

An Analytical Study on Corruption Across Various Sectors of the Judicial System

Ms. Kashish Kirit Rukhiyana¹, Dr. Meghana Vyas²

¹ M.Sc. Mathematics (part-2), Department of Mathematics and Statistics, Somaiya Vidyavihar University.

Email: k.rukhiyana@somaiya.edu

² Assistant Professor, Department of Mathematics and Statistics, Somaiya Vidyavihar University.

Email: meghna.vyas@somaiya.edu

ABSTRACT

Corruption is the misuse of authority for personal gain; it frequently takes the form of fraud, embezzlement or bribery. It might undermine the public trust in institutions, hampering economic growth and promoting inequality. Reforming the law, promoting transparency and encouraging civic participation are frequently necessary to combat corruption. Corruption in the judicial system of India is a complex issue which has several causes such as lack of judges, complex procedures, a backlog of cases, bribery and extortion. India has a low ratio of judges to population and shortage of judges relative to demand. Civil cases will never be resolved at the current rate. Numerous new laws have complicated the legal system. A case's outcome may be impacted by political intervention. Case outcomes can be influenced by bribing witnesses, victims, and other parties in the legal system. Corruption in the judicial system of India poses a significant threat to the integrity and effectiveness of the legal system. Examining the causes, awareness and consequences of anti-corruption measures, this paper looks at several aspects of judicial corruption. Political interference, socioeconomic inequality and insufficient accountability are major causes of corruption in the judiciary. This study demonstrates how corruption undermines the rule of law, public trust and access to justice. It also explores potential reforms, such as promoting judicial independence, enhancing transparency and accountability. The ultimate goal of this research is to strengthen the fundamental legal system's principles of justice and equality by providing a thorough knowledge of judicial corruption in India and suggesting effective measures.

KEYWORDS: Corruption, Bribery, Transparency, Judicial Independence.



INTRODUCTION:

Judicial system in India is prone to corruption, and thousands of individuals around the world are deprived of access to justice and the defence of their fundamental rights. When there is corruption in the judiciary, it encourages corruption in other government branches and sends the message to the public that corruption is accepted. The widespread corruption in the judicial system of India includes variety of sectors, it includes courts, judges, judicial and administrative employees, attorneys and other related social organizations like the police force, undoubtedly has a negative impact on public confidence and it will obstruct transparency in the casting of votes and determining of proper procedures and the execution

of social justice. People's dissatisfaction arises from this system's lack of judicial security setup and their misunderstandings regarding the courts. Judicial corruption is seen as a threat to the public's management of society, the application of the law and the execution of successful anti-corruption initiatives. Getting the proper documentation to operate a business in India requires navigating a complex web of backdoor deals for permits, buying favors with politicians and courts to accelerate applications, and pleasing hundreds of other bureaucratic vultures along the way.

The majority of people do not have slush cash to pay bribes. When navigating through the legal system, the majority of them end up aimlessly roaming through administrative buildings in an attempt to locate the appropriate authorities who can stamp the numerous bureaucratic permissions on their excessively complex documents. These issues also affect the criminal and civil justice systems, as overworked judges are unable to deliver decisions in an accurate and fair manner. Both High Court and Supreme Court judges have been involved in controversies that have raised doubts about their trustworthiness to uphold fairness, impartiality and the rule of law. Judges have crucial responsibility to preserve constitutional values, civil liberties and the rule of law and they have to carry with them both within and outside the court. Judicial independence and judicial accountability requires a sense of balance for strengthening the administration of justice. A non-corrupt judiciary requires judicial independence, yet this is insufficient since an independent court may also be corrupt. The judiciary's corruption can be caused by a number of causes, such as the excessive backlog of cases, insufficient court infrastructure, and unclear procedures for judges' recruitment and advancement. Corrupt practices are also made worse by the absence of accountability and transparency measures, which encourages them. In order to keep the legal system trustworthy and secure that justice is fair for all citizens, it is essential that corruption in the courts be addressed.

Since anti-corruption strategies might be misused, their application needs to be conducted with caution. They could be tools used by politicians to push their own agendas through the judiciary. Because of this, even while judicial corruption is extremely destructive, efforts to tackle it must take into consideration the possibility that doing so might threaten the principles of the rule of law.

This research paper intends to investigate different forms of corruption, causes and consequences of corruption in India's legal system. It also discusses anti-corruption measures and how effective they are. Also, analysing how different sectors in India are affected by corruption and obstruct economic growth.

REVIEW OF LITERATURE:

Topic: Corruption in Indian Judiciary: National and International perspective

Hari Ram Anthala(2020) describes the corruption committed by judges, judicial officials and employees working in courts in India. In his study, he discussed the history of dishonest judges who failed to uphold justice after independence of India and the measures that were taken against them. The widespread bribery of judges worldwide and the rise in judicial corruption in India pose a threat to the country's democracy. Millions are deprived of their right to a fair and impartial trial due to widespread bribery of judges worldwide and improper political meddling in legal systems. An understanding of the global spread of corruption and strategies for curbing it has been described. (Anthala, 2020)

Topic: Reflection on Judicial System's Corruption and Offering Solutions to Promote Its Safety

Roohollah Rahimi & Hamid Shakeri (2016) states the way corruption is arising by bribery, embezzlement and extortion. Author explains how government and law enforcement personnel contribute to global increase in corruption. Poor people experience more bribery globally. In eight of the nine systems of services institutions that were the subject of the 2010 Barometer survey, people with lower earnings were found to have paid more bribes than people with higher earnings. Corruption is the great barrier towards economic and social development. Numerous international standards-related acts can effectively promote the health of the judicial system. The primary focus of all nations and international organizations is corruption and its control, as seen by the ratification of conventions and the publication of numerous resolutions. (Shakeri, 2016)

Topic: Corruption, Justice and Violence in Democratic India

Jason Miklian & Scott Carney (2013) explains how all significant industries carry out both lawful and unlawful operations or components that encourage corruption. Corruption not only exists in various sectors of the Indian economy, but it has long existed in the natural resource sector as well. If every case that is currently filed in India's judicial system were to be given a fair trial it would take over 300 years to cut through the backlog. In rural areas where the government's control is even more tenuous, they use people's courts run by insurgent groups. Politicians and the media highlight these and other initiatives as giving the people back control, enhancing transparency, and promoting governability, especially in rural areas.

As in many other nations, lower levels of corruption are correlated with India's rising income and educational attainment. (Miklian, 2013)

OBJECTIVES:

- To understand the causes and consequences of corruption.
- To analyse the extent and nature of corruption.
- To determine which fields are most affected by corruption.
- To determine the efficiency of existing anti-corruption measures.
- To propose recommendations for strengthening judicial integrity.

RESEARCH METHODOLOGY:

The study uses a descriptive research methodology in an effort to determine the level of corruption people are facing in Indian judiciary and analysing the problems using various statistical metrics and techniques. Any research study's conclusions depends on its data and this research used both primary and secondary data. Primary data is acquired by the structured questionnaire which was randomly distributed via Google form and responses were noted to study the problem and take effective measures on it. Further secondary data is acquired from a range of sources, such as publications, journals, research papers, etc., in order to fulfill the study's purpose.

HYPOTHESIS:

H0: Majority of people believe that there is NO Transparency in the legal systems procedures and decisions.

H1: Majority of people believe that there is Transparency in the legal systems procedures and decisions.

DATA ANALYSIS:

TABLE 1: DEMOGRAPHIC DATA (Made by author)

Age (in years)	Frequency	Cumulative frequency	Percentage
0- 18	4	4	4.0
18-30	84	88	83.2
30-45	7	95	6.8
45-60	5	100	5.0
Above 60	1	101	1.0
Occupation	Frequency	Cumulative frequency	Percentage
Judicial Official	2	2	2.0
Government Official	1	3	1.0
Private Sector	89	92	88.1
Public Sector	9	101	8.9

The above table shows that the age group of 18 to 30 have the highest frequency proportion of respondents, with most of them from the private sector.

- **AWARENESS ABOUT CORRUPTION IN JUDICIAL SYSTEM OF INDIA:**

Are you aware of the issues related to corruption within the Indian judicial system?

101 responses

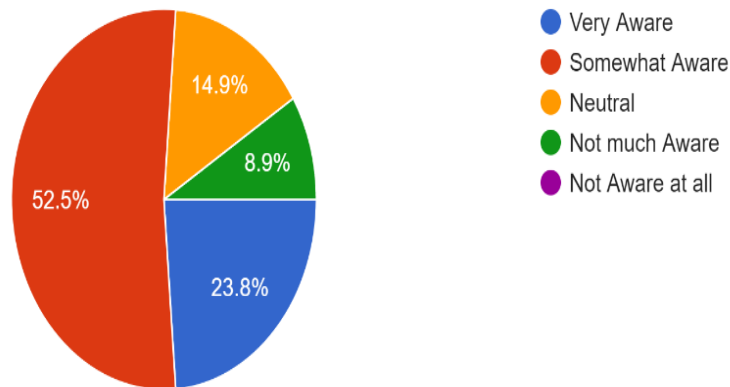


Figure 1: Awareness about corruption in Judicial system of India (made by author)

Among 101 people, 52.5% of people are just somewhat aware of the corruption in the Indian judicial system, compared to 23.8% of people who are well aware of it. 8.9% of people are not particularly aware of it, while 14.9% are neutral.

- **DIRECT OR INDIRECT INVOLVEMENT IN A LEGAL CASE:**

Do you know someone who has ever been directly involved in a legal case where corruption was suspected or observed?

101 responses

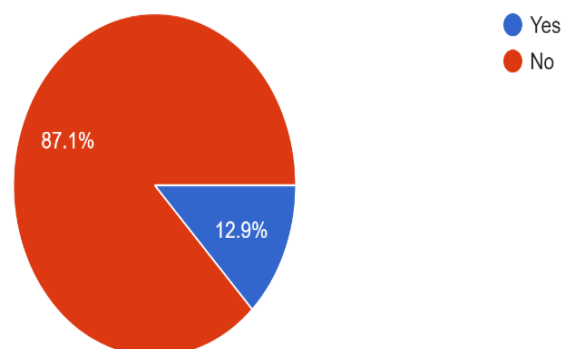


Figure 2: Direct or indirect involvement in a legal case (made by author)

87.1% of people never get involved in a legal matter, whereas 12.9% of people are either directly or indirectly involved in such. People nowadays avoid getting involved in a legal matter due to complexity, cost, uncertainty and fear of retaliation.

• **FACTORS LEADING TO CORRUPTION IN INDIA’S JUDICIAL SYSTEM:**

What factors do you think lead to corruption in Judicial system of India?
101 responses

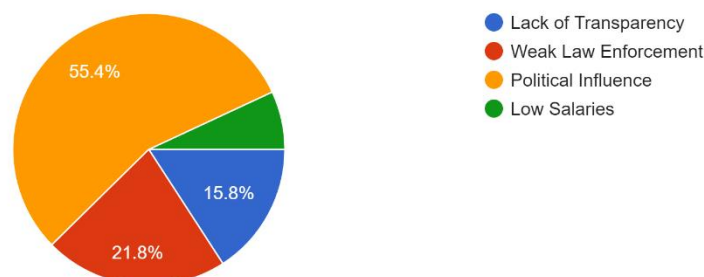


Figure 3: Factors leading to corruption in India’s judicial system (made by author)

55.4% of respondents think political influence is the primary source of corruption in India, compared to 21.8% who think insufficient law enforcement is the root cause while 15.8% believe a lack of transparency is the reason, and others think low incomes is the culprit. Political parties or leaders may exert indirect pressure on judges, particularly in instances with strong associations with politics. Corruption in lower courts is influenced by political figures who might seek to sway outcomes in their favor or in favour of their allies. Lack of transparency in case management can cause delays in favour of some parties over others, giving rise to suspicions of manipulation. Corrupt practices may increase due to weak laws and regulations as well as loopholes in the current legal system. Corruption might take advantage of legal inconsistencies to influence proceedings and avoid punishment. Prosecutors, judges and law enforcement personnel sometimes work in difficult situations and earn low salaries. As they look for more revenue to maintain themselves and their families, their financial vulnerability makes them subject to bribery and other sorts of corruption.

• **AREAS MOST IMPACTED BY CORRUPTION:**

What areas of the Judicial System do you believe is most affected by corruption?
101 responses

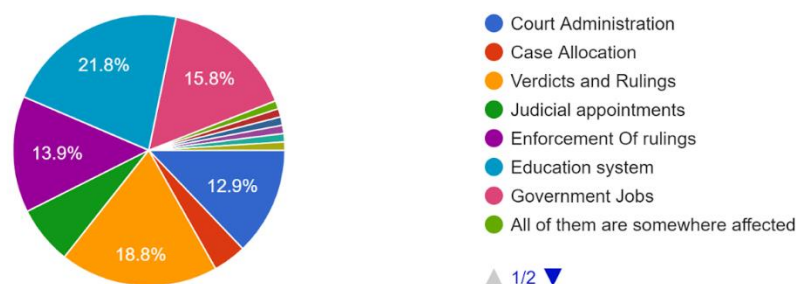


Figure 4: Areas most impacted by corruption (made by author)

Of the respondents, 18.8% believe that court rulings and verdicts are most affected by corruption, while 21.8% believe that the education system is most harmed. 15.8% of respondents believe that government job has been most impacted, while 13.9% believe that the enforcement of rulings has been most impacted. Of those surveyed, 12.9% believe that the court administration is most affected, while the remaining respondents believe that judicial appointments and case allocation are most affected. A large number of them think that each are affected in some way.

• **UNDERSTANDING FORMS OF CORRUPTION IN JUDICIAL SYSTEM:**

What forms of corruption in the judicial system are you aware of?

101 responses

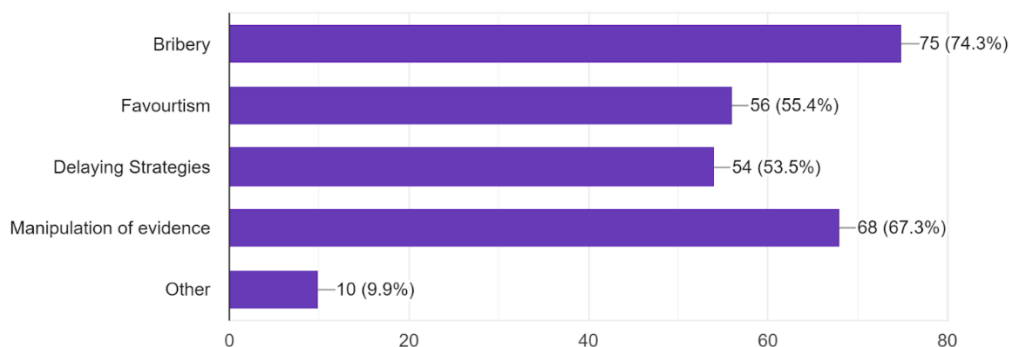


Figure 5: Understanding forms of corruption in judicial system (made by author)

While 67.3% of individuals are acquainted with the manipulation of evidence and 74.3% of people are well aware of bribes, 55.4% of people think that favouritism is the most-clear evidence of corruption. 53.5% of respondents think that delaying strategies constitute the majority of corruption, while 9.9% think that other types of corruption dominate. Offering or accepting cash or other benefits in an attempt to influence judges or court decisions and impacting case results. Favouritism is when people or groups receive preferential treatment when judges and judicial officials make decisions based not solely on the law and the evidence but also on personal relationships, biases as well as external pressures. Delaying strategies are frequently employed to drag court cases that represent an immense challenge in the legal system of India.

ASPECTS IMPACTED BY CORRUPTION IN INDIAN JUDICIARY:

How do you think corruption in the judicial system affects the following? (Rate each from 1 to 5, where 1 is "Not at all" and 5 is "Extremely effective")

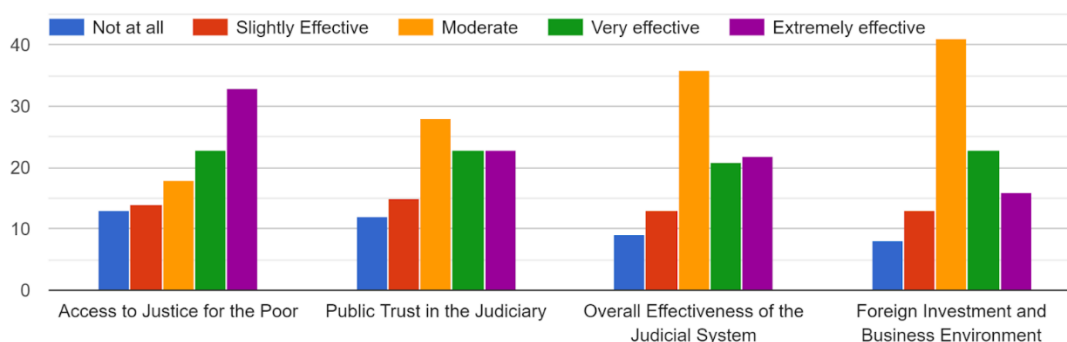


Figure 6: Aspects impacted by corruption in Indian judiciary (made by author)

Most individuals think that the poor have been most impacted by corruption while public trust in the judiciary has been mildly impacted. Others think that corruption has a moderate impact on the judicial system across the country. Additionally, they also think that corruption is having an impact on the business environment and foreign investments. The poor's access to justice is severely undermined by corruption since it develops a system that benefits those with connections and money.

Poverty continues to increase, discrimination is strengthened and social inequality is widened. Public organizations such as the government, the authorities, and the judiciary are widely mistrusted as a result of corruption. Countries with high levels of corruption are regarded as unstable and severely hazardous by the global market.

TRANSPARENCY IN LEGAL SYSTEM'S PROCEDURES AND DECISIONS:

Do you think the judicial system is transparent in its processes and decisions?
101 responses

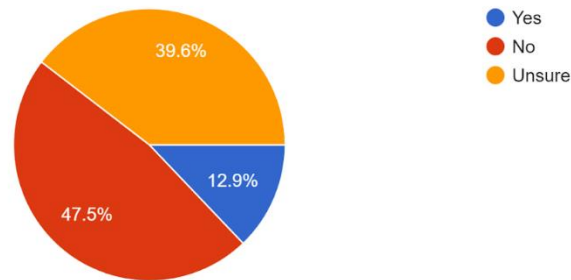


Figure 7: Transparency in legal system's procedures and decisions (made by author)

Of the respondents, 47.5% think that there is no transparency in the legal system of India, 12.9% think that decisions and procedures in the Indian court system are transparent, and 30.6% are unsure. Ensuring fairness, accountability and public faith in the judicial system requires transparency in both procedures and decisions. To ensure transparency, there should be open access to information, transparent and uniform procedures, a system of accountability, moral behaviour and norms and public participation. Transparency is important for preventing corruption and building public trust and confidence in the legal system.

MEASURES TO STOP CORRUPTION:

What measures do you think can be taken to stop corruption?
101 responses

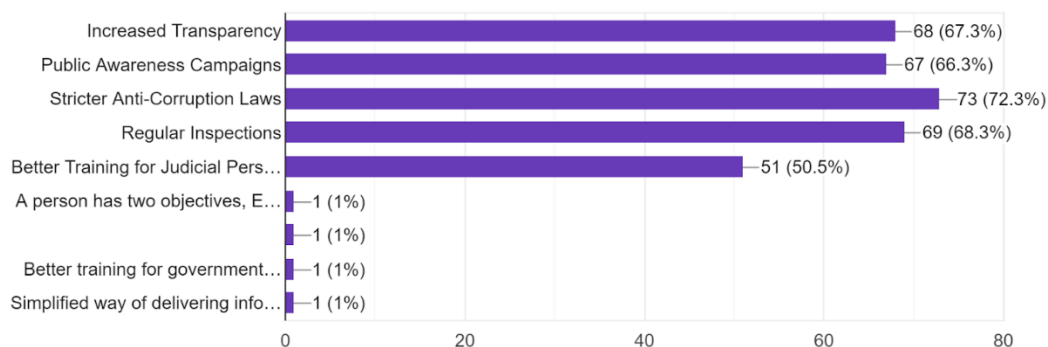


Figure 8: Measures to stop corruption (made by author)

There are a number of ways to combat corruption, but 72.3% of respondents think stronger anti-corruption laws will have the biggest influence, while 67.3% think greater transparency is the most successful strategy. Public awareness campaigns, according to 66.3% of respondents, will effectively combat corruption. Additionally, 50.5% of respondents think that

judicial officials should receive enhanced training, and 68.3% of respondents think regular inspections should take place. Fewer respondents think that more steps should be made to combat corruption, such as simplifying the information delivery procedure, severely punishing those found guilty and improving official training programs.

• EFFECTIVENESS OF CURRENT ANTI-CORRUPTION MEASURES IN INDIAN JUDICIARY:

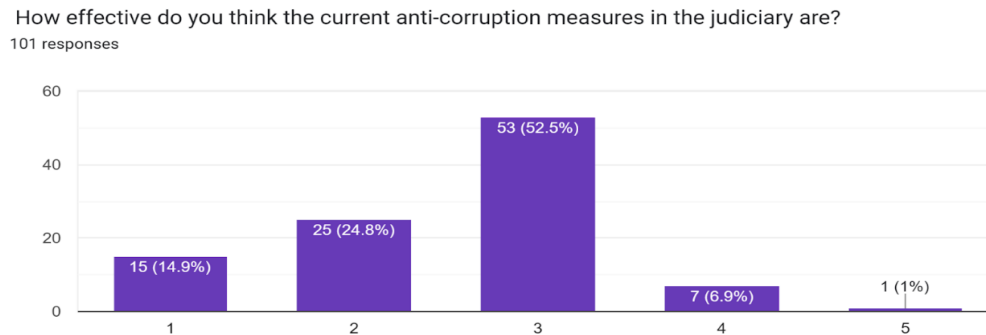


Figure 9: Effectiveness of current anti-corruption measures in Indian judiciary (made by author)

52.5% of respondents think that the anti-corruption measures now in the Indian judiciary are neutrally effective, 6.9% think they are somewhat effective, and 1% think they are effective. 14.9% believe they are completely ineffective, while the remaining 24.8% believe they are slightly effective. Several measures are not properly implemented and they are not strictly enforced. In conclusion, even though the Indian judiciary has implemented a number of anti-corruption measures, their effectiveness is frequently constrained by complex procedures, administrative restrictions and implementation challenges. A more accountable and transparent judicial system must be ensured by ongoing reforms and improvements in order to solve these concerns.

• TESTING OF HYPOTHESIS:

H₀: Majority of people believe that there is NO Transparency in the legal systems procedures and decisions.

H₁: Majority of people believe that there is Transparency in the legal systems procedures and decisions.

$$H_0 = p_0 > 0.58$$

$$H_1 = p_0 \leq 0.58$$

$$n = 101$$

$$p_0 = 0.58$$

$$q_0 = 1 - p_0 = 1 - 0.58 = 0.42$$

$$\text{where } P = 48/101 = 0.475$$

$$Z = \frac{P - p_0}{\sqrt{\frac{p_0 q_0}{n}}}$$

$$Z = \frac{0.475 - 0.58}{\sqrt{\frac{0.58 * 0.42}{101}}}$$

$$Z = \frac{-0.105}{0.049}$$

$$Z = -2.14$$

$$|Z| = 2.14 < 2.58$$

At 1% level of significance

Ho is accepted.

Hence, it can be concluded that Majority of people believe that there is NO Transparency in the legal systems procedures and decisions.

● **PERSPECTIVES AND THOUGHTS ABOUT CORRUPTION IN INDIAN JUDICIARY:**

The questionnaire concluded with an open-ended question on the respondent's experience and opinions regarding the corruption in the judicial system of India. Several responses were given by the respondents. Here are just a few of the finest.

To combat corruption , enhance transparency and accountability through independent oversight and public access to information. Implement strict ethics training and efficient case management to reduce delays and increase integrity.

Corruption in Judicial system undermines public trust and hinders justice, necessitating stricter oversight and reforms.

It can be seen very clearly that people with higher positions in the areas of judicial system are of the older generation and the younger people in the judicial system are majorly products of nepotism. Corruption can be stopped majorly when they fear accountability and it can be brought about when people get aware of their divide and rule strategies which are primarily based on religion, caste, region disparities. India is a secular country which is defined by secularism and people must stand by it for a harmonious and transparent society.

To address Judicial corruption in India, implement transparent processes for appointments and establish independent oversight mechanisms. Strengthening ethical standards and leveraging technology can also promote accountability and reduce misconduct.

FINDINGS:

- It is discovered that one of the main causes of corruption in the Indian judiciary is political interference.
- Also, it is found that corruption in India has the most effect on the educational system.
- Additionally, it is discovered that bribery is common in each and every sector.
- Apart from that, it grows clear that there is a lack of transparency in procedures and verdicts in the Indian judiciary.

CONCLUSION:

In conclusion, the widespread problem of corruption in the Indian legal system threatens the fundamental principles of justice, accountability and public trust. Improvement is nevertheless delayed by systemic flaws such as bureaucratic inefficiencies, a lack of transparency and inadequate enforcement mechanisms, despite the existence of the strong framework by the constitution and various legal provisions aimed to safeguard judicial integrity. A comprehensive strategy is needed for addressing these issues; it needs to include significant reforms in judicial processes, strict anti-corruption measures and increased public awareness and involvement.

Based on analysis, not everyone is aware of the issues related to corruption within the Judicial system of India. For a variety of reasons, including expense, complexity, time and trust, many people choose to stay out of the judicial system and fight for their justice. Corrupt practices mostly impact the fields of education and verdicts and rulings. While bribery is a widespread issue, many nations and organizations are working to prevent corruption by implementing strict laws, promoting transparency and conducting public awareness campaigns. Establishing integrity and accountability across every industry is necessary in the battle against bribery. Reforms including more accessible information, clear communication, and public monitoring procedures are frequently necessary to increase transparency. Establishing public confidence in the legal system is essential to its efficiency and legitimacy. Maintaining accountability, ensuring justice and safeguarding trust among people all depend on a transparent legal system. Lack of transparency can cause a number of issues leading to corruption and misconduct. Anti-corruption initiatives are essential in establishing a fair, efficient and equitable community. In addition to inhibiting economic growth and undermining democratic institutions, corruption also contributes to injustice and inequality. Effective anti-corruption initiatives promote good governance, improve public welfare and restore trust in institutions.

REFERENCES:

1. Anthala Hari Ram (2020), "Corruption in Indian Judiciary: National and International perspective", Chandigarh, 2020, Journal of Politics and Law,9.
2. Rahimi, Roohollah & Shakeri Hamid (2016), "Reflection on Judicial System's Corruption and Offering Solutions to Promote Its Safety", Journal of Politics and Law, 9. 187. 10.5539.
3. Miklian, Jason & Carney, Scott. (2013), "Corruption, Justice and Violence in Democratic India", SAIS Review, 33,10.1353/sais.2013.0011.
4. Johannsen, Lars & Pedersen, Karin (2022), "When corruption hits the judiciary: A global perspective on access to justice and corruption", Oñati Socio-legal Series, 13. 10.35295/osls.iisl/0000-0000-0000-1354.
5. Chaudhry, Pradeep (2011), "Black money and corruption in India-necessary evils to survive: A commentary", Developing Economies: Innovation, Investment and Sustainability. 203-210.