



“Master Of The Roster: Examining The Constitutional Paradox Of Judicial Authority And Equality In India”

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Abstract

The Chief Justice of India stands as the highest authority within the judicial system, bearing the significant responsibility of overseeing the administration of justice. Central to our judicial framework is the principle of “Nemo judex in sua causa”, a fundamental tenet that ensures impartiality in the administration of justice. Historically, the Chief Justice of the Supreme Court of India has wielded considerable influence, particularly in the appointment of judges to cases of national importance, thereby shaping the delivery of justice. The administrative authority of the Chief Justice, especially the role as the “Master of the Roster,” is a crucial aspect of Constitutional Law that defines the Chief Justice’s position and responsibilities.

Both the Chief Justices of the Supreme Court and the High Courts possess the power to determine the roster, which essentially means deciding which judges hear which cases. This system is designed to ensure that justice is dispensed fairly and efficiently, contributing to the sustenance of democracy in the country.

This paper delves into the constitutional and historical evolution of the role of the Chief Justice in India. It thoroughly examines the powers, responsibilities, and functions of the Chief Justice as the Master of the Roster. Additionally, it addresses the criticisms and debates surrounding this role, providing a comprehensive analysis of its impact on the Indian judiciary.

Key-Words : Judiciary, Supreme Court, Chief Justice of India, Master of Roster, Constitution Bench, High Court

“The purest treasure moral times afford is
spotless reputation; that away,
Men are but gilded loam or painted clay.”

.....Shakespeare

Introduction

The roots of the Supreme Court of India date back to the early 1950s, as the influence of the colonial-era Federal Court began to diminish. Despite this shift, the procedures and governance of the Supreme Court have largely maintained the traditions of the Federal Court. Judicial independence is crucial for ensuring fair justice, but this independence has led to a certain degree of isolation within the judiciary. This growing isolation has, in turn, contributed to inconsistencies in judicial administration.¹ The position of Chief Justice holds a crucial role in India's constitutional democracy, ranking sixth in the Government of India's order of precedence. As the head of the nation's judiciary, the Chief Justice of India (Hereinafter CJI) leads the judicial branch. He is also the administrative head of the government. The Indian people's trust in the judiciary is unmatched globally. Because of this deep trust, the judiciary and the office of the Chief Justice of India are constantly scrutinized, with every decision expected to be grounded in strong principles of natural law. Since its establishment, the office of the Chief Justice has often been surrounded by controversy, particularly concerning its administrative decisions. Among various administrative decisions the most controversial are the prerogative that the CJI enjoys is the allocation of cases and constituting the benches to hear them. The contention of the critique has always been the 'Individualistic Nature' i.e. the Chief Justice exercises his power individually rather than in a more democratic way.²

Appointment of the Chief Justice of India

Traditionally, it has been a convention for the President to appoint the most senior judge³ of the Supreme Court to this role, in accordance with Article 124(2) of the Constitution.⁴

¹ Ashit Kumar Srivastava, The Chief Justice of India : Master of Conventions, The Supreme Court and the Constitution An Indian Discourse 346 (Wolters Kluwer 1st Ed.)

² Shanti Bhushan v. Supreme Court of India through its Registrar & Anr (2018) 8 SCC 396

³ Supreme Court Advocate on Record Association v. Union of India (1993) 4 SCC 441 (Also known as the Second Judges Appointment Case).

⁴ Article 124(2) of the Indian Constitution provides :

Notably, no specific eligibility criteria for appointment of the office of the CJI is prescribed in our Constitution under Article 124(2). The constitution only prescribes the qualification for appointment of the judges of the Supreme Court.⁵ In cases of the judges appointment to the Supreme Court, the president is bound to consult with the CJI. However, no such consultation is mandatory while appointing the CJI.

In *Supreme Court Advocate on Record Association v. Union of India*,⁶ a nine-judge Constitution Bench of the Supreme Court held that the appointed CJI should be the senior most judge of the Supreme Court provided he is fit to hold the office.⁷ The word ‘fit’ is not to be identified with the word ‘physically fit’. For an independent and impartial judiciary, the question of fitness should not be left to the Judges to decide but the last word should remain with the President.

By and large, appointment of the CJI by the seniority principle is quite safe and it eradicates the interference of the executive in the appointment of the CJI.

Administrative Power of the Chief Justice of India and his Role as the Master of Roster

The Chief Justice of India serves as the administrative head of the Supreme Court, wielding significant power on the administrative front as well. Holding a unique position in terms of status, rank, and precedence due to the nature of the office, the CJI plays a key role in

Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for that purpose and shall hold office until he attains the age of sixty-five years:

Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted: Provided further that—

(a) a Judge may, by writing under his hand addressed to the President, resign his office;

(b) a Judge may be removed from his office in the manner provided in clause (4).

⁵ Article 124(3) of the Indian Constitution provides :

A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and—

(a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or

(c) is, in the opinion of the President, a distinguished jurist.

⁶ (1993) 4 SCC 441

⁷ Ibid. It was observed as follows : “Apart from the two well-known departures, appointments to the office of the Chief Justice of India have, by convention, been of the senior most Judge of the Supreme Court considered fit to hold the office; and the proposal is initiated in advance by the outgoing Chief Justice of India. The provision in Article 124(2) enabling consultation with any other Judge is to provide for such consultation, if there be any doubt about the fitness of the senior most Judge to hold the office, which alone may permit and justify a departure from the long standing convention. For this reason, no other substantive consultation process is involved. There is no reason, no other substantive consultative process is involved. There is no reason to depart from the existing convention and therefore, any further norm for the working of Article 124(2) in the appointment of Chief Justice of India is necessary.

forming benches of judges to hear cases, following the Supreme Court's rules⁸ established under Article 145 of the Constitution and established judicial precedents.

In *Campaign for Judicial Accountability and Reforms v. Union of India and Another*⁹ a five judge bench of the Supreme Court has observed, "There can be no doubt that the Chief Justice of India is the first amongst the equals, but definitely, he exercises certain administrative powers. 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. The aforesaid position though stated as regards the High Court, we are absolutely certain that the said principle is applicable to the Supreme Court. We are disposed to think so. Unless such a position is clearly stated, there will be utter confusion. Be it noted, this has been also the convention of this Court, and the convention has been so because of the law. We have to make it clear without

⁸ Article 145. Rules of Court etc.-

(1) Subject to the provisions of any law made by Parliament the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court including-

(a) rules as to the persons practicing before the Court;

(b) rules as to the procedure for hearing appeals, and other matters pertaining to appeals including the time within which appeals to be Court are to be entered;

(c) rules as to the proceedings in the Court for the enforcement of any of the rights conferred by Part III; (cc) rules as to the proceedings in the Court under Article 139-A;

(d) rules as to the entertainment of appeals under sub-clause (c) of clause (1) of Article 134;

(e) rules as to the conditions subject to which any judgment pronounced or order made by the court may be reviewed and the procedure for such review including the time within which applications to the Court for such review are to be entered;

(f) rules as to the costs of and incidental to any proceedings in the Court and as to the fees to be charged in respect of proceedings therein;

(g) rules as to the granting of bail;

(h) rules as to stay of proceedings:

(1) rules providing for the summary determination of any appeal which appears to the Court to be frivolous or vexatious or brought for the purpose of delay;

(2) Subject to the provisions of clause (3), rules made under this article may fix the minimum number of judges who are to sit for any purpose, and may provide for the powers of Single Judges and Division Courts;

(3) The minimum number of judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five;

Provided that, where the Court hearing any appeal under any of the provisions of this Chapter other than Article 132 consists of less than five Judges and in the course of hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of this Constitution the determination of which is necessary for the disposal of the appeal, such Court shall refer the question for opinion to a Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on the receipt of the opinion dispose of the appeal in conformity with such opinion.

(4) No judgment shall be delivered by the Supreme Court save in open Court, and no report shall be made under Article 143 save in accordance with an opinion in open Court.

(5) No judgment and no such opinion shall be delivered by the Supreme Court save with the concurrence of a majority of the Judges present at the hearing of the case, but nothing in this clause shall be deemed to prevent a Judge who does not concur from delivering a dissenting judgment or opinion.

⁹ (2018) 1 SCC 196

any kind of hesitation that the convention is followed because of the principles of law and because of judicial discipline and decorum. Once the Chief Justice is stated to be the Master of the Roster, he alone has the prerogative to constitute Benches. Needless to say, neither a two-Judge Bench nor a three-Judge Bench can allocate the matter to themselves or direct the composition for constitution of a Bench. To elaborate, there cannot be any direction to the Chief Justice of India as to who shall be sitting on the Bench or who shall take up the matter as that touches the composition of the Bench. We reiterate such an order cannot be passed. It is not countenanced in law and not permissible. An institution has to function within certain parameters and that is why there are precedents, rules and conventions. As far as the composition of Benches is concerned, we accept the principles stated in *State of Rajasthan v. Prakash Chand*,¹⁰ which were stated in the context of the High Court, and clearly state that the same shall squarely apply to the Supreme Court and there cannot be any kind of command or order directing the Chief Justice of India to constitute a particular Bench.”

After this landmark judgment it is now a well settled principle that CJI is the master of the roster in the Supreme Court.

Evolution of the Office of Master or Roster

The historical development of the Master of the Rolls is quite fascinating. Initially, the role was deeply entwined with the workings of the Chancery Courts in England, a key institution in the English legal system. As the King's Secretary and guardian of his seal, the Master of the

¹⁰ (1998) 1 SCC 1. In this judgment the following broad conclusion were drawn in regard to the position of the Chief Justice of the High Court :-

- (1) That the administrative control of the High Court vests in the Chief Justice alone. On the judicial side, however, he is only the first amongst the equals.
- (2) 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.
- (3) That the puisne Judges can only do that work as is allotted to them by the Chief Justice or under his directions.
- (4) That till any determination made by the Chief Justice lasts, no Judge who is to sit singly can sit in a Division Bench and no Division Bench can be split up by the Judges constituting the Bench themselves and one or both the Judges constituting such Bench sit singly and take up any other kind of judicial business not otherwise assigned to them by or under the directions of the Chief Justice.
- (5) That the Chief Justice can take cognizance of an application laid before him under Rule 55 and refer a case to the larger bench for its disposal and he can exercise this jurisdiction even in relation to a part-heard case.
- (6) That the puisne Judges cannot “pick and choose” any case pending in the High Court and assign the same to himself or themselves for disposal without appropriate orders of the Chief Justice.
- (7) That no Judge or Judges can give directions to the Registry for listing any case before him or them which runs counter to the directions given by the Chief Justice.

Rolls played a crucial role in maintaining the integrity of royal documents. The importance of the seal, which authenticated significant documents, naturally elevated the position, leading to the establishment of a full-fledged department headed by the Master of the Rolls. As this position evolved, the Master of the Rolls transitioned from being merely a clerical officer to becoming a significant judicial figure, especially when the Chancery Courts began operating independently from the King. The role's authority grew, as the Master of the Rolls was entrusted with crucial responsibilities like determining the court's roster, which directly influenced the administration of justice.¹¹

However, recognizing the potential dangers of concentrating too much power in a single role, England eventually moved away from this system, spreading out responsibilities to ensure a more balanced legal administration.¹²

In contrast, India chose to retain this tradition. The Indian legal system, influenced by British colonial rule, adopted many aspects of British legal traditions, including the office of the Master of the Rolls. This historical continuity reflects the broader trend of India's legal institutions retaining certain British legal structures even after independence.

The Federal Court

Section 200 of the Government of India Act, 1935 provided for the establishment of the Federal Court of India.¹³ Section 214(3) of the said Act further provided, "Subject to the

¹¹ Anamika Kundu and Unnati Jhunjhunwala, Does the Chief Justice have Power to Allocate Cases ? 5(2) NLUJ Law Review 28 (2018) at 32.

¹² Ibid.

¹³ Govt of India Act, 1935. Section 200. (1) There shall be a Federal Court consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of judges, the number of puisne judges shall not exceed six.

(2) Every judge of the Federal Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty-five years :

Provided that-

- (a) a judge may by resignation under his hand addressed to the Governor-General resign his office;
- (b) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.
- (3) A person shall not be qualified for appointment as a judge of the Federal Court unless he-
 - a. has been for at least five years a judge of a High Court in British India or in a Federated State ; or
 - b. is a barrister of England or Northern Ireland. of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing; or
 - c. has been for at least ten years a pleader of a High Court in British India or in a Federated State or of two or more such Courts in succession:

Provided that -

provisions of any rules of court, the Chief Justice of India shall determine what judges are to constitute any division of the court and what judges are to sit for any purpose.”

When the Federal Court was established in 1937, it was a relatively modest institution with only three judges. Given this limited strength, the need for a formalized exercise of the ‘Master of Roster’ (Herein refer MoR) prerogative wasn't immediately pressing. With only three judges,¹⁴ the management of the court's workload could be done more collaboratively, and the concentration of power in a single individual was less of an issue. Between 1947 to 1950, the number of judges had doubled to six. This increase in judicial strength made the exercise of the MoR's powers more relevant.

Constituent Assembly and India Constitution

The draft proposal of the Constitution did not provide the provision of MoR in the same terms as provided under the Government of India Act, 1935. The draft proposal provided only about the Supreme Court power to frame rules for procedure of working in the Supreme Court under Article 121 of the Draft Constitution of India, 1948. On the question whether there is an explicit disregard to the provision of the section 214(3) of Govt. of India Act, 1935 or there is an implied consent to the convention, the answer could be found in the debates of the Constitutional Assembly.

Dr. Bhim Rao Ambedkar in the Constitutional Assembly Debates dated 6 June, 1949 said: “I may also point out that the provision contained in article 214 of the Government of India Act, 1935 relating to the Federal Court and Article 224 relating to the High Court. Therefore, there is no departure from the position as it exists today.”¹⁵

On 6th June, 1949 Bakshi Tek Chand said : “Now, Sir, these all matters ought to be solely within the jurisdiction of the Chief Justice and the judges of the Supreme Court and there is no

i. a person shall not be qualified for appointment as Chief Justice of India unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader.; and

ii. in relation to the Chief Justice of India, for the references in paragraphs (b) and (c) of this subsection to ten years there shall be substituted references to fifteen years.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which a person has held judicial office after he became a barrister, a member of the Faculty of Advocates or a pleader, as the case maybe, shall be included.

(4) Every person appointed to be a judge of the Federal Court shall, before he enters upon his office, make and subscribe before the Governor-General or some person appointed by him an oath according to the form set out in that behalf in the Fourth Schedule to this Act.

¹⁴ Supra note 1 at pg 350. The composition was : One Chief Justice (who was always an English Judges) and two puisne judges (one Hindu Judge and One Muslim Judge).

¹⁵ Constitutional Assembly Debates, Volume VIII, dated 24 May 1949.

reason why they should be subject to the approval of the President. If you see the Constitution of the High Courts, as they have functioned in the country for the last eighty years or more and also the provisions of the Government of India Act of 1915 and 1935 relating to these matters, you will find that it is purely within the jurisdiction of the Chief Justice and the judges of the High Court to frame rules in such matters, as the admission of advocates, attorneys, etc. and the Constitution of Benches.”¹⁶

Looking at the above speeches it shows that there is an implied consent of the Constituent Assembly on the CJI role as the MoR.

Controversy regarding the Position of the Master of Roster

In routine matters, cases are allocated to two-judge benches based on a subject-specific roster. For example, the Chief Justice may designate a particular bench to hear all criminal cases. This method of rostering is focused on subject matter rather than individual cases. In addition to this, the Chief Justice may also need to form larger benches, comprising three or more judges, or sometimes five or more, to handle cases involving significant constitutional interpretation. This process is known as case-specific rostering.

The MoR power to assign a particular case to a particular judge, gives the CJI enormous power to control judicial outcome. When the identity of the judge affects judicial outcomes, the Chief Justice's authority to assign cases to specific judges enables them to potentially influence those outcomes. Without clear regulations on how this power is exercised, there is minimal accountability in the process of assigning cases to judges.

Concerns about the Chief Justice strategically using the MoR power to influence judicial outcomes are not new but have intensified over time. The increase in the number of judges available for assignment to smaller benches has expanded the Chief Justice's discretion in case allocation.

George Gadbois conducted a study on the decisions of the Supreme Court between 1950 and 1967.¹⁷ His data and analysis suggest that the Chief Justice's ability to assign cases to

¹⁶ Constitutional Assembly Debates, Volume VIII, dated 6 June 1949.

¹⁷ George Gadbois, 'Supreme Court Decision Making', 10 Banaras Law Journal (1974). Gadbois examined Supreme Court rulings from 1950 to 1967, focusing on nine Chief Justices and their decisions in civil disputes between the government and individuals. His study revealed significant variation in how each Chief Justice ruled in favor of individuals, particularly in split decisions. For example, Justice Subba Rao ruled in favor of individuals 54.1% of the time as a judge, while Justice Kania did so only 24.2% of the time. As Chief Justices, Subba Rao's Court favored individuals in 49.7% of cases, whereas Kania's Court did so in just 32.7% of cases. Gadbois found a positive,

specific benches can indeed impact the outcomes of those cases. However, while the Chief Justice holds influence, they cannot fully control the final decisions, as they cannot always predict how other judges will rule.

In this article, Gadbois discusses the influence of Chief Justices (CJ) on the composition of judicial benches, suggesting that some CJs use their power to shape benches that align with their preferred outcomes. He contrasts different judicial approaches by highlighting the example of Justice K. Subba Rao. Known for his dissenting opinions as a Supreme Court judge, Rao authored around 48 dissents during his tenure. However, when he became the Chief Justice of India, the number of his dissents dropped to none. When Gadbois asked Justice Subba Rao about this Justice Subba admitted to stacking benches in his favour.¹⁸

Despite the fact that judges are not assigned to three-judge or larger benches based on seniority, this hasn't stopped the Chief Justice from assigning a disproportionately high number of cases to himself. Research by Nick Robinson revealed that between 1950 and 2009, the Chief Justice participated in 77 percent of Constitution Benches. In the cases examined in a particular study, Chief Justices allocated 88 percent of Constitution Bench cases to themselves, making them four times more likely than the next most senior judge to sit on such benches.¹⁹

In the book 'Court on Trial', the authors highlight that while Chief Justices often assign themselves to a large number of Constitution Benches, they do not extend this preferential treatment to other judges, even those next in line to become Chief Justice. A striking example is Justice T. S. Thakur, who, despite being next in line for the Chief Justice role, was not included in any of the fifty-eight Constitution Benches formed by his six immediate predecessors. Similarly, Justice Altamas Kabir was assigned to only one Constitution Bench by each of his two predecessors, out of sixteen and fourteen cases, respectively. Justice H. L. Dattu was placed on two of thirteen Constitution Benches by his direct predecessor, but only one out of forty-two cases by the prior four Chief Justices combined. Another pattern observed is that Chief Justices tend to disproportionately assign judges appointed during their own tenure to Constitution Benches. This may be because the Chief Justice, as head of the collegium responsible for

though not statistically significant, link between a Chief Justice's personal decision-making patterns as a judge and the Court's overall tendencies during their tenure.

¹⁸ Abhinav Chandrachud, *Supreme Whispers: Conversation with Judges of the Supreme Court of India 1980-1989*, 20 (Gurugaoan, Penguin Random House India, 2018)

¹⁹ Nick Robinsin et al., 'Interpreting the Constitution : Supreme Court Constitution : Supreme Court Constitution Benches since Independence', 16 (9) *Economic and Political Weekly* 27, 31 (2011).

selecting Supreme Court judges, likely has confidence in these judges, whose views may align with the Chief Justice's ideological and policy preferences.²⁰

On 12 January 2018, Justices Jasti Chelameswar, Ranjan Gogoi, Madan Lokur and Kurien Joseph had an unprecedented press conference in the laws of Justice Chelameswar's House. These judges were concerned about the certain instances of strategic assignment by Chief Justice Dipak Misra 'without any rational basis for such assignment.'²¹

The above-mentioned instance shows that MoR can be employed to have an influencing effect.

Advantages and Disadvantages of the Present MoR System

The Chief Justice of India (CJI), as the MoR, holds a crucial role that brings several benefits. By organizing benches and assigning cases based on judges' expertise, experience, and workload, the CJI ensures effective case management, leading to quicker resolution of cases and avoiding delays. For more complex cases, the CJI can assign specialized benches, which improves the quality of decisions by drawing on the judges' knowledge in specific areas. Furthermore, the CJI maintains institutional balance by distributing cases fairly, ensuring that no single judge has excessive control over any particular type of case. This role also allows for adaptability, as the CJI can quickly reconfigure benches or create new ones to handle urgent or unexpected issues.

While the system of case allocation by the Chief Justice of India offers significant advantages, there are concerns that need attention. The lack of transparency in the process raises questions about potential biases or undue influences on the CJI's decisions, making it important to establish clear guidelines and internal review mechanisms to ensure accountability. Additionally, the concentration of power in the hands of the CJI may lead to fears of manipulation of the roster to influence outcomes or favor certain judges, which could compromise judicial independence.

Conclusion and Suggestion

²⁰ Chandra, Kalantry and Hubbard, "Court on Trial A Data-Driven Account of the Supreme Court of India" 78 (Gurugan, Penguin Random House India, 2018)

²¹ Krishnadas Rajagopal, "Four SC judges air differences with CJI Misra" The Hindu, 13 January 2018. Available at : <https://www.thehindu.com/news/national/four-sc-judges-air-differences-with-cji-misra/article22432428.ece>:

In a democratic system, trust is founded on transparency and accountability in the exercise of power, not on unquestioning faith in powerful individuals. The norms and mechanisms by which administrative law holds public power to account in a democracy can guide us in designing a more accountable case allocation system. One solution for addressing the problem of strategic assignments by the Chief Justice is to remove discretion from the Chief Justice and automate assignments through mechanisms such as computerized allocations. A version of this approach is already in place for regular assignments to two-judge benches.²² Another often advocated approach to curtail the Chief Justice's discretion is to constitute one or more permanent Constitution Benches, that hear all pending matters without the need for case-specific assignments. Both these approaches will significantly curtail the Chief Justice's discretionary Master of the Roster power. A permanent Constitution Bench will also make it difficult for the Chief Justice to evade deciding controversial cases by simply not setting up a bench at all. However, this may not be suited in situations where a large bench of the seven or more judges may be required.

In *Shanti Bhushan v. Supreme Court of India*,²³ the petitioners proposed creating institutional mechanisms to limit the Chief Justice's power, suggesting that the collegium, rather than the Chief Justice alone, should control the roster. However, the Court noted that this idea is impractical because the collegium doesn't meet daily, whereas rostering needs arise frequently. For instance, if a judge recuse themselves from a case, it must be reassigned to another bench immediately. Such issues occur regularly, often requiring prompt decisions. Therefore, involving the collegium in this process would likely be inefficient and cumbersome, making it an unworkable solution.

In the case of *Asok Pandey v. Supreme Court of India*,²⁴ the petitioner sought direction from the apex court that a three-judge bench in the Court of the Chief Justice must consist of the Chief Justice and his two senior most colleagues alone while the Constitutional Bench should consist of five senior most judges. The Supreme Court while dismissing the writ petition, held that, "To suggest that any Judge would be more capable of deciding particular cases or that certain categories of cases should be assigned only to the senior-most among the Judges of the Supreme Court has no foundation in principle or precedent. To hold otherwise would be to cast a reflection on the competence and ability of other judges to deal with all cases assigned by the Chief Justice notwithstanding the fact that they have fulfilled the qualifications mandated by the Constitution for appointment to the office."

²² Available at : https://main.sci.gov.in/pdf/LU/rationalisation%20of%20assignment_final1.pdf

²³ (2018) 8 SCC 396

²⁴ (2018) 5 SCC SCALE 481

Although the Master of the Roster system is intended to uphold judicial discipline and decorum, there have been instances where the Chief Justice, instead of acting as an administrative head, has overstepped into an authoritarian role, which goes beyond the constitutional mandate. This has led to unchecked case allocation, undermining the public's trust in the system. In a democratic society, everyone, no matter how powerful, is accountable for their actions. However, the Master of the Roster operates without regulation, lacking both transparency and accountability. There is also no grievance redressal mechanism to address concerns about the functioning of the Master of the Roster. As a result, the system sometimes leans more toward the rule of individuals rather than the rule of law, and unchecked discretion granted to one person contradicts the principles of the rule of law.

The current system lacks proper checks and balances. It is proposed that there is a need for a set of guidelines or norms where the automation of case allocation cannot be done and the need for Chief Justice discretion is there. Any departure from these norm or guidelines should be only allowed in exception with sound reasoned order by the CJI.

