

VIKAS PAHWA

SENIOR ADVOCATE

To,
Mr. Sanjeev Sanyal
Member, Economic Adviser Council to the Prime Minister,
Niti Aayog/ EAC -PM Office
Niti Bhawan, Sansad Marg,
New Delhi- 110001

Subject: Response to Your Recent Comments on the Judiciary.

Dear Mr. Sanyal,

I write this letter with respect, having followed your recent remarks on the Judiciary in public forums and the press. While constructive criticism is both welcome and necessary in a democracy, some of your observations risk being perceived as sweeping and dismissive of an Institution that is the very backbone of our Constitutional framework. I would like to respond to your concerns in detail-

1. Judiciary and National Progress

Your observation that the judiciary has become the '*biggest hurdle*' to India's aspiration of becoming Viksit Bharat is troubling. The judiciary does not obstruct progress, although it ensures that development takes place within the framework of Constitutional Values, Individual Liberty, and Fairness. To call it the biggest hurdle is extremely unfortunate. I think efficiency is important, but judicial independence and Constitutional oversight cannot be compromised for speed alone. Justice delayed due to shortage of Judges and lack of adequate Judicial infrastructure is not Judicial indifference but a systemic failure of support. A nation's progress cannot be measured merely by the speed of contracts or clearances; it must be judged by whether Liberty, Justice, and Equality are preserved along the way.

2. Resources, Systemic Bottlenecks, and Ongoing Reforms

India has one of the highest judicial caseloads in the world with among the lowest judge-to-population ratios. Despite this, Judges work tirelessly, not only during court hours but late into the night, preparing for the next day and writing judgments. Importantly, the judiciary has already embraced major reforms such as digitisation and e-filing of cases, virtual hearings, AI-assisted cause list management, fast-track courts, specialised tribunals and alternative dispute resolution mechanisms. Recently, partial working holidays have been introduced to address concerns of long recesses.



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On your point regarding contract enforcement, the judiciary cannot act in isolation; executive action and legislative clarity are equally necessary.

Similarly, the pre-litigation mediation requirement under Section 12A of the Commercial Courts Act, as mentioned by you, was legislated by the Parliament. The Courts have implemented it in good faith, but if it is not working effectively, the responsibility lies in legislative design rather than judicial inaction. These examples show why responsibility must be apportioned fairly.

3. Vacations and the Reform of 'Partial Working Holidays'

The perception that judges enjoy 'long holidays' is outdated and represents a *cliche* that misrepresents the realities of Judicial work. You may not be aware that recently vide Supreme Court (Second Amendment) Rules, 2024, holidays have been reduced from 103 to 95 days. The traditional seven-week summer break has been reframed as partial working days, with at least two benches sitting daily to hear urgent matters. The rotational breaks ensure the Court never fully halts. This reform balances human needs for rest with the nation's demand for continuous justice, and directly answers the very concern you have voiced in the media.

4. The Use of the Word 'Prayer'

In legal context, a 'prayer' is not a religious invocation but a respectful way of placing relief before the Court. It reflects humility and solemnity in seeking Justice. This tradition has existed across jurisdictions for centuries and remains a dignified part of Judicial language.

5. The Salutation 'My Lord'

The use of '*My Lord*' or '*Your Lordship*' is not about colonial baggage but a symbolic mark of respect for the institution of Justice. The Judges themselves have clarified that alternatives such as '*Your Honour*' or '*Sir/ Madam*' are equally acceptable and many courts already follow this practice. The key point is not the phrase itself, but the institutional respect it conveys.

6. On Your Recent Public Remarks

Your reported comments in the press described the Judiciary as the 'biggest hurdle' to national progress and criticised court rituals and vacations. I wish to respond as the following-

- The delays in enforcement often stem from inadequate infrastructure and unfilled vacancies — matters requiring executive attention, you may kindly note.
- Your '99-1 problem' argument underestimates the Judiciary's daily role in handling exceptional cases with constitutional sensitivity.
- The Section 12A mediation process was a legislative innovation, not a judicial one; its shortcomings if any, cannot fairly be placed on the Judiciary.



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- The structure of the Bar, including senior advocates and advocates-on-record, is not about elitism but about accountability, mentoring, and professional responsibility.
- The Court rituals like My Lord and prayer may appear symbolic, but they reflect dignity and continuity. The judiciary has shown openness to change here without compulsion.
- Thus, while the call for reform is valid, it must be grounded in facts and institutional respect, not in broad-brush criticism.

7. No institution is above scrutiny, and the Judiciary is not exempt from criticism. But such critique must be accurate, balanced, and mindful of Constitutional roles. To weaken public confidence in the Judiciary is to weaken the very fabric of our democracy. At a time when public confidence in many institutions is wavering, the Judiciary remains one institution in which people continue to repose faith and trust.

8. I write this letter not only as a member of the legal profession but also as a citizen deeply invested in our Republic. Reform must come through dialogue and collaboration — not confrontation.

With regards,



(Vikas Pahwa)

New Delhi

Dated - 23.9.2025