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Unpleasant spectacle

The tussle between State govt. and High Court in A.P. should not be allowed to escalate

The sudden escalation of an ongoing tussle between the judiciary and the ruling YSR Congress party in Andhra Pradesh makes for an unpleasant spectacle. The limits of propriety are being stretched, as the allegations being bandied about have taken distinctly political overtones. With the CM, Y.S. Jagan Mohan Reddy, writing to the Chief Justice of India, S.A. Bobde, complaining about the allegedly hostile attitude of the Andhra Pradesh High Court against him and his government, and making public details of the letter that contains explosive allegations against a serving Supreme Court judge, the conflict is embarrassingly out in the open. Meanwhile, the High Court has directed the CBI to take over the investigation into the registry's complaints against allegedly defamatory, inciting and derogatory social media posts against the judiciary as well as individual judges, and to examine whether these attacks were part of a larger conspiracy. The CM alleges that the High Court is being controlled by loyalists of his predecessor in office and political rival, N. Chandrababu Naidu, and has passed a slew of orders against his regime and its actions. The High Court, the petitioner on the administrative side, argues that not only is the State police reluctant to take action against those carrying on an online campaign against the court but it is actively pursuing complaints of similar offences against Mr. Jagan Mohan and arresting the perpetrators. It says many of those posting on social media against the High Court judges are from the YSR Congress.

The conflict is based on mutual accusations that the High Court is hostile to the State government, and that the latter 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 quite 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. It is presumably waiting for the outcome of the CM's unusual missive to the CJI, who in turn faces a dilemma as he 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, which are difficult to establish, are combined with those of misconduct, a serious charge. The right thing would probably 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.