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1. Supreme Court's Suo Motu Cognizance – Polity

Indian Supreme Court's increasing use of Suo motu cognizance in individual criminal cases sparking intense constitutional debate. Between 2020–2024, SC registered 35 Suo motu matters exceeding total 31 cases in entire preceding 15 years. Critics argue court prioritizing high-profile media-driven cases over long-term subordinate judiciary reforms. Risk – SC becoming reactive constitutional actor rather than driver of structural judicial reform

1. Recent Key Findings and Conceptual Concerns

Rising Trends in Suo Motu Jurisdiction

1. Sharp multi-fold increase in cases taken up by SC on own initiative
2. 2020–2024 – 35 Suo motu matters registered
3. Exceeding total 31 cases recorded in entire preceding 15 years
4. Disproportionate increase raising concerns about selection criteria

The "Media Trigger" Sequence

1. Repetitive cycle emerged – Sustained primetime media attention → immediate apex court intervention
2. Legal scholars argue this renders selection criteria temporal, media-driven rather than purely legal
3. Creates perception of justice determined by media coverage not legal principles

The Galanter–Ram Dilemma

1. Academic studies highlight higher judiciary tendency to favour singular heroic interventions in individual cases
2. Over systemic structural overhauls
3. This reflex unintentionally mirrors historic disdain for capability of lower/trial courts
4. Perpetuates cycle of subordinate court neglect

Limited Impact on Expediting Justice

1. Apex court monitoring does NOT guarantee faster convictions
2. Prominent cases (Lakhimpur Kheri, Manipur video incidents) – Long-term trials remain delayed
3. Actual heavy work (evaluating hundreds of witnesses, delivering convictions) ultimately performed by local trial courts
4. SC monitoring creates optics of action without structural improvement

2. The Two Paths

The Easier Path – Individual Suo Motu

1. Requires only bench's internal decision to list high-profile matter based on news reports
2. Relies on judicial persuasion, moral weight
3. Rather than systemic legal tools (formal media postponement orders under Sahara v. SEBI doctrine)
4. Immediate, visible, but limited long-term impact

The Harder Path – Institutional Reform

1. Demands slow, long-term collaboration across multiple organs –
 1. **Cohesion with High Courts** – Strict case management, administrative supervision of subordinate courts under Article 235
 2. **Coordination with State Governments** – Adequately funding trial-court infrastructure

3. **Cooperation with Executive** – Judicial appointments, National Judicial Academy for judge training
2. Less visible but transformative long-term impact

3. Relevant Constitutional Provisions

Articles 32, 136, 142

1. SC intervention generally rooted in –
 1. **Article 32** – Writ jurisdiction (enforcement of fundamental rights)
 2. **Article 136** – Special leave to appeal (appellate jurisdiction)
 3. **Article 142** – Extraordinary power to do complete justice
2. Such powers must operate within broader constitutional architecture of High Court supervision over subordinate courts

Article 235 – Control over Subordinate Courts

1. Vests power of control, administration over district and subordinate courts in respective High Courts (NOT Supreme Court)
2. Covers – Postings, promotions, transfers, disciplinary matters
3. Ensuring independence, efficiency of subordinate judiciary
4. Frequent SC direct intervention in local criminal trials may weaken normal constitutional chain of High Court supervision under Article 235

Sahara India Real Estate Corp. v. SEBI (2012)

1. Five-judge Constitution Bench established courts have strict legal authority to pass postponement orders against media publications
2. When "real and substantial risk of prejudice" to administration of justice exists
3. Provides formal legal tool for managing media trials
4. Currently underutilized compared to Suo motu interventions

Arguments Supporting Suo Motu Cognizance

1. Protecting fundamental rights (Article 21 – life, liberty) when state machinery fails
2. Ensuring accountability in cases involving powerful accused
3. Public confidence in judiciary during egregious violations
4. Preventing miscarriage of justice in cases of negligent investigation/prosecution

Arguments Against Overuse

1. Media determines judicial agenda (democratic concern)
2. Bypasses High Courts undermining Article 235 constitutional hierarchy
3. Creates false optics of swift justice without structural improvement
4. Selective attention favouring visible cases over systemic reforms
5. Judicial overreach into executive functions

4. Way Forward

1. SC prioritizing structural reforms – Fast-track court expansion, infrastructure funding, judge-population ratio improvement
2. High Courts strengthening Article 235 supervision over subordinate courts
3. Formal criteria for Suo motu intervention (beyond media triggers)
4. Proactive use of Sahara doctrine postponement orders managing media trials
5. National Judicial Academy strengthening judge training at all levels
6. Executive-judiciary cooperation on judicial appointments, infrastructure

5. Conclusion

Supreme Court's Suo motu cognizance increasing sharply (35 cases 2020-24 exceeding preceding 15 years' 31 cases) raises constitutional concerns about media-driven judicial agenda replacing principled selection criteria. The Galanter-Ram dilemma highlights higher judiciary's preference for individual heroic interventions over systemic structural reforms; Lakhimpur Kheri-Manipur cases demonstrating SC monitoring not guaranteeing faster convictions while trial courts perform actual adjudicatory work. Two paths diverge - easier Suo motu (bench decision, moral weight, high visibility) versus harder institutional reform (Article 235 High Court supervision coordination, state funding, executive cooperation, judge training). Constitutional framework—Articles 32/136/142 granting SC jurisdiction, Article 235 vesting subordinate court control in High Courts, Sahara 2012 providing formal media postponement tools—requires SC balancing reactive individual interventions with proactive structural judicial reform ensuring justice delivery system transformed holistically rather than episodically driven by primetime media cycles.

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