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Address Inconsistencies in India's Green Jurisprudence


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During its early years, in the 1950s, the Supreme Court of India convened infrequently — sitting only a few days annually and for just a few hours at a time. A modest start for what would become the nation's highest judicial authority.

Much has changed since then. Now the Court functions for a minimum of seven hours a day for more than 190 days in a year. Saturdays too, and special benches during court vacations. This demanding schedule has shrunk the time needed for intellectual resuscitation, which is indispensable for all officers of the court. And judges need it the most.

Recently, Sanjeev Sanyal, member, Economic Advisory Council to the Prime Minister, sparked debate by suggesting that the judiciary is "*the single biggest hurdle*" to India becoming *Viksit Bharat*. His rhetoric criticised judicial vacations and formal court protocols such as addressing judges as "*my lord*", describing them as colonial holdovers that contribute to delays. His remarks prompted swift reactions with some calling for contempt proceedings, while social media responses reflected a mix of criticism and support.

While Sanyal's concerns may resonate with a public tired of case backlogs and procedural delays, the broad strokes of his critique oversimplify a complex institution. In reality, a strong, independent judiciary is essential for investor confidence, contract enforcement, social justice, and the protection of fundamental rights.

Framing economic development and constitutionalism as being at odds creates a false binary. It not only misrepresents the judiciary's role, but also risks undermining institutional trust at a time when it is most needed. Further, such rhetoric misses the larger picture.

The Supreme Court is currently grappling with a crushing caseload of over 80,000 cases, with subordinate courts under even greater strain. In several high courts, the speed at which new cases are filed far exceed the acceptable band of the rate of case disposal.

Judicial vacations, too, have been misunderstood. The courts do not shut down; vacation benches continue hearing urgent matters. Delays in the system stem from multiple factors — insufficient judges, delays unrelated to legal issues, procedural errors, lack of locus standi, and limited use of alternative dispute resolution methods.

Drawing inferences based on limited but observable information while overlooking what is unobservable but is indisputably occurring leads to incomplete conclusions. The judgments of the Supreme Court are not AI generated. Because beyond legal reasoning, they demand an understanding of ethics, empathy, temperament, integrity, patience and impartiality. These skills and attributes need to be exercised simultaneously and articulated with clarity both verbally and in writing.

Despite — or perhaps in response to — these pressures, there have been reforms. Since the pandemic, automation in filing, use of AI in case management, online streaming, defect analysis in petitions, tools for bunching of similar cases and translation in vernacular languages are some of the initiatives taken to improve procedural efficiency and reduce pendency.

In *Salem Bar Association v Union of India (2010)*, the Supreme Court affirmed that it is the judiciary's constitutional duty to make justice delivery faster, more efficient, and accessible.

Against this backdrop, blaming the judiciary for the nation not being able to meet GDP growth targets and pace of economic development emerges as statistically spurious and unwarranted Machiavellian adventurism. Despite shortcomings, a principled judiciary is the bête noire of all populist governments.

Delayed justice undoubtedly shakes public trust in the judiciary. Yet, it is concerning when technocrats and policy experts draw misleading conclusions. True reform requires collaboration between all arms of government and all pillars of democracy. The executive must strengthen the judiciary through improved infrastructure, timely appointments, digital tools, and better court facilities. The judiciary, for its part, must examine its own processes, ensure consistency, and embrace transparency.

The government must reduce routine litigation by its own bodies, which account for almost half of all pending cases. The government is currently the biggest contributor to case pendency. As Justice Nagarathna recently noted, state agencies must reconsider their reflex to litigate, especially in cases with little chance of success, opting instead for mediation.

Now, as the verdict is awaited in *Rejanish K.V. v K. Deepa*, in which a five-judge SC Bench will decide if practising advocates who, after serving as court officers for a certain period of time, can be directly recruited to the position of a district judge, we are reminded that building resilient institutions requires commitment from all stakeholders.

India's journey to becoming Viksit Bharat will be shaped not by vilification of its institutions, but by strengthening them with conviction, commitment, and constitutional fidelity. Let us reform with reason — not rhetoric.

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