

A year after landmark press conference, little has changed in Supreme Court's running

INDIA Updated: Jan 12, 2019 07:18 IST

A year after the unprecedented press conference held by the four senior-most judges of the Supreme Court, little has changed when it comes to the administrative issues they flagged at the event. One of the four is now the Chief Justice of India (CJI); the other three have retired. On January 12, 2018, justices J Chelameswar, Ranjan Gogoi, Kurian Joseph and Madan Lokur called the press conference at the residence of Chelameswar in New Delhi.

During the conference, they aired their grievances over the then chief justice Dipak Misra's style of functioning. He was assigning important cases to junior judges, they said. The allegation of bench-fixing remained unvoiced, but it was the message between the lines.

“This is an extraordinary event in the history of the nation, more particularly this nation. It is with no pleasure that we are compelled to call this press conference. But the administration of the Supreme Court is not in order and many things which are less than desirable have happened in the last few months,” justice Chelameswar said then. Since then, the only visible change that can be attributed to the press conference is that the roster — the work allocation chart for judges — is now public, after it was made so by then CJI Misra on February 1. The roster lists out distribution of matters among all the judges, by subjects and by categories. But it is still done exclusively by the CJI— without any consultation with other judges.

Among the many demands for change put forth by the four senior judges of the court was a “consultation process” among the top five judges of the court (by seniority) in drawing up the roster and work allocation. But to this day, the CJI unilaterally draws up the Supreme Court roster.

Senior advocate Amarendra Sharan said, “CJI is the master of roster and he should remain the master of the roster. There cannot be any consultation. But it must appear to the people that the distribution is fair, the interest of everybody is protected and that it is not used to get a particular result.” Another

related matter the four judges suggested that needed to be turned around was a set of guidelines on the setting up of benches and work allocation to judges.

The four senior judges of the Supreme Court who attacked the CJI for his arbitrary manner of work allocation, suggested that a committee of future CJIs – justices R Gogoi, SA Bobde, NV Ramana, UU Lalit and DY Chandrachud — be set up and a set of rules for work allocation in the top court be drawn up. The guidelines are yet to be framed. There was also a call for collective leadership in running the affairs of the judiciary. That too seems a far cry. Senior advocate Sanjay Hegde said: “I endorse the idea of collective leadership in the top court and also believe that the younger judges and future CJIs should be entrusted with more administrative powers and have a say in the running of the court. Ever since the office of the CJI got ritualized as the high priest of the justice delivery system in the country, collective leadership has been given a go-by. And the judges should work towards collective leadership.”

Justices J Chelameswar, Kurian Joseph and Madan Lokur have retired as has Chief Justice Dipak Misra. After his retirement Justice Chelameswar said: “The press conference has not achieved in the complete sense the result it should have, but it certainly has created awareness in this country that this institution is also required to be protected and its activities should be assessed periodically. That awareness is certainly there today.” But after his retirement , justice Joseph struck a conciliatory tone: “You cannot say that the issues have been completely addressed. It will take some time for the systems to change. Changes were brought in by the pervious Chief Justice of India and the present CJI is carrying it forward. Process of change will take time.”

Justice Lokur hasn't commented on this since his retirement in December. And retired CJI Dipak Misra has consistently kept his counsel on this. After taking over, Justice Gogoi has started interacting with other senior judges in the matters of running of the court but he still draws up the roster on his own. Commenting on the landmark press conference a year on, senior advocate Amir Singh Pasrich said, “Several legal experts have considered the press conference to be most unfortunate and even retrograde step taken by the concerned judges. But with the benefit of hindsight, I would disagree. I believe that there was tremendous pressure which caused this dam to burst leading to the press conference and some reforms after that have followed. But essentially, it's time for SC to be as transparent as it has advocated that other agencies should be with respect to its practices and procedures.”