

Pawan Sharma and Ramesh Vinayak, [Hindustan Times](#)[Email Author](#)

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**Punjab phone taps: A story of tapes, touts and judges**

In an unusual report by a state government on its judiciary, the Punjab Vigilance Bureau says it has found leads to a slew of malpractices in the Punjab and Haryana High Court that could, if investigated, incriminate two of its senior judges.

The claims, made in the 60-page report, a copy of which is in possession of the **Hindustan Times**, have far-reaching consequences not just for Punjab but also for India's judiciary.

The report, based on three months of surveillance of mobile phone conversations of two men last year and videotapes, has since been sent to Chief Justice of India (CJI) KG Balakrishnan and Prime Minister Manmohan Singh.

The two men — their identities have not been revealed — tracked by Punjab's Vigilance Bureau talked about appointments of judges, fixing specific cases at the High Court by touts, manipulating the registry of the High Court that lists cases for judges, and similar malpractices in lower courts, the report said.

"Payment of money for such malpractices is frequently referred to in the recorded talks," it said, but gave no significant details. "The recorded talks are only an insight into the machinations of these persons. Their proper examination would throw more light on the matter," said the last update on the report dated July 25, 2008.

The talks referred to two judges at the Punjab and Haryana High Court — Justice Mehtab Singh Gill and Justice H.S. Bhalla — and the additional district judge of Ferozepur, J.S. Bhinder, the report said. There was no elaboration on the context in which their names were used.

Justice Gill and Justice Bhalla could not be reached for comments, despite several attempts. Messages were also left at their respective residences.

Justice Bhinder said he was "not involved" in any kind of wrong activity. "I have a clean record ...I have never indulged in any such activities," he said. "I am a victim of circumstances."

The Vigilance Bureau's investigation doesn't establish the judges' connection with the dealings of the two private persons under surveillance. The report also said that, "no telephone of any Hon'ble judge, learned judicial officer or their relatives has been placed under electronic surveillance".

The fact that High Court judges repeatedly figure in the tapped conversations was serious enough for the Vigilance Bureau to forward its reports to Advocate General HS Mattewal.

Mattewal passed them to then Chief Justice of the High Court Vijender Kumar Jain for "appropriate directions on how to proceed further in the matter".

The reports, with six updates, sealed and marked top secret, were handed over to Justice Jain between April 29 and July 25 last year. He forwarded them to Justice Balakrishnan.

The Vigilance Bureau did not register cases under the Prevention of Corruption Act against the private persons operating as touts-cum-fixers and arrest the bribe takers red-handed as is normally done in such "trap cases".

That's because, the report said, the investigations concerned the High Court, and the Vigilance Bureau considered it difficult to segregate the private individuals from the judges, referred to in the tapped conversations, in event of any punitive action and further investigations.

The Bureau found itself constrained by a Supreme Court ruling that forbids police investigation against judges without sanction from the Chief Justice of India.

So, in each report, it pleaded with the High Court for "giving appropriate directions in the matter". There's been no reply yet.

"As of date, no directions or advice has been received (from the High Court), and, as such no further action has been taken," said a September 29 Vigilance Bureau communication with the Chief Secretary of Punjab.

Chief Justice Jain recommended transferring Justice Mehtab Singh Gill, who had already been indicted in another report for his role in the Punjab Public Service Commission scandal, in 2002. That, Jain said, was "the best course to uphold the prestige of the institution".

In September 2008, the CJI forwarded the excerpts of the Vigilance reports to the new Chief Justice of Punjab and Haryana High Court, Tirath Singh Thakur, seeking his comments.

Thakur couldn't find the reports in the High Court records, although they had been submitted when Jain was in office, and had to fall back on Chief Secretary Ramesh Inder Singh, who personally delivered a set of original reports in a sealed cover (D.O. No.S/CS-08).

Based on comments made by Thakur and his predecessor, a Supreme Court collegium headed by the CJI recommended the transfer of Justice Gill, in October last year.

There has been no word from the Union Law Ministry.

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# Who's the most corrupt?

According to a survey by Transparency International:



Respondents said judiciary was corrupt

Considered political parties to be most corrupt

**“ In my view, perhaps 20 per cent of judges in India are corrupt, not more**

**than that. It is worrying,  
but not all judges are  
corrupt. The public  
must know the truth.**

**–S.P. BHARUCHA,**  
Former Chief Justice of India,  
when he retired in 2002

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**It is my ... duty to bring  
any piece of information  
prejudicial to the image  
of exalted institution of  
judiciary to the notice  
of Chief Justice.**

**–H.S. MATTEWAL**  
Advocate General, Punjab



Ramesh Vinayak, [Hindustan Times](#)[Email Author](#)

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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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