

Dinakaran probe: names of judges sent to Hamid Ansari

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Chief Justice of India K.G. Balakrishnan has sent a panel of four names — two Supreme Court judges and two High Court Chief Justices — to the Chairman of the Rajya Sabha, Hamid Ansari, to enable him to select two persons to be in the three-member team to probe the allegations against Chief Justice of Karnataka High Court P.D. Dinakaran.

This is in response to a request from the Rajya Sabha Secretariat asking the CJI to suggest names. The panel will have a Supreme Court judge, a Chief Justice of a High Court and one eminent jurist.

Informed sources told The Hindu that it would be up to the Vice President to select a Supreme Court judge and a High Court Chief Justice. The CJI, however, had not given the name of any person under the eminent jurist category to be the third member.

The committee will investigate the charges contained in the motion seeking removal of Justice Dinakaran under the provisions of the Judges Inquiry Act. It will have power to decide its own procedure for the probe.

The charges, together with a statement of the grounds on which each such charge is based, will be communicated to him and he will be given a reasonable opportunity of presenting a written statement of defence and a reasonable opportunity of cross-examining witnesses, adducing evidence and of being heard in his defence.

At the conclusion of the investigation, the committee will submit its report to the Chairman giving its findings on each of the charges separately with observations on the case as it thinks fit.

If the report contains a finding that he is not guilty of any misbehaviour or does not suffer from any incapacity, then, no further steps shall be taken in either House of Parliament in relation to the report. The motion in the Rajya Sabha will not be proceeded with. But if Justice Dinakaran is found guilty, the motion and the report of the committee will be taken up for consideration by the Rajya Sabha.

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