

**Cash-at-door Scam
Sitting judge can't be booked**

**R. Sedhuraman
Legal Correspondent**

New Delhi, February 2

Law Minister HR Bhardwaj today ruled out the possibility of prosecuting Punjab and Haryana High Court Judge Nirmal Yadav, facing allegations of receiving a bribe of Rs 15 lakh in cash, stating that there was no provision in the Constitution for filing a case against a sitting judge.

Asked about reports that CBI had sought permission to register regular a case against Justice Yadav on the basis of its investigations, Bhardwaj told reporters that sending police or CBI to the residence of judges would result in the collapse of the judiciary. Judges facing allegations should be rendered 'ordinary citizens' first before prosecuting them, he clarified.

The founders of the Constitution had not even given thought to any proposal to involve police in the investigation of complaints against judges. However, the judiciary had begun facing charges of corruption and the impeachment procedure was found to be a difficult step, he said.

Citing the instance of Calcutta HC judge Soumitra Sen, Bhardwaj said Chief Justice of India KG Balakrishnan had recommended his impeachment for misconduct on the basis of the findings of an inhouse committee of judges. However, the impeachment motion could be moved in Parliament only after another committee, to be set up by the Lok Sabha Speaker or the Rajya Sabha Chairman, found substance in the charge. Also, 100 Lok Sabha and 50 Rajya Sabha MPs had to sign the request for such a motion.

He said the in-house committee system was working well in the first few cases, two involving the Bombay HC and one the Delhi HC, but now the accused judges were refusing to put in their papers.

There was a need for changing the removal procedure, but this required a Constitutional amendment which could be carried out only with the support of two-third members of Parliament, he said.