

Statute Bench to solve conflict in Supreme Court

Chief Justice of India Dipak Misra formed a five-judge Constitution Bench, led by him, to resolve the conflict between two three-judge Benches of the Supreme Court, which has again brought to the fore the simmering tensions within the court.

Trouble started when Justice Kurian Joseph, one of the five senior-most judges, voiced his concern in open court about fellow judges “tinkering with judicial discipline” and how the judges should function as “one” rather than in disparate voices.

Judgment overruled

Justice Kurian was reacting to a February 8 judgment of a Bench of Justices Arun Mishra, A.K. Goel and M.M. Shantanagoudar which had overruled a 2014 judgment of a co-ordinate Bench of the then Chief Justice, R.M. Lodha, and Justices Madan B. Lokur and Kurian.

Justice Kurian made the remarks while he was sitting along with Justices Madan B. Lokur and Deepak Gupta on February 21.

At this hearing on compensation for land acquisition, senior counsel like Mukul Rohatgi highlighted the divergent viewpoints in the 2014 judgment and the February 8 verdict.

Mr. Rohatgi pointed out that the February 8 decision had “unsettled a long-standing statement of law and had very serious repercussions for land acquisition cases.”

Justice Kurian passed scathing remarks about how judicial discipline did not allow a three-judge Bench to overrule the decision of another three-judge Bench.

He said the three-judge Bench, led by Justice Mishra, should have instead referred the question of law to a Bench of five judges.

The day after Justice Kurian made these remarks, Justice Mishra and Justice Goel referred the land acquisition cases before their Benches to the Chief Justice.

They asked the Chief Justice of India to decide on whether these matters should be heard by a larger Bench.

The February 8 judgment delivered by Justice Mishra’s Bench was on compensation paid to landowners, mostly farmers, when their land was acquired.

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com