

ORAL MENTIONS IN SC WILL SOON BE HISTORY

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The CJI takes a call on the spot, whether the case deserves to be heard out-of-turn. This would mean pushing other cases off the list. The CJI has often complained about how cases that were orally represented by a lawyer during mentioning, did not turn out to be as urgent.

“For over an hour everyday the CJI is made to read the case papers just to see whether a case mentioned is important enough to deserve an urgent hearing... this is a waste of judicial time,” Justice Gogoi had once complained in court.

During the past few years oral mentioning has both sparked controversy and witnessed reform.

It was the oral mentioning of the Lucknow Medical College scam case before Justice (now retired) J.S. Chelameswar that triggered the row about the CJI's powers as ‘master of roster.’

A writ petition was mentioned before Justice Chelameswar because then Chief Justice Dipak Misra was heading a Constitution Bench that day. Justice Chelameswar ordered a Bench to be formed to hear the petition. This order was countermanded that very afternoon by a Constitution Bench, which held that none but the CJI has the authority to allocate cases and set up Benches.

Level playing field

The convention also went through a positive transformation when Chief Justice (now retired) Misra realised how senior advocates take advantage of their standing in court to get early dates during oral mentioning. Justice Misra made it a level playing field for all lawyers by allowing only advocates-on-record to mention cases.

Justice Gogoi has repeatedly advised the Bar to be circumspect about orally mentioning cases, and to be careful that only absolutely urgent cases are brought before him. He reminded lawyers that the court cannot be seen to be wasting time when hundreds of death penalty cases are waiting for years to be heard. The usual sight of lawyers crowding the courtroom of the Chief Justice of India in the mornings to orally mention their cases for urgent listing may soon become passe.

END

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