Sexual Harassment Allegations against CJI

Why in news?

- Recently, many online news portals published reports of a former Court employee's allegations of sexual harassment against the CJI.
- A three-judge bench of the Supreme Court, presided by the CJI himself, dismissed the allegations.

What is the case all about?

- Several news websites published reports of former Court employee accusing the Chief Justice of India of having made sexual advances towards her.
- The complainant, a former junior court assistant, had also made her charge in the form of an affidavit.
- It was supported by purported evidence and has been sent to 22 judges of the court.
- The woman, in her mid-thirties, complained of subsequent police harassment against her.
- She had also alleged that she was unceremoniously dismissed from service.
- On publication of the allegation, the Court reacted almost instantly and a notice of a special open court session was circulated among the media.

What is the court's stance?

- On hearing the case, the Supreme Court bench dismissed the allegations as "wild and baseless".
- It said the allegation was designed to attack and erode the independence of the judiciary.
- It, however, did not pass any gag order against the media on reporting this.
- Instead, the bench urged the media to exercise restraint in the matter.

Has the court dealt with it justly?

- First of all, the decision to hold an open court hearing is questionable.
- A complaint of this nature requires an institutional response on the administrative side.
- There is an internal process to initiate an inquiry mandated by the law regarding sexual harassment at the workplace.
- The Supreme Court itself has an internal sub-committee for this.

- It was formed under Gender Sensitization and Sexual Harassment of Women at Supreme Court (Prevention, Prohibition and Redressal) Guidelines, 2015.
- It is possible even now to send the complaint to an independent committee.
- There is also a separate 'in-house procedure' to deal with complaints against judges.
- Under this, their judicial peers, and not outsiders, will examine such complaints.
- In any case, it is clear that the CJI ought not to have presided over the special Bench that took up the matter that concerned himself.
- The bench did not include the two senior-most judges after the CJI; nor was there a woman judge on the Bench.

What is the larger concern now?

- The manner in which the Supreme Court responded shows how not to deal with such a complaint.
- With this, the judiciary is again into a major controversy, after concerns were raised on its credibility in the recent times.
- Some months back, four members of the collegium, including Justice Gogoi, went public against then CJI Deepak Misra. Click here to know more.

What lies ahead?

- The focus now shifts to the judges, excluding the CJI, who were all sent a copy of the affidavit and the complaint.
- Their response, as members of the Supreme Court, is bound to define the path which will guide the institution in dealing with the crisis.
- The apex court could also respond to the institutional crisis through a full court being convened on the administrative side.
- Any response involving all the judges of the Supreme Court is bound to find greater acceptability among jurists and the wider public.
- It would also shift the spotlight away from the CJI and underline that the institution itself will work out its response.

Source: Indian Express, The Hindu

SHANKAR IAS PARLIAMENT
Information is Empowering