

**Press Release by former Supreme Court employee and complainant in sexual harassment  
against CJI  
30<sup>th</sup> April 2019**

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Today, 30<sup>th</sup> April 2019, was the third day I went to the in-house committee of 3 Supreme Court Judges (Hon'ble Justice S.A. Bobde, Justice Indira Banjeree and Justice Indu Malhotra). But due to serious concerns and reservations, I am no longer participating in these in-house committee proceedings. I joined and participated in the Committee proceedings in good faith on 26<sup>th</sup> and 29<sup>th</sup> April 2019 with the hope that this committee would proceed in a manner that is fair to me and sensitive to my circumstances. Despite the fact that the committee was an in-house committee of sitting judges junior to the CJI and not an external committee as I had requested, I joined the proceedings with a lot of hope considering that the committee comprised of such eminent Hon'ble judges. I felt that this committee will hear my sufferings and finally justice will be done to me and my family.

On 19<sup>th</sup> April 2019 I had made a detailed complaint of sexual harassment and victimisation against the Chief Justice of India by means of an affidavit dated 18<sup>th</sup> April 2019 and I had written to all the Hon'ble Judges of the Supreme Court to constitute a special enquiry committee of senior retired Judges of the Hon'ble Supreme Court to enquire into my complaint of sexual harassment and the consequent victimisation. I did not think that any in house body or the committee constituted under the Prevention of Sexual Harassment Act, would be able to fairly deal with my complaint, given the fact that the person against whom I had made the complaint was the Chief Justice of India. My complaint is in the public domain. (Letter and Affidavit annexed as Annexure A).

However to my dismay I found that on the next day, Saturday 20<sup>th</sup> April (which was a court holiday), the Hon'ble Chief Justice constituted a special bench comprising of himself and two other judges and in that hearing held in Court No. 1 of the Hon'ble Supreme Court various allegations were made against me in my absence, by the Hon'ble Chief Justice, another judge and senior most law officers of the government.

Thereafter on 23<sup>rd</sup> April 2019 at around 8.30 pm I received a Notice from the Secretary General of the Supreme Court stating that I was required to appear on 26<sup>th</sup> April at the assigned time and place before a Committee of Hon'ble Judges. Soon after receiving the Notice I learnt from media reports the names of the Judges who would constitute this Committee.

Despite the fact that this was an in-house committee and not an external committee, I decided to participate in the proceedings. I however requested the committee to inform me about the procedure to be followed by the committee, to follow the requirements of the Vishakha guidelines and the Prevention of Sexual Harassment Against Women at the Workplace Act, to allow me to have the assistance of a lawyer/support person of my choice and for video recording of the proceedings. I also pointed out that Hon'ble Justice Ramana being a close friend of the CJI (almost like a family member), it may not be appropriate for him to participate in the proceedings. (Copy of this letter dated 24.04.2019 is annexed Annexure B.) Thereafter Justice Ramana recused and he was replaced by Justice Indu Malhotra in the committee, which information also I gathered from media reports.

In the Committee hearing that took place on 26<sup>th</sup> April 2019, the Judges in the committee told me that this was neither an in-house committee proceeding, nor a proceeding under the Vishakha Guidelines and that it was an informal proceeding. I was asked to narrate my account which I did to the best of my ability even though I felt quite intimidated and nervous in the presence of three Hon'ble Judges of the Supreme Court and without having a lawyer or support person with me. I had also pointed out to the committee that I had lost hearing in one ear completely due to stress and I

was undergoing daily treatment for the same. As a result of this I was sometimes unable to hear what was being dictated by Hon'ble Justice Bobde to the court official as a record of my statements before the committee. Further the committee declined my request for video recording of the committee proceedings. I was also clearly told that no lawyer/support person could be present with me during the committee hearing. I was orally instructed that I should not disclose the proceedings of the committee to the media and was to not even share the proceedings with my lawyer Advocate Vrinda Grover. I was asked to appear before the Committee on 29<sup>th</sup> April for the next hearing.

At the first hearing itself I had also placed an application before the Committee to summon the CDR and whatsapp call and chat records of two relevant mobile numbers. However the Committee did not accept my application on the first hearing. The same application was finally taken by the Committee on 30<sup>th</sup> April 2019, when feeling helpless and distressed I could no longer continue to participate in the Committee hearings. (Copy of this application dated 26<sup>th</sup> April 2019 is annexed as Annexure C)

After I left the first Committee hearing on the first day, I saw that the car I travelling by was being followed by two men on a motorcycle whose partial number I was able to note.

Before the next hearing I wrote a detailed letter to the Hon'ble Committee members, narrating all this and again requesting that the proceedings of the committee be treated as a formal inquiry and the Committee follow the letter and spirit of the Prevention of Sexual Harassment of Women at the Workplace Act, and that I be permitted to be accompanied and assisted by Ms V. Grover, that I be allowed to produce evidence both oral and documentary with a right to cross examination and that my applications be taken on record. (Copy of this letter dated 27<sup>th</sup> April 2019 is annexed as Annexure D).

In the hearing that followed on the 29<sup>th</sup> April, I was again not allowed to have a lawyer/support person present with me. I was repeatedly asked by the committee as to why I had made this complaint of sexual harassment so late. I found the atmosphere of the committee very frightening and I was very nervous because of being confronted and questioned by three Supreme Court Judges and without even the presence of my lawyer/support person. Also because of my impaired hearing I was at times unable to follow what was being dictated as my statement. I was also not shown what was being recorded and no copy of my statement recorded on 26<sup>th</sup> and 29<sup>th</sup> April has been given to me till date.

In such circumstances, I went for the hearing on the 30<sup>th</sup> April with a written letter where I once again explained why I made my complaint of sexual harassment after several months and where I again pointed out why it was exceedingly traumatic and difficult for me to participate in the proceedings without even the presence of my lawyer/support person. I also stated that I have not been given a copy of my statement recorded on the earlier two dates of hearing.

I again pointed out that when I left the Committee hearing on 29<sup>th</sup> April at around 7.30pm I was followed by four men on two motorcycles and I was scared for my safety.

I gave this letter to the committee just as the hearing commenced this morning. I told the committee that it would not be possible for me to participate any further if I was not allowed the presence of my lawyer/support person. But this request was still refused by the committee and I was told that if I didn't participate they would proceed exparte. I was told that there were certain questions on facts that they wanted me to answer. I declined to participate any further in the absence of my lawyer/support person. The committee also asked me if I wanted to present any witnesses. I informed them that almost all the witnesses are working in the Supreme Court of India and there is no likelihood of them being able to depose fearlessly before the committee. I also informed the

committee today that due to my present health condition and personal circumstances, this kind of stress can be detrimental and harmful to me. (A copy of the letter dated 30.04.2019 is annexed as Annexure E)

I was compelled to walk out of the committee proceedings today because the committee seemed not to appreciate the fact that this was not an ordinary complaint but was a complaint of sexual harassment against a sitting CJI and therefore it was require to adopt procedure that would ensure fairness and equality in the highly unequal circumstances that I am placed. I had hoped that the approach of the committee towards me would be sensitive and not one that would cause me further fear, anxiety and trauma.

I have not been informed if the committee has sought any response from the CJI to my complaint and I have been left guessing and anxious on all these matters.

In these circumstances where:

1. I have not been allowed to have the presence of my lawyer/support person despite my impaired hearing, nervousness and fear
2. There being no video or audio recording of the Committee proceedings
3. I have not been supplied even a copy of my statement as recorded on 26<sup>th</sup> and 29<sup>th</sup> April 2019
4. I was not informed about the procedure this committee is following.

I felt I was not likely to get justice from this committee and so I am no longer participating in the 3 Judge Committee proceedings.

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