



**Nagendar Sharma and Manish Tiwari, Hindustan Times**

Email Author  
New Delhi, July 12, 2009

First Published: 23:45 IST(12/7/2009)  
Last Updated: 02:13 IST(13/7/2009)

## Centre seeks details of CBI probe on former CJI

For the first time, the government has asked the Central Bureau of Investigation (CBI) to provide details on the status of its probe into the serious allegations of corruption against former Chief Justice of India (CJI) Y.K. Sabharwal.

The government move comes ahead of its expected reply in the Rajya Sabha on Monday, where Law Minister M. Veerappa Moily is likely to inform the House on the outcome of the complaints forwarded to his ministry by the Central Vigilance Commission (CVC).

The CVC, acting on a set of complaints filed by Supreme Court lawyer Prashant Bhushan, after it found merit in his complaints supported by documentary evidence, had last year "forwarded it to the CBI and the Department of Justice for necessary action".

Bhushan, in his complaint, had alleged that Justice Sabharwal had misused his official position to "financially benefit the business interests of his sons, while delivering judgements on sealing of commercial establishments in Delhi".

The former CJI, who has consistently denied the allegations, and termed them "absurd," was not available for comments on Sunday.

It is understood that the Income Tax Department is looking into the purchase of a 1,150 square metres property by the two sons of the former CJI at a cost of Rs 15.43 crore, and the CBI is probing the allotment of a plot to his daughter-in-law in Noida, adjoining Delhi on the east.

The CVC says its role is over and the ball is now in the court of the government and CBI.

Contacted for his response, Central Vigilance Commissioner, Pratyush Sinha, told Hindustan Times: "CBI told us that all allegations relate to judicial pronouncements because of his sons' activity. Since judicial decisions are involved, they told us that they (CBI) can't look into it."

It remains to be seen what stand does the new law minister take on the issue. The UPA government, in its first term, had refused to initiate any probe against the former CJI, citing "legal immunity".

In response to a Right to Information (RTI) query by a Delhi resident, Subhash Chandra Aggarwal, seeking to know what the government proposed to do on the complaint sent by the CVC, the Department of Justice replied that judges were provided safety "under the Judges (Protection) Act, 1985".

"No specific provisions have been made in the Constitution for dealing with allegations against retired judges of the Supreme Court and high courts. There is no designated authority which has competence to look into the charges levelled against retired judges," the Department said.

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

"It is time to devise a mechanism for an inquiry to be made, if a case is made out, as in the present context," said former Supreme Court judge Justice P.B. Sawant.

<http://www.hindustantimes.com/StoryPage/Print.aspx?Id=1257e59e-4045-4c35-a196-5fc1037b7754>

© Copyright 2009 Hindustan Times