The Need for Judicial Reforms

Why in news?

Empowering itself with the trappings of modern technology, India's Supreme Court has been striving to perform its difficult task.

What is the need for judicial reforms?

- The Supreme Court sits in final judgment over decisions of the high courts and tribunals functioning throughout India.
- As per **Article 141**, the law declared by the Supreme Court and its pronouncements on the constitutional validity of enacted law is binding on all other courts and authorities in the country.
- There is virtually no area of legislative or executive activity which is beyond the highest court's scrutiny.
- Therefore, the judiciary as an institution needs to preserve its independence and must strive to maintain the confidence of the public in the courts.
- The citizens need the reassurance of a system of judicial accountability that will protect the higher judiciary from some of its own members who have gone off track.

What steps have been taken in this aspect?

- The Law Commissions have reported on all aspects of judicial governance.
- In 2005, the Supreme Court had drawn up a fine blueprint on
    - Case-management
    - How to make recent amendments in our procedural laws work on the ground
    - How to get more cases moving along
- In the Salem Advocate Bar Association case, the justices had requested the high courts to implement the detailed blueprint.

What can be done in this regard?

- **Legislation** - So far, there are only guidelines and no law in India to guide our judges.
- In the United States, under the Judicial Councils Act, 1980, this task has been gladly undertaken by the judges.
- The Act confers powers on bodies comprised of judges to take action against a federal judge.
- **Empowering Supreme Courts** - The Supreme Court could not direct the high courts to implement the detailed blueprint on case-management because under our constitutional scheme the high courts are autonomous constitutional bodies not subject to administrative directions of the Supreme Court.
- The Supreme Court can be entrusted with direct responsibility for the functioning of the high court.

- **Public disclosure of annual financial statements** - The judges must make annual financial disclosure statements, not privately to their respective chief justices, but publicly.
- It is done by justices of the Supreme Court in the world's oldest democracy, the US.

> *"Like old clocks, our judicial institutions need to be oiled, wound up and set to true time"*
>
> *- Lord Harry Woolf*

References

1. The Indian Express | The need to finetune judicial accountability

