CHAPTER 10

CONCLUSIONS & SUGGESTIONS
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[The Victorian Poet – Laureate Alfred, Lord Tennyson] [101]

At the apex there is a Sup. Co., then come the Hi. Co.s of which there is one in each state below the Hi. Co.s, there are subordinate civil & criminal courts, The Civil Courts below the Hi. Co.sowe their existence & jurisdiction to the enactment of each state concerned. Now civil & criminal procedures fall in the Concurrent List. Hence a state Legislature can pass legislation for the purpose subject to any law which parliament may enact in this area, in spite of dissimilarities in different states about the jurisdictional matters of subordinate court, some uniformity is found in the organization of these subordinate courts throughout the country. The dictionary meaning of the word judicial means of or by a court of justice, of a judge or of judgment or to the administration of justice judicial is concerned to judges who have the qualities like wisdom, knowledge, conscience. Insight, a sense of balance & proportion & to some extent freedom from bias & prejudice.

The term ‘Accountability’ is derived from the ancient Latin word ‘accomptare’ which means to account. The dictionary meaning of accountability is liability to give account, responsibility to fulfill obligation account ability is often used synonymously with such concepts as responsibility, answerability & blame worthiness. Liability, & other terms associated with the expectation of account giving. There is no specific dictionary meaning for the term judicial accountability as it has come into force only recently. The words ‘Judicial Accountability’ indicate that the judiciary is accountable to the society. The society members expect a judge to be an man of high integrity honesty & a high morality.

They all are discussed as follows- Francis bacon, in his easy on judicature says & therefore not only the Bench. But the foot pace &precincts& purpose thereof ought to be preserved without scandal & corruption’ This highlights the complexities & sensitivities in the matter of effective, implementation of judicial honesty.
The former Chief Justice of India, Hon Mr S P Bharucha moaned recently that the integrity of about 20 percent of the higher judiciary was in doubt. The judges are accountable for their misbehavior or incapacity. The accountability for personal conduct should be considered when the advocates are selected properly by the judiciary as the judges. Drunkenness & the corrupt practices are to be eliminated.

The researcher Professor Karl Llwellyn has stated that ‘The Doctrine of Precedent is Janus faced. There is one doctrine to get a rid of a precedent that is troublesome & another to follow precedent if it s helpful’

The great American judge , While deciding the case Great Northern Railway v Sunburst Oil, declared-
‘ A state in defining the limits of adherence to precedent may make a choice for itself between the principle of forward operations & that of relation backward’

The researcher concludes his thesis in the very words of Lord Denning-
The Researcher wants to provide the following suggestions-

1. The Precedents should be carefully used & there should be clear guidelines
2. The recent precedents must be given high importance in the administration of justice.
3. The Separate Law Reporting Bill must be passed by the Parallement of India by incorporating the modern Information Technology Revolution.
4. There should be a clear statutory provition in order to restrict the use of precedents in order to have a speedy trial.
5. The precedents must be given the status of the learned proffeionalopenions however their use must not restrict the independence of judiciary.