

Call for Papers

[VRÜ / Law and Politics in Africa, Asia and Latin America](#) welcomes submissions for the forthcoming special issue:

The Indian Supreme Court in Crisis?

In early 2018 four judges of the Indian Supreme Court drew worldwide attention to the Court. In an unprecedented move, the judges publicly claimed that the Chief Justice of India (CJI) had been assigning cases arbitrarily and according to his own preferences. The public protest of the four senior judges ended as abruptly as it had begun, but only a short time thereafter the Supreme Court found itself again in the spotlight of public attention as the CJI introduced a new roster system. The question as to how much power should be accumulated in the hands of the CJI, however, is only one of many current concerns surrounding the institutional design and practice of the Supreme Court. The procedure of judicial appointments, for instance, is yet again triggering new tensions between the judiciary and the executive as the Supreme Court collegium and the Government cannot agree over a Memorandum of Procedure to appoint judges to the apex court and high courts. Likewise, the immense case-backlog remains an urgent but unresolved problem.

However, the current challenges for the Court are not only institutional. The sketched problems come at a time when liberal democracy is increasingly under pressure. From the US to Europe to India: The protection of minority rights and free speech has become one of the most pressing issues – and constitutional courts are ascribed a central role in meeting this challenge. Yet, recent cases like the national anthem case have cast doubts on whether the Court is able and willing to fulfil its role as a guardian of fundamental rights in times of populism.

Against this backdrop, VRÜ in its upcoming special issue asks whether the Indian Supreme Court is in crisis? This question shall be tackled by focusing on two dimensions:

1. Institutional design and structural problems of the Supreme Court

Submissions covering this dimension are invited to address questions and issues arising from the institutional design of the Court. Submissions might either analyze the most pressing structural problems of the Court or engage with reform proposals towards a more effective Court. Topics could include, for instance, the role and powers of the Chief Justice of India (CJI), the interaction of the Court with the executive branch, or a comparative analysis of other constitutional courts with similar institutional problems.

2. The Supreme Court in times of populism

Submissions covering this dimension might address the role of the Supreme Court as a guardian of constitutional guarantees against the backdrop of rising nationalism and intolerance. Topics could include, for instance, the protection of religious minorities, free speech, or other minority rights. In addition, articles could reflect on a more general level on the relationship between the Indian Supreme Court on the one hand and populism on the other.

Submission Procedure

We are interested in articles analyzing these and related issues under different approaches (theoretical, comparative, historical), and disciplines (law, political theory, anthropology, cultural studies). Interested scholars should send a CV and an abstract (up to 750 words) by April 20, 2018 to: maxim.boennemann@rewi.hu-berlin.de

The abstract will form the basis of an original article (8,000 to 10,000 words) to be submitted by August 1, 2018 (invitations to submit an article will be sent no later than May 1, 2018). Articles should be submitted according to the journal's technical and stylistic requirements, its style guide and citation format (available [here](#)). Final articles are subject to a peer-review procedure.