



Roster Management in Judiciary

Why in news?

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- The Supreme Court has recently made public its Judges Roster, by posting it on its official website.

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- Moreover, the CJI will hear all PILs and cases related to elections, criminal cases, social justice and the appointment of constitutional functionaries.

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What is the significance of the roster?

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- Roster lists out the allocation of case categories to different judges.

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- A fine-tuned roster will prevent two different benches from hearing the same kind of case.

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- It thus prevents taking divergent views at the same time.

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- Conflicting interpretations by different benches have earlier forced the SC to set up larger benches to resolve.

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- Secondly, roster will allow for effective case management.

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- Judges in India are not specialists in any specific areas of the law.

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- But they will be in a better position to dispose of cases, the more they handle the same kind of cases.

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- E.g. the SC has constituted a dedicated tax bench.

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Why is the SC's move important?

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

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 - How far will making roster public address the ongoing crisis of credibility in the Supreme Court is highly doubtful.
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 - **Mechanism** - The roster existed even prior to the one made public and was largely being followed.
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 - But the issue here is the absence of any norms or transparency in the mechanism.
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 - The CJI exercising the discretionary power to go beyond the roster and allocating specific cases to specific benches is the concern.
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 - This continues to be a bone of contention, despite the roster being made public.

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- **Roster management** - The SC's roster allocation is far less detailed when compared to those of the 4 high courts mentioned.

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- 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.

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- In the Allahabad High Court, writ petitions are divided among the benches based on which local law they are concerned with.

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- The SC's roster, on the other hand, is just a list of case categories allocated to certain judges.

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- No classification or division has been made between the benches.

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- It is quite clear that roster management is a bit better in the high courts than in the SC.

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What is the concern with PILs?

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- The fact that the CJI's court will be the only one to hear Public Interest Litigations is also problematic.

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- To be fair, PILs constitute a very small number of the total cases in the SC.

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- No more than 1% of cases in the SC are PILs.

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- This is even after including appeals from judgements of high courts in PIL cases and PILs filed in the SC itself.

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- Nevertheless, PILs also, than most other case types, raise important issues.

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- Given this and questions over CJI's integrity and independence, only the CJI hearing PILs is unlikely to inspire much confidence.

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What should be done?

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- The continuing concern calls for laying down clear and specific norms to guide the CJI's exercise of discretion.
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- This is also the demand that the four senior-most judges made.
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- They have asked for a panel, instead of the roster being determined by the CJI alone.
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- Proper procedures and norms for the preparation of the roster should be put in place.
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- An internal mechanism, instead of just the individual CJI, can also ensure some level of continuity and consistency.
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Source: The Indian Express

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