

CHIEF JUSTICE-CENTRIC COURT: POLITY

NEWS: Supreme Court needs to change from being a Chief Justice-centric court: Justice Oka says on his last working day

WHAT'S IN THE NEWS?

Justice A.S. Oka has called for decentralising the CJI's powers by shifting to a more democratic, committee-based judicial administration to ensure transparency, equality, and timely constitutional justice. Reforms like public rosters, RTI inclusion, and algorithmic case listing aim to institutionalise accountability within the Supreme Court.

Context and Background

- **Justice A.S. Oka**, former Supreme Court judge, has called for a shift from a **CJI-centric model** to a more **democratic and institutionalised structure** in judicial functioning.
- Emphasis is placed on transparency, inclusivity, and collective decision-making in the Supreme Court's administrative and judicial roles.

The 'Master of the Roster' Doctrine

- Reaffirmed in **Shanti Bhushan vs. Supreme Court of India (2018)**.
- Grants exclusive power to the **Chief Justice of India (CJI)** to:
 - Decide **which judge hears which case**.
 - Allocate **cases to benches**.
 - Decide **when cases are listed for hearing**.

Constitution Bench Control

- Constitution Benches are required under Article 145(3) for interpreting substantial questions of constitutional law (minimum of five judges).
- However, **CJI exercises unilateral discretion** in:
 - **Constituting** such benches.
 - **Presiding** over them (often chairs them personally).
 - **Delaying or expediting** important constitutional matters.

Administrative Powers of the CJI

- As per **State of Rajasthan v. Prakash Chand (1998)**:
 - The CJI is '**first among equals**' in judicial work but holds **exclusive administrative authority**.
 - Controls include:

- **Court registry management.**
- **Judge rosters and work allocation.**
- **Unilateral administrative decisions**, often without broader consultation.

Justice Oka's Additional Concern: Empowering the Lower Judiciary

- Emphasised the importance of the **district judiciary**, considered the “**backbone**” of India's justice system.
- Need to strengthen infrastructure, staffing, and independence at the grassroots level.

Challenges Arising from the Current Structure

1. Lack of Transparency

- No clear criteria for **case allocation**, leading to:
 - Suspicion and speculation over assignments.
 - Internal discontent and litigant distrust.

2. Delay in Justice

- Vital cases (e.g., electoral bonds, Article 370) get **deferred for years**, depending on the CJI's prioritisation.

3. Weakened Collegiality

- Reduces **shared responsibility** among senior judges.
- Undermines the **institutional character** of the Court.

Steps Taken Toward Greater Transparency

1. Public Roster System (2018)

- Initiated by then CJI Dipak Misra.
- Weekly listings of case assignments to specific benches were published.

2. CJI's Office Brought Under RTI Act (2019)

- In *Subhash Chandra Agarwal v. Supreme Court*, the **Constitution Bench** held:
 - **CJI's office is subject to RTI.**
 - Marked a major step in **judicial accountability**.

3. Publishing Collegium Recommendations

- Supreme Court now uploads **Collegium resolutions and recommendations** regarding:

- Judicial appointments and transfers.
- Reasons for rejection or reconsideration.

Reform Measures Suggested by Justice Oka and Others

1. Committee-Based Decision-Making

- Create **internal judicial committees** to handle:
 - **Bench composition.**
 - **Listing and scheduling of cases.**
 - **Administrative decisions.**
- Reduces concentration of power in a single individual.

2. Transparent Listing Mechanism

- Use **algorithm-based systems** to automate case listing.
- Ensures minimal **human discretion** and greater fairness.

3. Shared Collegial Role in Constitution Bench Matters

- A panel of **senior judges** should collectively decide:
 - When to form Constitution Benches.
 - Who should be assigned to them.
 - The timeline of hearings for important cases.

Concluding Remarks

- A **democratic, transparent, and committee-based structure** is essential for strengthening the institutional integrity of the Supreme Court.
- Moving away from **CJI-dominated mechanisms** will:
 - Enhance **judicial equality and trust.**
 - Encourage **collegial functioning.**
 - Better serve **constitutional values and public faith** in the judiciary.

Source: <https://www.thehindu.com/news/national/hope-sc-champions-constitutional-liberties-justice-oka-says-on-his-last-working-day/article69609627.ece>