



Evolution of Indian Judiciary

Dr Lm Singhvi

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Judicial institutions evolved in India in the context of India's social, economic and political conditions and because of the reception of legal concepts and institutions known to English and Scottish judges, lawyers and administrators. Modern Indian judiciary bears the hallmarks of its genesis and evolution during the British rule but it has progressively gone far beyond the colonial confines after the republican Constitution came into force.

The theme of fundamental Rights and the role of the Supreme Court and the High Courts as vigilant custodians of fundamental rights are at the heart of India's constitutional democracy. We owe a deep debt of gratitude to our apex judiciary, the higher judiciary and the country's bar in the evolution of the common law of the Constitution. It constitutes by common consent a remarkable chapter in our national life.

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The Constitution of India is not the last word in human wisdom, but it was certainly a glorious achievement of national consensus and national commitment. The higher Indian judiciary can be said to have broadly fulfilled its constitutional ethos. There have been aberrations, notably during the Emergency and in some cases, of overstating and unduly enlarging the scope of judicial power. More seriously, there are grave and growing problems of inefficient case management, arrears, delays, corruption and incompetence. Those issues have to be addressed urgently, effectively and comprehensively if the Indian judiciary is to emerge as a fit instrument for Rule of Law for the teeming millions in the largest democracy in the world and if the Indian judiciary is to flourish in the twenty-first century holding its head high as an institution of freedom, liberty and balance, with a commitment to the constitutional goals and aspirations of We the People of India.

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