

Judges Bribery Case

Why in news?

\n\n

\n

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

\n

\n\n

How has the case opened up?

\n\n

\n

- CBI, in its FIR, lodged on September 19, has named several persons in this case of alleged corruption.
- Some people had taken bribes by using the names of senior judges for securing a favourable judgement in a case.
- Notably, in the corruption case, there are charges against the CJI Deepak Mishra too.
- When the matter came before a 2 judge bench, a 5 judge constitutional bench was recommended to hear it.
- 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.
- It explicitly stated that the consent of the CJI is required before initiating suo-moto proceedings".
- This overturns the initial verdict and now, the matter is posted before a 3 judge bench,

\n

\n\n

What are the implications?

\n\n

\n

- The happenings in the case are seen as a power tussle among senior judges.
- This undermines the high esteem that the judiciary enjoys and is worrisome amidst troubling allegations of corruption.

\n

\n\n

\n

- **Procedural negation** - The initial 2-judge bench had called for a 5 member constitutional bench on its own.
- In doing so, the principle that allocation of judicial work is the preserve of the Chief Justice has been ignored.
- **Conflict of Interest** - It would be irresponsible to attribute corrupt motives without compelling evidence.
- But due to the circumstances of the case, Chief Justice Mishra has given rise to speculations of mala-fide intentions.
- 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.
- **Choosing Judges** - The anti-corruption petitioners have questioned the bench's authenticity.
- This has led to the impression that they want to handpick judges to hear the case has been created, which shouldn't be encouraged.

\n

\n\n

What is the way out?

\n\n

\n

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

them.

\n

- While, some may perceive the charges as an attempt to undermine the judiciary, the actual issue should not be side-stepped.

\n

\n\n

\n\n

Source: The Hindu, NDTV News

\n

