Sexual Harassment Allegations against CJI - II

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Why in news?

The Justice S.A. Bobde in-house committee has found “no substance” in the sexual harassment allegations against CJI Ranjan Gogoi.

What is the Court's statement?

- The inquiry by the in-house panel was by nature purely preliminary, ad hoc and only for the purpose of getting information.
- As part of the in-house procedure, the committee’s report would be kept confidential and would not be placed in the public domain.
- The report was given to Chief Justice Gogoi and the “next senior judge competent to receive the report”, Justice Arun Mishra who is the fourth seniormost judge.
- Justice Ramana, the third seniormost judge, was not handed the report.
- He had earlier recused from the committee following allegations raised by the complainant about his proximity to Chief Justice Gogoi.

What are the varied concerns?

- **Report** - The Supreme Court quoted its reported decision of 2003 in Indira Jaising versus Supreme Court of India.
- It was held then that an in-house inquiry report was “discreet” and “not for the purpose of disclosure to any other person”.
- However, the 2003 decision does not contemplate a situation when the Chief Justice of India is himself under inquiry as in this case.
- **What next?** - Reportedly, the report would go no further than Justice Mishra and Chief Justice Gogoi.
- There would be no Full Court meeting on the contents of the “informal” proceedings.
- The report cannot be reviewed judicially.
- **Proceedings** - Also, there are reports being published in the media, of dissent in the highest judiciary about the manner of the committee proceedings.
- Supreme Court Secretary General said that the Justice Bobde Committee

deliberated on its own without taking any inputs from other apex court judges.

- No one else, including the complainant, knows what evidence was examined and who else testified apart from herself.
- The most relevant parts of the complaint were -

    i. the transfer orders and disciplinary inquiry against her
    ii. the role of the court administration in dismissing her
    iii. the role of the Delhi Police in arresting her on a complaint of alleged bribery
    iv. initiating disciplinary action against her husband and his brother, both police personnel

- It is not known if any of these officials were examined.
- **Complainant** - The complainant later withdrew from the inquiry, saying she was denied the help of a lawyer or a representative.
- She found the questions from a panel of three sitting Supreme Court judges quite intimidating.
- She noted that she was not clear how her testimony was being recorded.
- Meanwhile, she also said that she and her family members remained vulnerable to the ongoing reprisals and attack.
- **Mechanism** - The manner in which the court dealt with the complaint on the administrative side has not been fair.
- The in-house procedure was devised in 1999.
- It envisages only a committee of 3 judges to deal with allegations against serving Supreme Court judges.
- But the fact that a special law to deal with sexual harassment at the workplace is in force since 2013 appears to have made no difference.
- The court did not, even in the interest of appearing fair, adopt a formal procedure or allow the complainant to have legal representation.
- In all, when it comes to dealing with its own, the Supreme Court seems to have merely been a prisoner of procedure.
- The in-house panel has largely resorted to its power at the cost of fairness to the complainant.

Source: The Hindu

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