

SC to decide when corruption claims against judiciary can be made public

written by iaseexam.com | 18/08/2020



The Supreme Court on Monday decided to launch a probe into the circumstances under which a person can make public allegations of corruption against the judiciary. The three-judge bench led by Justice Arun Mishra also decided to hear arguments on a procedure to be used by courts if the comments are made in public against sitting and retired judges.

The bench framed these questions while hearing a contempt of court case filed against lawyer Prashant Bhushan for an interview he gave to *Tehelka* magazine in 2009, in which he claimed that half of the 16 erstwhile chief justices of the Supreme Court had been corrupt. But Justice Mishra said the questions were not in reference to any particular individual.

Key Highlights

- During the hearing, Justice Mishra told Rajeev Dhavan, the advocate for Bhushan, that a minority judgement by Justice JS Verma in 1992 had said that corruption allegations against judges should not be made public at the first instance, but communicated to the courts for an internal inquiry.
- Dhavan admitted that the questions were “meaningful”, but said they must be considered by a higher bench. Justice Mishra said this aspect of the arguments will also be considered. The bench then adjourned the case till August 24.
- Dhavan also mentioned before the court its August 14 judgement, in which it convicted Bhushan for contempt of court for some tweets he had made. “We intend to file a review,” Dhavan said. “It [the judgement] suffers from great imbalances.” The Supreme Court is set to pronounce Bhushan’s sentence on August 20.
- On Sunday, Bhushan had said that corruption allegations against the judiciary must fall under

the ambit of free speech. He made the remarks in a written submission before the Supreme Court bench headed by Justice Mishra.

- The advocate said corruption in the judiciary does not just mean monetary gratification alone, but includes other offences such as fraud, abuse of discretion and favouritism.

SOURCE:*The Hindu*