



# THE ADVOCATES' ASSOCIATION, BENGALURU (Regd.)

**A.P. RANGANATHA**  
President

**A.N. GANGADHARAI AH**  
General Secretary

**SHIVAMURTHY**  
Treasurer

Ref: AAB/ /2019

Date: 23.09.2019

To:

The Hon'ble Chief Justice of India,  
Supreme Court of India,  
NEW DELHI.

Respected Sir,

The sudden resignation of Justice Tahil Ramani, Chief Justice of the Madras High Court, poses several unanswered questions with regard to the transparency in the functioning of the Higher Judiciary in this country. Even as the entire legal fraternity was in shock with this uneasy development comes the news of Justice Quereshi, being elevated as the Chief Justice of Tripura modifying the earlier resolution of the collegium appointing him as the Chief Justice of Madhya Pradesh. The sudden change is at the dictate of the central government is not a matter of mere inference nor is the fact the central government for political considerations was indisposed to the appointment of the Justice Quereshi as the Chief Justice of Madhya Pradesh. As stake holders in the justice dispensation system, we need answers as well as greater transparency in the appointment of Judges, Chief Justice of High Courts, Judges of the Supreme Court and their transfer.

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The resignation of the Chief Justice is not a standalone event nor is the sudden change of heart of the collegiums with regard to Justice Quereshi. One cannot lose sight of the fact that Justice Jayanth Patel of the Karnataka High Court, also resigned similarly. Moreover Justice K.M. Joseph, Justice D.H. Waghela, and few other have been treated in a similar fashion. When judges of constitutional courts resign under mysterious circumstances, or their transfer or elevation as Chief Justice are altered in circumstances that are apparently not routine it shakes the confidence of the public in the judicial system and throws up several uncomfortable questions to those in the decision making body of the Higher judiciary. In order to strengthen the Judiciary and ensure its continued independence, reasons for the transfer of judges such Justice Tahil Ramani, Justice Jayanth Patel, Justice D.H. Waghela, , Justice Quereshi and denial of timely elevation to the Supreme Court of Justice K.M. Joseph, Justice S. Bopanna as well as why seniority is ignored in respect of some of the most meritorious judges need to be answered.

Sir, the truth or the perception of the truth amongst the intelligentsia of the legal fraternity and citizenry of this nation remains that the entire legal system including the mighty collegium is failing to act independently without FEAR or favour. The system appears to be bowing down to

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the dictates of the powers to be in the central government. In the present days of continuous and constant transgression of human rights and the fundamental rights guaranteed under our constitution, the judiciary more so the higher judiciary appears to be the only flicker of hope to the people. It is said that extraordinary circumstances require extraordinary measures and extraordinary people. We believe that the senior most judges of the Highest judiciary of the land constituting the collegium must be made of extraordinary men and women of grit, character, integrity and virtue. It is time that the judiciary rises to the occasion and puts its foot down on executive excess with regard to the appointment and transfer of judges and chief justice of the highest courts. The confusion in the minds of the people does no good to the aspirations of the people with regard to the constitutional courts upholding the constitution and its ethos.

In the absence of clear answers to the questions that arise, the very integrity of the collegium system appears to be under challenge. Assumptions to the interference of the political executive in its functioning and threat to the freedom of the Indian Judiciary do appear to be a reality. It is therefore pertinent that reasons for the transfer of Justice Tahil Ramani, Justice Quereshi and all such change in decisions by the collegiums at the behest of the central

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government be made public, while also revealing the real cause for the resignation of Justice Tahil Ramani and change of Chief Justice Quereshi from Madhya Pradhesh to Tripura. We believe that the collegiums will take all necessary steps to be transparent and uphold the majesty of the highest courts of the land.

Thanking you,

Yours faithfully,

**A.P. RANGANATHA**  
President

**A.N. GANGADHARAI AH**  
General Secretary

Copy to:

- 1) Hon'ble Mr. Justice Sharad Arvind Bobde  
Judge, Supreme Court of India  
New Delhi.
- 2) Hon'ble Mr. Justice N.V. Ramana  
Judge, Supreme Court of India  
New Delhi.
- 3) Hon'ble Mr. Justice Arun Mishra  
Judge, Supreme Court of India  
New Delhi.
- 4) Hon'ble Mr. Justice R.F. Nariman  
Judge, Supreme Court of India  
New Delhi.

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