

PARALLEL PROBES: ON COMPLAINT AGAINST CJI

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

It is reassuring that there will be no parallel inquiries into the two sets of allegations that have rocked the Supreme Court. Justice (retired) A.K. Patnaik, who has been tasked with probing an alleged conspiracy against the Chief Justice of India, has made the right decision by choosing to wait for the end of the in-house inquiry into a former woman employee's complaint of sexual harassment by the CJI and subsequent victimisation, before starting his work. The court constituted two inquiries to deal with the situation following the complaint against the CJI. A three-judge Bench, passing orders on a matter concerning the independence of the judiciary, appointed Justice Patnaik to investigate the affidavits filed by Utsav Singh Bains, an advocate, who has alleged a larger conspiracy against the CJI involving disgruntled court employees and other 'fixers'. On the administrative side, an in-house committee headed by Justice S.A. Bobde will look into the complaint of the dismissed woman court assistant. The Bench emphasised that the probe into the alleged plot would not impinge on the harassment complaint. However, it was obvious that it would not be possible for such parallel proceedings to be independent of each other. Mr. Bains has alleged he was offered up to 1.50 crore by someone to file a false complaint against the CJI. It would have been well nigh impossible to verify the claim without examining if the intermediaries had any nexus with the complainant.

Complaint against CJI Ranjan Gogoi: Let S.A. Bobde panel finish probe first, says ex-judge A.K. Patnaik

Clearly, the complaint of sexual harassment should get priority. It is only if the complaint is found to be false that there will be a case to probe whether it was part of a plot to malign the CJI, or a conspiracy. It is unfortunate that the composition of the in-house committee became a controversy. There was concern that there was only one woman member, and the complainant raised the issue of the proximity of one of its members, Justice N.V. Ramana, with the CJI. He has now recused himself to make way for another woman judge. The episode has highlighted the lacuna in the in-house procedure the judges have adopted. There is no provision to deal with a situation where the CJI is the subject of a complaint. Also, the idea of the inquiry being wholly 'in-house' is in conflict with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which envisages the presence of an external member. Despite this shortcoming, the committee should try to ensure a fair hearing for the former employee. The dignity and institutional integrity of the judiciary will be better served by probing the veracity of her charge, rather than by pursuing evidence for sweeping claims that "the rich and the powerful" are trying to run the courts.

Please enter a valid email address.

To retain the confidence of foreign investors, macroeconomic management is key

Join our online subscriber community

Experience an advertisement-free site with article recommendations tailored for you

Already a user? [Sign In](#)

To know more about Ad free news reading experience and subscription [Click Here](#)

or Please whitelist our website on your Adblocker

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

CrackIAS.com