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Top jurists seek high-level probe

The Chief Justice of India should immediately order a high-level probe by a competent investigative agency to examine the truthfulness of charges against 36 judges, alleged to have financially benefited in the Ghaziabad multi-crore provident fund scam, top jurists of the country have said.

Making public their views ahead of Monday's crucial hearing in the matter in the Supreme Court, former CJIs — Justice PN Bhagwati, JS Verma, VN Khare and former Supreme Court judge VR Krishna Iyer — have asked CJI KG Balakrishnan to “take effective steps to defend the honour and image of the judiciary in the country”.

Of the 36 judges alleged to have benefited in the scam, one is a sitting Supreme Court judge, 11 judges belong to Allahabad and Uttarakhand High Courts, while 24 are district-level judges in Uttar Pradesh. The names have not been made public by the UP police so far.

The Ghaziabad treasury scam came to light in January this year when a district judge, acting on anonymous complaints from court employees, detected large-scale siphoning-off from the district treasury, running into crores of rupees in the name of provident fund advances of class III and IV court employees. Her report to the Allahabad High Court mentioned Rs seven crore loss to the state exchequer.

On February 15, district judge Rama Jain lodged an FIR in a Ghaziabad police station against 82 persons on the directions of Allahabad HC. She named the chief administrative officer of the Ghaziabad court, Ashutosh Asthana, “as the kingpin behind the entire scam”. It was Asthana, who in a confessional statement before a magistrate, named the 36 judges as having financially benefited between 2001 and 2007.

The UP police, who have so far arrested 69 persons in the case, is presently awaiting permission from the CJI's office to question the judges. Top state officials said they had been “directed by the CJI's office to send questionnaires with specific questions for the judges concerned”.

The CJI's stand in the matter has angered the top jurists. “There should be no bar on police investigations. Judges are held in high esteem for revealing and not hiding facts related to them. The CJI should allow police to do its work and not create hurdles,” Justice Krishna Iyer told *HT* from Kochi.

Asked whether the 1991 SC judgment in the Veeraswamy case was a hurdle in the way of police probe, the veteran jurist replied: “In the present case, the FIR has been registered on the directions of Allahabad HC. Therefore, the Veeraswamy judgment does not apply, there is no fear of executive overreach here.”

Former CJI Verma said only a high-level probe could bring out the truth. “Even if I were to assume that some of the judges have been wrongly named, then the only way of finding out the truth is to have an impartial and proper probe to defend the honour of the judiciary. Allegations cannot be allowed to bring disrepute to the country’s judiciary.”

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