

A first step

Three weeks after its four senior-most judges — Justices J Chelameswar, Ranjan Gogoi, Madan B Lokur and Kurian Joseph — went public with their grievances over the conduct of the Chief Justice of India (CJI), especially in the allocation of cases, the Supreme Court has made public its judges roster. The list that was posted on the SC's website on Thursday shows which judge hears what matter by subject. The move to put the roster in the public domain is the first acknowledgment by the CJI that all is not well with the apex court. The subject-wise allocation of cases is a welcome attempt to bring in a modicum of transparency in the constitution of benches. However, the concerns raised by the four senior judges pertain to substantive issues of checks and balances to the powers of the CJI in his capacity as Master of the Roster. Addressing them will require the judiciary to deliberate, internally, a mechanism to temper the CJI's powers of discretion while also responding to the debates on judicial reform in the public sphere.

On January 12, Justices Chelameswar, Gogoi, Lokur and Joseph spoke about how “cases with far-reaching consequences for the nation... had been assigned by the chief justice selectively to benches of their preference”. The issues they raised were troubling in themselves. But what was even more worrying was that the SC, and the CJI, seemed to have turned a deaf ear to the concerns of its senior-most judges. Since then, CJI Dipak Misra has had a series of meetings with the dissenting judges. But by all accounts, the trust deficit within the country's apex court is far from being removed. Making the roster public could be the first step towards this objective. However, the roster finalised on Thursday is only about the presiding judges. It does not talk about the other judges who will be part of the benches. Also, the CJI has taken it upon himself to hear all Public Interest Litigation. At a time when senior judges have alleged that the CJI's office “has been adversely affected”, and given that PILs most often require the judiciary to assert its independence vis-a-vis other branches of government, CJI Misra's move to assign all such cases to himself is bound to spark questions.

Over the years, the SC has shown a healthy inclination to course correct. The spirit of reflection and self-criticism should not be confined to jurisprudence but extend to the apex court's self-regulation. The CJI's stewardship will be critical to this process.

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