oldest legal backgrounds, its judicial system is still not keeping pace with modern democratic legal systems and is lagging in the number of judges-people ratios, modern infrastructure, pendency in heinous offenses like sexual assault, and lack of access to justice to most vulnerable sections of society. While India gained Independence from Britain seventy years back, the colonial mindset which has been embedded in our thinking and life has still not gone and our legal system is still plaguing that culture because of which many severe issues have arisen in recent times like delay injustice because of the heavy procedural based system and non-decriminalization of obsolete laws.

The present research aims to identify the experiences and challenges faced by common people regarding India's legal system.

SIGNIFICANCE OF THE STUDY

The significance of the study is to understand The perspectives regarding the viewpoints of common people and assess their understanding, experience, and challenges regarding the legal system of our country and to research deeper and get a broader insight into how the legal system works

OBJECTIVES OF THE STUDY

- To analyze the experiences of common people regarding the legal system of India
- To assess the challenges faced by common people regarding the legal system of India

METHODOLOGY

Research Design

In the present research, the researcher used the descriptive survey method, which includes presentations of facts, a class of events, and involved procedure and enumeration of measurement, to analyze the experiences and challenges of common people regarding the legal system of India

Sample Design

In the present study, the researcher used convenience sampling to collect information from different respondents. The Sample used in the study:

Total number of Respondents – 15

Research Areas

The researcher has selected the Delhi & NCR areas in the present research.

Collection of Data

- Primary Data- has been gathered from 15 common people
- Secondary data- Secondary data has been collected through research papers, journals, reviews of articles, etc.

Analysis of Data

Figure 1

Do you think India has adequate legal safeguards to protect its people from injustice?
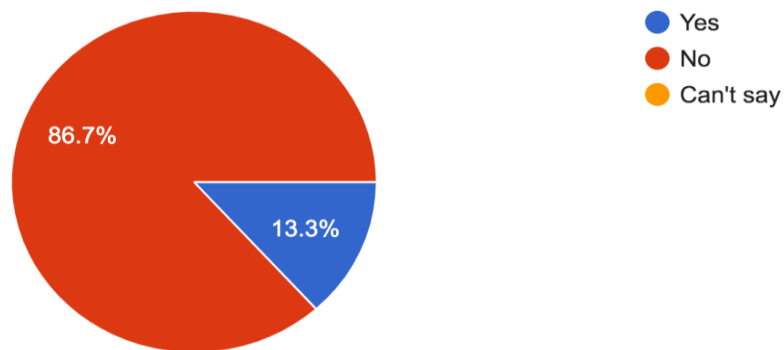15 responses

Figure 2

How do you rate improvement in law and order in your city in the last 3 years?
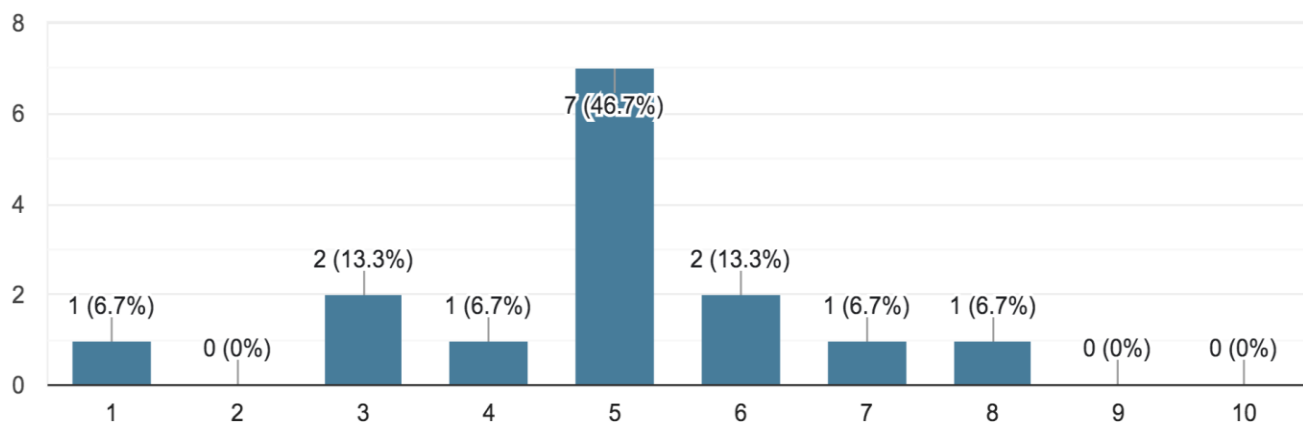15 responses

Figure 3

Would you personally ever approach the court or would you like to resolve the dispute personally?
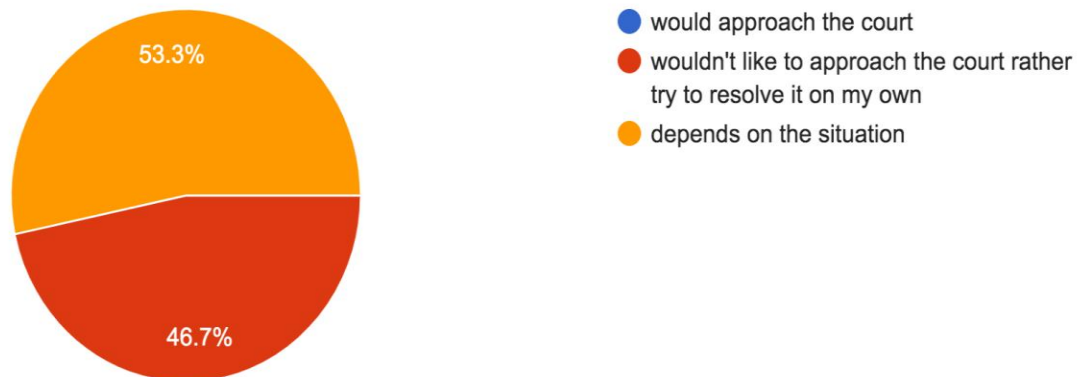
15 responses

- ● would approach the court
- ● wouldn't like to approach the court rather try to resolve it on my own
- ● depends on the situation

Figure 4

Do you believe that the Indian courts are backdated ?

15 responses

- ● Yes
- ● No
- ● Maybe
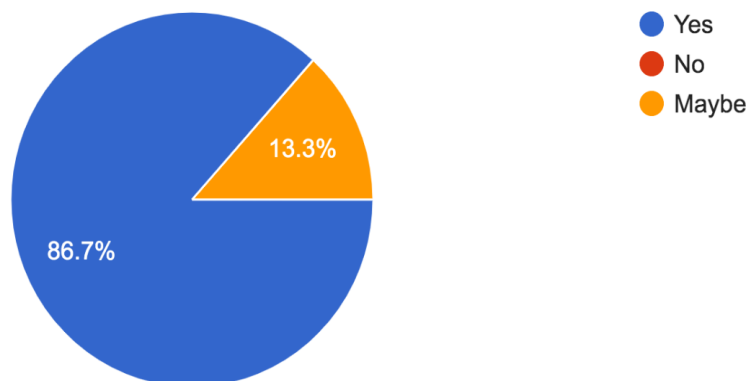
Figure 5

Would you say that the Indian courts have a tendency to be bias in their verdicts?
15 responses

Legend:
- Yes
- No
- Maybe

40%

60%
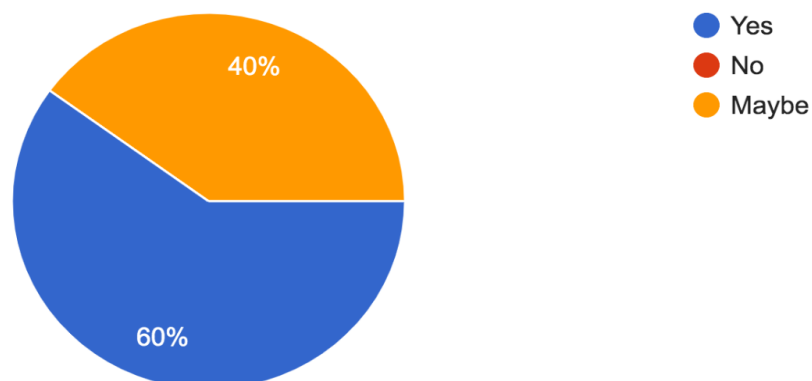
Figure 6

Do u think that the Indian justice system could be corrupted?
15 responses

Legend:
- Yes
- No
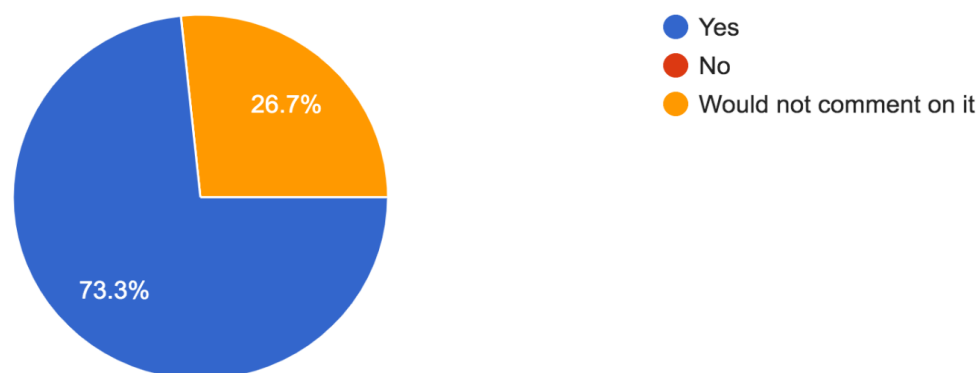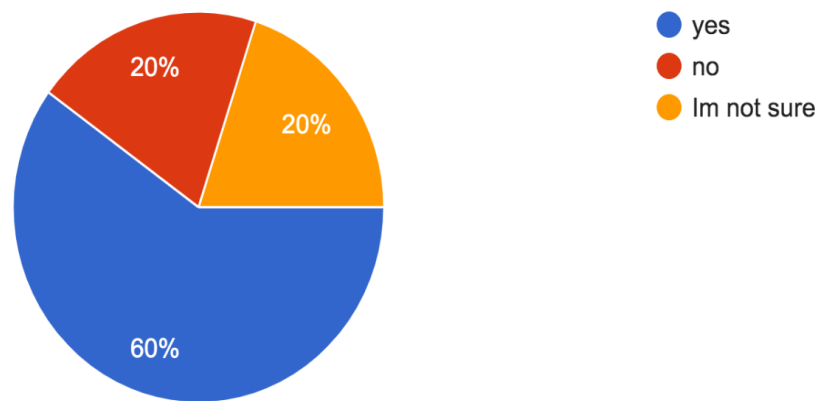- Would not comment on it

26.7%

73.3%

Figure 7

According to you do the minority class of the country face any issues while approaching the courts?

15 responses

Question 8

According to you, is there any law in the Indian legal system that should be overturned? mention why?

Peoples's Answers are as below-

1. Marital rape to become illegal
2. CAA
3. Capital punishment for rape- it's in place but not applied. There should be capital punishment irrespective of whether it's degree 1 2 or 3.
4. The laws that are supposed to protect women in various situations are alright there the main problem is those laws are constantly being violated or being sidelined and quite a lot don't take them into consideration to be made which is why a huge amount of people don't go to the government bodies when they're in trouble rather they try to get justice on their own. also, feminism speaks for gender neutrality not for women to be the dominating gender. there are a lot of flaws in the Indian penal code which don't support men as well. there are a lot of laws that sideline crimes committed by women because they're usually committed by men. crime isn't related to gender. A lot of reform is required in the country which of course is taking place slowly and generation after generation people are understanding it more. our generation is already widely aware of it all and with time changes will take place for sure. patience, time, and awareness I guess.
5. Every single law related to women's safety , abortion, homosexuality, laws related to rape
6. Cases about Juvenile
7. More than justice, it is the time taken to deliver justice that is the problem
8. Land acquisition act should be changed
9. A law in the penal code of India is that if someone attempts suicide and fails to kill themselves, they are legally punishable by law.

Question 9

what are your views on capital punishment?

Peoples's Answers are as below-
1. it's not worth it's a better punishment to give life in prison as its worse
2. Shoulit'se abolished and changed lifetime imprisonment
3. Support it massively
4. It is much needed in our flawed execution-legal system. Till the time system is reliable, the possibility of capital punishment getting misused remains.
5. I think the presence of that law is important said a lot of people see crime as a gender. Most of the crimes that are committed we expect them to be done by men and if they're done by women it's all sidelined because of their gender. The rape of a man isn't seen as more important than the rape of a woman is seen. but again all of it is super complicated because all these years it's mainly been men who commit these crimes. The other unjust thing that happens is bribery for the freedom of the guilty person so yea that's again complicated.
6. Where is the capital punishment in this country every criminal walks free after serving a few years in jail even after they murder whole families, rape and assault women and what not and they walk away Scott free after what 7 to 10 yrs in a city jail, there is no goddamn capital punishment in India so what views should I express
7. I don't have any views
8. I concur with it
9. Depends on the crime done
10. Should be there
11. Per se, capital punishment is a good thing to keep people like murderers in control but the problem arises when people are wrongfully convicted of crimes they haven't committed. This sometimes happens due to suppression of evidence or against a powerful leader due to corruption.
12. Death Penalty is one of those laws which based on the crime could be justified.

Question 10

What is one change that you would like to see in India's legal system?

Peoples's Answers are as below-
1. less corruption
2. Proper procedures
3. Quick decisions
4. The legal system is modeled around a pre-independence elitist British setup, which requires a change. Courts are unable to clear years of pending case backlogs but still there is over a month of holidays annually that they enjoy. It's a waste of taxpayers' money
5. Reduction of corruption
6. If they can establish trust with people and make the approach simple and transparent it will do a world of difference
7. Time-bound trials
8. Organized and efficient case management, more number of judges, unbiased hearings.
9. One change I would like to see is that reservations in schools, colleges, and government intuitions be reduced or removed. Colleges like IIT and civil services (UPSC) should be completely based on merit instead of reservations because around 50% of seats are already reserved which leaves much less space for more deserving candidates.
10. The time taken to resolve an issue and increase parity between the people of different economic standing

FINDINGS

Figure 1 - Almost 90% of respondents believe India does not have adequate legal safeguards to protect its people from injustice

Figure 2 - Almost 50% of respondents believe that there has been a mediocre rate of improvement in the law and order of their respective cities. About 6-7% of respondents believe that there has been a drastic change and about the same percentage of respondents believe that there has been no or very less improvement.

Figure 3 - Out of all the respondents who took the survey not even a single respondent would be willing to approach the court to resolve a dispute and would rather that they solve it on their own or it's almost everybody's last resort.

Figure 4 - 87% of respondents feel that the Indian courts are backdated

Figure 5 - 60% of respondents feel Indian courts tend to be bias in their verdicts whereas 40% are not sure

Figure 6 - 70% of respondents believe that the Indian justice system could be corrupted and 30% of the respondents would not comment on it

Figure 7 - 60% respondents feel that the minority class faces issues while approaching the courts around 20% do not feel the same way and around the same percentage are not sure

Question 8 - There are many laws that the respondents feel should be overturned they are stated above in the analysis of data

Question 9 - the respondents had a very mixed response to this question some believe that life imprisonment will be worse some support it and some have very variegated views

Question 10 - there are many changes the respondents would like to see in the justice system of India they are stated above in the analysis of data

DISCUSSION

It is evident that the respondents don't have very positive feedback on the justice system of India. The pendency problem is a long-standing issue across the Indian judiciary. At present, the high courts list 5.8 million pending cases, even though their average rate of disposal between 2015 and 2019 was about 1.8 million cases per year. In most years, the number of cases disposed of is lower than the number of cases instituted, so the problem keeps getting worse. A justice system manipulated by the powerful for their ends is bound to lead to high costs and inefficiency. First, there is the direct cost of putting in place the broken justice system and administering it. And then there is the cost of manipulating it while trying to carry on the pretense of justice. The system of justice delivery has to function contrary to its stated purpose resulting in additional costs. Till now the reference was to how the system functions for the elite who are a part of it. What the non-elite who are at the margins of the system face is another matter. Opposition leaders are often targeted by the agencies before important events, like, elections. Not that leaders do not commit illegality and financial irregularity. But when cases are initiated and then mostly kept in cold storage, if they do the bidding of the ruling dispensation, including joining the party then suspicion arises that politics is being played. The credibility of the cases and the agencies is dented in the public eye. Much time and energy are wasted and it is costly to the nation. Running an efficient, modern judiciary necessitates successfully carrying out a range of administrative functions, including activities related to managing and maintaining the courts (such as case, facility, financial, and human resource management). To be clear, better administration is no more a panacea for judicial productivity than increasing the number of judges. Improvements to the adjudication process are also necessary. However, solving some administrative problems could reduce the constraints under which judges work.

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