



Master and the roster

Bottom Line: The collegium system has failed to keep executive interference at bay.

Singular power

1. The threat to judicial independence comes from a source closer to home. This is the singular power of the CJI as the Master of the Roster – i.e., the vesting of exclusive discretion in the Chief Justice to constitute benches and allocate cases.
2. In fact, this power lay at the heart of the controversy surrounding the proceedings the Court has now closed. It enabled Justice Gogoi to institute suo motu proceedings despite being an accused; label the case as a matter of judicial independence, and preside over it.
3. From the standpoint of judicial independence, the Master of the Roster power makes the CJI's office a high stakes one. It makes the CJI the sole point of defence of the Court against executive interference.
4. However, this has a flip side. With the CJI as the sole Master of the Roster, any executive seeking to influence the Supreme Court needs only a pliant CJI. In other words, a pliant Master of the Roster carries the danger of producing a pliant Court.

Dangers of Singular Power

Therefore, while the CJI's other powers such as recommending appointments to constitutional courts are shared with other senior judges, the power of Master of the Roster is enjoyed without scrutiny.

Judicial reforms

1. The Collegium system has failed to keep executive interferences at bay from the Supreme Court.

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2. This is for two reasons: first, as Justice Gogoi's case shows, there is an attractive lure of post-retirement jobs; and second, as the privilege of Master of the Roster shows, the CJI's allocation of cases is an unchecked power.
3. The continuing project of judicial reforms should then address these two issues. A cooling-off period between retirement and a post-retirement appointment has often been suggested as a way to deal with the first problem.
4. For the second, the power of Master of the Roster needs to be diversified beyond the CJI's exclusive and untrammelled discretion.
5. Whether these should vest with a larger cohort of serving judges is an issue that invites public debate and introspection within the institution of the Supreme Court.