

UPSC Syllabus Topic : GS Paper 2 Indian Polity – Structure, organization and functioning of the Judiciary.

Case Listing Dynamics: Navigating the Supreme Court's Legal Landscape

The Chief Justice of India (CJI) holds a crucial role in the allocation of cases in the Supreme Court of India. Here's an overview of the CJI's role and the concerns raised by senior lawyers:

Role of the CJI:

1. **Master of Roster:** The CJI is often referred to as the "master of the roster." This term implies that the CJI has administrative control and authority over the allocation of cases to different benches within the Supreme Court.
2. **Supervision of Case Allocation:** The Supreme Court Registry, responsible for case management, functions based on the instructions and orders of the CJI. The CJI has the power to allocate cases to specific benches and, if necessary, transfer cases from one bench to another.

Concerns Raised by Senior Lawyers:

1. **Movement of Listed Cases:** Senior lawyers raised concerns about cases that were already listed and in which notices had been issued by one bench. There were allegations that these cases were suddenly moved to be heard by other benches, leading to uncertainty and potential disruptions in ongoing proceedings.
2. **Transfer of Cases to Puisne Judge:** There were questions raised about the transfer of cases from the presiding judge of a bench to a puisne judge (a judge lower in seniority) when the latter started heading a new bench. This practice was criticized, especially when the senior judge was still available, as it appeared to go against established rules, procedures, and conventions.

Terminology:

- **Puisne Judge:** A puisne judge is a judge who is ranked lower in seniority than the Chief Justice of that court. In the context mentioned, it refers to a judge who is part of a bench but is not the presiding judge.

These concerns highlight the importance of transparency, consistency, and adherence to established norms in the allocation of cases within the Supreme Court. The allocation of cases is a critical aspect of ensuring fair and efficient dispensation of justice.

UPSC Syllabus Topic : GS Paper2- Polity- Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Preserving Constitutional Integrity: The Basic Structure Doctrine as a Safeguard against Judicial Arbitrariness

The Basic Structure Doctrine is a legal principle established by the Supreme Court of India in 1973, asserting that certain key elements of the Constitution are beyond the amending power of the Parliament. Here are the arguments both in support of and against the doctrine:

Arguments Supporting the Basic Structure Doctrine:

1. Limitation of Powers:

- **Assertion of Necessary Restrictions:** The doctrine imposes essential restrictions on all branches of the government, including the legislative (Parliament). This ensures that no single branch has unchecked power to unilaterally alter the Constitution's fundamental aspects.

2. Safeguarding Fundamental Features:

- **Preservation of Core Aspects:** The doctrine acts as a safeguard by protecting the Constitution's fundamental features from being amended. This preservation is vital for maintaining the democratic framework and upholding fundamental rights.

3. Upholding Constitutional Supremacy:

- **Balance of Power:** The Basic Structure Doctrine emphasizes the supremacy of the Constitution over all government organs. The judiciary, entrusted with interpreting the Constitution, utilizes this doctrine to maintain a balance of power and prevent any single branch from becoming overly dominant.

Arguments Against the Basic Structure Doctrine:

1. Excessive Power to the Supreme Court:

- **Concerns of Judicial Overreach:** Critics argue that the doctrine grants excessive authority to the Supreme Court, allowing it to decide what constitutes the 'Basic Structure.' This, in turn, might undermine the powers of other institutions. For example, there were criticisms following the Supreme Court's judgment on the National Judicial Appointments Commission (NJAC) case.

2. Risk of Judicial Arbitrariness:

- **Subjective Interpretations:** The open-ended nature of the doctrine raises concerns about subjective interpretations by the judiciary. Critics worry that this could lead to arbitrary decisions and reduce the legitimacy of the doctrine as a constitutional safeguard.

Recommendations and Considerations:

1. Enhancing Judicial Legitimacy through Public Trust:

- **Efficacy of Judgments:** To enhance public trust, the judiciary should focus on the effectiveness and legitimacy of its judgments. Transparency and accountability in decision-making are essential for maintaining public confidence.

2. Addressing Constitutional Validity Concerns:

- **Clarification and Review:** Ongoing doubts about the constitutional validity and scope of the Basic Structure Doctrine should be addressed through clarification and review. This ensures that the doctrine is applied judiciously and in line with constitutional principles.

3. Inclusive Debates and Discussions:

- **Comprehensive Understanding:** Broader debates and discussions about the interpretation and application of judicial doctrines, including the Basic Structure Doctrine, are crucial. Inclusivity in these discussions can lead to a more comprehensive understanding and the incorporation of diverse perspectives.

In summary, the Basic Structure Doctrine serves as a critical constitutional principle, but ongoing debates and considerations are necessary to strike a balance between the judiciary's authority and the roles of other institutions.