

SUB-COMMITTEE ON JUDICIAL ACCOUNTABILITY

A

v.

JUSTICE V. RAMASWAMY

OCTOBER 20, 1994

[M.N. VENKATACHALIAH, CJI, A.M. AHMADI  
AND KULDIP SINGH, JJ.]

B

*Contempt of Courts Act, 1971 :*

*CRIMINAL CONTEMPT—Petition for suo motu proceedings for contempt—Enquiry committee Constituted under Judges (Inquiry) Act for removal of a Judge—Letter written by the judge to Committee making certain sweeping allegations against certain Judges and Judiciary—Court expressed unhappiness about the episode—However, Court declined in larger interest to suo motu institute proceedings for contempt against respondent.*

C

The 'Sub-Committee on Judicial Accountability', a group of members, of the legal profession, filed this petition for *suo motu* initiation of proceedings for criminal contempt against the respondent. The respondent was stated to have written a letter to the Enquiry Committee constituted under the Judges (Enquiry) Act, 1968 for removal of the respondent initiated by the Parliament. In this letter the respondent was said to have made certain sweeping allegations against certain Judges and the Judiciary.

D

E

Dismissing the petition, this Court

**HELD :** 1.1 Though the letter, read by itself, raises certain apprehensions about its propriety, the respondent himself by his subsequent letter has explained the context in which it was written and the apprehensions about the generality of its sweep stands mitigated. However, lot of misunderstanding could have been avoided if the letter had not been written. [640-G-H]

F

G

But, on careful consideration of the matter, while expressing unhappiness about the episode, this Court declined in the larger interest to *suo motu* institute any proceedings for contempt against the respondent.

[641-A] H

A        CRIMINAL ORIGINAL JURISDICTION : Contempt Petition  
(Crl.) No. 6 of 1992.

Under Section 15 of the Contempt of Courts Act, 1971.

B        Shanti Bhushan, Ms. Indira Jaisingh, Ms. Kamini Jaiswal, Prashant  
Bhushan and A.K. Nigam for the Petitioner.

Dipankar Prasad Gupta, Solicitor General, Ms. A. Subhashini, K.  
Swamy and M.M. Gangadeb for the Respondent.

C        The following Order of the Court was delivered:

D        The 'Sub-Committee on Judicial Accountability', a group of members  
of the legal profession, has brought this petition for *suo motu* initiation of  
proceedings for criminal contempt against the respondent. The matter is  
stated to arise out of a letter dated 21st January, 1992 which the respondent  
wrote to the Enquiry Committee constituted under the Judges (Inquiry)  
Act, 1968 in certain proceedings for removal of the respondent initiated by  
the Parliament. In this letter the respondent is said to have made certain  
sweeping allegations against certain Judges and the Judiciary. A copy of  
that letter is Annexure 'A' to the petition.

E        We have heard learned counsel for the petitioner and have sought  
the assistance of Sri Dipankar Gupta, learned Solicitor General. We place  
on record our appreciation of the valuable assistance rendered by the  
learned counsel on both sides.

F        There is a Criminal Miscellaneous Petition No. 2164 of 1992 filed by  
Sri K.K. Jha, 'Kamal', Advocate, Patna High Court, for intervention. In our  
opinion, this application for intervention is misconceived and is dismissed.

G        Though the letter, read by itself, raises certain apprehensions about  
its propriety, however, the respondent himself by his subsequent letter  
dated 28.3.1992, which has since been brought on record, has explained  
the context in which it was written and the apprehensions about the  
generality of its sweep stand mitigated. However, we feel that a lot of  
misunderstanding could have been avoided if the letter Annexure 'A' had  
not been written. We are unhappy that it came to be written.

H

But, on a careful consideration of the matter we, while expressing our unhappiness about the episode, however think we should decline in the larger interest to *suo motu* institute any proceedings for contempt against the respondent. The petition is dismissed accordingly. A

A.G.

Petition dismissed.