

WITHER JUDICIAL ACCOUNTABILITY? THE CASE OF JUSTICE SABHARWAL

The issue of accountability of the higher judiciary has long been troubling all sections of society so at a press conference held in Press Club of India the former Law minister Shanti Bhushan and sr. advocate Supreme court Prashant Bhushan among others highlighted a grave case of judicial misconduct at the Apex of Indian Judiciary on behalf of campaign for Judicial Accountability and Reforms. Prashant Bhushan exposed that on 16th February 2006, the then Chief Justice of India, Y.K. Sabharwal passed a detailed order setting into motion the process of sealing of properties in designated residential areas of Delhi, being used for commercial purposes, forcing to buy or rent premises in shopping malls and commercial complexes..

The Court's orders were ostensibly made to implement the rule of law as embodied by the Delhi Master Plan 2001, which had designated the land use of those areas as residential. Despite the new master 2021 the court ordered the sealing to continue, despite the fact that the new master plan permitted the owners to

use their premises for commercial purposes.

I.T. park (5 lac Sq Ft, worth hundreds of crores. Interestingly, these 3 huge plots of 12,000 Sq. Metres in a prime sector of Noida were allotted to Pawan Impex on 29 Dec 2004 by the Mulayam Singh/Amar Singh government of U.P. at a rate of only Rs. 3,700/sq Metre, another huge commercial plot of 12,000 sq metres (plot 12A, in Sector 68, which appears to have been carved out later as an afterthought) on 10 November 2006, at a price of 4000 Rs/sq metre, 3 plots (C1033, IO4 and 105) of 800 Sq M each in Sector 63 at a rate of Rs. 2, 1 00 each, other in Sector 8 Noida, the CBI investigation into the allotments ordered by the Allahabad High Court was immediately stayed by Justice B.P. Singh of the Supreme Court moreover the publication of the infamous Amar Singh tapes, was stayed by Justice Sabharwal himself on the matter being merely mentioned before him.

Thus, the Sabharwals in just two years time, got into the business of developing Commercial complexes and

appear to be rolling in money during the time when Justice Sabharwal was a senior judge and then Chief Justice, dealing with the sealing cases and passing orders.

Former law minister Shanti Bhushan also said that the conduct of Justice Sabharwal and his sons appear to involve offences and misdemeanors beyond the Income Tax Act. His orders are against the principles of natural justice, which say that no judge can hear a case in which he is personally interested. It is in fact arguable that his dealing with this case in such circumstances involves an offence under the Prevention of Corruption Act.

He and other senior Judges and advocates demanded the need to be thoroughly probed, particularly to see how and to what extent they funded the activities and acquisition of assets of the Sabharwals. whether their acquisition can be legitimately explained.

A call was made to the society to pressurize the Parliament and the government to bring a suitable Constitutional Amendment Bill for this purpose.

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