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Dimensions of Access to Justice

SHIV N S[1]

ABSTRACT

The phrase 'access to justice' evokes in our minds the concept that everyone seeking justice must be endowed with the necessary funds to approach a court of law. However, this is not the sole interpretation of these words. They also discuss the nature of various rights, the number of courts, the quality of justice, the freedom of the judges who preside over the courts, legal aid, and public interest litigation, among other things.

The notions of "access to justice" and "rule of law" were born in England during Henry II's reign in the Twelfth Century.

Access to justice is a dynamic subject; with rapid advances in science and technology, the judicial system should be on par, if not ahead of its time. I would advocate that a constitutional body comprised of officials and luminaries from the legal field, as well as experts from NITI Aayog, be formed by an amalgamation of both to radically change the Codes of Civil Procedure and Criminal Procedure to create a state-of-the-art justice delivery system that caters to all groups in society without discrimination.

On 26th July 2021, a delegation of chairpersons and vice-chairpersons of bar associations from five southern states, visited Vice president M. Venkaiah Naidu and Chief Justice of India N.V. Ramana. It gave a representation for the supreme court bench in south India. This proposal has a high potential to improve the current delay and accessibility of the justice delivery system.

I. INTRODUCTION

In present times, there is a significant number of people who are simply trying to survive. We don't see them, but that doesn't mean they aren't there. These people are typically impoverished, vulnerable, lonely, and marginalised. And, because of their circumstances, they don't stand a chance in the judicial system to fight and represent themselves.

Can you picture a life where being detained in jail is preferable to being on the street?

However, those people would prefer to die than have a shot at life since they have no alternatives. These people include children who may be victims, witnesses, or in conflict with the law, Women whose marriages had broken down and whose husbands had left them with

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substantial debt issues, people held for petty offences. Still, they can't pay the bail amount, people having problems with their landlords or disagreements with an employer. Now, these aren't multimillion-dollar issues, but they were significant issues for the people who faced them. Those who do not know their rights cannot be expected to claim them.[2]

There's a quote by Albert Einstein that sums it up nicely: "In matters of truth and justice, there is no difference between big and small problems, because issues concerning the treatment of people are all the same."[3]

With average lawyer rates in thousands of Rupees an hour, it's not surprising that the vast majority of these people did not go to a lawyer to deal with their legal problems. However, dealing with a legal issue on your own can lead to stress, worse legal outcomes, or simply giving up and accepting an injustice. We should all be concerned about access to justice since most of us will face legal issues at some point, even if we don't believe it will happen to us right now.

To fight injustice, remember Martin Luther King Jr.'s words: "A threat to justice anywhere is a threat to justice everywhere."[4] Speaking up against injustice is a valuable asset and is an integral part of maintaining our human dignity. Our society and democracy are built on the belief that our legal system is not biased toward the wealthy and powerful. The legal system and law are often seen as inaccessible and out of reach; it's like a castle with tall walls and closed doors to anyone who isn't a legal insider or has a lot of money. Everyone should understand and protect their rights and have access to fair and equitable justice systems if they consider their rights have been contravened.[5] The right to seek justice is a fundamental principle of the rule of law. People cannot have their voices heard, exercise their rights, fight injustice, or hold decision-makers accountable without access to justice.

The phrase 'access to justice' evokes in our minds the concept that everyone seeking justice must be endowed with the necessary funds to approach a court of law. However, this is not the sole interpretation of these words. They also discuss the nature of various rights, the number of courts, the quality of justice, the freedom of the judges who preside over the courts, legal aid, and public interest litigation, among other things.

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[2] Andrew Pillar, 'Why you should care about access to justice', (TEDxRenfrewCollingwood, 26 November 2013), <https://www.youtube.com/watch?v=P63p8lBFsr8> accessed 4 August 2021.

[3] Albert Einstein, <https://www.brainyquote.com/quotes/albert_einstein_148816> accessed 4 August 2021.

[4] Martin Luther King Jr., <https://www.brainyquote.com/quotes/martin_luther_king_jr_122559> accessed 4 August 2021.

[5] Supra note 1.

II. History of access to justice

In ancient India, the notion of access to justice as a human right was well-known. The all-encompassing vision of Dharma includes the pleasant concept of access to justice. The state in ancient India was neither sacerdotal (spiritual or supernatural) nor paternalistic (restriction on freedom and responsibilities). The notion of Dharma was multifaceted, and it was something that sustained humanity in all of its manifestations and coherence. As a result, both human rights and law are found within the vast scope of Dharma.[6]

The Arathashastra of Kautilya, a vast, rich source of information on every administration element, including law and justice, emphasises that the King must personally attend to judicial activity. Access to justice should not be hampered, and it is the state's responsibility to offer a quick mechanism of access to justice.[7]

The notions of "access to justice" and "rule of law" were born in England during Henry II's reign in the Twelfth Century, when the King decided to construct a system of writs that would allow litigants of all classes to benefit from the King's Justice. However, King John's abuses of "King's Justice" spurred a rebellion in 1215, which resulted in the Magna Carta, which formed the foundation of British constitutionalism. It symbolised a collective commitment to the Rule of Law and guaranteed that even the King is not above the law.[8]

Courts settled disputes, established precedents, and laid down enormous principles throughout the 500 years after the Magna Carta at Runnymede, which became known as the common law. Sir Edward Coke's and William Blackstone's Commentaries established the core ideas of common law that codify man's basic rights. The statements about these fundamental human rights and experiences in France, the United States, and other nations were incorporated into various countries' Bills of Rights and Constitutions. When a right is violated, it must be accompanied by a right to redress. The Roman maxim states, "Ubi Jus Ibi Remedium."[9] Concurring to the most recent theory, the right to 'access to justice' originated in common law and was later perpetuated and acknowledged by the 'Constitutional Law'.

Justice Laws in *R v. Lord Chancellor*[10], The common law does not typically speak in terms of constitutional rights because there is no hierarchy of rights in the absence of a sovereign text. None of the rights is more entrenched by the law than the others. The term 'access to justice is

[6] Chief Justice P.B. Gajendragadkar, 'Historical Background and Theocratic Basis of Hindu Law II', 414.
[7] L.N. Ranga Rahjan, 'The Arthashastra-Kautalya', 1987, (9th edn, Delhi, Penguin Books India,) 348-61.
[8] The Law Commission Reports, '189th Report on revision of Court fee', 25th February 2004, DO No.6(3)82/2002-LC(LS).
[9] Ibid.
[10] *R v. Lord Chancellor,* 1997 (2) All ER 779.

difficult to define. Access to justice is intrinsically tied to the word 'justice'. The concept of justice conjures up images of the rule of law, dispute resolution, legal institutions, and those who execute the law; it communicates fairness and the implicit acknowledgement of the ideal of equality.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10th December 1948, including many articles stressing the significance of access to justice. It reaffirms Member State's commitment to providing fair, transparent, adequate, non-discriminatory, and accountable services that promote access to justice for all.[11] The Universal Declaration of Rights, which was drafted in 1948, recognised certain rights, including the right to "access to justice," in the following way:

Art. 6: Everyone has the right to be recognised as a person before the law in all places.

Art. 7: Everyone is equal in front of the law and are qualified to equal protection without discrimination.

Art. 8: Everyone has the right to a satisfactory remedy from competent national tribunals for acts that violate their constitutional or legal fundamental rights.

Art.10: Everyone has the right to a fair and adequate hearing before an independent and impartial tribunal in the assessment of their rights and responsibilities, as well as any criminal accusation brought against them.

Art.21:(1) Everybody has the right to participate in his country's governance, either personally or through freely elected representatives.

(2) Everyone in his nation has the right to equitable access to public service.[12]

The International Covenant on Civil & Political Rights went into force on 23rd March 1976, strengthening the concept of universal access to justice under international law.[13]

III. PRE-CONSTITUTIONAL STATUS OF ACCESS TO JUSTICE IN INDIA

According to our history, Indian citizens have always had access to the King. Even before our Constitution came into effect on 26th January 1950, when the Indian courts adopted the common law of England, the fair access courts formed part of our legislation. Because of

[11] United Nations, 'Access to Justice', <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/> accessed 4 August 2021.
[12] Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> accessed 4 August 2021.
[13] The International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> accessed 4 August 2021.

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Article 372[14] of the Constitution, rights that existed before the Constitution's enactment were preserved even after the Constitution's execution. One of the early decisions was the Bombay High Court's decision in *In Re: Llewelyn Evans[15]* Evans was arrested in Aden and extradited to Bombay on a criminal breach of trust case. Evan's legal counsel was denied permission to meet the prisoner after being remanded to police custody.

Even though section 40 of the Prisons Act, 1894[16] stipulated that an unconvicted prisoner should be permitted to meet his legal counsel in jail, the Magistrate who ordered the detention ruled that he lacked the power to give access. The question was whether this right extended to the point when the police were holding the prisoner. Justice Fawcett noted that the days have long since passed when the state deliberately put hurdles in the way of an indicted person defending themselves, for example, in the days when people were not allowed even to have counsel to defend them on a charge of felony. The justice held that the right under that provision suggested that the prisoner should have a reasonable opportunity if in the custody of communicating with his legal counsel to prepare his defence. If the aim of Justice is Justice, and the spirit of justice is fairness.

Justice Madgavkar stated, "Each party should have an equal chance to prepare its case and to lay its evidence completely, freely, and fairly before the Court."

A trial will need some preparation, and such a trial is considerably more successful from the standpoint of justice if done with expert legal counsel's assistance. Legal advice is so essential that when life or death is on the line in the most severe criminal cases, the same state prosecuting the prisoner hires a lawyer and provides him with such legal help if he is poor.

In *P.K. Tare v. Emperor[17]*, The petitioners involved in the 1942 Quit India Movement claimed that their arrest under the Defence of India Act[18], 1939, was invalidated since the government refused to consult with their lawyers for legal advice or to attend the Court in person. The then government claimed that the Defence of India Act, 1939, took away the right to file a habeas corpus case under Section 491 of Criminal Procedure Code[19], 1898. The Court's leading decision, written by Justice Vivian Bose, argued that the ability to petition the High Court remained unaffected by the Defence of India Act, 1939.

Furthermore, while the courts give the administration leeway and presumptions favouring the

[14] The Constitution of India, 1949.
[15] In *Re: Llewelyn Evans,* A.I.R. (1926) 28 BOMLR 1043.
[16] The Prisoners Act, 1894.
[17] *P.K. Tare v. Emperor,* AIR 1943 Nagpur 26.
[18] Defence of India Act, 1939.
[19] The Code of Criminal Procedure, 1898.

subject's liberty to be reduced, such rights do not vanish entirely. Court explicitly said that the "effort to keep the petitioners away from this Court under the pretext of these regulations was an abuse of authority that required intervention".

IV. Post-constitutional status of access to justice in India

There were fascinating interactions among eminent audiences during the Indian Constituent Assembly discussions before adopting the Indian Constitution. "No individual who is arrested will be kept in prison without being notified, as quickly as may be, of the basis for such arrest, nor should he be denied the opportunity to see a legal practitioner of his choice".

Two of the most fundamental principles that every civilised country follows as principles of international justice, namely, the right of a person arrested to be informed of the grounds of arrest and the right to be protected by a legal practitioner of his choice. The significance of access to justice in the courts was recognised in the Constitution, notably through recourse to the High Courts and the Supreme Court. Article 32's right to petition the Supreme Court to enforce and preserve fundamental rights is a fundamental right in itself.

In *Keshav Singh v. Legislative Assembly U.P.*[20], The Supreme Court held the presence of judicial authority must necessarily and unavoidably imply the existence of a right in the citizen to approach the Court on that behalf.

In *Kesavananda Bharati v. State of Kerala*[21], Judicial review was recognised as part of the Constitution's basic framework.

V. Right of access to courts

Right to access to courts includes legal aid and engage counsel. The 42nd Constitutional Amendment Act of 1976 introduced Article 39-A of the Indian Constitution, which states that 'the State shall ensure that the operation of the legal system promotes justice, based on an equal opportunity, and should, in particular, offer free legal assistance, whether via appropriate laws or schemes or otherwise, to guarantee that chances to get justice are not denied.'

In the wake of the landmark verdict in *Maneka Gandhi v. Union of India*[22], significant strides were achieved in forming the law surrounding the "right to life" under Article 21.

In *Hussainara Khatoon v. The State of Bihar*[23], The Court was shocked by the plight of thousands of undertrials languishing in Bihar jails for years on end without ever being

[20] *Keshav Singh v. Legislative Assembly U.P.,* A.I.R. (1965) SC 745.
[21] *Kesavananda Bharati v. State of Kerala* (1973) 4 S.C.C. 225.
[22] *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
[23] *Hussainara Khatoon v. State of Bihar,* (1980) 1 S.C.C. 81.

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represented by a lawyer. 'There is no question that fairly expedient trial is an important and vital component of the basic right to life and liberty contained in Article 21'. The Court emphasised that free legal services were an integral part of a good, fair, and just system and that the right to free legal services was inherent in Article 21's guarantee. "Legal assistance is essentially nothing more than equal justice in action," Justice Bhagwati remarked in his unique way that legal assistance is, in reality, a social justice delivery system. If no free legal services are provided to such an accused, the trial itself may be tainted as a violation of Article 21; we must strive to prevent such a scenario.

In the case of *Suk Das & Anr. v. Union Territory of Arunachal Pradesh*[24], Court stated that 'It now may be taken as resolved law that free legal support at State cost is a fundamental right of a person accused of an offence that may involve a threat to his life or individual liberty, and this fundamental right is implicit in the prerequisite of reasonable, fair, and just procedure presupposes that a person accused of an offence.

Justice Krishna Iyer, the father of human rights jurisprudence, In *M.H. Hoskot v. State of Maharashtra*[25], he stated: 'If a prisoner sentenced to imprisonment is virtually unable to exercise his constitutional and statutory right of appeal, including special leave to appeal (to the Supreme Court), for lack of legal assistance, the Court has implicit power under Article 142 read with Articles 21 and 39-A of the Constitution to assign counsel for such imprisoned individual for doing complete justice.'

The Legal Services Authorities Act[26], 1987, now firmly establishes the right to legal aid in India. Legal assistance will be provided based on both the means test and the merits test, according to Section 12 of that Act. In reality, legal aid is automatically accessible for a broad spectrum of litigants with special needs, such as individuals in custody, children, women, complainants under the SC/ST Act, and workers, regardless of their economic situation.

Thanks to the Act, we have a vast network of legal assistance committees at the taluk, district, and state levels. Furthermore, each High Court and the Supreme Court have their legal services committee. The objective before these committees is to offer practical and high-quality legal assistance that is not limited to legal representation in courts but also includes counselling and guidance.

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[24] *Suk Das & Anr. v. Union Territory of Arunachal Pradesh,* (1986) 2 S.C.C. 401.
[25] *M.H. Hoskot v. State of Maharashtra* (1978) 3 SCC 544.
[26] Legal Services Authorities Act, 1987.

VI. The impact of delay in the dispensation of justice on access to justice

The people of India are fortunate that our constitutional founders built a strong foundation with a cooperative federation to make citizens lives more accessible. The 'Social Justice Philosophy' of Bharat Ratna Dr B.R. Ambedkar[27] and other philosophers, intellectuals, social, economic, legal reformers, and the legal dictums of international human rights legislation have been concisely integrated into the Constitution's Preamble.

According to former Chief Justice of India T.S. Takhur, courts are more than just institutions for resolving conflicts between litigants; they must also develop normative concepts to meet the rule of law and justice demands. This ideology has been adopted to the greatest extent by the judiciary, leading the state to eliminate the socioeconomic inequities that exist in the polity. It has adopted various steps in administering justice to alleviate the suffering of millions of citizens due to the state's inaction and to fulfil the needs of the changing times.[28]

A brief look at the statistics reported by the National Judicial Data Grid reveals over three crores ninety-two lakh forty thousand eight hundred and fifty-nine (3,92,40,859) pending cases in the country as of 6th August 2021. Civil cases account for one crore four lakh thirty-one thousand four hundred thirty-nine (1,04,31,439), whereas criminal cases account for two crores eight lakh nine thousand four hundred and twenty (2,88,09,420).[29] There are three crore four lakh ninety-five thousand one hundred and forty-six (3,04,95,146) cases older than one year. When parallel to the number of cases filed, the rate of disposition is relatively low.

Given the Indian judicial system's unwillingness to swiftly adapt to new challenges and transition to a digital format, this worrying growth in pending cases is unsurprising. Almost the whole three-tier justice delivery system has been digitised and outfitted with contemporary technology after a decade-long modernisation effort. However, due to the opposition of a segment of the legal profession, the transition to the digital format has been sluggish.

Another factor that has aggravated the current scenario is the rise of judicial vacancies at all three tiers. At the same time, more than 400 judgeships have been vacant in 25 High Courts,

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[27] Lakshminath, 'Dr Ambedkar's Perceptions and contemporary Constitutional Perspectives', Bhat (Ed) Dr Ambedkar and the Indian Constitution, 2001, (Dr B.R. Ambedkar govt Law College, Pondicherry) 112-159

[28] Subordinate Courts, 'A report on Access to Justice 2016', <supremecourtofindia.nic.in/Subordinate%20Court%20of%20India.pdf> accessed 6 August 2021.

[29] National Judicial Data Grid, <https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard> accessed 6 August 2021.

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the situation in the lower court concerns, with 5000 vacancies. There are 7 vacancies in the Supreme Court as well.[30]

In a 2018 strategy paper, the Niti Aayog stated that clearing the backlog would take more than 324 years at our Court's present rate of case disposition. 2.9 crore cases were pending at the time.[31] The covid epidemic has further complicated the problem, with the backlog of 30-year-old cases increasing by 61% in the previous two years across the country, from 65,695 in December 2018 to 1,05,560 in December 2019.[32]

The judiciary has taken several steps to correct the system, including e-governance, Lok Adalat System, Social Action Litigation, Encouragement of Alternative Disputes, and others, based on numerous debates, discussions[33], and suggestions from every possible organ of the polity. The Legislature has also taken steps such as establishing fast track courts, Labour Courts, Family Courts, Consumer Courts, Economic Offenses-related courts, and many bodies such as the National Human Rights Commission, NCRC, NCPRC, SC & S.T. Commissions, Backward Class Commissions, Commission on Right to Information, and several policy perspectives.

In *Imtiyaz Ahmad v. State of Uttar Pradesh*[34], the Court directed the Law Commission to make recommendations to it on the immediate measures that need to be taken, such as the creation of additional Courts and other related matters to aid in the elimination of delays, the speedy clearance of arrears, and the reduction in coercion. It also instructed it to offer state-by-state remedial mechanisms to address parties' concerns in expanding the judicial system to preserve the constitutional characteristic of access to justice and the impact of delays on the enjoyment of rights.

The Law Commission, in its Report, made several recommendations for limiting the judicial system from munsiff Courts to the Supreme Court. It broadly recommended reaffirming its earlier blueprint report on judicial human resources planning, which recommended increasing the number of judges from the current ratio of 21.03 (In 2020) to at least 50 judges per million people and other structural requirements for the institution justice.[35]

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[30] Pradeep Thakur, TOI, 'Pending cases in India cross 4.4 crore, up 19% since last year', <https://timesofindia.indiatimes.com/india/pending-cases-in-india-cross-4-4-crore-up-19-since-last-year/articleshow/82088407.cms> accessed 6 August 2021.

[31] Niti Ayog, 'Strategy for new India @75', <http://www.niti.gov.in/sites/default/files/2019-01/Strategy_for_New_India_2.pdf> 180.

[32] Supra note 28

[33] The Law Commission of India (14th report, 1958).

[34] *Imtiyaz Ahmad v. State of Uttar Pradesh & Ors.*, AIR SC 2012 642.

[35] The Law Commission of India, 245th Report.

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VII. Elements of Access to Justice

Public Interest Litigation

In our Constitutional Courts, the concepts of 'public interest litigation' are now established by the efforts of Justice P.N. Bhagwati. The tendency of social action groups, legal aid societies, university instructors, advocates, voluntary organisations, and public-spirited people filing public-interest lawsuits before the Supreme Court and different High Courts have increased throughout the country. Thousands of people have benefited from repression, government omissions, administrative laziness or arbitrariness, or the non-enforcement of helpful legislation.

The idea of locus standi has significantly been broadened to include issues arising from environmental harm or contamination. Public interest lawsuits have also been brought, requesting that the police or the state take action against corrupt persons. As a result, the stringent requirements of writ jurisdiction of our Constitutional Courts have practically vanished.

Justice Krishna Iyer remarked in *Fertiliser Corporation Kamgar Union v. Union of India*[36] that, "In simple terms, locus standi must be liberalised to suit the demands of the time." Ubi Jus Ibi Remedium must be broadened to include the interests of public-spirited people or groups concerned with the conservation of public resources and the direction and correction of public authority to achieve justice in all dimensions.

Apart from the Constitutional Courts, we have regular civil and criminal courts, Consumer Courts, and many State and National Tribunals. The Tribunals are led by a serving or retired Judge of the High Court or Supreme Court, or they preside with Administrative Members.

Court Fees

Another component of access to justice is charging 'court fees' to those who file court cases. The Preamble to the Bengal Regulation of 1795[37], which claimed that the high court charge was designed to drive away vexatious plaintiffs, was called 'absurd' by Lord Macaulay. He chaired the Law Commission of India many years ago. He justified by claiming that it will also drive away honest claimants who cannot pay the court cost. The Law Commission has been emphasising since the 14th Report that the notion that court fees should be increased to avoid vexatious litigation cannot be accepted.

[36] *Fertiliser Corporation Kamgar Union v. Union of India* AIR 1981 SC 344.
[37] Bengal Regulation of 1795.

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Justice Venkatachaliah, in the case of *P.M. Ashwathanarayana Setty v. State of Karnataka,*[38] stated, “Everybody pays for the police, but some people use them more than others. Nobody complains. You don’t have to pay an exceptional fee every time you have a burglary or ask a policeman the way.” His Lordship went on to say: “The court fee as a barrier to ‘access to justice is indistinguishably linked with a ‘highly emotional and even evocative subject stimulating visions of a social order in which justice will be brought within reach of all citizens.”

In its 189th Report on ‘Court Fees’[39], the Law Commission of India emphasised the need to ensure that ‘excessive Court cost requests do not hamper access to Courts’.

Alternative Dispute Resolution and Plea Bargaining

Today, it is widely acknowledged that courts have the power to decide civil disputes and urge parties to use arbitration, conciliation, mediation, or Lok Adalat’s instead. Courts are no longer only places where people resolve their conflicts; they are also places to solve their problems. Parties can even be compelled to explore these alternate ways under court-administered systems. A policy like this is outlined in Section 89 of the Code of Civil Procedure. In India, voluntary organisations of attorneys are starting to establish mediation centres and is rapidly increasing demand as it ensures speedy justice.

The Law Commission had proposed plea bargaining in criminal cases[40]. As a result, the drafted Criminal Law Amendment Bill[41] was submitted in the parliament, and it became enforceable on 5th July 2006. However, plea bargaining in India is different from that of the U.S.A.; in the U.S.A., plea bargaining takes place before the trial of the case. In contrast, this process is preceded by an application made by the accused to the Court in India. The Court has complete discretion in deciding on the admissibility of the application for plea bargaining.

Wednesbury rules and proportionality in Constitutional Courts

The High Courts & the Supreme Court are the Constitutional Courts, and they have the power to issue different sorts of writs to overturn laws. They can also overturn executive or legislative actions that infringe on fundamental rights protected by the Constitution or any statutory rights given by other legislation. They can be issued to the government, statutory bodies, public authorities, and, in some circumstances, individuals.

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[38] *P.M. Ashwathanarayana Setty v. State of Karnataka* 1989 Supp (1) SCC 696.
[39] The Law Commission of India, 189th Report.
[40] The Law Commission of India, 154th Report.
[41] The Criminal Law (Amendment) Bill, 2003.

Legislative action might be declared ultra-vires. This can be for ample reasons, including the fact that the concerned Legislature lacked legislative competence, in light of the subjects on which that Legislature is permitted to legislate under the Constitution. If the law restricts a fundamental right more than what is permitted under Art. 19(2) to (6) or Art. 21, Indian courts can consider the proportionality of the legislation and strike down the limitation or determine to what degree it is permissible.

Executive action can also be overturned if it is not permitted by the relevant legislation or the Constitution or violates fundamental rights. The validity of administrative action in the context of fundamental rights is assessed using proportionality principles. Otherwise, Wednesbury Rules are applied. In this situation, the Constitutional Courts would not consider the merits of the administrator's judgement; instead, they will consider whether it is contrary to law, procedure, such as natural justice, or is illogical because no reasonable person could have reached such a conclusion. As a result, everyone in India who has had their constitutional or statutory rights infringed has access to the Constitutional Courts, namely the High Court and the Supreme Court.

VIII. Conclusion

Access to justice is a dynamic subject; with rapid advances in science and technology, the judicial system should be on par, if not ahead of its time. I would advocate that a constitutional body comprised of officials and luminaries from the legal field, as well as experts from NITI Aayog, be formed by an amalgamation of both to radically change the Codes of Civil Procedure and Criminal Procedure to create a state-of-the-art justice delivery system that caters to all groups in society without discrimination.

On 26th July 2021, a delegation of chairpersons and vice-chairpersons from five southern states- Kerala, Karnataka, Tamil Nadu, Telangana and Andhra Pradesh visited the Vice president M. Venkaiah Naidu and Chief Justice of India N.V. Ramana. It gave a representation for the supreme court bench in south India. This proposal has a high potential to improve the current delay and accessibility of the justice delivery system.

On a final note, I would conclude by quoting Benjamin Franklin, Founding Fathers of the United States of America, "Justice will not be served until those who are unaffected are as outraged as those who are."

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