

## SC to issue orders in roster case

A day after the Supreme Court's number two judge, Justice Jasti Chelameswar, attacked the Chief Justice of India's discretionary powers to constitute Benches and allocate cases, a three-judge Bench led by Chief Justice of India Dipak Misra on Monday decided to pass judicial orders on a petition calling for a transparent and codified procedure for constitution of Benches and allocation of cases in the court.

"Unfettered power is being exercised by the Chief Justices in the matter of formation of Benches, and so, the same is liable to be regulated through specific rules," the petition filed by Asok Pande said.

It said specific provisions should be incorporated in the Supreme Court Rules of 2013 that the three-judge Bench in the Chief Justice of India's court should consist only of the Chief Justice of India and the court's two senior-most judges. That is, in the present scene, Chief Justice Misra and Justices Chelameswar and Ranjan Gogoi.

The petition further demanded that the Constitution Bench of the Supreme Court should consist of five senior-most judges — the CJI, Justices Chelameswar, Gogoi, Madan B. Lokur and Kurian Joseph — or a combination of the three senior-most and two junior-most judges. That would be the CJI, Justices Chelameswar, Gogoi followed by Justices Navin Sinha and Deepak Gupta.

### Subject-wise roster

Justices Chelameswar, Gogoi, who is the next in line to be the CJI under the seniority norm, Lokur and Kurian Joseph had held the January 12 press conference, accusing the recent trend of CJIs selectively allocating cases to preferred Benches.

Subsequently, Chief Justice Misra published a "subject-wise roster" of cases to be handled by the Supreme Court judges. However, the roster has not eased criticism. As proof, Justice Chelameswar, responding to a question why all the important cases continue to be heard by Chief Justice Misra, responded: "He is the master of roster ... If he [CJI Misra] has the energy to do the entire work, let him do it."

Mr. Pande's petition follows an earlier petition filed by former Union Law Minister Shanti Bhushan for a declaration that the authority of the CJI as "master of roster" should not be reduced to an absolute, singular and arbitrary power.

Mr. Bhushan has asked the Supreme Court Registry not to place his petition before a Bench of which Chief Justice Misra is a part of.

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