Face-off: Gujarat HC & its Bar President

Why in news?

The Gujarat High Court (HC) issued a notice to the Gujarat HC Advocates' Association (GHAA) president for criminal contempt.

What happened?

- The criminal contempt is issued upon suo motu cognisance taken by a division bench of the allegations of favouritism the GHAA president Yatin Oza levelled on its registry.
- Oza challenged the notice before the Supreme Court (SC).
- Both the matters are due to be heard at the HC and the SC.

What is GHAA president's allegation?

- Oza has addressed a letter to Gujarat HC Chief Justice.
- In that, he alleged that many advocates had approached either him or the general secretary of GHAA with grievance that their matters had not been listed despite being filed a fortnight ago.
- Oza went ahead to allege the registry of "nepotism and favouritism".
- In the letter, he requested the court to start physical proceedings instead of the limited virtual hearings of urgent matters due to the lockdown.
- The letter stated that if video-conferenced hearings continue in light of the allegations of favouritism, junior advocates will breakdown.
- In a letter addressed to Chief Justice of India, Oza made allegations against a sitting judge of no effective order passed in a single matter.
- He also accused advocates of forum shopping.
- These allegations were further reiterated in a press conference held by Oza live-streamed over Facebook.

Why did Gujarat HC issue notice of criminal contempt against Oza?

- A division bench initiated suo motu criminal contempt proceedings for raising accusing fingers against the HC, its administration and registry.
- This action came largely in the backdrop of the press conference of Oza.
- The order of the division bench took note of five broad allegations that Oza levelled.
- With such allegations, the HC adjudged that Oza as the Bar president has

attempted to cause serious damage to the prestige of the HC.
- To that effect, the HC exercised its special powers and found Oza prima facie responsible for committing the criminal contempt of this court.
- Oza moved the SC, challenging the order of the suo motu contempt against him.

What has the Gujarat HC done with the allegations?

- Subsequent to Oza's letter, Gujarat HC Chief Justice constituted a three-judge committee to look into the specific allegations independently.
- The committee concluded that none of the allegations made, stood any ground, giving the registry a clean chit.
- In a letter annexing the committee's findings, the Chief Justice communicated the same to Oza.
- The committee concluded that all the grievances made by Oza in his letter were without any foundation and factually baseless.

What happens next?

- Oza is expected to submit his reply before the HC soon, in response to the suo motu contempt proceedings initiated.
- The same day, the matter is also listed before the SC, before a three-judge bench, headed by Chief Justice of India.
- As an interim relief, Oza has prayed for an ex-large stay on the HC order.
- The HC's order had also deemed it appropriate for the consideration of the Chief Justice subject to full court whether to divest Oza of his stature as a senior counsel.
- The advocate-on-record for the SC petition said that while he is not aware if Oza still has to file his reply.
- He said if the SC does grant the interim relief, Oza will find some temporary respite.

Why have the allegations divided advocates?

- Oza had circulated a questionnaire among the GHAA members to poll if the court should resume operations post unlock, with physical or virtual proceedings.
- On May 26, the GHAA questionnaire was circulated hours after the HC indicated to the office bearers of GHAA that a questionnaire will be brought out from the court's side on the same matter.
- A window of one week was to be given to advocates to file their response.
- This move of Oza's to conduct his own polling did not find favour with many advocates in the HC.

- Several GHAA members accused Oza of taking unilateral decisions.
- Some others have questioned that even if 5% vote for a virtual hearing owing to health concerns subject to their age and existing ailments, who is to take responsibility in case they’re infected with Covid-19.

Source: The Indian Express