

# Standing Committee Report Summary

## Judicial Processes and their Reforms

- The Standing Committee on Personnel, Public Grievances, and Law and Justice (Chair: Mr Sushil Kumar Modi) submitted its report on “Judicial Process and their Reforms”, on August 07, 2023. Key observations and recommendations of the Committee include:
  - **Regional benches of the Supreme Court:** The Committee observed that the Delhi-centric Supreme Court creates a significant hurdle for litigants coming from faraway areas of the country. The Committee stated that the demand for establishing regional benches of the Supreme Court is based on the fundamental right of access to justice. As per Article 130 of the Constitution, the Supreme Court will sit in Delhi or in such other place or places as the Chief Justice of India, with the approval of the President, may appoint. The Committee recommended the establishment of regional benches of the Supreme Court. It noted that Article 130 may be invoked to establish regional benches at four or five locations. It suggested that the regional benches may decide appellate matters, while Constitutional matters may be dealt at Delhi.
  - **Social diversity in the appointment of judges:** The Committee observed that the higher judiciary (Supreme Court and High Courts) suffers from a diversity deficit. It noted that the representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women, and Minorities is far below the desired levels and does not reflect the social diversity of India. For instance, since 2018, the percentage of High Court judges appointed from Scheduled Castes and Scheduled Tribes was 3% and 1.5%, respectively. Further, it noted that there is no provision for reservation in the judicial appointments of the higher judiciary. It suggested that the Supreme Court and High Court’s Collegiums should recommend an adequate number of women and candidates from marginalised communities including minorities. It recommended that the Department of Justice collect data of the social status of judges presently serving in the Supreme Court and High Courts.
  - **Retirement age for judges:** The Committee observed that the retirement age of judges needs to be increased to keep pace with advances in medical sciences and increased longevity. Currently, the retirement age for Supreme Court and High Court judges is 65 and 62 years, respectively. It recommended increasing the retirement age for Supreme Court and High Court judges and amending the relevant Articles of the Constitution. Additionally, a system of appraisal may be devised by the Supreme Court Collegium to evaluate the performance and health conditions of judges before extending their tenure.
  - **Mandatory declaration of assets:** The Committee noted that as a practice all constitutional functionaries and government servants must file annual returns of their assets and liabilities. However, judges are not required to disclose their assets and liabilities. The Committee recommended that the central government bring out a law to mandate the higher judiciary judges to furnish their property returns annually to the appropriate authority.
  - **Vacations in the Supreme Court and High Courts:** The Committee noted that the entire court going on vacation at once leads to the higher judiciary shutting down for a couple of months per year. It observed that the demand to eliminate vacations in Courts stems from: (i) pendency of cases, and (ii) the inconvenience faced by litigants. For example, the Committee noted that pendency in High Courts was over 60 lakh cases. The Committee suggested that instead of all judges going on vacation simultaneously, individual judges should take their leave at different times throughout the year.
  - **Annual reports of High Courts:** The Committee likened the publication of an annual report to an assessment of the institution’s performance over the past year. Presently, the Supreme Court publishes its annual report, which also depicts work done by all High Courts. The Committee observed that only some High Court are publishing their annual reports. It recommended the Department of Justice to approach the Supreme Court to issue directions to all High Courts to prepare and publish their annual reports.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.