Judges Bribery Case

Why in news?

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- Bribes were allegedly taken in the name of senior judges.
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- Supreme Court has constituted a 3-judge bench to hear the same.
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How has the case opened up?

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- CBI, in its FIR, lodged on September 19, has named several persons in this case of alleged corruption.
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- Some people had taken bribes by using the names of senior judges for securing a favourable judgement in a case.
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- Notably, in the corruption case, there are charges against the CJI Deepak Mishra too.
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- When the matter came before a 2 judge bench, a 5 judge constitutional bench was recommended to hear it.
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- However, a day later, a five-judge constitution bench headed by CJI had ruled that no judge can take up a matter on his own.
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- It explicitly stated that the consent of the CJI is required before initiating suo-moto proceedings".
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- This overturns the initial verdict and now, the matter is posted before a 3 judge bench,
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What are the implications?

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- The happenings in the case are seen as a power tussle among senior judges.
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- This undermines the high esteem that the judiciary enjoys and is worrisome amidst troubling allegations of corruption.
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- **Procedural negation -** The initial 2-judge bench had called for a 5 member constitutional bench on its own.
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- In doing so, the principle that allocation of judicial work is the preserve of the Chief Justice has been ignored.
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- **Conflict of Interest -** It would be irresponsible to attribute corrupt motives without compelling evidence.
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- But due to the circumstances of the case, Chief Justice Mishra has given rise to speculations of mala-fide intentions.
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- By sticking strictly to his primacy in allocation of judicial work, he has generated a potential ‘conflict of interest’ as his name too is involved in the case.
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- **Choosing Judges -** The anti-corruption petitioners have questioned the bench’s authenticity.
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- This has led to the impression that they want to handpick judges to hear the case has been created, which shouldn’t be encouraged.
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What is the way out?

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- The only way out is for the judicial and legal fraternity is to ensure that the CBI holds an impartial probe in the case.
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- The involvement of serving judges may only be a remote possibility.
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- But it is vital to find out whether the suspected middlemen had any access to

them.
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- While, some may perceive the charges as an attempt to undermine the judiciary, the actual issue should not be side-stepped.
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Source: The Hindu, NDTV News

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