

Administration of Justice and Functioning Of Supreme Court in India: - A Critical Analysis

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Abstract

The preamble to the Constitution of India promises social, economic, and political justice to the people of India. The Supreme Court of India is and has been the last alternative available to the people of India to achieve the preamble objective of the Constitution of India. In a healthy, vibrant, and steady democracy, it is a prerequisite that the legal system should be healthy, impartial, and independent. In addition to the independence and neutrality of the judiciary, the integrity of the judiciary is of supreme importance. The Integrity of the judiciary is the symbol of judicial discipline, the burden to maintain judicial discipline lies on the judges, so that the trust of the people should not be affected and stunned. The functioning of the Supreme Court of India should be in accordance with the established principles of the rule of law. It should be kept in mind that the principle of non-arbitrariness is envisaged in the constitution of India which any organ of the state must adhere to. The constitutional scheme removes any kind of absolute discretion conferred on any authority of India and when such an important and noble cause of delivering justice to the common people of India it must be done without any reasonable apprehension of biasness. This paper tries to examine the administration of justice in the Supreme Court of India and also gauge the discretionary power of the Chief Justice of India.

Keywords: Rule of Law, Independence and Integrity of Judiciary, etc.

Introduction

The Constitution of India provides that there shall be a Supreme Court of India constituting chief justice of India with seven other judges until parliament increases by law, in 2008 it increases by thirty. The very foundation of the Republic of India has been constructed on the bedrock of justice, Liberty, Equality, fraternity, and assuring the dignity of the individual, so to safeguard the enshrined principles, the Supreme Court of India has been constituted. In the Indian political system, the constitution of India is the supreme law of the land, and every organ of the country must confirm and respect the values, principles, and ethos of the Constitution of India. In the case of *Keshwananda Bharti v.State of Kerala*, it was held that supremacy of the Constitution is amongst the basic features of the Constitution of India. It is expedient that the supremacy of the Constitution must be protected by the independent judicial body which has been empowered by the Constitution to interpret the distribution of

powers enshrined under the Constitution. Justice is an important feature of every political system and government. It is considered a basic virtue of the country and it is the duty of the judiciary to deliver justice without fear and favor. The Judiciary of any country is entrusted with maintaining justice and enforcing laws in the country. From these attributes, it is necessary and important that the judiciary must be independent and transparent. If the courts are not allowed to function independently then the ray of justice will disappear and the life of the people is jeopardized. In *S. P Gupta v. Union of India*, it was held that the concept of independence of the judiciary must be borne in mind while interpreting the constitution. Judges should be very tough, unbending before power, and must uphold the Constitution's core values, which are rule of law, independence, and the integrity of the judiciary. The principle of independence of the judiciary is vital for the establishment of participatory democracy, rule of law maintenance, and securing social justice to the citizens of India. However, independence of the judiciary does not only mean independence from the executive and legislative wings of the state, it should also be independent internally, free from political ideologies, and prejudices, and also independence of individual judges from their superior judges. It is the internal independence that reflects the personality of the judge.

The chief justice of India is the administrative head of the Supreme Court of India but on the judicial side, he is the first among the equals to have administrative powers. The Chief Justice of India has been considered the master of the rooster and has the exclusive prerogative to constitute the benches and allocate the cases to the benches so constituted. The question here arises is whether the Chief Justice of India possesses unguided, unlimited, and unqualified power to set up the benches and assigned the matter to the benches formed so. The answer to the above question lies in the principle of rule of law. The doctrine of rule of law clearly states that no one is above the law, even the king is under the aegis of law. The chief justice of India though empowered with unbridled power to form the benches and allocate the cases to the benches so formed should carefully watch that it must be done under the constitutional principle that is rule of law. Rule of law is embedded in the Constitution as a basic principle; it negates the jungle rule and establishes the supremacy of law. In a Democratic society rule of law is against arbitrariness, it maintains the balance between the liberty of the individual and public order. What prompted the researcher to take up the research is the recent controversy that arose relating to the functioning of the Supreme Court which divulges that the Chief Justice of India has been exercising its power under the constitution in an arbitrary and unguided manner which is against the set convention of the Supreme Court. Every judge of the Supreme Court is a judge in the meaning of Art. 124 of the Constitution of India and stands on equal footing with others. There is no doubt with regard to the intellect of the judges but due to vast experiences in the field of law judges gain some expertise in the specific field of law.

The Controversy Relating to the Administration of Justice in the Supreme Court of India

The Chief Justice of India while constituting the benches ignored the expertise, seniority, and the set convention of the Supreme Court of India. It is considered that the chief justice of India constituted benches on the basis of previous orders and it is not in practice to exclude the judges in reconstituted benches. Lastly, on 12th January 2018, a controversy arose that sensitized the whole country. For the first time in the Indian political system, judges come out of their chambers and speak to the media. This is an unprecedented move of the four sitting judges of the Supreme Court who were part of the collegium system through the press conference asserts that the "Administration of the Supreme Court is not in order". Though the judges recognize the power of the chief justice of India as the master of the roster system, what

makes them aggrieved is that in the discharge of said power conventions were not strictly adhered to. Judges pointed out that cases having far-reaching effect on the nation were allocated selectively to the benches of preferences. This type of selective preference could have the tendency to disturb the constitutional fabric of the nation. The Chief Justice of India assumes the power to act as the master of the roster from Art. 145 of the constitution. The Supreme Court subject to the provisions made by the parliament has the power to make rules in order to regulate the practice and procedure of the Supreme Court. The Parliament has the power to make laws with regard to the Constitution, Organization, Jurisdiction, and powers of the Supreme Court and the union executive shall exercise its powers to such extent to which parliament has the power to legislate. Regarding the business of the Supreme Court like (a) Constitution of benches (b) Distribution of business (c) Allocation of Cases, Parliament has not so far made any law in this regard. There are some external factors such as executive pressures, careerism, and popular pressure which have the tendency to persuade the chief justice of India to work in an arbitrary, fanciful, and capricious manner.

In a society that is based on rule of law, the judiciary occupies a very eminent place, like the legislature and executive. Legislature legislates laws that establish rights and liabilities, the executive enforces these laws and the disputes are settled down by the judiciary. For the establishment of a rule of law-based society independent and accountable judicial system is an indispensable requirement. Therefore, independence and accountability are sine quo non for a good judicial system.

Administration of Justice in the Supreme Court of India

The Supreme Court of India enjoys various kinds of jurisdiction to perform the administration of justice. Apart from the administration of justice Supreme Court performs various functions such as the Application of law, making of law, Interpretation of law, Guardian of the constitution, Protector of fundamental rights and lastly rendering advice to the President of India. The Constitution of India vests some authority in the Supreme Court of India such as (1) it is considered the court of record, (2) it has the power to punish for its contempt, and (3) it has the power to do complete justice. The Constitution of India confers the following jurisdiction on the Supreme Court. These jurisdictions are (1) Original and exclusive jurisdiction, (2) Appellate Jurisdiction, (3) Review jurisdiction and (4) Advisory jurisdiction.

3.1 Administration of Justice:

One of the most important functions of the judiciary is the administration of justice. In fact, we can say that the existence of the judiciary is justified for its function in the administration of justice. For this noble function, the Constitution of India confers various jurisdictions on the Supreme Court. The Court hears and decides different cases on civil, criminal, constitutional, and other matters but the main focus of the Supreme Court is the administration of justice.

3.2 Application of Law:

Judiciary has also the task of application of the law. It has to apply the law in specific cases both civil and criminal. Judiciary has a very important role in the application of the law because in many cases, the law does not and may not provide a clear clue and in such a situation a judiciary has to play a very delicate and important role.

3.3 Making of Law:

Making of law is primarily a task of the legislature but the judiciary also makes law in various ways. While deciding the cases where there is no express provision of law or there is

ambiguity in the law, in such cases, the judiciary treats them in a different way and thereby they provide a new dimension to the law. Judicial law-making is a supplementary form of legislation.

3.4 Interpretation of Constitution:

In a democratic country, Judiciary is usually entrusted with the interpretation of the Constitution of the country. There were many words in the Constitution that required constant interpretation in different situations. In the federal form of government, the task of interpretation attracts special significance because it sketches out the relationship between the center and the states regarding their corresponding jurisdiction.

3.5 Guardian of the Constitution:

In the federal form of government, the judiciary act as the guardian of the Constitution. The judiciary keeps a close eye on the action of the executive as well as of the legislature whether they are performing their function within the contours of the Constitution or not. If they function beyond the boundary of the Constitution then the judiciary can declare their action unconstitutional. Besides this function, the highest judiciary adjudicates the disputes between the states, and states and center.

3.6 Protector of the Fundamental Rights:

In India, the apex Court also performs a major function which is the protection of the fundamental rights of the individual. The Court through its judicial review power serves as the watchdog for the protection of individual rights and in case of any violation of fundamental rights takes action immediately.

Administration of justice Vis-à-vis Rule of Law

Rule of law is an important aspect of the administration of justice. Justice Pathak in the case of S. P. Gupta while establishing the relationship between the administration of justice and rule of law said, “While the administration of justice draws its legal sanction from the constitution, its credibility rests in the faith of the people.” And how the faith of the people is realized when the judiciary respects and functions according to the rule of law. In a similar fashion, the Supreme Court of India in various cases said that rule of law is the central and most cherished feature of our constitutional feature, and all administrative actions shall be tested by the standard of rule of law.

Rule of law has many facets; the Concept of the absence of **arbitrariness** is one of the essential features of the rule of law. In the case of Supreme Court Advocates on Record Association v. Union of India, the Court observed, “For the rule of law to be realistic there has to be space for discretionary authority within the operation of rule of laws even though it has to be reduced to the minimum extent necessary for proper guidelines or norms of general applications excludes any arbitrary exercise of discretionary authority. In such a situation, the exercise of discretionary authority in its application to individuals, according to proper guidelines and norms, further reduces the area of discretion, but to that extent, discretionary authority has to be given to make the system workable”.

Fairness is the hallmark of any administrative power. While exercising such power any administrative body must consider the rule of fairness. The judiciary also performs some sort of administrative action, it should be based on rule of law. In the case of Ranjit Thakur v. Union of India and others the Supreme Court of India held that the Chief Justice while exercising the

power as a master of the roster must observe the rule of fairness and the principle of bias is to be judged by applying reasonable apprehension of bias in the mind of the party.

4.1 Transparency is the basic feature of the administration of justice. The constitution of India has created an independent judiciary that is vested with the power of judicial review to determine the legitimacy of administrative actions therefore, is the solemn duty of the judiciary to keep the organs of the state within their sphere. When such an important task has assigned to the judiciary, the functioning of the judiciary has to be in a fair and transparent manner so as to instill confidence in the public at large that the matter shall be decided by the Court strictly on legal principles to ensure that rule of law, which is a part of the basic structure of the constitution, prevails.

4.2 Accountability enhances the public trust in the judiciary and preserves the rule of law and regulates the conduct of the judges so as to promote the integrity, impartiality, and independence of the judiciary. India is a democratic country, every person holding office is responsible to the people who are repositories of political sovereignty. Therefore, the judges must function in such a way that highlights the credibility of the courts. Former Chief Justice S. H. Kapadia has said that judges should work within the limits of the Constitution. Justice V. R. Krishna Iyer stated that the absence of accountability on the part of judges would be detrimental to the democratic values of society.

4.3. Discretion is necessary for the authority to function but it should be within the operation of the rule of law. Discretion has to be reduced to the minimum extent for proper governance and within the area of discretionary authority. The proper guidelines of applications exclude the arbitrary action of the discretionary authority. The exercise of discretion according to proper guidelines or norms reduces the area of discretion.

Independence and integrity of the judiciary vis-à-vis the Supreme Court of India

An Independent Judiciary is sine quo non for a free society and a constitutional democracy. An Independent judiciary guarantees the realization of rule of law and human rights and also the stability and progress of society. The independence of the judiciary is not only guaranteed by the Constitution but also assured by the legislations, conventions, and other practices. Almost all the constitutions of democratic countries provide provisions for the independence of the judiciary. It must be protected from social, economic, and political conditions.

In *Supreme Court Advocate-on-Record Association v. Union of India*, the Supreme Court held that to be administered through the courts and such administration would relate to social, economic, and political aspects of justice as stipulated in the preamble of the Constitution and the judiciary, therefore, becomes the most prominent and outstanding wing of the constitutional system for fulfilling the mandate of the Constitution. It is the responsibility of the Judiciary to keep a vigilant watch over the functioning of the other constitutional functionaries within the commands of the Constitution. The independence of the judiciary, therefore, plays an important role in maintaining the democratic setup of any country. The word independence must be understood in light of the deep concern of the framers of the Constitution. Independence of the judiciary means that the judiciary as an organ of the state should be free from the influence and control of the other two organs, that is, the legislature and the executive, and also free from other pressures and prejudices.

Integrity is the hallmark of the judiciary. The judges should not only know the law but must have integrity and a standard of conduct that would generate public confidence in the individual and in the system. To keep the stream of justice clean and pure, the Judge must be endowed with pure character, impeccable integrity, and upright behavior. Erosion would undermine the efficacy of the rule of law and the working of the Constitution itself.

Impartiality, Judicial impartiality is a fundamental component of the administration of Justice. Judges are expected to be impartial in deciding disputes according to the Constitution and the laws, they should be free from influence, bias, or prejudice. Independence and impartiality are closely and inseparably linked together. The independence and impartiality of the person entrusted with the task of decision-making in the dispensation of justice are essential prerequisites of his qualification. Impartiality requires a Judge should insulate himself from external and internal influences. He should perform his duties without 'fear and favor', 'affection or ill-will' and uphold the constitution and the laws to perform the duties with Independence and Impartiality. The Contents of the oath and the expression therein are the solemn assurance of every judge to the people of the country that he will be performing the duties with independence, impartiality, and objectivity.

Functioning of the Supreme Court of India

The constitution of India confers power on the Supreme Court of India to make its rule for the proper functioning of the Court. The Chief Justice of India is the master of the roster responsible for the constitution of benches and the allocation of cases to the judges in the Apex Court. The Chief Justice of India is the leader of the Court. He enjoys a wide range of discretionary power in the decision-making process. The chapter discusses the distinctive role played by the Chief Justice in the Supreme Court. This chapter delves into the various factors which affect the proper functioning of the Supreme Court

6.1 The Chief Justice of India occupies an important position in the institutional framework of the court. The post of Chief Justice of India has been regarded as a vital post in the political system of India due to various reasons. His role in the appointment of colleague judges to the Supreme Court of India has been considered significant since the appointment consultation of the Chief Justice of India by the President of India is important. He is responsible for constituting benches and determining their composition that carries out the function of the Court. The Chief Justice of India is the administrator and the leader of the Court. The government normally consulted the Chief Justice of India in matters relating to the judiciary, particularly to the Supreme Court. All appointments of the servants and the officer to the Supreme Court of India are done by the Chief Justice. In addition, he is to be consulted in all appointments and transfers of judges in the High Courts. Accordingly, the chief of India is considered to be the bridge between the executive and the judiciary.

6.2 The Chief Justice as the Master of Roster, is a well-settled convention of the higher judiciary of India that the Chief Justice is considered to be the master of the roster. The roster is the prerogative of the Chief Justice; the roster is required for the good transaction of the court and appropriate arrangements concerning matters that the bench or judge needs to deal with. This privilege of the Chief Justice cannot be seen as superior to fellow judges of the court but to a certain extent; he has primacy in case of making the roster. Another established convention is that the Chief Justice of India is only first among equals. Though the Chief Justice has the prerogative of deciding the roster it should not be done in an arbitrary manner or with

prejudiced intention. In other words, he cannot deviate from the well-settled conventions which his predecessor followed while deciding the roster.

In the Case State of Rajasthan v. Prakash Chandra and others held that the Chief Justice has the prerogative to constitute the benches of the court and allocate the cases to the bench so constituted. The court further stated that: “That the Chief Justice is the master of the roster. He alone has the prerogative to constitute benches of the court and allocate cases to the benches so constituted. That the puisne Judges can only do that work as is allotted to them by the Chief Justice or under his directions.”

In the Five Judge Bench in the Campaign for Judicial Accountability and Reforms v. Union of India, the Supreme Court of India again reiterated that: “the Chief Justice is the master of the roster and he alone has the prerogative to constitute the Benches of the Court and allocate cases to the Benches so constituted.”

Procedure Regarding Bench Constitution in the Supreme Court of India

The Supreme Court of India’s time-to-time frames rule regarding the practice and procedure of the court. In the exercise of the power conferred by the Art.145 of the Constitution, the Supreme Court of India made Rules, 2013 which was adopted on 27th May 2014.

Order II of the Supreme Court Rules, 2013 provides offices of the Court; the Court shall sit two terms in a year. During the vacation, the Chief Justice of India may appoint judges who shall take up matters of urgent nature for hearing. Order III empowers the Chief Justice of India to assign any function required under these rules to officers of the Court and in the absence functions of the Secretary-general be exercised by the Registrar. It is the duty of the registrar to keep a list of all cases before the Court and prepare and publish them on the notice board/website when ready for hearing. Under Article 145 of the Constitution of India, the Supreme Court of India published the “handbook on Practice and Procedure and Office Procedure 2017”, It provides powers duties, and functions of the registrar which states registrar shall keep the list of all cases pending before the court, further Registrar shall make a list of cases for hearing in the following week, the Chief Justice may give directions to the Registrar in making a daily list of cases to be heard out of the weekly list. He shall make Advance List, Daily List, Supplementary List, and such other lists subject to order of the Chief Justice. It is the duty of the registrar shall make a roster under the direction of the Chief Justice.

Further Chapter XIII procedure for the listing of cases, the registrar shall list cases before the bench and it shall be published on the official website, in accordance with the directions of the Chief Justice. Under the heading Cause List and Listing’, it provides the procedure for the daily listing of cases before the bench. The handbook also provides a procedure for the allocation of cases and formation of Coram under the heading of “Cases, Coram and Listing” of Chapter XIII “Listing of Cases”.

The Coram of the bench shall be made according to the mechanism provided under the “Cases, Coram and Listing” of Chapter XIII of the handbook, and if Coram is not available on a particular date then cases shall be listed before the second Coram. Further, if a case is directed for listing before another bench or before a bench where the Judge is not a member of that bench as per the computer allocation on the basis of subject category then it should be listed in the final cause list. If a case is directed not to be listed before a particular judge then it should be listed to the second judge and if the second judge is not available then it should be listed before a judge on the basis of computerized allocation as per the subject category. Sometimes,

no Coram is available then the case should be listed as per the subject category through computer allocation. In a situation, where the two-judge bench referred the case that it should be heard by the larger bench then the Chief Justice of India has the authority to allocate the Coram. If a case is scheduled for listing on a specific date, but could not be listed due to the non-availability of a bench then it should be listed on another date after the instructions from the presiding Judge, and no case shall be listed for hearing without the written order.

Conclusion and Suggestions

The Study focused essentially on the institutional factors, has also embarked on the external factors which have a tendency to influence the Supreme Court at various levels. Although the Supreme Court owes its existence wholly to the Constitution of India, it is to a large extent controlled by the legislature and the executive. So, in order to maintain the independence and integrity of the Supreme Court, it is obligatory that it should not be dependent on the whims and caprice of the legislature and the executive.

The Doctrine of rule of law not only provides regularity and consistency in the enforcement of democratic society but also disseminates justice to the people which is based on recognition of the supreme values of the society. The welfare of any country is of paramount importance, to achieve this goal it is necessary that democracy and the rule of law should be interconnected with each other. Hence, it is necessary to establish the rule of law in India so that the country's credibility as a democratic state will be protected and there will be a dire need to bring the judiciary under the ambit of rule of law.

It is a well-established principle that the Chief Justice of India is the master of the roaster. He has the authority to allocate cases to different benches of the Supreme Court. The Chief of Justice by virtue of the master of the roaster is responsible for the maintenance of judicial discipline and the proper functioning of the court. Therefore, it is expected from the Chief Justice of India should exercise his authority in accordance with the well-established principles of natural justice.

A roaster is a system that declares what work is assigned to the judges of the Court. The Chief Justice of India is considered the master of the roaster of the Supreme Court and he is solely responsible for the assignment of the work to the judges of the Court. Keeping in mind the high standards of integrity attributed to the office of the Chief Justice of India, the assignment of work should be done in a just, fair, and transparent manner.

The Present practice and procedure of the Supreme Court of India and the Registry of the Hon'ble Supreme Court have been exercised according to the Supreme Court Rules, Handbook of Procedure, and Conventions. The Registrar shall keep all the cases pending before the court and they shall be published on the notice board of the Court. The registrar will prepare the roster under the directions of the Chief Justice and he shall list cases before the bench. Therefore, we can say that both the Chief Justice of India and the registrar are responsible for listing matters before the bench for a hearing. But in the case of listing matters of General Importance or of political nature the constitution of the bench has been done contrary to Supreme Court Rules, Handbook on Practice and Procedure, and Office Procedure and well-established conventions. As a result, the listing of matters is in a completely arbitrary and unjust manner which is against the principle of administration of justice. So, in order to maintain the authority of the Supreme Court, the exercise of listing of matters should be done lawfully, for objective and not subjective considerations, and in a transparent manner in accordance with the

law, namely the Constitution of India, the rules of Supreme Court, The Handbook of Procedure and the established Conventions of the Supreme Court regarding the functioning of the Court.

On the basis of the study, I may advance some suggestions regarding the proper and efficient function of the Supreme Court. The parliament should make law for this purpose using their power under the Constitution of India. The Supreme Court should function in a just fair and reasonable manner so that the trust of the public is restored. As we know the Chief Justice of India is the master of the roster, so for the proper functioning of this power the office of the master of the roster should be democratized, it should be deemed to mean a collegium of three senior judges of the Supreme Court.

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The principle of Rule of Law was first given by Thomas Fuller, a 17th-century historian, and churchman, and later on developed by A.V. Dicey.

ADM Jabalpur v. Shivkant Shukla AIR1976 SC 1207

Controversy started when justice Chalmeshwar referred the matter relating to the medical council of in India in which it is alleged that bribes were taken using the names of the judges of the Supreme Court so as to secure favourable settlement to the constitution bench comprising of senior most judges. What the Chief Justice of India did is that ignoring the senior most judges J1,J2,J3,J4,J5,J7,J9,j11,J13,J,14,J15 constituted the bench comprising himself and speaks about the judicial discipline, decorum, and the convention. What he speaks through the bench must follow in reality while constituting the benches.

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Justice K.S.Puttuswamy (retd.) and another Vs Union of India Known as Aadhaar matter. The matter was heard by many benches in which Justice Chelameshwar and Justice Bobde were the members from the initial hearing in 2013. This matter referred to the larger bench in 2015, Chief Justice Khehar constituted the bench of comprising himself, Justice Chelameshwar, Justice Bobde, Justice Chandrachud, Justice Nazeer, which referred the question of the privacy right as the fundamental right to the nine judges bench. This nine judges bench includes the original judges Justice Chelameshwar, Justice Bobde and Justice Nazeer pronounce the judgment but Justice Nariman in his judgment referred the matters to the original bench to adjudicate on merits. By not listing for the hearing for the long period of time, Chief Justice Deepak Mishra constituted five judges bench to hear the matter. This larger bench exclude all the original judges who listened the matter from initial period, which is comprise of Chief Justice himself (J.Deepak Mishra), Justice Sikri, Justice Khanwilkar, Justice Chandrachud and Justice Bhushan. <https://www.livelaw.in/chief-justice-india-law> accessed on 3/jan/2019

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Art.246 read with Entry of 77 1st schedule of the Constitution of India.

Art.77 of the Constitution of India.

The Constitution of India, Art. 131-136.

The Constitution of India, Art.129 provides that, “The Supreme Court shall be the court of record and shall have all the powers of such a court including the power to punish for the contempt of itself”.Ibid

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ORDER II RULE 4(1), The Court shall sit in two terms annually, the first commencing from the termination of the summer vacation and ending with the day immediately preceding such day in December as the Court may fix for the commencement of the Christmas and New Year holidays and the second commencing from the termination of the Christmas and New Year holidays and ending with the commencement of the summer vacation.

ORDER II RULE 6, The Chief Justice may appoint one or more Judges to hear during summer vacation or winter holidays all matters of urgent nature which under these rules may be heard by a Judge sitting singly, and, whenever necessary, he may likewise appoint a

Division Court for the hearing of urgent cases during which require to be heard by a bench of Judges.

ORDER III RULE 2, The Chief Justice may assign, and the Secretary-General, may with the approval of the Chief Justice, delegate, to an Additional Registrar, Deputy Registrar or Assistant Registrar, any function by these rules to be exercised by the Registrar

ORDER III RULE 3, In the absence of the Secretary-General, the functions of the Secretary-General may be exercised by the Registrar nominated by the Chief Justice.

ORDER III RULE 7(1), The Registrar shall keep a list of all cases pending before the court, and shall, at the commencement of each term, prepare and publish on the notice board/website of the Court a list of all cases ready for hearing in each class separately, to be called the “terminal list”. The cases in the “terminal list” shall be arranged year-wise in each class separately in the order of their registration, and the list shall be updated from time to time.

ORDER III RULE 7(2), Form out of the “terminal list” the Registrar shall publish on the notice board/website of the Court at the end of each week a list of cases to be heard in the following week as far as possible in the order in which they appear in the terminal list, subject to the directions of the Chief Justice and of the Court if any, and out of the weekly list shall publish at the end of each day a daily list of cases to be heard by the Court on the following day.

In addition, the registrar shall publish an advance list of miscellaneous matters. From the Advance List, matters will be taken up in Daily List for miscellaneous matters.

Subject to general or special orders of Chief Justice, the Registrar shall publish such other lists as may be directed; list matters as may be directed and, in such order, as may be directed.

Chapters V “Powers Duties and Functions of Registrar” of Handbook on Practice and Procedure and Office Procedure 2017, Chapter V (3) “to Keep a list of all cases pending before the Court, and shall, at the commencement of each term, prepare, publish and port on the official website, a list of all cases ready for regular hearing in each class separately, to be called the ‘Terminal List’.”

Chapter V (4), “to prepare, publish and port on the official website at the end of each week, a list of cases, from out of the Terminal List, to be heard in the following week, as far as possible in the order in which they appear in Terminal List, subject to the directions of the Chief Justice, if any, and out of the Weekly List, shall publish at the end of each day, a daily List of cases to be heard by the Court on the following day.”

Chapter V (5) “to prepare, publish and port on the official website, Advance List, Daily List and Supplementary List of the admission hearing case, and (6) “to publish such other lists, subject to general or special orders of the Chief Justice.

Chapter V (29), “to prepare roster under the directions of the Chief Justice.”

Chapter XIII {1(a)}, “The registrar (J-I) shall list the cases before the Benches in accordance with roster under the directions of the Chief Justice. (b) All cases, so listed, shall be published in a cause list under the signature of Registrar (J-I) and ported on the official website of the Court.”

“1. A daily cause list of admission hearing cases shall consist of fresh and pending main cases as also interlocutory applications and miscellaneous applications in main cases- (a) fresh cases shall be sent for listing by the Filing Counter; and applications, After-notice cases, and final disposal cases, shall be proposed to be listed by the dealing Assistants, unless otherwise ordered.

3. Fresh admission hearing cases shall be included in the daily cause list in chronological order, i.e., in the order of institution.”

“2. Fresh cases are allocated as per subject category through automatic computer allocation, unless coram is given by the Chief Justice or the Filing Counter:

Provided that such categories of fresh cases shall not be listed before a judge, which have been so directed. Data entry of such cases be made in the computer, which excludes listing of such cases before that Judge.

The admission hearing cases shall be listed in the following manner:

(a) Personal appearance cases:

(b) Settlement cases:

(c) Orders (incomplete cases/interlocutory applications/ miscellaneous applications);

(d) Fresh cases;

(e) 'After Notice' cases; and

(f) Final Disposal cases.

“3. The Coram of the Bench where-

a main case has been listed;

notice has been issued till grant of special leave to appeal;

a case has been dismissed, allowed or disposed of; and

a case has been heard in- part at admission hearing stage shall be updated in the computer for future listing of admission hearing cases.”

“6. If first coram is not available on a particular day on account of retirement, the case shall be listed before the Judge constituting the second coram. If second coram is also not available, the case shall not be listed on that day.”

“7. A case directed to be listed before some other Bench or before a Bench of which one of the Judges is not a member shall be listed as per subject category through computer allocation. Such admission hearing cases shall be listed in the final cause list”.

“8. A case directed not to be listed before a particular Judge constituting the first coram shall be listed before the judge constituting the second coram in a different composition, if available. In case of non-availability of the second coram, the case shall be listed through computer allocation as per subject category, after apprising the judge constituting the second coram”.

“9. On account of non-availability of the only coram in a case, the case shall be listed as per subject category through computer allocation”.

“20. Whenever a case is referred by a two-Judge bench to a larger Bench, the coram be allocated by the Chief Justice

“28. If a specific date case could not be listed on a specific date before the Court on account of non-availability of the Bench for any reason, instructions shall be taken from the presiding Judge as to the next date of listing on the file”.

“48. No case shall be considered for listing without written orders, except in exceptional circumstances, in which case it should be followed by written communication/ confirmation.”