

## COURT CORRECTION

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

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If there is one thing that is clear after an ex-employee of the Supreme Court levelled sexual harassment charges against Chief Justice [Ranjan Gogoi](#), it is this: The integrity of the country's apex court is on test. The Court's decision to constitute a three-judge panel to probe these charges should be seen as the first step towards addressing this challenge. That this committee was approved by a full court is a welcome response to another complex situation: The SC's rules for "in-house procedure" to deal with complaints have no explicit provisions for an inquiry into allegations levelled against the CJI. Much more, however, needs to be done to answer questions about due procedures that have dogged the apex court in the wake of this episode. For, the crisis faced by the SC today, by all accounts, is two pronged: On the one hand, the seriousness of the allegations against CJI Gogoi has put the apex court's reputation at stake, and on the other hand, there is a genuine sense of disquiet that these charges could be malafide — and therefore, the country's highest court is not immune to nefarious designs.

The principles of natural justice demand that the accused and the plaintiff are given a fair hearing before a verdict is pronounced. This most basic of procedures was, reportedly, flouted at several steps in the case pertaining to the charges against CJI Gogoi. For one, the almost summary manner in which the complainant — at that time, a junior court assistant — was dismissed from her services has raised several questions. There are accusations that she was not given an opportunity to choose a legal officer to defend herself. Errors of omission, including not examining witnesses, seem to have riddled the departmental inquiry that led to her termination. Far more inappropriately, after the charges of sexual harassment were levelled against him, the CJI decided to arrogate the case to a two-member bench, on which he also sat. This is, of course, not to dismiss Gogoi's allegations during the "hearing" that there are "bigger forces" who want to "deactivate the office of the CJI". But the complainant too has a right to be heard.

The SC has been in public glare since January last year, when four of its senior-most judges, including Gogoi, held a press conference to caution the nation against attempts to undermine the independence of the judiciary. CJI Gogoi's recourse to the independence of the judiciary-argument today is, of course, in a vastly different context. But it's also clear that the Court today requires to join the dots between the two events. By asking Justice S A Bobde, the senior most SC judge after him, to investigate the charges against him, CJI Gogoi seems to have taken the first step towards a institutional response. The panel, which begins work on Friday, will be watched.

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