



## ROLE OF JUDICIARY IN GOOD GOVERNANCE WITH SPECIAL REFERENCE TO PSYCHOPATHIC CRIMES

MS. JASWINDER

Research Scholar, Department Of Laws, Panjab University, Chandigarh and Assistant Professor In Laws, G. H. G. Institute Of Law For Women, Sidhwan Khurd, Ludhiana.

### ABSTRACT

The Judiciary in India has always played very important roles and functions. Judiciary not only administers justice, it protects the rights of the citizens and it acts as the interpreter and guardian of the Constitution. It is concerned with imparting justice to individuals and groups. It does not permit any discrimination and ensures equality before law. This function has been performed by the judiciary since ages and is still being performed, but when it comes to dealing with psychopathic crimes and psychopathic criminals there is still some lacking in understanding regarding what is to be done with these sect of criminals and how to tackle and check the psychopathic activities. The research paper is divided into two main parts, first dealing with how judiciary has dealt with psychopathic criminals and the second one is devoted towards the critical appraisal highlighting what actually should be the attitude of judiciary towards such offenders and reasons behind such appraisal.

**KEYWORDS:-** Psychopaths, Role of Judiciary, Psychopathic crimes, Insanity Defence Plea, Theories of Psychopathy.

### INTRODUCTION

The concept of governance is as old as human civilization. What is "Governance"? It simply means the process of decision making and the process by which decisions are implemented. The quality of governance depends, in a large measure, upon the indulgence shown by subjects.<sup>1</sup> Good governance signifies the way an administration improves the standard of living of the members of its society by creating and making available the basic amenities of life; providing its people security and the opportunity to better their lot; instill hope in their heart for a promising future; providing, on an equal & equitable basis, access to opportunities for personal growth; affording participation and capacity to influence, in the decision-making in public affairs; sustaining a responsive judicial system which dispenses justice on merits in a fair, unbiased and meaningful manner; and maintaining accountability and honesty in each wing or functionary of the Government.<sup>2</sup> As per the United Nation's Commission on Human Rights, the key attributes of good governance include transparency,

---

<sup>1</sup> Justice Y. K. Sabharwal, "Role of Judiciary in Good Governance", Available at: [https://highcourtchd.gov.in/sub\\_pages/left\\_menu/publish/articles/articles\\_pdf/goodgovernance.pdf](https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/goodgovernance.pdf) (Visited on July 7, 2018).

<sup>2</sup> *Ibid.*

responsibility, accountability, participation and responsiveness to the needs of the people. Good governance is thus linked to an enabling environment conducive to the enjoyment of Human Rights and promoting growth and sustainable human development. The expectation of every civil society of its Government is that it would fulfill its commitments and provide an equitable atmosphere contributing to individual's growth.<sup>3</sup>

In an increasingly complex world, the nature and functions of law is rapidly changing. Arising from multiple sources and layers of regulation, legal rules progressively increase in number and tend to become more specific. The result is a fragmented legal landscape, in which contradictions are almost inevitable. Often, the task of dealing with this complexity is left to the judiciary.<sup>4</sup> The Judiciary is the third organ of the government. It has the responsibility to apply the laws to specific cases and settle all disputes. The real 'meaning of law' is what the judges decide during the course of giving their judgments in various cases. From the citizen's point of view, Judiciary is the most important organ of the government because it acts as their protector against the possible excesses of legislative and executive organs. Role of Judiciary as the guardian-protector of the Constitution and the fundamental rights of the people makes it more respectable than other two organs.<sup>5</sup>

The importance of the judiciary in a democratic society can hardly be exaggerated. Judiciary is a part of the democratic process. Judiciary not only administers justice, it protects the rights of the citizens and it acts as the interpreter and guardian of the constitution. In many states the judiciary enjoys the power of judicial review by virtue of which the judiciary decides the constitutional validity of the laws enacted or of the decree issued. It can invalidate such laws and decrees which are not constitutional.<sup>6</sup>

The judiciary has developed from a mere dispute-resolution authority to a central institution in society and a significant constitutional branch of government co-equal with the other branches, the Legislature and the executive. In many parts of the world this development has emerged particularly since the Second World War and the introduction of judicial review of legislation. At the same time the judiciary has faced new challenges and the old challenges have become more demanding and exacting.<sup>7</sup>

The Prime Minister of Malaysia, Dr. Mahatir Mohamed, defined good governance as the exercise of political, economic and administrative authority to manage a nation's affairs. This includes the complex array of mechanisms, processes, relationships and institutions through which citizens manage affairs involving public life. He further stated that current conditions show that governance is no longer the exclusive domain

---

<sup>3</sup> *Ibid.*

<sup>4</sup> Laura Pineschi (ed.), *General Principles Of Law- The Role Of Judiciary* xvii (Springer International Publishing, Switzerland, 2015).

<sup>5</sup> Tushar Jha, "What are the functions of the Indian Judicial system?", Available at: <https://www.quora.com/What-are-the-functions-of-the-Indian-judicial-system> (Visited on June 29, 2018).

<sup>6</sup> Kamal Rana, "Role and Functions of Judiciary in India", Available at: <https://www.importantindia.com/11837/role-and-functions-of-judiciary-in-india/> (Visited on August 5, 2018).

<sup>7</sup> Shimon Shetreet (ed.), *The Role Of Courts In Society* 1 ( Martinus Nijhoff Publishers, Dordrecht, 1988).

of the state. Various bodies, almost self-appointed, now claim a right to have a role in the governance of a country.<sup>8</sup>

According to George Washington, "The administration of justice is the first pillar of good governance." For good governance people's faith in judiciary based upon its functioning is essential. Lord Denning once said, "Justice is rooted in confidence and confidence is destroyed when the right minded go away thinking that judge is biased. The judges should not be diverted from their duties by any extraneous influences nor by any hope of rewards, nor by any fear of penalties, nor by flattering praise, nor by indignant reproach. It is the sure knowledge of this that gives the people confidence in judges. The only real source of power that the judge can tap is the respect and confidence of the people. The result of this would result in good governance."<sup>9</sup>

Dr. A. P. J. Abdul Kalam in his article, "Scope of Judiciary- towards speedy dispensation of justice" in the *Sunday Tribune* dated November 19, 2006 observed that as the judiciary is catching up with societal and technological evolution, the citizen of India look up to this institution with hope as the ultimate protectors of human rights and the final resorts for dispensation of justice. The unflinching hope the nation cherishes and looks forward to is the judiciary with its excellence and impeccable integrity. We should do everything to make the judicial system succeed.<sup>10</sup> Besides the Independence of Judiciary, from the Legislatives and The Executives, the Indian Judicial system faces a lot of major and minor problems. The reasons for these problems can range from corruption in judiciary to pendency of cases and this list can go down to the ever changing concept of crime. As the society is not static, the law cannot be static too. As the society changes, the law also changes so that it can adjust itself to the changing needs. One of such problem which is faced by the Indian Judicial System is the growing menace of the Psychopathic crimes.

### **DEFINING PSYCHOPATHY**

The psychopath is not a person who can be readily recognized by physical symptoms that are seen within other types of mental illnesses or disorders. Although psychopaths cannot be readily recognized by any distinctive clinical symptoms, there are distinctive personality characteristics that make psychopathy uniquely different from other personality disorders.<sup>11</sup> Psychopathy is traditionally defined as a personality disorder characterized by enduring antisocial behavior, diminished empathy and remorse, and disinhibited or bold behavior.<sup>12</sup> Psychopath is a person suffering from a serious mental illness which makes them behave violently.<sup>13</sup> The crux of psychopathy is not in the display of antisocial behaviour, per se, but rather the distinctive personality traits, including emotion deficits, that characterize these

---

<sup>8</sup> Sam Agere, *Promoting Good Governance Principles, Practices And Perspectives 2* ( Commonwealth Secretariat, United Kingdom).

<sup>9</sup> S. L. Goel, *Good Governance: An Integral Approach* 84 ( Deep And Deep Publications Pvt. Ltd., New Delhi, 2007).

<sup>10</sup> *Id* at 84-85.

<sup>11</sup> Anh Vien and Anthony R. Beech, " Psychopathy: Theory, Measurement, and Treatment", in Anthony Walsh and Craig Hemmens, *Introduction to Criminology* 285 (Sage Publications, Inc., 3rd edn., 2014).

<sup>12</sup> Available at: <https://en.wikipedia.org/wiki/Psychopathy>, (Visited on November 22, 2015)

<sup>13</sup> Little Oxford Dictionary, 11th impression, 2010.

individuals.<sup>14</sup> Psychopaths are social predators who charm, manipulate, and ruthlessly plow their way through life, leaving a broad trail of broken hearts, shattered expectations, and empty wallets. Completely lacking in conscience and in feelings for others, they selfishly take what they want and do as they please, violating social norms and expectations without the slightest sense of guilty or regret.<sup>15</sup> In short it can be said that a psychopath is a mentally ill person who is emotionless towards other persons.

There are various examples of psychopathic crimes in India. Some common examples of such psychopaths are Raman Raghav<sup>16</sup>, Stoneman Killer<sup>17</sup>, Cyanide Mallika<sup>18</sup>, Bikini Killer<sup>19</sup> Auto Shankar<sup>20</sup>, etc.,. But this list is not exhaustive, it is ever growing. This ever-growing list raises the concern of the society as to what motivates psychopaths to kill and maim? How can someone be so brutal and animal like in their acts? How can many killers "seem so normal" before and after the crime giving no hint of the atrocities they are about to commit.<sup>21</sup>

---

<sup>14</sup> Andrea L. Glenn, Adrian Raine, *Psychopathy: An Introduction To Biological Findings And Their Implications* (NYU Press, New York, 2014).

<sup>15</sup> Robert D. Hare, *Without Conscience: The Disturbing World Of Psychopaths Among Us* ( The Guilford Press, New York, 1999).

<sup>16</sup> It's Mumbai in the mid-60's and Raman Raghav is on a murder spree- bludgeoning people to death along the tracks of the Central Railways. Most of his victims were beggars and pavement dwellers. Though he was awarded the death sentence, it was later commuted to life imprisonment as he was found to be mentally unstable. He breathed his last in 1995. Available at: <http://grabhouse.com/urbancocktail/most-dangerous-serial-killers-of-india/> ( Visited on November 7, 2017).

<sup>17</sup> From 1985 to 1988, 12 murders of a similar kind happened in Mumbai-all of the victims were homeless, those who were sleeping on the side of the street. The victims' head was crushed using a stone that weighs around 30 kg. After a brief pause, the killings began again in 1989-this time in Calcutta where thirteen persons were killed in the same way. The identity of the killers still remain a mystery. *Ibid*.

<sup>18</sup> Mallika, alias Cyanide Mallika alias K.D. Kempamma, was arrested in connection with the murders. She was in her mid-40s. Her modus operandi was to lure women who were facing domestic problems and advise them to conduct a special pooja to get rid of their problems. Under the pretext of conducting the pooja, she took them to a temple on the city's outskirts, hired a room and administered cyanide to them before escaping with their cash and jewellery. It took the police team around 25 days and multiple failed attempts to trap her. Available at: <http://www.livemint.com/Politics/tA3y9h6kitDz4K1eVVU7FN/Serial-killings-Indias-untold-story.html> ( Visited on November 20, 2017).

<sup>19</sup> There are 2 things that are different about Charles than other serial killers. First of all his modus operandi for killing was to rob his victims through which he could support his luxurious lifestyle and second there was something about him that was glamorous. Typical Bollywood style he used to help his victims from the problems that were created by him only. He murdered 12 people in different places of South East Asia out of which; 2 women were found dead wearing floral bikinis thus naming him Bikini Killer. From 1976 to 1997; he was imprisoned in India after which he shifted to Paris. He is now serving a second life sentence in Nepal since 2004. Available at: <http://www.listotop.com/10-notorious-serial-killers-in-india/> ( Visited on November 7, 2017).

<sup>20</sup> This man did a horrendous crime of killing people in fully aware state of his mind to Well known Serial Killers from India. He was also involved in flesh trade and was a transporter of illegal arrack (coconut liquor). It was the year of 1988 when 9 teenage girls over a short period of 6 months were abducted and murdered by Auto Shankar. He did his crimes in the Thirivanmiyur locality of Chennai. Though he initially said that he committed all his crimes under the influence of Cinemabut just a month before he said that he did all those murders for some politicians who were the actually rapists and while he only committed murder for them. In the central prison of Salem; he was hanged to death in year 1995. *Ibid*.

<sup>21</sup> Aman Amrit Cheema, "The Mask of Sanity(A Psychopath): Is there a need to include Psychological Defense Plea in Criminal Jurisprudence?", 10 Amity Law Review 65-66 (2014).

*Issei Sagawa*, a known serial killer once said, " *She looked very delicious. I want to eat her. If I do she will be mine forever. the moment the girl became a corpse, I realized that I had lost an important friend and even regretted killing her for a moment. What I truly wished was to eat her living flesh. Nobody believes me, but my ultimate intention was to eat her, not necessarily to kill her. To this day, I still think, "If only she had let me taste her, just a little bit..."*<sup>22</sup> If we go by the words of Issei Sagawa, various questions are raised in our minds. These questions are:-

- Why a psychopath cannot control his/her impulse to indulge into such psychopathic activities?
- Why these psychopaths cannot relate himself/herself to the pain and sufferings of his/her victims?
- why such psychopaths cannot conform to the societal norms that are easily followed by the normal human beings?
- Why these psychopaths indulge into such heinous crimes besides understanding the consequences of their acts?, etc.,

The answer to all these questions lies in the various theories of Psychopathy<sup>23</sup> such as:

1. Arousal Theory<sup>24</sup>,
2. Neurobiological Theory<sup>25</sup>,

---

<sup>22</sup> Available at: <http://www.remorselessfiction.com/criminal-psychopath-quotes.html#Fish> ( Visited on May 17, 2018).

<sup>23</sup> *Supra* note 21.

<sup>24</sup> Arousal theory suggests that psychopaths have a pathologically low level of autonomic and cortical arousal, and hyperactivity when compared to non-psychopathic individuals. Consequently, the psychopath will be in a chronic state of stimulation and sensation seeking and thus, explaining why psychopaths do not become automatically aroused to stimuli that would otherwise be stressful, exciting, or frightening to non psychopaths. This results in the psychopath needing a greater variety and intensity of sensory input to increase his or her arousal level to the optimum. The theory assumes that arousal level and sensory intake are dynamically related in such a way that an optimal level of arousal is maintained, in other words, a common level presumed to be functionally desirable for all individuals. However, when that level of arousal falls below the optimum, stimulation and/or sensation-seeking behavior and sensory intake increases dramatically to raise the arousal level to the desired optimum. When the arousal level rises above the optimum, the stimulation and/or sensation-seeking behavior and sensory intake attenuates and the level of arousal drops to the required optimal level. Available at: [http://www.researchgate.net/publication/6999230\\_Psychopathy\\_Theory\\_Measurement\\_and\\_Treatment](http://www.researchgate.net/publication/6999230_Psychopathy_Theory_Measurement_and_Treatment) (Visited on December 6, 2017)

<sup>25</sup> One of the basic principles of neurobiology and/or neuropsychology is the notion that certain functions are, to some degree, localized within certain areas of the cerebral hemisphere, whereas others are lateralized to one hemisphere of the brain. This principle of the localization of functions has stemmed from the classical studies of patients with localized brain lesions who perform poorly on selected tasks and/or tests (Raine, 1993). There have been strong associations and a belief that psychopathic individuals are biologically different from the norm, in the sense that their brains are structurally different. Kiehl et al. (2004) used functional magnetic resonance imaging (fMRI) to clarify and characterize the neural architecture involved in the lexico-semantic processing in criminal psychopaths compared with a matched group of controls. Analysis revealed that psychopaths failed to show appropriate neural differentiation between abstract and concrete stimuli in the right anterior temporal gyrus and the surrounding cortex. Kiehl et al. (2004) concluded that semantic processing of abstract material in psychopathy is associated with abnormalities in the right hemisphere. However, Blair (2003) argued that the lifestyle of the psychopath may exacerbate neurobiological impairments, if any, rather than the impairments being defining at birth. Lifestyle habits, such as substance misuse would be more detrimental to neurological development than an innate impairment in the long term. Anh

3. Amygdala Theory<sup>26</sup>,
4. Passive avoidance Theory<sup>27</sup> and
5. Psychogenic Factor Theory<sup>28</sup>.

All these theories suggest that the genetic makeup, the biological and psychological makeup, the economic conditions, environmental factors, etc, these all build up a psychopathic personality. Now the question arises that can a psychopath claim insanity defence plea as is claimed by a mentally ill person after the commission of an offence, under Section 84 of the Indian Penal Code, 1860.

Insanity defense is primarily used in criminal prosecutions. It is based on the assumption that at the time of the crime, the defendant was suffering from severe mental illness and therefore, was incapable of appreciating the nature of the crime and differentiating right from wrong behavior, hence making them not legally accountable for crime.<sup>29</sup>

In most of the cases relating to Psychopathic criminals such as Cyanide Mallika, Auto Shankar, Raman Raghav, etc., it is seen that the Indian Judicial System has treated the psychopathic criminals at par with the murderers, and has provided them with the punishment of either life sentence or with death penalty, without realizing that there is a dire need to understand the reasons behind increase in such psychopathic crimes and how to deal with them. For the past 150 years, there is no change in the understanding and knowledge other than autonomy and capacity to choose the right and wrong for criminal liability. The alternative concept that human behavior is the result of an

---

Vien and Anthony R. Beech," Psychopathy: Theory, Measurement, and Treatment", in Anthony Walsh and Craig Hemmens, *Introduction to Criminology* 287 (Sage Publications, Inc., 3rd edn., 2014).

<sup>26</sup> Amygdala and other cortical dysfunction are closely associated between the difficulties that psychopaths have in emotional processing. There is now to a certain extent agreement that Amygdala dysfunction is the underlying neural structure responsible for the development of psychopathic tendencies. The Amygdala is an almond shaped mass of nuclei located deep within the temporal lobe of the brain. It is limbic system structure that is involved in many of our emotions and motivations particularly those that are related to the survival. It is also involved in several functions of the body including arousal, autonomic response associated with fear, emotional responses, hormonal secretions and memory. *Supra* note 21 at 69

<sup>27</sup> Although there is strong evidence linking psychopathy with neural and cerebral dysfunctions, there has been speculation that a certain element of learning is involved in the development of psychopathic personality and tendencies. Lykken (1957) used passive-avoidance learning tasks to demonstrate psychopath's poor avoidance learning. The tasks required the respondents to learn a "mental maze"; and at specific points the respondent had to choose a response from a possibility of four. The correct response from the four led to progression in the maze; however, one of the four responses led to an electric shock. The main observation of the study was the extent to which control respondents learned to passively avoid the electric shocks, whereas psychopaths made significantly more responses resulting in punishment, thus providing evidence of poor avoidance learning in psychopaths. *Available at:*

[http://www.researchgate.net/publication/6999230\\_Psychopathy\\_Theory\\_Measurement\\_and\\_Treatment](http://www.researchgate.net/publication/6999230_Psychopathy_Theory_Measurement_and_Treatment) (Visited on December 6, 2017)

<sup>28</sup> Studies reveal that psychogenic causes contribute to psychopathic development. Faulty family environment, complete or continuous absence of parents, parental loss, inability to form attachments to parents or other care givers early in life, sudden separation from mother during the first six months during the first few years of life, deficiency in childhood role playing, inability to identify with one's parents during childhood and adolescence and severe rejection by others, all these contribute towards psychopathic tendencies. *Supra* note 21 at 70

<sup>29</sup> Suresh Bada Math, Channaveerachari Naveen Kumar, and Sydney Moirangthem, "Insanity Defense: Past, Present, and Future", *Available at:* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4676201/> ( Visited on January 12, 2018).

interaction between biological and environmental factors other than free choice failed to impress the criminal justice system because of a direct threat to a society's deep seated need to blame someone than themselves for criminal harms that occur.<sup>30</sup>

### **ROLE OF JUDICIARY IN HOW TO TACKLE WITH PSYCHOPATHS**

Psychopathy is one of the most severe of all mental diseases. Though psychopaths are very dangerous and always commit heinous crime, they should be treated and handled properly. Life imprisonment and death sentence is not the only solution for this problem. Although they know what they are doing, but they do not know the reason behind that which means *means rea* is completely absent in their act. Whatever crime or act they commit is due to their disease and not because of any guilty mind. This is a reason they never conceal their crime. They never show remorse of their action. There is not any sign of guilt or regret on their face whenever they are caught and they openly accept their criminal act without any repentant and sentiment. They always candidly accept their crime and desire to commit it again because of a strong urge to commit them which arises due to disease.<sup>31</sup> A proper treatment approach should be adopted towards psychopaths also as it is adopted in the case of insane criminals. They should also be subjected to mandatory behavioural studies by the criminologists and medical experts, it will not only lead to conclusions which will suggest the various causations of psychopathic crimes and their control measures but, will also help in finding out permanent solutions and medical advancements for this psychological disease.

Psychopathy is one of the most severe of all mental diseases. Though psychopaths are very dangerous and always commit heinous crime, they should be treated and handled properly. Life imprisonment and death sentence is not the only solution for this problem. Although they know what they are doing, but they do not know the reason behind that which means *means rea* is completely absent in their act. Whatever crime or act they commit is due to their disease and not because of any guilty mind. This is a reason they never conceal their crime. They never show remorse of their action. There is not any sign of guilt or regret on their face whenever they are caught and they openly accept their criminal act without any repentant and sentiment. They always candidly accept their crime and desire to commit it again because of a strong urge to commit them which arises due to disease. Surendra Koli after arrest said, "I still have an urge to kill". This is a typical sign of psychopathy, which is a stern disease. That's why a sympathetic view should be taken for them. It cannot be taken for granted by the judicial system because ignorance of fact is although not punishable under IPC but ignorance of law due to ignorance of fact must be punished, and this ignorance is in our judicial system which has to be improved.<sup>32</sup>

---

<sup>30</sup> T.V.Asokan, "The Insanity Defence: Related Issues", Available at: <http://www.indianjpsychiatry.org/article.asp?issn=00195545;year=2016;volume=58;issue=6;spage=191;epage=198;aulast=Asokan;type=3> (Visited on August 4, 2018).

<sup>31</sup> Priya Sepaha, "Psychopaths : An Unrevealed Area In Indian Judicial System", Available at <http://www.manupatra.co.in/newsline/articles/Upload/1FCAC641-A31A-4A18-8F02-7BF0277E34> (Visited on June 12, 2018).

<sup>32</sup> *Ibid.*

## **CONCLUSION**

Judiciary is the only hope of the country. There is no doubt that politicians and bureaucrats have failed in their duty to give this country a clean, honest government answerable to the masses. It is judiciary alone that can assert itself and call a spade without fear or favour. The law of the land must be allowed to prevail. This is possible only if the judiciary is made stronger. Quick and efficient administration of justice must be ensured to one and all. India lives only if its judicial system lives ; India dies if its judicial system is stifled. No power, however big, should be allowed to circumvent the judicial process. Free and fair justice is the soul of this country.<sup>33</sup>

The paradigm of Indian judicial system is testimony to the manner in which judiciary can contribute in good governance. Indian jurisprudence would insist upon enforcement of various rights, even of persons suspected of involvement in grave crimes. The rights thus guaranteed include right to life & liberty; right against torture or inhuman degrading treatment; right against outrages upon personal dignity; right to due process & fair treatment before law; right against retrospectivity of penal law; right to all judicial guarantees as are indispensable to civilized people; right to effective means of defence when charged with a crime; right against self-incrimination; right against double jeopardy; right of presumption of innocence until proved guilty according to law; right to be tried speedily, in presence, by an impartial & regularly constituted Court; right of legal aid & advice; right of freedom of speech besides right to freedom of thought, conscience & religion. It is indeed a matter of great satisfaction that the two other chief organs of the State in India have always respected the jurisdiction of the judiciary to subject every State action to “judicial review” and, therefore, have either abided by the decisions taken or taken requisite follow-up action in furtherance of such decisions. Judiciary has, thus, played a crucial role in development and evolution of society in general and in ensuring good governance by those holding reigns of power in particular. Perhaps, there can be no two views about the significance of the role expected of judiciary, viz-a-viz, the goal and good governance in a free society.<sup>34</sup>

The term ‘Psycho’ is commonly used by many people today for mentally ill persons but there is no term like this in psychology and neurology, and hence it needs a proper explanation. This confusion and lack of knowledge has to be sorted out. There is a thin line of difference between psychopathy and some other types of crimes, for instance, serial killer, incest, rape and child abuse. This ambiguity has to be solved by the judiciary and legislature by making and passing special laws for this kind of mental illness in order clear the ambiguity on the issue in the minds of the public at large. Psychopathic behavior is an unidentified and unrevealed area in our judicial system.

---

<sup>33</sup> Available at: <http://virtualguru.com/essay-on-role-of-judiciary-in-the-country-today-complete-essay-for-class-10-and-class-12/> (Visited on August 6, 2018).

<sup>34</sup> Justice Y. K. Sabharwal, "Role of Judiciary in Good Governance", Available at: [https://highcourtchd.gov.in/sub\\_pages/left\\_menu/publish/articles/articles\\_pdf/goodgovernance.pdf](https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/goodgovernance.pdf) (Visited on July 7, 2018).

