Roster Management in Judiciary

Why in news?

\n\n

\n
- The Supreme Court has recently made public its Judges Roster, by posting it on its official website.
\n
- Moreover, the CJI will hear all PILs and cases related to elections, criminal cases, social justice and the appointment of constitutional functionaries.
\n

\n\n

What is the significance of the roster?

\n\n

\n
- Roster lists out the allocation of case categories to different judges.
\n
- A fine-tuned roster will prevent two different benches from hearing the same kind of case.
\n
- It thus prevents taking divergent views at the same time.
\n
- Conflicting interpretations by different benches have earlier forced the SC to set up larger benches to resolve.
\n
- Secondly, roster will allow for effective case management.
\n
- Judges in India are not specialists in any specific areas of the law.
\n
- But they will be in a better position to dispose of cases, the more they handle the same kind of cases.
\n
- E.g. the SC has constituted a dedicated tax bench.
\n

\n\n

Why is the SC's move important?

\n\n

\n
- The ongoing crisis in the higher judiciary came to light with 4 senior-most judges of the SC. Click here to know more
\n
- Their unprecedented press conference indicated their loss of faith in the Chief Justice of India (CJI).
\n
- It related precisely to the manner of allocation of cases.
\n
- In this backdrop, making public the Supreme Court’s roster is a welcome step towards greater transparency.
\n
- Four large high courts — those of Allahabad, Bombay, Delhi and Karnataka — also make their rosters available on their websites.
\n
- It is unfortunate that not all high courts have followed this lead.
\n
- The SC’s move could help encourage the other high courts to do so.
\n

\n\n

What are the concerns?

\n\n

\n
- How far will making roster public address the ongoing crisis of credibility in the Supreme Court is highly doubtful.
\n
- **Mechanism** - The roster existed even prior to the one made public and was largely being followed.
\n
- But the issue here is the absence of any norms or transparency in the mechanism.
\n
- The CJI exercising the discretionary power to go beyond the roster and allocating specific cases to specific benches is the concern.
\n
- This continues to be a bone of contention, despite the roster being made public.
\n
- **Roster management** - The SC’s roster allocation is far less detailed when compared to those of the 4 high courts mentioned.
\n

- E.g. In the Delhi High Court, cases are divided between benches on the basis of not just the subject matter but also by date.
  \n
- In the Allahabad High Court, writ petitions are divided among the benches based on which local law they are concerned with.
  \n
- The SC’s roster, on the other hand, is just a list of case categories allocated to certain judges.
  \n
- No classification or division has been made between the benches.
  \n
- It is quite clear that roster management is a bit better in the high courts than in the SC.
  \n

\n\n

What is the concern with PILs?

\n\n

\n
- The fact that the CJI’s court will be the only one to hear Public Interest Litigations is also problematic.
  \n
- To be fair, PILs constitute a very small number of the total cases in the SC.
  \n
- No more than 1% of cases in the SC are PILs.
  \n
- This is even after including appeals from judgements of high courts in PIL cases and PILs filed in the SC itself.
  \n
- Nevertheless, PILs also, than most other case types, raise important issues.
  \n
- Given this and questions over CJI's integrity and independence, only the CJI hearing PILs is unlikely to inspire much confidence.
  \n

\n\n

What should be done?

\n\n

\n
- The continuing concern calls for laying down clear and specific norms to guide the CJI’s exercise of discretion.
  \n

- This is also the demand that the four senior-most judges made.
  \n
- They have asked for a panel, instead of the roster being determined by the CJI alone.
  \n
- Proper procedures and norms for the preparation of the roster should be put in place.
  \n
- An internal mechanism, instead of just the individual CJI, can also ensure some level of continuity and consistency.
  \n

\n\n

\n\n

Source: The Indian Express

\n

