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Time for those reforms

Time for those reforms back in 1993, a public-spirited advocate, Anupam Gupta, hit the headlines for raising the issue of nepotism and corruption in the judiciary. He did so before a high-profile assembly of the country's top judiciary, led by then Chief Justice of India MN Venkatachiah and then Law Minister HR Bhardwaj, at a reception hosted by the Bar of the Punjab and Haryana High Court, in Chandigarh.

Not amused at such blunt talk in public, the guests walked out.

Since then, the high court has courted many a controversy. And such episodes have been keeping a date with the exalted institution at alarmingly short intervals in recent years.

From the Punjab Public Service Commission scandal in 2002 to the cash-at-judge's-door scam last year, the high court has been mired in a series of unsavoury rows. These have not only brought certain members on the Bench under cloud, but each of them has steadily chipped away public confidence in the judicial system.

The latest expose, highlighted by HT, stands out from previous scandals because this was investigated without a formal complaint by a state investigating agency no less than the Vigilance Bureau. Also, its director Sumedh Singh Saini, an IPS officer, had earlier probed two major scandals involving high court judges. Also, the Vigilance probe was spurred by a tip-off on a militant group in the first place, but it stumbled upon startling leads on a thriving and well-entrenched tout system with dark hints about links in the judicial echelons.

And then, the state government quietly and officially dropped the damning dossiers on the top judiciary.

Though a plethora of evidence painstakingly collected and collated by investigators doesn't in any way connect the high court judges with the wheeling-dealings of touts, the fact that the names of a few members of the Bench and subordinate judiciary figure in officially-sanctioned phone tapping of two private persons raises questions. The Vigilance reports graphically encapsulate all that is wrong with the judiciary and judicial system — and sadly bring out how deep the rot is.

More significantly, it reveals how the top judiciary dilly-dallied on the explosive contents of the report, kept it under wraps and didn't carry through an internal recommendation on the transfer of one of two HC judges named in the reports, even after it was ratified in principle by a Supreme Court collegium.

All this only suggests the in-house mechanism for judging judges has proved unequal to the moral bar of judicial accountability — a demand that's grown louder in the wake of mounting allegations of corruption against judges across the country.

"It's high time to constitute a National Judicial Commission and to allow the executive a say in the appointment of judges," says Punjab Advocate General H.S. Mattewal.

Gupta, now a senior lawyer at the high court, adds: "There is dire need for taking immediate, publicly visible action in respect of judges against whom there are cogent and credible complaints rather than stonewalling of inquiries and sweeping the issue under the carpet".

Whatever the fallout, the expose has lent urgency to long-overdue judicial reforms.

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