

ISKCON - Bangalore

To Challenge the Advocate General's Order

Out of immense respect to the judicial process, ISKCON - Bangalore has exercised self restraint in discussing many topics concerning the proceedings in the High Court in the media. However, it is the over zealous agents of ISKCON - Mumbai who have been carrying a partial picture of the proceedings to some sections of the media to suit their convenience.

We are issuing this clarification lest our silence and self restraint in the media should not be misinterpreted as our weakness.

From June 19th 2009, the High Court bench consisting of Honourable Justice Mr KL Manjunath and Honourable Justice Mr CR Kumaraswamy was hearing the case between ISKCON - Bangalore and ISKCON - Mumbai. But certain observations made in the order passed by Honourable Justice Mr KL Manjunath on July 10th 2009, and the subsequent news item that appeared in some sections of the media on July 11th 2009, created certain apprehensions of bias in the mind of Honourable Justice Mr KL Manjunath against ISKCON - Bangalore. It was only after this that ISKCON - Bangalore requested Honourable Justice Mr KL Manjunath to recuse himself from the case on two grounds:

1. In the order of July 10th 2009, ISKCON - Bangalore apprehends that Honourable Justice Mr KL Manjunath has concluded that the anonymous letter was sent by ISKCON - Bangalore.
2. The newspapers of July 11th 2009, reported that Honourable Justice Mr KL Manjunath said that he used to visit ISKCON - Bangalore until 2003, and stopped thereafter due to several doubts about their activities.

Responding to the sensitivities in the case, on August 7th, 2009, Honourable Justice Mr CR Kumaraswamy disassociated himself from the case. In his order, Honourable Justice Mr CR Kumaraswamy cited one of the cardinal principles of Justice, "It is of fundamental importance that Justice should not only be done, but should manifestly and undoubtedly seen to be done."

It is an age old accepted procedure in courts to ask for a change of judge if the litigant feels that "there is a reasonable apprehension on the part of the party to a case that justice will not be done." (Supreme Court: Satish Jaggi v. State of Chhattisgarh)

The law with regard to transfer of cases is well settled. The Supreme Court order (Gurucharan Das v. State of Rajasthan) further states, "He is entitled to a transfer if he shows circumstances from which it can be inferred that he entertains an apprehension and that it is reasonable in the circumstances alleged."

ISKCON - Mumbai who has been waiting to exploit every occasion to harass ISKCON - Bangalore has seized the opportunity to state that ISKCON - Bangalore seeking for a change in the judge constitute a contempt of court. Driven by unholy intentions, they want to utilize every opportunity that presents itself to tarnish the reputation of the office bearers of ISKCON - Bangalore.

Does ISKCON - Bangalore have reasonable grounds to ask for a change of judge? In our opinion, the answer is a resounding, "Yes" and we shall present the materials in fullness in the right forum before the court, and do not wish to bring the matter before the media.

Further to this, in the open court on August 18th, 2009, Honourable Justice Mr KL Manjunath made certain sacrilegious and irreverent comments on the worshippable Deities of ISKCON - Bangalore. The very next day, over 250 devotees have filed a petition before the Chief Justice of Karnataka and Chief Justice of India expressing anguish and sadness over such disrespectful remarks.

We have the highest confidence that the judicial process will bring out the truth of the matter and do not wish to discuss in the media as the matter is sub-judice.

The judicial process warrants that before a contempt of court petition is filed, ISKCON - Mumbai has to seek permission from the Learned Advocate General of Karnataka. Accordingly ISKCON - Mumbai made a representation before the Learned Advocate General seeking permission. But the agents of ISKCON - Mumbai, who have a habit of misrepresentation, have not completely and accurately presented the facts of the case to the Learned Advocate General by ISKCON - Mumbai. Hence we shall challenge this also through appropriate proceedings in the High Court of Karnataka.