

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND JUDICIAL REFORMS

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PRESS RELEASE ON THE PROPOSED ELEVATION OF JUSTICE BHALLA

Dated : 21/1/08

The Campaign for Judicial Accountability and Reforms expresses its surprise and dismay at the reported assent given by the Prime Minister and the President to the proposed elevation of Justice Jagdish Bhalla as Chief Justice of Himachal Pradesh High Court.

The earlier proposal of Dec '06 to elevate Justice Bhalla as Chief Justice of Kerala (which was initiated despite the opposition of a senior member of the Supreme Court collegium) was withdrawn due to the opposition of the then President Dr. Abdul Kalam who had raised questions about the serious charges reflecting very adversely on the integrity of Justice Bhalla. These charges included the purchase of land worth Rs. 7 Crores in Noida from members of a land Mafia for only Rs. 5 lacs in the name of his wife, and his constituting a special bench to hear a case of Reliance Energy at midnight, when his own son was the lawyer for Reliance.

That thereafter, when the present proposal to elevate him as Chief Justice of Himachal was initiated, three very eminent members of the Bar, including two former Law Minister's of this country, namely Shri Ram Jethmalani, Shri Shanti Bhushan, and eminent lawyer Shri Fali Nariman, issued a Press Release calling upon Members of Parliament to initiate impeachment proceedings against the judge by signing an Impeachment Motion containing 3 serious charges, which was also issued with the Press Release. The press release had also noted the total lack of response from the successive Chief Justices to the plea of the Committee on Judicial Accountability to have the charges against Justice Bhalla investigated by an Inhouse committee of Judges or through the police by allowing an FIR to be registered in the matter.

Pursuant to the above call for Justice Bhalla's impeachment, several MPs cutting across party lines have signed the impeachment motion and it is only a matter of time before the motion will be presented with the requisite signatures. There is no doubt that the Prime Minister, President, Law Minister and the Judiciary are aware of these developments. It is therefore even more disturbing that in these circumstances, the proposed elevation of Justice Bhalla as regular Chief Justice of Himachal is still being

pursued. This only shows the complete lack of sensitivity of the authorities mentioned to issues of integrity and propriety. This is bound to further erode the confidence of the people in the judiciary and the government.

We therefore urge the authorities to withdraw the proposal to elevate Justice Bhalla as a regular Chief Justice, even at this late stage.

Prashant Bhushan

On behalf of

The Campaign for Judicial Accountability and Reforms.