

Hindustan Times

[Nagendar Sharma](#)

New Delhi, June 09, 2008

First Published: 01:10 IST(9/6/2008)

Last Updated: 10:44 IST(9/6/2008)

Ex-chief justice under corruption panel scanner

In a development unprecedented in the country's judicial history, the Central Vigilance Commission (CVC), the government's anti-corruption watchdog, has forwarded a set of complaints with allegations of corruption and misconduct against former Chief Justice of India YK Sabharwal to the government for further action.

The complaint had charged Justice Sabharwal with deciding some cases to further the business interest of his family. "A bunch of complaints filed by a group called Campaign for Judicial Accountability and some individuals against the former CJI has been sent by the CVC to the ministry for necessary action", a senior Law ministry official confirmed to Hindustan Times.

"There is no precedent of a complaint seeking criminal proceedings against a former CJI being examined by an institution like the CVC first, and subsequently being forwarded to the respective department for appropriate action," the official said.

The matter has now been referred to the Law Ministry for "necessary action" by the CVC.

The complaints were filed with the CVC by a group of jurists known as Campaign for Judicial Accountability and some individuals seeking registration of an FIR against Justice Sabharwal on charges of corruption while he was in office.

The Law Ministry would have to take a call on a complaint of a serious nature against an individual who held the highest judicial office in the country. The complaint had charged Justice Sabharwal with deciding some cases to further the business interest of his family. "Acts of Justice Sabharwal in passing orders for sealing commercial establishments in Delhi at a time when his sons, staying with him were getting business partnerships with shopping mall developers need to be probed".

Sabharwal, who had denied the allegations of having misused his official position to promote the business interests of his sons, in his only public reaction on the controversy in an article written in an English daily last year, was not available for his comments.

Senior Supreme Court lawyer Prashant Bhushan, who had filed the complaint with the CVC in November last year, demanded immediate registration of an FIR by the CBI.

"The CVC has found merit in the complaint and that is why it has been forwarded to the Law Ministry. What was required was an immediate FIR by the CBI under various provisions of the Anti-Corruption Act. The reference to the ministry would delay the matter", Bhushan said.

Law Minister HR Bhardwaj's office refused to comment on the issue, saying his views on the subject were well known that no legal immunity was available to a retired judge, whose status was that of an ordinary citizen.

Legal experts say there was a need to set-up a procedure to initiate probe against a retired judge of the Supreme Court.

"There is no mechanism presently in the Constitution or in any law other than the criminal law to examine the misconduct of a retired judge. It is time to devise a mechanism for an inquiry to be made, if a case is made out", senior lawyer Rajeev Dhavan said.

<http://www.hindustantimes.com/StoryPage/Print.aspx?Id=3a1e5636-0e74-45da-a271-326c51d2fb23>

© Copyright 2007 Hindustan Times