

Judiciary knows best: SC Collegium

CJI Dipak Misra

Let judiciary, and not the Intelligence Bureau (IB), be the best judge of professional competence of candidates considered for judicial appointments, the Supreme Court Collegium said.

The Collegium of Chief Justice of India Dipak Misra, Justices J. Chelameswar and Ranjan Gogoi made it clear that the IB should not delve into the professional competence of persons shortlisted for the judiciary. The IB does a background check on the candidates once their names are considered for elevation by the High Court Collegium concerned.

“We are of the view that professional competence can best be determined by the members of the higher judiciary who have the opportunity to observe his (candidate’s) performance on a daily basis,” the Collegium noted.

The Chief Justice and his two senior-most colleagues met on November 1 to decide on the recommendations for appointments to Tripura and Jharkhand High Courts and also to consider the case of three Additional Judges in the Gauhati High Court who were to be made permanent judges.

The Supreme Court Collegium further laid down that only factually proven information supplied by the IB on candidates should be taken cognisance of by the Collegium.

“In our view, it would not be appropriate to take cognisance of any unsubstantiated information based on the discreet inquiries made by the Intelligence Bureau,” the Collegium noted.

Nod for elevation

In the cases of the three candidates — advocates Rajesh Kumar, Anubha Rawat Choudhary and Kailash Prasad Deo — for the Jharkhand HC, the Supreme Court Collegium found that the IB had come up with nothing on record against their integrity. All three have been recommended for elevation as judges.

In all the cases, the Collegium’s conclusions show that it has microscopically gone through the IB reports concerning the integrity of the candidates recommended by the HC Collegiums.

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