

BENCH AND BIGOTRY: THE HINDU EDITORIAL ON ADVOCATE VICTORIA GOWRI'S APPOINTMENT AS MADRAS HIGH COURT JUDGE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

To enjoy additional benefits

CONNECT WITH US

February 09, 2023 12:20 am | Updated 01:46 am IST

COMMENTS

SHARE

READ LATER

The questionable [elevation of advocate L. Victoria Gowri as a judge](#) of the Madras High Court epitomises the problematic nature of the system of judicial appointment. It also portends a government-driven project to take over the Bench through its favourites. Ms. Gowri, whose unabashed prejudice against minorities became evident when her past speeches and interviews came to light after her name was approved by the Supreme Court, was [sworn in at an oath-taking ceremony](#) organised with great dispatch. Earlier, the Union Law Ministry had processed the recommendation concerning a set of candidates with extraordinary speed not displayed in other cases. It was clear that the government wanted to act ahead of any possible interim order from the Court, which had agreed to hear petitions from a group of lawyers against her appointment. In the process, the government ignored [a specific recommendation](#) that R. John Sathyan, an advocate whose candidature was earlier opposed by the Ministry, be appointed first. It is a clear message that the present regime would pick and choose among those approved by the collegium, in a manner informed by its political preferences. That the government repeatedly has its way indicates that the conflict over the appointment process has reached a stage in which the collegium is constantly under pressure to yield to the executive's position on individuals if any meaningful progress is to be made on the perennial process of filling up vacancies.

The [challenge to Ms. Gowri's appointment](#) was on the ground that had there been effective consultation and relevant information placed before the collegium, her appointment may not have materialised. Further, by her speeches denouncing Christians and Muslims she had rendered herself ineligible to act without fear or favour; and that she could not be expected to dispense justice without discrimination "on the ground of religion...". However, the Bench rightly [rejected the petitions](#), observing that it cannot revisit the suitability of any appointee after the collegium had decided on it. The Court on the judicial side could not possibly have gone into a choice made by its top three judges. Indeed, it made no sense to refer the collegium's decision to a Bench for review. It is apparent that the State government too had not flagged her extreme views. While political affiliation should not disqualify anyone from judicial office, open bigotry ought to. It is also a signal failure of the collegium process that a controversial proposal could get past its scrutiny. What is needed is more than reform in the appointment system: perhaps, a process that combines an objective evaluation of the candidates' credentials with an independent mechanism that ensures public scrutiny of their suitability. What is in place at

present is an opaque, closed-door consensus-building that could leave room for unhealthy compromises.

COMMENTS

SHARE

[judiciary \(system of justice\)](#) / [judge](#) / [minority group](#) / [hate crimes](#)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our [community guidelines](#) for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

CrackIAS