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## 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](#)



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