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Justice in a Foreign Tongue: Linguistic Inequality and Access to Justice in India

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ABSTRACT

“Language is not just a medium of law—it is its substance.”

We often hear that “justice delayed is justice denied,” but in reality, justice is sometimes denied before it even begins — because the language of the law feels alien to those expected to understand it. In India, the courtroom remains a space dominated by colonial-era English, dense legal jargon, and mistranslations that create an invisible but powerful divide. This paper draws attention to a rarely acknowledged truth: many litigants don’t lose their cases because of poor facts or weak arguments — they lose because they were never truly heard or understood. The research investigates how communication gaps, born from complex legal language, the lack of trained court interpreters, and the near absence of institutional linguistic support, quietly obstruct justice. It asks a fundamental question: What becomes of justice when it is written in a language people can’t read, and spoken in a tone they cannot follow? This paper turns to the emerging discipline of forensic linguistics — not just as a theoretical tool, but as a practical means to reimagine how courts operate. The paper advocates for a shift beyond simple translation, urging a deeper transformation in the way courts speak, write, and above all, listen. Until the legal system begins to communicate in a way that is inclusive and comprehensible, the promise of justice will remain just that — a promise, unfulfilled for those who need it most.

Keywords: *Legal language, communication barriers, forensic linguistic, multilingual courts, legal reforms*

I. INTRODUCTION

Imagine standing in a courtroom, waiting for your future to be decided—but not understanding a single word being spoken. You hear the lawyers argue, the judge speaks, and then a verdict is given—all in a language that means nothing to you. For many people in India, this is not a rare situation—it’s a regular one. The legal system, which is supposed to protect people, often ends up shutting them out. Why? Because of language. In a multilingual nation like India, where linguistic identity is closely tied to culture and access, the dominance of English in legal institutions creates a quiet but powerful obstacle. For many, the courtroom

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remains a place where decisions are made *for* them, but not necessarily *with* them—primarily because they cannot understand the language in which justice is delivered. Language problems in Indian courts go beyond just translation; they involve issues of inclusion, participation, and trust in the system itself.

Chief Justice D.Y. Chandrachud has acknowledged this challenge, stating that “*access to justice cannot be meaningful unless citizens are able to access and understand it in a language which they speak and comprehend*”.³ Language plays a much deeper role in the legal system than is often recognized. It is not just a tool of communication, but the very structure upon which arguments are built, evidence is interpreted, and legal reasoning is formed. When litigants are unable to follow courtroom procedures—whether due to the complexity of legal English, lack of trained interpreters, or the absence of translated materials—their right to a fair trial is compromised. ‘*This situation raises broader constitutional concerns under Articles 14, 19, and 21 of the Indian Constitution, which promise equality before the law, freedom of expression, and the right to life and personal liberty*’.⁴

‘*While initiatives such as the Supreme Court’s Electronic Supreme Court Reports (e-SCR) project, which aims to provide free judgments in regional languages, are welcome steps toward linguistic inclusion, they are not enough on their own*’.⁵ Without deeper institutional reform and systemic changes in how legal language is used, such digital tools will have limited impact. This doctrinal research seeks to examine how language operates as a barrier within the Indian legal system, exploring its historical roots, its ongoing consequences, and the reforms needed to ensure that justice is truly accessible to all—regardless of the language they speak.

II. COLONIAL FOUNDATIONS OF INDIAN LEGAL LANGUAGE

Chief Justice of India D.Y. Chandrachud once remarked, “*English language in its legal avatar is not comprehensible to 99.9% of its citizens*”.⁶ Tracing this back through history, it becomes evident that the legal language of India is not merely a medium of communication—it is a legacy of layered historical impositions. ‘*India is considered one of the most linguistically*

³ Namrta, *Removing language as a barrier to justice*, THE ANALYSIS (Feb. 18, 2023), <https://theanalysis.org.in/removing-language-as-a-barrier-to-justice/>.

⁴ Suyasha Singh & Vishaish Tomar, *Language and the Indian Judiciary: Constitutional Challenges in Addressing Linguistic Conflicts*, 3 IJLSS 173, 174 (2025).

⁵ NAMRTA, *supra* note 3.

⁶ Richa Banka, *SC Judgements to be now available in 4 languages*, HINDUSTAN TIMES (Jan. 25, 2023, 1:02 AM), <https://www.hindustantimes.com/cities/delhi-news/sc-judgments-to-be-now-available-in-4-languages-says-cji-101674588729524.html>.

diverse nations in the world, with over 22 scheduled languages specified in the Eighth Schedule of the Indian Constitution'. Yet, the language of Indian courts remains firmly rooted in English.

Before colonial intervention, India's legal and administrative discourse took place in languages such as Sanskrit, Pali, and Tamil.⁷ With the advent of Mughal rule, Persian became the dominant administrative and court language.⁸ However, a significant linguistic shift occurred with the arrival of the British in the 18th century.⁹ Initially, the East India Company allowed the use of local languages in courts and education for practical governance.¹⁰ This policy changed after the enactment of the English Education Act of 1835, which elevated English as the superior language in administration and legal proceedings.¹¹ *"Macaulay's infamous 'Minute on Indian Education' openly advocated for the creation of a class of Indians who were English in taste, in morals, and in intellect"*.¹²

This linguistic shift was further advanced by British administrators William Jones and Henry Colebrooke, who translated Hindu and Islamic legal texts into English.¹³ Their efforts contributed to the *"Anglicization of Indian law,"* replacing traditional and fluid legal reasoning with rigid British case-law structures.¹⁴

Post-independence, the framers of the Constitution faced the arduous task of selecting a national language for official purposes.¹⁵ *"Article 343 of the Constitution declared Hindi in the Devanagari script as the official language of the Union"*.¹⁶ However, due to strong opposition from non-Hindi-speaking states, the *'Official Languages Act 1963'*, permitted the continued use of English indefinitely for official and legal work.¹⁷

The primary constitutional challenges to linguistic reform lie in 'Article 348(1) and 348(2)'. *"Clause (1) mandates that all proceedings in the Supreme Court and High Courts be conducted in English unless Parliament provides otherwise and Clause (2) states that all*

⁷ Rohan Mehrotra, *Language as a barrier to access Justice: An analysis in terms of a Multilingual State*, EDUC. SOC. 367, 369 (2024).

⁸ M J Warsi, *Tracing evolution of India's rich linguistic history*, DECCAN HERALD (Aug. 12, 2015, 00:02 IST), <https://www.deccanherald.com/content/494692/tracing-evolution-indias-rich-linguistic.html>.

⁹ Rohan Mehrotra, *Language as a barrier to access Justice: An analysis in terms of a Multilingual State*, EDUC. SOC. 367, 370 (2024).

¹⁰ ROHAN MEHROTRA, *supra* note 7.

¹¹ ROHAN MEHROTRA, *supra* note 10.

¹² ROHAN MEHROTRA, *supra* note 11.

¹³ BERNARD S. COHN, *HISTORY AND POWER IN THE STUDY OF LAW* 146–50 (June Starr & Jane F. Collier eds., 1st ed. 1989).

¹⁴ BERNARD S. COHN, *supra* note 12.

¹⁵ Rohan Mehrotra, *Language as a barrier to access Justice: An analysis in terms of a Multilingual State*, EDUC. SOC. 367, 371 (2024).

¹⁶ INDIA CONST. art. 343, cl. 1.

¹⁷ The Official Languages Act, No. 19, Acts of Parliament, 1963 (India).

decrees, judgments, and orders passed by High Courts must also be in English".¹⁸ *"While the Governor of a state may, with the President's prior consent, authorize the use of Hindi or any other official language for High Court proceedings, this provision is treated as an exception rather than the rule"*.¹⁹

At the subordinate level, *'Section 137 of the Code of Civil Procedure specifies that the language of civil courts shall be the official language of the state, or in multilingual regions, the language specified by the High Court'*.²⁰ Despite this, English continues to dominate proceedings not only in the Supreme Court and High Courts but often even at the trial court level.

Furthermore, legal documents are frequently written in overly complex English, filled with Latin maxims and archaic expressions such as *"notwithstanding anything contained hereinabove," "null and void,"* and *"void ab initio."* This has resulted in a striking contradiction: while litigants speak in their native languages, the law continues to "speak back" in a foreign tongue. *"Legal scholar Gary Watt refers to this phenomenon as linguistic conservatism—a tendency of legal systems to hold on to outdated linguistic forms that make law less accessible to ordinary people."*²¹

III. LANGUAGE AS A BARRIER TO JUSTICE

In a multilingual country like India, where hundreds of languages and dialects are spoken, the complexity and exclusivity of legal language often stand as formidable barriers to accessing justice. *'India officially recognizes 22 languages under its Constitution, but the 2011 Census records that over 121 other languages are used daily, with hundreds of dialects spoken across the population of 1.4 billion'*.²² Despite this immense linguistic diversity, the official language of the Supreme Court and most High Courts remains English, which is spoken by only about 11% of the population. *'Hindi, spoken by 57%, is permitted in just four High Courts—Rajasthan, Uttar Pradesh, Madhya Pradesh, and Bihar'*.²³ This creates a critical disconnection between the language of law and the language of the people.

¹⁸ Namrta, *Removing language as a barrier to justice*, THE ANALYSIS (Feb. 18, 2023), <https://theanalysis.org.in/removing-language-as-a-barrier-to-justice/>.

¹⁹ *Id.* at 18.

²⁰ The Civil Procedure Code, No. 5, Acts of Parliament, 1908 (India).

²¹ 15 GARY WATT, *RULE OF THE ROOT: PROTO-INDO-EUROPEAN DOMINATION OF LEGAL LANGUAGE* 198–99 (Michael Freeman & Fiona Smith eds., 1st ed. 2013).

²² Matt Reynolds, *Could generative AI help break down language barriers plaguing the Indian justice system?*, ABA JOURNAL (Jan. 22, 2024, 8:34 AM), <https://www.abajournal.com/web/article/could-generative-ai-help-break-down-language-barriers-plaguing-the-indian-justice-system>.

²³ Soibam Rocky Singh, *Use of regional languages in High Courts remains limited*, THE HINDU (Sept. 3, 2024, 6:55 AM), <https://www.thehindu.com/news/national/use-of-regional-languages-in-high-courts-remains->

At the district court level, most proceedings are conducted in the dominant regional language, allowing litigants to engage with the process in a language they understand.²⁴ However, once a case proceeds to the appellate stage, particularly to the High Courts or the Supreme Court, English becomes the sole language of operation.²⁵ This shift forces litigants to translate their pleadings, arguments, and supporting documents into English, even though they may not comprehend the language themselves.²⁶ As a result, the litigant's direct participation becomes limited, and their dependency on lawyers and translators increases.

This language divide severely affects the litigant's constitutional right to participate in proceedings and to understand the legal process under Article 21 of the Indian Constitution.²⁷ The inability to understand legal arguments, judicial pronouncements, or procedural steps can leave litigants alienated from the very institutions meant to protect their rights.²⁸ As Chief Justice of India D.Y. Chandrachud has observed, language barriers create a profound sense of exclusion and mistrust, especially in higher courts, where people often do not comprehend the arguments presented in their own cases.²⁹

Legal language itself is often verbose, archaic, and tedious, rendering it incomprehensible even to literate citizens.³⁰ This complexity leads to miscommunication, inadequate legal representation, and in some cases, unjust outcomes.³¹ The law, when shrouded in impenetrable language, becomes a privilege of the few who are linguistically equipped, rather than a right accessible to all. This deeply undermines legal literacy, which is essential for realizing constitutional guarantees.³² The dependence on lawyers to navigate these linguistic and legal complexities can be both expensive and inaccessible, especially for individuals from rural or marginalized backgrounds. *"This overreliance on professionals not only delays justice but also creates a power imbalance, where the litigant is not an active participant in their own case, but merely an observer"*. Moreover, not all languages can be translated word-for-word

limited/article68597361.ece.

²⁴ Rohan Mehrotra, *Language as a barrier to access Justice: An analysis in terms of a Multilingual State*, EDUC. SOC. 367, 379 (2024).

²⁵ INDIA CONST. art. 348, cl. 1.

²⁶ ROHAN MEHROTRA, *supra* note 24.

²⁷ Mohammad Imran Khan, *Justice lost in translation*, GREATER KASHMIR (July 6, 2023, 6:40 AM), <https://www.greaterkashmir.com/opinion/justice-lost-in-translation/>.

²⁸ Priyanshu, *Language Barrier in the Indian Judiciary: CJI Chandrachud*, DESI KANOON (AUG. 13, 2024), <https://desikaanoon.in/language-barrier-in-the-indian-judiciary-cji-chandrachud/>.

²⁹ Undefined, *Teaching law in regional languages can improve access to legal system: CJI*, THE ECONOMIC TIMES (July 15, 2024, 2:31 PM), <https://economictimes.indiatimes.com/news/india/teaching-law-in-regional-languages-can-improve-access-to-legal-system->.

³⁰ Dr. Kusum Chauhan, *Language of Justice in India: Needs a revitalization from complexity to simplicity*, 4 IJAAS 50, 51 (2022).

³¹ *Id.* at 30.

³² Aishwarya Agrawal, *The Problems of Legal Language*, LAW BHOOMI (Aug. 14, 2024), <https://lawbhoomi.com/the-problems-of-legal-language/>.

due to unique cultural and linguistic expressions. This makes literal translation ineffective in certain cases, where the essence of a word or phrase is completely lost, potentially changing the legal significance of a testimony or argument.³³

CJI Chandrachud has rightly pointed out that “*communication of justice is as important as the determination of justice.*” The inability to communicate judgments, legal rights, or schemes to the people in a language they understand reduces the efficacy of the justice system.³⁴ A study conducted by the ‘*Research Department of the Supreme Court*’, covering 81 colleges and universities, highlighted that a majority of common citizens experience difficulty in understanding government welfare schemes and their legal entitlements—primarily because they are communicated in English.³⁵ This disconnect does not merely reflect a linguistic issue—it strikes at the heart of equal access to justice, a principle embedded in the Indian legal framework.

IV. FORENSIC LINGUISTICS AND ACCESS TO JUSTICE

In multilingual nations like India, where linguistic diversity often becomes a barrier to legal comprehension, *forensic linguistics* offers a transformative tool to bridge the gap between legal institutions and linguistic minorities. ‘The term Forensic Linguistics was first used by linguistics professor Jan Svartvik in 1968 in his study *The Evans Statements: A Case for Forensic Linguistic*’.³⁶ ‘It is a branch of applied linguistics where linguistic knowledge, methodologies, and analysis are applied to forensic and criminal settings’.³⁷ According to Coulthard et al. (2011), forensic linguistics involves the application of linguistics in three primary areas: analyzing written legal texts, spoken legal practices, and providing linguistic evidence in criminal and civil investigations as well as courtroom disputes.³⁸

In India, the complexity and length of the Constitution, written in technical legal English, often create interpretational challenges for laypersons and even regional court functionaries. In this context, forensic linguists play a pivotal role in interpreting statutes, identifying lexical ambiguities, and analyzing courtroom or investigative communication that may affect judicial outcomes. These experts examine the language of written laws, decipher judicial and forensic

³³ Anna Harley, *Language as a Barrier to Justice*, 8 UNSW L Soc C Consc 35, 37 (2014).

³⁴ Undefined, *Teaching law in regional languages can improve access to legal system: CJI*, THE ECONOMIC TIMES (July 15, 2024, 2:31 PM), <https://economictimes.indiatimes.com/news/india/teaching-law-in-regional-languages-can-improve-access-to-legal-system->.

³⁵ UNDEFINED, *supra* note 34.

³⁶ Ravina Toppo & Sweta Sinha, *Evaluating and Accessing the Scope of Forensic Linguistics in a Multilingual Context in India*, 23:8 Language in India 115, 117 (2023).

³⁷ *Id.* at 36.

³⁸ RAVINA TOPPO & SWETA SINHA, *supra* note 36.

terminology, and compare writing styles in evidentiary materials to identify inconsistencies or establish authorship.³⁹

The need for such linguistic expertise in India is pressing. For example, Section 277 of the Code of Criminal Procedure, 1973, ensures that trials are conducted in the language understood by the accused and witnesses.⁴⁰ However, implementation remains inconsistent, especially in lower courts. A narcotics case in Chennai fell apart when the prosecution submitted a key witness statement in Hindi without Tamil or English translation and the court acquitted the accused, citing the inadmissibility of evidence.⁴¹ Here, the absence of forensic linguistic insight resulted in an unjust outcome, highlighting the link between linguistic inequity and access to justice. Forensic linguistics is also actively being used in criminal investigations. 'In 2021, after a bomb exploded outside the Israeli Embassy in New Delhi, the National Investigation Agency (NIA) analyzed a threat letter found at the site and through forensic linguistic analysis, experts identified language patterns suggesting the author hailed from Afghanistan or Turkey, helping to narrow down suspects'.⁴² Similarly, after the Hyderabad serial blasts, linguistic analysts examined emails and hoax calls by studying dialectal markers, grammar, and cultural references to determine the authenticity of threats and establish links to the Indian Mujahideen.⁴³

These cases explain how forensic linguistics not only aids investigation but also reinforces linguistic justice in judicial proceedings by offering objective analysis of potentially ambiguous or misunderstood communication. In a country where people are increasingly prosecuted for social media posts, messages, and digital speech, linguistic experts can clarify intent, mitigate wrongful prosecution, and ensure freedom of expression is not criminalized due to misinterpretation.⁴⁴

Globally, countries like the UK, Finland, Australia, and Germany have institutionalized forensic linguistic practices. In the UK, expert testimony was accepted in a 1989 murder trial

³⁹ Undefined, *Forensic Linguistics: Definition & Examples*, LLOYD INSTITUTE OF FORENSIC SCIENCE (May 21, 2024), <https://lifs.co.in/blog/forensic-linguistics.html>.

⁴⁰ The Code of Criminal Procedure, 1974, No. 2, Acts of Parliament, 1974 (India).

⁴¹ Ram Sundaram, *Witness statement only in Hindi, no Tamil or English Translation: Drug case falls flat in Chennai High Court, accused acquitted due to lack of admissible evidence*, TIMES OF INDIA (June 14, 2025, 7:34 IST), <https://timesofindia.indiatimes.com/city/chennai/lost-in-translation-witness-statement-in-hindi-gets-drug-case-accused-acquitted>.

⁴² Ananya Bhardwaj, *Forensic linguistics, layered voice analysis — how Israel embassy blast case is being probed*, THE PRINT (Feb. 27, 2021, 9:07 AM), <https://theprint.in/india/forensic-linguistics-layered-voice-analysis-how-israel-embassy-blast-case-is-being-probed>.

⁴³ Aditti Parab & Dr. Ankita Parmar, *Forensic Linguistics : Where Language meets Law*, FORENSIC TALENT INDIA (May 14, 2025), <https://forensictalents.blogspot.com/2025/05/forensic-linguistics-where-language.html>.

⁴⁴ Ravina Toppo & Sweta Sinha, *Evaluating and Accessing the Scope of Forensic Linguistics in a Multilingual Context in India*, 23:8 Language in India 115, 117 (2023).

where forensic linguist Peter French demonstrated that the defendant's supposed confession was actually composed using police jargon—suggesting it wasn't his authentic speech.⁴⁵ The Indian judiciary, too, must consider formally integrating forensic linguistics into the legal process—not only to aid investigations but to ensure courtroom communication is linguistically fair, accessible, and comprehensible to all, regardless of educational or linguistic background.

V. REFORMS AND SOLUTIONS

The steps taken by the Government of India and Judiciary for bridging the gap along with reforms and solutions we suggest are discussed below:

1. Government and judicial initiatives

- 'One of the most significant initiatives in this regard is the development of the Supreme Court Vidhik Anuvaad Software (SUVAS), an AI-powered tool designed to translate judgments and legal documents into various regional languages.'⁴⁶
- 'In addition to AI-powered translations, the Judiciary has also introduced, live transcription services in courtrooms, E-seva Kendras to assist citizens in navigating the legal system, and the digitization of court records.'⁴⁷
- 'The Supreme Court of India launched the Electronic Supreme Court Reports (e-SCR) project to provide a digital version of the Supreme Court's judgments with the main objective to make judgments available to all, for free, in regional languages.'⁴⁸
- 'DY Chandrachud explained that the Court is also resorting to employing retired judicial officers to verify the correctness of the translation.'⁴⁹
- 'Other step taken is the Bhashini project, which is an AI-based language translation platform that aims to provide all Indians with easy access to the Internet and increase the digital content in local Indian languages.'⁵⁰
- 'The e-Courts Project has been another initiative by the Government of India to tackle the issues of language disparity in India.'⁵¹

⁴⁵ *Id.* at 44.

⁴⁶ Priyanshu, *Language Barrier in the Indian Judiciary: CJI Chandrachud*, DESI KANOON (AUG. 13, 2024), <https://desikaanoon.in/language-barrier-in-the-indian-judiciary-cji-chandrachud/>.

⁴⁷ Namrta, *Removing language as a barrier to justice*, THE ANALYSIS (Feb. 18, 2023), <https://theanalysis.org.in/removing-language-as-a-barrier-to-justice/>.

⁴⁸ NAMRTA, *supra* note 47.

⁴⁹ NAMRTA, *supra* note 47.

⁵⁰ Undefined, *How AI-language Based ODR Can Increase Access to Justice*, PRESOLV360, <https://presolv360.com/resources/how-ai-language-based-odr-can-increase-access-to-justice/>.

These measures are excellent, but more remains to be done to systemically reform courtroom communication across all judicial levels.

2. Other reforms and solutions

- **Implement multilingual trials:** ‘Section 277 of the CrPC’ requires courts to completely apply recording evidence in a language the accused understands.⁵² This is basic to fair trial rights, not only a procedural formality.
- **Train and Certify Legal Interpreters:** India lacks a formal system for court-certified translators. Translation accuracy and responsibility would be much improved by establishing a national register of interpreters educated in legal terminology and courtroom ethics—as those in Canada or the UK are.
- **Simplify Legal Translation:** Non-lawyers should understand legal communication. In court orders, FIRs, and summons, straightforward language helps to reduce uncertainty and guarantee that the parties engaged truly grasp the legal procedure they are subject to.
- **Technology-Based Real-Time Translation:** Adopting speech recognition and multilingual transcription systems, as tested in courts in Karnataka and Maharashtra, can assure real-time translation for litigants and increase courtroom efficiency.
- **Expand Use of Forensic Linguistics:** As described earlier in your study, forensic linguistic methods can assist in analyzing evidence, resolving semantic difficulties, and uncovering language-based injustices—such as erroneous confessions or biased testimonies.

VI. CONCLUSION

India’s legal system, though constitutionally committed to justice, equality, and liberty, continues to operate within a linguistic framework that excludes the very citizens it is meant to serve. As this paper has demonstrated, the dominance of English and complex legal jargon in courts—rooted in colonial legacies—creates a silent yet significant obstacle to access to justice. When litigants cannot comprehend the proceedings, or when interpreters lack the training to translate with legal precision, trials become inaccessible, participation is eroded, and justice is delayed or denied. This structural language barrier does not merely hinder

⁵¹ *Id.* at 50.

⁵² The Code of Criminal Procedure, 1974, No. 2, Acts of Parliament, 1974 (India).

comprehension—it fundamentally compromises constitutional guarantees under Articles 14 and 21.

In this context, forensic linguistics emerges not only as a corrective mechanism but also as a transformative lens. By applying scientific linguistic analysis to legal processes—whether in interpreting ambiguous legal texts, evaluating the reliability of testimonies, or improving courtroom communication—this discipline can democratize legal access. The paper’s exploration of both global best practices and Indian case examples shows that forensic linguistics can bridge the gap between legal language and layperson understanding, especially in multilingual societies like India. Technological solutions such as AI-based translation tools and real-time transcription systems are commendable steps, but they must be accompanied by institutional reforms. Until the courts of India learn to speak not just in legalese but in the language of its people, the promise of justice will remain a distant echo. A linguistically inclusive judiciary is not only a constitutional mandate—it is the bedrock of a truly democratic legal system.
