

24/10/2020

To
Hon'ble the Chief Justice of India
Supreme Court of India.

Respected Sir,

We, R.Vaigai, Senior Advocate and 9 other women lawyers from the Chennai Bar, write to you, in deep anguish and shock, seeking your immediate intervention to stop and prevent circulation of a video that gravely offends women and the judiciary.

C.S.Karnan, a former High Court judge, is seen in that video which has been in circulation on WhatsApp recently making a statement that he had already threatened to sexually assault the wives of thirteen former and present Supreme Court judges and a retired woman judge of the Supreme Court. Further, he names several women court staff, a lawyer and others, with their designation, alleging that they were sexually abused by Supreme Court and High Court judges, leaving no room for doubt about the identity of the alleged victims. The video and its contents are outrageous, reprehensible and constitute offences under the Tamil Nadu Prohibition of Harassment of Women Act, 1998, 66A of the Information and Technology Act and Sections 292, 354 A and 506 of the IPC. What is worse is naming the alleged victims, an act prohibited by law, a fact that a judge should surely know.

These statements by a former High Court judge amount to a horrific act of violence and an affront to the dignity of all women. His statements reveal a deeprooted misogyny and is an assertion of patriarchal construction of gender and sexuality, where women are considered as private property of men.

Entrenched historical and cultural legacy of women being custodians of honour and virtue, perpetuates use of sexual power and violence as a punitive measure or as an act of vengeance.

What is even more appalling and disturbing is that the author of these statements used to be a constitutional functionary responsible for ensuring gender justice and equality. His statement, if left unchecked, will send out a dangerous signal to depraved men, who seem to exist in large numbers, going by the increase in violence against women.

Mr.Karnan, in the video, calls himself the foster son of Dr.Ambedkar. It is unfortunate that he should invoke the name of Dr.Ambedkar, who stood for egalitarian values and espoused the cause of gender justice. His reference to Dr.Ambedkar to valorise his threats not only denigrates the man and his remarkable work, but dilutes the cause of the less privileged. Having been involved in espousing the cause of equality, human rights and justice for members of the SC/ST community, we are even more perturbed by the misuse of Dr. Ambedkar's name to denigrate women. Further, we are compelled to write this to you because Mr.Karnan cannot claim

any licence to denigrate women and commit offences against them merely because he belongs to the scheduled caste, who otherwise have Constitutional protection. His actions, however, amount to gross abuse of such Constitutional safeguards. His reference to Mandela is offensive and shockingly racist.

This sorry state of affairs is a direct consequence of the opaque nature of judicial appointments and lack of accountability. After Mr.Karnan was found guilty of criminal contempt and sent to prison, former CJI, Justice K.G.Balakrishnan, who headed the Collegium that appointed him, professed ignorance about his suitability and said that the Supreme Court Collegium completely relies upon screening by the High Court Collegium. There are other instances of persons being chosen for elevation, despite their unsuitability.Until appointments are made on the basis of objective criteria with complete transparency and accountability, there exists the risk of the judiciary being exposed to such ridicule and losing credibility.

Recent events have underscored the fact that judges are not infallible and free from biases and prejudices, some of which may be manifested in judicial orders. They are as much victims of social and cultural conditioning as everybody else. It is imperative that gender sensitization programmes be conducted periodically with the involvement of those with experience in the field of women's rights.

While the above can be long term solutions, the video having gone viral, the present problem needs to be addressed urgently, before it escalates further.

As the head of the Indian judiciary, we request you to take urgent steps to immediately stop and prevent circulation of Mr.Karnan's video containing offensive remarks against women and the judiciary.The issue should be dealt with firmly and we request that stringent action be taken against Mr.Karnan, including action for criminal prosecution. Further, it appears that the video has been recorded and is being circulated on WhatsApp by certain third parties. All of them involved in the recording, uploading and circulation of the video ought to be prosecuted. If any of them happen to be lawyers, the judiciary should proceed against them on the judicial side.

As a first step, we request that i) the website server/social media that is being used to circulate the video should be directed to take down the video forthwith and ii) an investigation into the source of the video, the identity of the persons responsible for recording and uploading it and the time and place of recording, be ordered, based on which further action may be taken.

Signed by:

1.R.Vaigai, Senior Advocate

2.Sudha Ramalingam

3.Anna Mathew

4.Geeta Ramaseshan

5.D.Nagasaila

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7.S.Devika

8.Akila R.S

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10.Nivedita Menon