

Row over judge elevation hots up

Ravi Shankar Prasad

Union Law Minister Ravi Shankar Prasad, in a letter to Chief Justice of India Dipak Misra, has questioned if the Supreme Court collegium should recommend a person facing charges of sexual harassment for the post of a High Court judge in the absence of a “fair and judicious probe”.

In what seems to be a hardening of its position over the issue of elevating a Principal District and Sessions Judge to the High Court, Mr. Prasad is reported to have questioned the inquiry that cleared the district judge.

“Whether we should consider a discreet inquiry, even by a High Court Chief justice, as a fair, sufficient and conclusive inquiry,” the Law Minister asked in his letter regarding the inquiry that cleared P. Krishna Bhat of charges of sexual harassment filed by a subordinate woman judicial officer.

The Supreme Court Collegium recommended Mr. Bhat for appointment as a High Court judge in August 2016.

The Law Minister’s letter to the CJI comes just days after Justice Jasti Chelameswar had written to CJI Misra alleging government interference in judicial appointments and blaming the government for stalling Mr. Bhat’s elevation as a High Court judge even after a “discreet probe” by the Karnataka High Court absolved him of all charges.

Justice Chelameswar had also questioned if it was proper for the Law Ministry to write directly to the present Chief Justice of the Karnataka High Court for a fresh probe into the charges, bypassing the Collegium.

Law Ministry officials, however, maintained that given the “seriousness of the charges,” the government was duty-bound to look at the issue afresh.

Fair and just inquiry

“The complainant lady judicial officer reiterated her request for a fair and just inquiry to the Honourable President and Honourable Prime Minister through letters dated December 11, 2017. She has said that she has not been called upon to present her side of the story,” Mr. Prasad is reported to have written.

Mr. Prasad’s three-page letter, written on April 5, says the records do not indicate that the complainant was provided any chance to present her case, and asked whether a lady judge of the Karnataka High Court or a senior woman judicial officer conducted the enquiry as per the Vishakha case verdict.

“Whether pending the conduct and conclusion of a fair, judicious enquiry conducted by a lady judge, which would prove the innocence of the recommended officer, the Supreme Court Collegium should not withhold the recommendation of his appointment to the high constitutional office as a High Court Judge,” he asked.

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