State Govt & Judiciary Tussle

Why in news?

There is a sudden escalation of an ongoing tussle between the judiciary and the ruling party in Andhra Pradesh (A.P.).

Why is there a tussle?

- The CM of A.P., Y.S. Jagan Mohan Reddy, wrote a letter to the Chief Justice of India, S.A. Bobde.
- In that letter, he complained about the allegedly hostile attitude of the A.P. High Court (HC) against him and his government.
- By making public the details of the letter that contains allegations against a serving Supreme Court judge, the conflict is out in the open.

What did the HC do?

- The HC has directed the CBI to investigate into the registry's complaints against allegedly defamatory social media posts against the judiciary as well as individual judges.
- It also wants the CBI to examine whether these attacks were part of a larger conspiracy.
- The CM alleges that the HC is controlled by loyalists of his predecessor in office, and has passed a slew of orders against his regime.
- The HC argues that the State police are reluctant to take action against those carrying on an online campaign against the court.
- It says many of those posting on social media against the HC judges are from the YSR Congress.

What is the basis of the conflict?

- The conflict is based on mutual accusations that
    1. The HC is hostile to the State government, and
    2. The State government is abetting a political campaign against the judges.
- It is disturbing enough that some judicial orders are seen in a political light, or lend themselves to such an interpretation.
- It becomes ominous if these charges give rise to open threats and abuse.
- The government has sought to ease the situation by offering no objection to

the CBI inquiry.

What is the dilemma?

- The government is presumably waiting for the outcome of the CM's missive to the CJI, who in turn faces a dilemma.
- There is a dilemma because the CJI cannot be seen as either ignoring a written complaint from an elected leader or giving undue credence to charges from a disgruntled litigant.
- The problem is that allegations of possible judicial bias are combined with those of misconduct, a serious charge.

What could be done?

- The right thing would be for the CJI to order an inquiry into the letter in accordance with the apex court's internal procedure.
- Regardless of what happens, it may end the recriminations.
- India can ill-afford a public perception that judges have strong political loyalties.
- For, that will undermine faith in an independent judiciary.

Source: The Hindu

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