

28th April 2021 - 3:25 to 4:45 pm

Valedictory Session: Gazing the Crystal Ball: A Step Into the Future

CLOSING REMARKS - 20 minutes (4:25 - 4:45 pm)*

Questions

- **Especially in the light of the pandemic, how can courts step in and ensure economic recovery? Example of high courts stepping in to ensure supply of oxygen/medicines/injections. However, should SC be stepping in as well?**
- **Ensuring that while focusing on law and economics, politics does not make part of it. An attempt to keep that process apolitical.**

Recommendations and possible solutions:

- **The SC should appoint a committee of multidisciplinary experts to carry out a cost-benefit analysis of decided matters which will allow undertaking a multi-dimensional and multi-stakeholder analysis.**
- **The SC can also create an *ex-ante* assessment framework using the same committee of experts to help identify and assess the enforcement challenges of their decisions.**
- **To improve our rankings on contract enforcement under the World Bank's Ease of Doing Business, the Specific Relief Act was amended to provide for the courts to engage experts to help them resolve sticky financial and economic issues. In fact the Civil Procedure Code also allows the engagement of experts.**
- **The SC should endeavour to highlight the key judicial principles that it seeks to uphold, and not stick to only delivering judgments.**

- **The SC must also set unprecedented fines and penalties on officers and politicians involved in corruption or malfeasance and also order disgorgement so that public money returns to the exchequer.**
- **Increase the number of judges and their competencies in the lower judiciary. For better quality of judges, the law on National Judicial Appointments Commission should be revisited.**
- **Split the SC into two: Constitutional Court and Appellate Court, so that better justice is done to all types of cases. The Appellate Court can have dedicated chambers for commercial and financial matters.**
- **Appoint economists and finance experts on the Commercial Benches and Courts to hear cases involving law and economics, such as competition law, sectoral regulatory laws, contracts, auctions, PPP contracts, and the like.**
- **Judges must undergo mandatory basic orientation on micro/macroeconomic issues.**
- **Set up a research unit, manned with professionals from law, economics, finance, and political sciences, tasked with developing an integrated analytical unit in the SC or the NITI Aayog or the Law Commission, which monitors and evaluates cases of the SC, HC, lower judiciary, tribunals, and even regulatory bodies.**