

## SEXUAL HARASSMENT

# CJI must keep hearing cases listed before him despite sexual harassment allegations, says Agnivesh

The activist claimed the allegations might have been levelled with a 'sinister intent to deactivate the office of the CJI', and called for an impartial inquiry.

*Scroll Staff*

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File photo of social activist Agnivesh. | [Facebook/Swami Agnivesh](https://www.facebook.com/SwamiAgnivesh)

Social activist Agnivesh on Sunday said Chief Justice of India Ranjan Gogoi must continue hearing all the cases listed in his court despite allegations of sexual harassment against him. A 35-year-old woman, who used to work as a junior court assistant at the Supreme Court, wrote to 22 judges of the court on Friday, alleging that [Gogoi had made sexual advances on her](#) at his residence office in October.

In a statement issued on Sunday, Agnivesh said there could be a “sinister intent to deactivate” the chief justice of India’s office because Gogoi is due to hear many important cases. He said if Gogoi

does not hear the cases he will create a bad legacy for his successors and it may set a bad precedent. “If future chief justices or judges of the Supreme Court, with reputations for inflexibility are hearing cases, the parties in litigation fearing adverse outcomes can deactivate them through shrewdly-timed allegations.”

The activist said the judiciary was facing an unprecedented crisis. “The maturity, authenticity and stature of the Supreme Court will be tested on how this crisis is weathered and how the majesty of law is upheld without fear or favour,” he added.

Agnivesh suggested that a three-member committee of retired judges of the top court be set up to look into the allegations with “exemplary impartiality and judicial objectivity”. He added that the complainant has every right to seek redress. “If, on the contrary, she is resorting to blackmail abusing a piece of legislation, or is allowing herself to be used as a cover for waging proxy war against the judiciary – which is an extremely serious matter – that too needs to be brought to light and the conspirators exposed.”

## Read Agnivesh’s full statement below:

### A TESTING TIME FOR THE SUPREME COURT

The turmoil precipitated by levelling allegation of sexual misconduct against the Chief Justice of India, confronts the Indian judiciary with an unprecedented crisis. This alarms every citizen of India, given the importance of the judiciary in upholding the rule of law and guarding our constitutional democracy. The maturity, authenticity and stature of the Supreme Court will be tested on how this crisis is weathered and how the majesty of law is upheld without fear or favour.

It is too early to form any definitive impression on the veracity or otherwise of the charges. But, under the circumstances, it seems plausible that a sinister intent to ‘de-activate’ the office of the CJI could be playing behind the facade of this event. The fact that the CJI is due to hear a number of important cases involving huge stakes, lends credence to this apprehension. In light of this, I propose-

The CJI must continue to hear all cases listed in his court. He has no option but to do so. Otherwise, he would, out of idealistic notions of propriety, create a bad legacy for his successors for the generations to come. If future Chief Justices, or judges of the Supreme Court, with reputations for inflexibility are hearing cases, the parties in litigation fearing adverse outcomes can de-activate them through shrewdly-timed allegations. This has the potential not only to subvert the independence of the judiciary, but even to paralyze its effectiveness vis-à-vis high-stakes cases. It is imperative that any ulterior motive underlying this allegation is defeated, not rewarded by default. I urge the CJI to continue to discharge his functions and duties by the people of India without fear or favour.

A three-member Committee comprising retired Supreme Court judges (not sitting SC judges) must look into the allegations with exemplary impartiality and judicial objectivity, and establish the truth of the matter. No margin should be left for any suspicion that justice has been short-changed either way. The complainant in this case has every right to redressal, if she is indeed the wronged party. If, on the contrary, she is resorting to blackmail abusing a piece of legislation, or is allowing herself to be used as a cover for waging proxy war against the judiciary -which is an extremely serious matter- that too needs to be brought to light and the conspirators exposed.

I also appeal to the media fraternity to have due regard for the gravity of the situation and play their role with responsibility and restraint. Human suffering should never be grist to the mill of public entertainment or decadent tastes. Nothing that undermines the foundation of our constitutional democracy must be done, promoted or countenanced, even unwittingly. Individuals and parties come and go. India must remain. And the pillars of our democracy must stay robust and strong through the vicissitudes of time and the twists and turns of power politics.