

IN THE SUPREME COURT OF INDIA

Contempt Petition (Cr) No. 10/09
In
Interlocutory Application No. 1324,1474,2134/2007
In
Writ Petition (Civil) No. 202/95

In the matter of:

Amicus Curiae

Vs.

Prashant Bhushan and Anr.

Further Supplementary Affidavit on behalf of respondent No. 1

1. I, Prashant Bhushan, son of Mr. Shanti Bhushan, resident of B-16, Sector 14, Noida, do hereby solemnly state and affirm as under:
2. That I am the respondent No. 1 in this case and am fully acquainted with the facts and circumstances of this case.
3. That subsequent to the last hearing in this matter, some additional relevant facts have come to light which need to be brought to the notice of the court. I am therefore seeking liberty to place those facts on record by means of this affidavit.
4. In the issue of Feb 26-Mar 12, 2011 of Frontline Magazine, Justice V. R. Krishna Iyer has written an article titled "Time for change". The article makes out a strong case for an independent Appointments Commission (for appointments to the higher judiciary), a performance Commission and an anti corruption commission to keep a constant watch over judges in view of the falling standards of performance and integrity in the higher judiciary. A copy of this article is annexed as Annexure A. He has also written a short piece on July 1, 2011, emphasizing the need to bring the higher judiciary within the investigative ambit of an independent Lokpal. He says, "The greatest menace before India today is that the judiciary itself is corrupt and no action is being taken. There must be a militant, active nationwide movement against corruption." A copy of this statement as published in the Hindu Newspaper is annexed as Annexure B.
5. That recently there have been a spate of media revelations (with fairly comprehensive documentation) about disproportionate assets in the hands of the brother and sons in law of the former Chief Justice of India, Justice K.G.

2

Balakrishnan. Facts have also emerged about other kinds of misconduct that have been committed by him during his tenure as Chief Justice of India. As a result of these revelations, the respondent on behalf of the Campaign for Judicial Accountability has sent a representation to the President of India seeking that the government should make a reference to the Supreme Court under Section 5 (1) of the Human Rights Act for an inquiry for the purpose of his removal as Chairman of the National Human Rights Commission. A copy of this representation is annexed as Annexure C. Subsequently, there have also been some other related revelations and articles in the media on the issue, including by the Amicus Mr. Harish Salve. These are collectively annexed as Annexure D colly.

Deponent

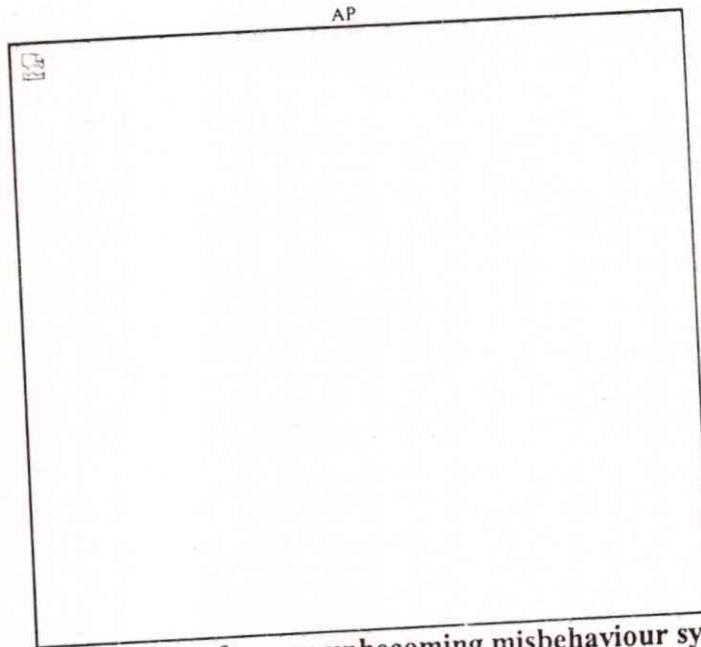
Verification: I the deponent abovenamed do hereby verify that the contents of the above affidavit are true to my knowledge and nothing material has been concealed therefrom. Verified at New Delhi on this the 13th day of July 2011.

Deponent

Time for change

V.R. KRISHNA IYER

The time has come for a democratic revolt against the judiciary and for the appointment of a performance commission for judges.



The judiciary suffers from an unbecoming misbehaviour syndrome.

DELINQUENCY of judges must be rooted out. They should be socialist, secular and democratic by conviction, simple in life and straightforward in behaviour. Judges correct the executive's aberrations. When legislatures violate the Constitution by unconstitutional actions, courts quash such actions. But the egregious exaggeration that shocks the public is the terrible catastrophe of judicial corruption.

To quote Felix Frankfurter in *Bridges vs California*, 314 U.S. 252, 289 (1941):

"Judges as persons, or courts as institutions, are entitled to no greater immunity from criticism than other persons or institutions. Just because the holders of judicial office are identified with the interests of justice they may forget their common human frailties and fallibilities. There have sometimes been martinets upon the bench as there have also been pompous wielders of authority who have used the paraphernalia of power in support of what they called their dignity. Therefore judges must be kept mindful of their limitations and of their ultimate public responsibility by a vigorous stream of criticism expressed with candour however blunt."

Even High Court and Supreme Court judges are suspected of bribery and delinquency. Today, the judiciary suffers from an unbecoming misbehaviour syndrome. The most respected and sublime sector of public service, namely, the judiciary, is losing its credibility. I quote Winston Churchill and Lord Scrutton to prove the poor credentials of the judges.

The Secretary of State for the Home Department (W.S. Churchill) on the second reading of the Trade Unions (No.2) Bill, 1911 (26 H.C. Deb. col. 1922) said:

"The courts hold justly a high, and I think unequalled pre-eminence in the respect of the world in criminal cases, and in civil cases between man and man, no doubt, they deserve and command the respect and admiration of all classes of the community, but where class issues are involved, it is impossible to pretend that the courts command the same degree of general confidence. On the contrary, they do not, and a very large number of our population have been led to the opinion that they

are, unconsciously, no doubt, biased.

(Honorary Members: 'No, no', 'Withdraw' and interruption.)

Lord Justice Scrutton in an address delivered to the University of Cambridge Law Society on November 18, 1920 (1 *Cambridge Law Journal*, page 8):

"The habits you are trained in, the people with whom you mix, lead to your having a certain class of ideas of such a nature that, when you have to deal with other ideas, you do not give as sound and accurate judgments as you would wish. This is one of the great difficulties at present with Labour. Labour says 'Where are your impartial judges? They all move in the same circle as the employers, and they are all educated and nursed in the same ideas as the employers. How can a labour man or a trade unionist get impartial justice?' It is very difficult sometimes to be sure that you have put yourself into a thoroughly impartial position between two disputants, one of your own class and one not of your class."

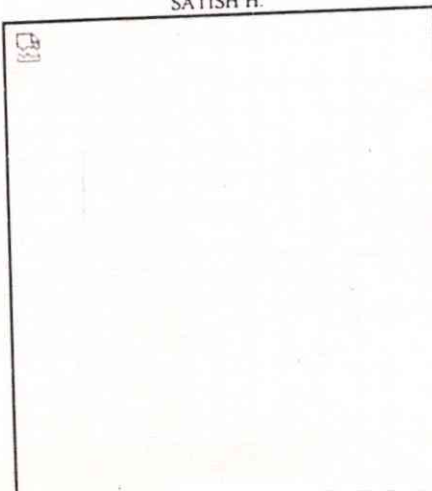
We require a performance commission to eliminate the robed brethren who are guilty of goofiness and gross culpability. We require a constitutional code of conduct and good behaviour for judges. When they are guilty, a commission of high integrity and critical incisiveness must investigate into charges against them, and if found guilty they shall be removed without impeachment.

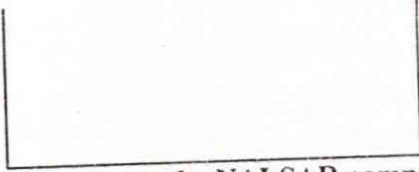
David Pannick in his delightful book (*Judges*, 1987) has observed:

"Mr. Justice Jackson of the U.S. Supreme Court observed in 1952 that 'men who make their way to the bench sometimes exhibit vanity, irascibility, narrowness, arrogance and other weaknesses to which human flesh is heir'. It would be surprising, indeed alarming, if some of the eminent legal minds that constitute the English judiciary did not, on their rare off days, act injudiciously. This was recently recognised by Lord Chancellor Hailsham. Those who sit in judgment occasionally become subject to what he called 'judges' disease', that is to say a condition of which the symptoms may be pomposity, irritability, talkativeness, proneness to *obiter dicta* [that is, statements not necessary for the decision in the case], a tendency to take short-cuts. A judge may grow unfit for his office in many ways. It is therefore important to consider what sanctions exist in relation to judges who are unable to act in a judicial manner."

In short, mountebanks, though few, creep into the Bench, and their judgments bind even though absurd. To secure sound balanced pronouncements, we may require a performance commission to eliminate such mountebanks after due inquiry. In the U.S. at the state level there are performance commissions. Even David Pannick has supported such an institution. We must have one in India too.

SATISH H.





THE STATUE OF Justice at the NALSAR campus in Hyderabad. Never in the 60 years of judicial history in India have such serious charges been made against judges as have been made in recent times by responsible persons.

It is no longer a mere case of taking bribes or one of deciding cases in favour of the wealthy class. Sharp practice, tricky strategies and cute conspiracy have become the methodology of some in the judiciary. Luckily, they are yet few, but it is bad enough.

These developments make it necessary to see that judges are selected after due investigation into their antecedents and class bias. Once corruption is detected and established, errant judges should be shown no mercy. The judiciary is the salt of the earth and if the salt loses its savour wherewith shall it be salted. Severe punishment for judges is a deterrent for the sanitisation of the profession. Judges hold a sublime place in society. If they turn criminal there is no compassion for them.

There is no ground, no principle, no jurisprudence authorising the creation of a bizarre or bedlam institution called collegium. The sooner this institution is drowned five fathoms deep, the sooner the judiciary will be rid of one irrational irrelevance. Even in England, experiments for appointment commissions are going on, but ultimately the judiciary is an institution with a class bias. Prof. Griffith argues:

"The rules are what they are because of the nature of the society, because of its cultural and particularly its economic ordering. The government is the political manifestation of the economic forces and the judiciary also subserves those forces. In modern Marxist terms: 'From this standpoint the law is, perhaps more clearly than any other cultural or institutional artefact, by definition a part of a 'superstructure' adapting itself to the necessities of an infrastructure of productive forces and productive relations. As such it is clearly an instrument of the *de facto* ruling class; it both defines these rulers' claims upon resources and labour-power – it says what shall be property and what shall be crime – and it mediates class relations with a set of appropriate rules and sanctions, all of which, ultimately, confirm and consolidate class power.'"

Judges are qualitatively becoming illiterate and character wise dubious largely because the collegium has no investigative machinery or obligatory principles for selection. Consequently, favouritism, nepotism, casteism and other extraneous considerations spoil the selection. In the absence of a performance commission, corruption creeps into the process of judicial functionalism. Aghast, today corruption and mediocrity and favouritism and influence are frequently imputed to judges.

Never in the 60 years of judicial history in India have such serious charges been made against judges as have been made in recent times by a responsible person like Senior Advocate Shanti Bhushan against judges of the Supreme Court. Nowadays, high courts are not free from moral violations. Extraordinary defences by judges in hiding their wealth or in promoting to the Bench their close relations were not so common earlier as they are now. The people of our Republic have become a victim with such poor reputation. The robed brethren are accused of robbing wealth and yet no inquiry, no action by the Cabinet and no inquiry by Parliament into judicial jejuneity takes place.

The time has come for a democratic revolt against the judiciary and a demand for an appointment commission, a performance commission and an anti-corruption commission to keep a constant watch over

judges and the respect they command. If judges fail in their moral fibre, the rule of law and the rule of life would collapse and open the route to military rule and functional chaos.

Said Learned Hand (*The Spirit of Liberty, Papers and Addresses of Learned Hand*, collected by Irving Dillard, 2d, New York, Alfred Knopf, 1960, page 81):

"I venture to believe that it is as important to a judge called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucydides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton, with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have been specifically written on the subject. For in such matters everything turns upon the spirit in which he approaches the questions before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles, nor supply institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems; more than final solutions cast in generalisations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined."

The collegium has added to the qualitative disgrace of the brethren and calls for liquidation as the adjudicatory mechanism. Perhaps we are reaching a state where judges, for their corruption, are caught and prosecuted until they consent to quit or choose to sleep in all their conscience behind bars. Swaraj was made of sterner stuff. A national commission for the appointment of judges with transparency, similar to the one now in England, is also urgently needed.

Glasnost and perestroika are imperatives from which the robes have no escape.

Lokpal bill and the Prime Minister: V.R. Krishna Iyer responds

Share · [Comment \(22\)](#) · [print](#) · [T+](#) [T+](#)

Justice V.R. Krishna Iyer, former Judge of the Supreme Court, writes in the context of the article by Anil Divan headlined 'Lokpal bill and the Prime Minister,' published on July 1:

Lord Acton, the great British jurist, rightly said: "Power tends to corrupt and absolute power corrupts absolutely." The Prime-Minister is the custodian of the considerable state power. He has to be under public scrutiny.

Therefore I have clearly expressed the view that if power is to be subject to public investigation and scrutiny, he has to be within the ambit of the Lokpal Bill and cannot be exempted from it. Likewise, our judiciary is the watchdog of the Executive. People look up to the judges to ensure that the Executive does not misbehave. The judiciary must be accessible to every citizen who has a grievance against the robed brethren. When Parliament resorts to misconduct and violates the Constitution, people appeal to the judges for a remedy.

In this view, the judges are sublime and must have control over the Executive and the parliamentary process. Both these instruments are under the Lokpal's proposed jurisdiction. There is no case of exemption of these authorities.

I am sorry that some high Chief Justices have expressed a different view. I disagree. The greatest menace before India today is that the judiciary itself is corrupt and no action is being taken. There must be a militant, active nationwide movement against corruption. A powerful instrument must be set up for this if the confidence of the people is to be preserved.

The judiciary and the Prime Minister shall be under the Lokpal. The Lokpal itself must be of the highest order and should be plural in number.

The Prime Minister and the judiciary shall be like Caesar's wife: above suspicion.

JULY 1, 2011

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORM

6/6 Basement, Jangpura B, NEW DELHI-1100014

Tel : 7838211548

judicialreforms@gmail.com , www.judicialreforms.org

Patrons: Justice V.R. Krishna Iyer, Justice P.B.Sawant, Justice H. Suresh, Shri Shanti Bhushan, Shri K.G. Kannabiran, Shri Ajit Bhattacharjea, Prof. B.B.Pande, Admiral R.H. Tahiliani, Dr. Bhaskar Rao, Ms. Arundhati Roy, Dr. Banwari Lal Sharma, Shri Pradip Prabhu, Prof Babu Mathew, Dr Baba Adhav, Ms. Kamini Jaiswal, Shri Mihir Desai, Shri Manoj Mitta

Working Committee: Prashant Bhushan, Venkatesh Sundaram, Indu Prakash Singh, D. Leena, Devvrat, Rohit Kumar Singh, Mayank Misra, Divya Jyoti Jaipuria, Cheryl D'Souza, Pranav Sachdeva, Pyoli, P. M. Bhat

04.04.2011

To,
Sh. Manmohan Singh,
Prime Minister of India,
Prime Minister's Office,
South Block, New Delhi.

Subject: Request to make a reference to the Supreme Court for inquiry into the misbehaviour of Justice K. G. Balakrishnan, Chairman, National Human Rights Commission and ex-Chief Justice of India under Sec 5(1) of Protection of Human Rights Act, 1993.

Dear Prime Minister,

The Campaign for Judicial Accountability and Reforms is a campaign committed towards bringing about an accountable and transparent judicial system which is accessible to every citizen of this country. The Campaign has, since its inception, highlighted several serious problems with the Indian Judicial System including its lack of affordability, its inaccessibility to the poor and marginalised, the appointment of its judges, its elitist and anti-poor bias, the lack of proper redressal mechanisms to address grievances against judges, inordinate delays in deciding matters and several instances of corruption in the higher judiciary.

In the past few months the news of close relatives and former-aide of Justice K.G. Balakrishnan possessing assets disproportionate to their known sources of income has been covered widely by the national media. The Campaign has also come across other instances of grave misbehaviour by Justice Balakrishnan during his tenure as the Chief Justice of India.

After retiring as Chief Justice of India Justice Balakrishnan was appointed as the Chairman of National Human Rights Commission. The process of removal of a member of NHRC has been given in Sec 5 of Protection of Human Rights Act, 1993. According to Sec 5 (1), *subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to*

it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed. According to Sec 5(2), Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be (a) is adjudged an insolvent; or (b) engages during his term of office in any paid employment outside the duties of his office; or (c) is unfit to continue in office by reason of infirmity of mind or body; or (d) is of unsound mind and stands so declared by a competent court; or (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

The following are some of the known instances of misbehaviour on part of Justice Balakrishnan which make him unfit to continue as the Chairman of National Human Rights Commission:

I. Benami properties in the names of his daughters, sons-in law and brother.

P.V. Sreenijan, married to Soni, the elder daughter of Justice Balakrishnan comes from a humble background. He is a practicing advocate in the Kerala High Court. When Justice Balakrishnan started his three-year tenure as Chief Justice, Sreenijan started making huge investments in real estate and tourism. According to Form No. 26 filed by Sreenijan on his assets and liabilities to Election Commission in April 3, 2006, when he contested as a Indian National Congress candidate in Njrackkal (reserved) constituency in Eranakulam District, Kerala, he and his wife KB Soni had no agricultural land. Sreenijan had no non-agricultural land. His wife had 29.32 cent, currently valued at Rs.30, 000 at Thiruvankulam Village in Eranakulam District in Kerala in the survey no. 392/7. Both had no commercial properties and apartments. Sreenijan had cash in hand Rs.5000 and his wife had nothing. Sreenijan had savings bank account with a deposit of Rs.20,000 at Bank of Baroda, Kalamassery Branch in Eranakulam district and his wife had nothing. Both had no debentures or shares of any companies, savings certificates vehicles. Sreenijan had 3 sovereign (24 gram) gold valued at Rs.18,000 and wife had 20 sovereign (160 gram) valued at Rs.1,20,000. Both declared no heritable rights acquired by them. A copy of the said assets declaration form is annexed herewith as Annexure-1.

Recently, Asianet, Tehelka and others in the media have uncovered various properties acquired by Sreenijan and Soni after Justice Balakrishnan became Chief Justice of India.

- Sreenijan along with his wife purchased lands along with an old building on April 8, 2008 - 9.241 cent, 14.455 cent, 9.904 cent, 2.5 cent in Varappuzha Village of survey numbers 265/1 and 265/3. Value shown Rs.7, 22, 000. The current Market value is around Rs.60 lakh. This deed

agreement also shows that Soni lives in a posh flat (that address is shown in the deed) F4-Travacore Residency, Managd Road, Mamangalam, Eranakulam. A copy of the said sale deed is annexed herewith as Annexure-2.

- Sreenijan purchased 20 cent of land on March 3, 2007 in Alangad village survey number 176/15. Value shown is Rs.80, 000. Market value is more than Rs.7.5 lakh. A copy of the said sale deed is annexed herewith as Annexure-3.
- Sreenijan purchased 3.750 cent of land having survey number 177/5 and 90 cent of land having survey number 176/17 on March 3, 2007, Value shown is Rs.2, 3000. Market value is more than Rs.20 lakh. A copy of the said sale deed is annexed herewith as Annexure-4.
- Sreenijan along with wife Soni on June 5, 2009 purchased 20.8 cents of land and 9.3 cent of land of old survey nos 176/6A and 176/6A1 in Edapally South Village. Value shown is Rs.30 lakh. Market value is expected to be more than Rs.3 crore. A copy of the said sale deed is annexed herewith as Annexure-5.
- PV Sreenijan's mother Smt.Vasu purchased One Acre 64 Square feet of land in survey number 176/6A in Edapally South Village on October 6, 2010. Value shown is 15 lakh. This is a Commercial property and market value expected is above Rs.One crore. A copy of the said sale deed is annexed herewith as Annexure-6.
- KB Soni(eldest daughter of KGB and PV Sreenijan's wife) purchased flat at F4 of Travancore Residency in Mangattu Rd, Edapally (heart of the Eranakulam City) Feb 12, 2007. Value shown is Rs.Six lakhs. Market value at the time of purchase was Rs.50 lakh. A copy of the said sale deed is annexed herewith as Annexure-7
- Sreenijan purchased 58.86 cent, 35.25 cent, 52.89 cent, 73.14 cent and 59.38 cent of land [Total 2.77 acres. A big resort is under construction at this place. This is river side property] of survey numbers 2076, 2077/1, 2385, 2076/1 and 2075 in Kallur Village (Kadukutty Panchayat) on November 13, 2008. There are old buildings in this property also. Value shown is Rs.14, 00, 00. The market value of the property was above Rs. 2 crore. A copy of the said sale deed is annexed herewith as Annexure-8.
- The sale deed of KB Soni along with others (non-family) for purchasing legal office in Survey No. 1986/1 of Eranakulam village in heart of the Eranakulam town, opposite to Railway Station. (On March 19, 2007) Value shown is Rs.1.47 lakhs. But the Market value is around Rs.50 lakh excluding furnishing cost etc. A copy of the said sale deed is annexed herewith as Annexure-9.

(All documents accessed through Asianet and Tehelka)

Justice Balakrishnan's second son-in-law, advocate MJ Benny also became considerably wealthier after his marriage to Rani, Justice Balakrishnan's younger daughter particularly during Justice Balakrishnan's tenure as CJI. Between 19 March 2008 and 26 March 2010, he purchased 98.5 cents of land through five title deeds for Rs.81.5 lakh. This is prime land along the National Highway in Marad, Ernakulam district. A cursory comparison of land rates during this period shows that the property was undervalued. When Benny purchased the property it was around Rs. 4 lakh per cent and at current rates it would be Rs. 10 lakh per cent thus making the total value as Rs. 9 crores, 85 lakhs. Yet Benny showed his yearly income as Rs. 5 lakh and Rs. 5.5 lakh during the assessment years 2008-09 and 2009-10. Just five land deals made Benny a millionaire in two years. (*The father, the sons-in-law and the unholy properties, Tehelka 26 April 2011.*). Besides these properties, Benny has also made other lucrative investments.

- MJ Benny purchased a posh commercial Shop/Office in Swapnil Enclave (Room No. 12) in Marine Drive, Kochi (heart of the city) on Dec 15, 2007. Value shown is Rs.35 lakh. Market Value was around Rs.Three crores. A copy of the said sale deed is annexed herewith as **Annexure-10.**
- Rani KB along with others purchased 10.5 acre rubber estate and farm properties, near Athirambuzha Market on May 28, 2005. Value shown is Rs.10 lakhs. Market Value is expected above Rs. Three crores. A copy of the said sale deed is annexed herewith as **Annexure-11.**
- Benny purchased 31 cent in Marad Village on April 26, 2009. Value shown is Rs.39, 56,250. The Market value of this property near the National Highway is Rs.Five crores. A copy of the said sale deed is annexed herewith as **Annexure-12.**
- Benny purchased 6.5 cent in Marad Village on April 23, 2009. Value shown is Rs.Two lakhs. The Market value of this property near the National Highway is Rs. 30 lakh. A copy of the said sale deed is annexed herewith as **Annexure-13.**
- Benny purchased 6.5 cent in Marad Village April 23, 2009. Value shown is Rs.1.90 lakh. The Market value of this property near the National Highway is Rs.30 lakh. A copy of the said sale deed is annexed herewith as **Annexure-14.**
- Benny purchased 7.928 cent in Marad Village April 23, 2009. Value shown is Rs. Eight lakh. The Market value of this property near the National Highway is Rs.One crore. A copy of the said sale deed is annexed herewith as **Annexure-15.**

(All documents accessed through Asianet and Tehelka)

Justice Balakrishnan's brother KG Bhaskaran who was a senior Government Pleader at Kerala High Court also possesses property beyond his known sources of income. Mr. Bhaskaran resigned after these facts came to light.

- KG Bhaskaran , along with his wife MV Ratnamma (Advocate. Retired and suspended Munisf) purchased 30 cent and 12.14 cent including an old building old Survey nos 338/3,339/1 and 397/7 in Thiruvaniyoor panchayat. Date of purchase June 24, 2009. Value show is Rs.21,75,000. Market value is more than Rs.2 crore. A copy of the said sale deed is annexed herewith as Annexure-16.
- KG Bhaskaran purchased a Farm House and 53 acre land in Bodikamanvadi Village in Dingugal in Tamil Nadu. Value shown is Rs.19,27,285. Market Value is above Rs. 10 crore. The deal was on November 28, 2006. It is pertinent to mention that Justice Balakrishnan was Tamil Nadu's Chief Justice for a year from 1999 to 2000. A copy of the said sale deed is annexed herewith as Annexure-17.
- KG Bhaskaran along with wife and children purchased 40 acres of Farm House on Feb 23, 2005. Value shown is around Rs.six lakhs. But the Market value is above Rs.3 crore. A copy of the said sale deed is annexed herewith as Annexure-18.
- KG Bhaskaran along with wife and children purchased on March 18, 2005 20 acres of farm land. Valued around Rs five lakh but the market value is above Rs.3 crore. A copy of the said sale deed is annexed herewith as Annexure-19.
- KG Bhaskaran along with wife and children purchased on March 18, 2005 farm land 2.13 acres. Valued around Rs Two lakh but the market value is above Rs.50 lakh. A copy of the said sale deed is annexed herewith as Annexure-20.
- KG Bhaskaran along with wife and children purchased on March 18, 2005 farm land 20 acres. Valued around Rs 1.71lakh but the market value is above Rs.5 crore. A copy of the said sale deed is annexed herewith as Annexure-21.

(All documents accessed through Asianet and Tehelka)

This amassing of wealth beyond their known source by the kin of Justice Balakrishnan during his tenure as Judge/ Chief Justice of the Supreme Court clearly indicates that this wealth was given to these people as illegal gratification to the then Justice Balakrishnan.

II. Benami properties in the name of his former aide M. Kannabiran.

According to a story covered by *Headlines Today* on 4th February 2011, Tamil Nadu Chief Minister M. Karunanidhi misused his discretionary power and allotted two prime plots of land in Chennai to a former aide of Justice

Balakrishnan. Documents accessed through *Headlines Today* show how Justice Balakrishnan's aide M. Kannabiran, whose monthly income was just around Rs 10,000, was awarded the plots, one currently costing Rs 48 lakhs and the other around Rs 2.5 lakhs. Copies of the supporting documents are annexed herewith as **Annexure-22 Colly..**

The documents show that the Tamil Nadu Housing Board (TNHB) swiftly cleared Kannabiran's application and issued the letter of allotment for both the plots just a day after receiving the request. As per the Chief Minister's discretionary quota, only one plot can be allotted to a person. However, Kannabiran was allotted the two plots under the quota for government employees. It was not clear how he qualified for it. Also, Kannabiran was not even working in Tamil Nadu at the time he was granted the land. Kannabiran resigned from his job after the news coverage of the said allotments. It is obvious that rules would not have been bent for a lowly employee and in fact Justice Balakrishnan used his influence with the Chief Minister of Tamil Nadu to get these allotments. This in itself is misbehaviour. Further, in light of the fact that Kannabiran's monthly income was just around Rs 10,000, it appears that the said plots must have been purchased benami by him for Justice Balakrishnan.

III. Justice Balakrishnan approved of evasive and false replies given by CPIO, Supreme Court in response to the RTI application filed by Sh. Subhash Chandra Agarwal regarding declaration of assets by judges.

According to a news-story published in *Times of India* on April 14, 2008, in response to an RTI application filed by Sh. Subhash Chandra Agarwal regarding declaration of assets by judges, Supreme Court's central public information officer (CPIO) stated that the information relating to declaration of assets by judges is "not held by or under the control of" its registry and therefore could not be furnished by him. When Sh. Agarwal filed another RTI application to access the file notings which led to the approval of the reply, it was revealed that this elusive reply was given with the approval of the then Chief Justice of India, Justice Balakrishnan, who was himself supposed to be the custodian of those declarations.

The file related to the RTI query on asset disclosures was in fact placed before Justice Balakrishnan on two occasions.

The first time was when a note prepared by the CPIO on November 27, 2007, was "put up to Hon. CJI for approval" by the head of the SC registry, secretary general V K Jain.

The second time was when Jain again "submitted for orders" of the Chief Justice a slightly revised note of the CPIO dated November 30, 2007.

The second note bears Justice Balakrishnan's signature with the same date. In a reference to the three points proposed to be mentioned in the RTI response, the Chief Justice wrote: "A, B & C approved."

What is crucial is point B, which says: "The applicant may be informed that the information relating to declaration of assets by Hon'ble Judges of the Supreme Court is not held by or under the control of the Registry, Supreme Court of India, and therefore cannot be furnished by the CPIO, Supreme Court of India, under the Right to Information Act, 2005."

In keeping with the CJI-approved note, the CPIO wrote his formal reply under RTI on that very day, November 30, 2007.

Later on the Central Information Commissioner and the single and division benches of Delhi High Court held that Supreme Court could not be allowed to make a distinction between its registry and the office of the CJI for the purpose of giving reply to an application under the RTI Act and that the CPIO had to disclose the information asked for in the said application since it was available at the Chief Justice's office. A copy of the said news story dated 14.04.2008 is annexed herewith as Annexure-23.

IV. Resisting attempts to stop elevation of Justice Paul Dinakaran to the Supreme Court despite many charges of land-grab, encroachment and possessing assets beyond his known sources of income.

The Supreme Court Collegium recommended the name of Justice Dinakaran along with chief justices of four other high courts in August 2009. In spite of representations made by Bar Association of India, Supreme Court Bar Association, Forum for Judicial Accountability and many noted jurists, Justice Balakrishnan resisted all the attempts to stop the elevation of Justice Dinakaran and in fact made every effort to elevate him. Even after the Central Government rejected the Collegium's recommendation for elevation of Justice Dinakaran in December 2009 and impeachment proceedings against Justice Dinakaran had started, Justice Balakrishnan defended Justice Dinakaran as late as on January 16th 2010 in an interview to CNN IBN. Seeking to knowingly elevate a corrupt judge to the Apex Court is a clear case of misbehaviour. It may be noted that the Statutory inquiry committee headed by Justice Aftab Alam has framed several very serious charges against Justice Dinakaran on 16th March 2011 including possessing wealth disproportionate to the known sources of his income; unlawfully securing five Housing Board plots in favour of his wife and two daughters; entering into benami transactions prohibited and punishable under the Benami Transaction (Prohibition) Act, 1988; acquiring and possessing agricultural holdings beyond the ceiling under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961; illegal encroachment on government and public property to deprive Dalits and the poor of their right to livelihood; violation of the human rights of Dalits and the poor; destruction of evidence during official enquiry; obstructing public servant on duty; repeated undervaluation of properties at the time of registration of sale to evade stamp duty; illegal construction in breach of the town planning law and planning permit; misuse of official position to

unlawfully secure property and facilitate other illegal acts for personal gain; abuse of judicial office to pass dishonest judicial orders; contrary to settled principles of law to favour a few individuals or for his own unjust enrichment, at the cost of the public exchequer and the country's natural resources; in matters where he had a personal and direct pecuniary interest to secure several properties for his family; to take irregular and dishonest administrative actions; for constituting Benches and fixing rosters of judges to facilitate dishonest judicial decisions and to make arbitrary and illegal appointment and transfers. A copy of the news report dated 19.03.2011 appearing in The Hindu is annexed herewith as Annexure-24.

V. Suppressing a letter written by a High Court judge alleging that former Union Minister A. Raja tried to interfere his judicial function and later lying to the press that he had not received any such letter implicating any Union Minister.

Justice R Raghpathy of the Madras High Court had written a letter 2.7.2009 to Justice Balakrishnan, the then Chief Justice of India, in which he stated that the Chairman of Bar Council of Tamil Nadu and Pondicherry K Chandramohan, who is reportedly a friend of Sh. A. Raja, tried to influence him to grant anticipatory bail to his clients Dr Krishnamurthy and his son, who were wanted by the Central Bureau of Investigation (CBI) for forging mark-sheets in MBBS examinations. In his letter to Justice Balakrishnan, Justice Raghpathy said that Chandramohan wanted him to talk to 'a Union Minister by name Raja' over the bail issue as both the accused were Mr. Raja's family friends. Justice Raghpathy mentioned this incident in an order dated 7.12.2010. Justice Balakrishnan in his press conference dated 8.12.2010 stated that he had not received any such letter implicating any Union Minister and that Mr. Raja's name was not mentioned in Justice Raghpathy's letter. This claim of Justice Balakrishnan was refuted by Justice H.L. Gokhale, a Supreme Court Judge who was the Chief Justice of Madras High Court at the time the said letter was written. In a detailed press note dated 14.12.2010, Justice Gokhale said that he had forwarded to the former CJI a copy of Justice Raghpathy's letter dated July 2, 2009 by a letter dated July 5, 2009. The former CJI had in fact acknowledged the same in his subsequent letter dated August 8, 2009 as follows: "vide letter dated July 5, 2009, you have forwarded to me a detailed letter/report July 2, 2009 of Justice Raghpathy explaining the actual state of affairs concerning the alleged misbehaviour of a Union Minister of the Government of India reported in the media." Justice Gokhale said: "The former CJI informed me by that letter that he had received a copy of the memorandum concerning the above incident, addressed by a large number of Members of Parliament to the Prime Minister. A copy thereof was enclosed to seek my views/comments on the issues raised therein. I replied to this letter on August 11, 2009."

On Justice Balakrishnan's statement that there was no mention of the name of any Union Minister in the report sent by him, Justice Gokhale said: "I may point out that Justice Raghpathy's letter was already with him [Justice Balakrishnan] and in the second paragraph thereof Justice Raghpathy had specifically mentioned the name of Minister Raja. I had no personal knowledge about the incident, and the observations in my reply were in conformity with the contents of Justice Raghpathy's letter."

Justice Raghpathy and Justice Gokhale's revelations have made it clear that Justice Balakrishnan not only suppressed the letter implicating Mr. A. Raja but did not flinch from lying to the nation about these grave allegations. A copy press release issued by Justice Gokhale is annexed herewith as Annexure-25.

The above facts show that Justice Balakrishnan has been guilty of several acts of serious misbehaviour. We, therefore, request you to kindly make a reference to the Supreme Court for inquiry into the above acts of misbehaviour of Justice K. G. Balakrishnan, Chairman, National Human Rights Commission and ex-Chief Justice of India under Sec 5(1) of Protection of Human Rights Act, 1993.

Yours Sincerely,

(Prashant Bhushan)

ADVERTISEMENT

Manorama News, LIVE, on your computer.

LIVE
<http://live.indiatimes.com>
 Click here

178

THE TIMES OF INDIA

You are here: Home > Collections > Cpio

Ads by Google

Do you own a business?
 Be found on Google for free
 Claim your free listing today ▶

Google places



Whirlpool

Explore Now ▶

Happiness begins at home



RELATED ARTICLES

SC judges out of RTI too?

May 1, 2008

Air India told to settle retd staffer's dues

July 31, 2008

CIC imposes Rs 25,000 fine on Estate director

April 12, 2007

RELATED KEYWORDS: Cpio

SC evasive on asset declaration by judges

TNN, Apr 14, 2008, 12:55 AM IST

NEW DELHI: When Supreme Court judges adopted a resolution a decade ago to make a periodic declaration of their assets to the Chief Justice of India, they took care to state that the details of their holdings would not be made public. But now, the court is being evasive on whether judges have been filing such declarations at all.

In his response to an RTI (right to information) application, the court's central public information officer (CPIO), additional registrar Ashok Kumar, simply said that the information relating to declaration of assets by judges is "not held by or under the control of" its registry and therefore could not be furnished by him.

Ads by Google

India

Download Enhanced Internet Explorer 9 for a More Beautiful Web
www.ie9enhanced.com

Think Smart with Lenovo

Learn about Think Products powered by Intel® Core™ Processors.
www.thinkingneverstops.com

The file notings, in possession of *The Times of India*, show that this elusive reply was given with the approval of the Chief Justice of India, Justice K G Balakrishnan, who is himself supposed to be the custodian of those declarations.

The file related to the RTI query on asset disclosures was in fact placed before Justice Balakrishnan on two occasions.

The first time was when a note prepared by the CPIO on November 27, 2007, was "put up to Hon. CJI for approval" by the head of the SC registry, secretary general V K Jain.

The second time was when Jain again "submitted for orders" of the Chief Justice a slightly revised note of the CPIO dated November 30, 2007.

The second note bears Justice Balakrishnan's signature with the same date. In a typically brief reference to the three points proposed to be mentioned in the RTI response, the Chief Justice wrote: "A, B & C approved."

What is crucial is point B, which says: "The applicant may be informed that the information relating to declaration of assets by Hon'ble Judges of the Supreme Court is not held by or under the control of the Registry, Supreme Court of India, and therefore cannot be furnished by the CPIO, Supreme Court of India, under the Right to Information Act, 2005."

In keeping with the CJI-approved note, the CPIO wrote his formal reply under RTI on that very day, November 30, 2007.

The documentation behind the CPIO's reply and the CJI's approval of the evasion came to light thanks to another RTI application seeking disclosure of the file notings.

It has exposed the apex court's resistance to transparency: Though the CJI can easily say whether judges have been filing declarations of their assets, the CPIO is made to claim under the RTI Act that the

...indiatimes.com/.../27741209_1_asset.

7/2/2011
SC evasive on asset declaration by jud...
information is not in possession of the registry.

The matter is now pending before the Central Information Commission, which will have to give a ruling on whether the Supreme Court could be allowed to make a distinction between its registry and the office of the CJI in an obvious bid to confer immunity on the latter from any obligation under the RTI Act.

If the justification offered for stonewalling the question on assets is taken to its logical conclusion, the CPIO for the Supreme Court cannot answer questions related to the CJI's office and Justice Balakrishnan will therefore have to appoint a separate CPIO for himself.

The RTI Act does not exempt the CJI from its purview.

Ads by Google

1Crore Life Cover - L I C

Get 1Crore security @ Rs.818* pm & Save Your Family From Any Mishap

www.PolicyBazaar.com/TermInsurance

Start with FOODPOIS

Invest in Asia's Food Industry Korea Gov't Provide All Support

Foodpolis.kr

FEATURED ARTICLES



5 Best positions to get pregnant fast



Vidya Balan in a bikini!



Lara, Mahesh to tie the knot on Feb 19

More:

Sex before 15, girls pip boys: Study

Boom kiss no big deal: Katrina Kaif

Indian names in Swiss bank disclosure to WikiLeaks?

SBI increases interest rates

TCS to hire 50,000 in FY-2012: CEO

New syllabus for 2011 prelims out

THE TIMES OF INDIA
www.timesofindia.com

© 2011 Bennett, Coleman & Co. Ltd. All rights reserved

Index by Date Index by Keyword

Advertise with us Terms of Use Privacy Policy Feedback



~~H/O~~ Annexure 2:
SUPREME COURT OF INDIA
NEW DELHI-110001

19

December 14, 2010

To,

Chief Editor
Press Trust of India
Parliament Street,
New Delhi - 110001

Dear Sir,

Please find enclosed herewith a Press Release by Hon'ble
Mr. Justice H.L. Gokhale, Judge, Supreme Court of India for favour of
publication.

Yours faithfully,

Hemant

(Meera Hemant)
PS to Hon'ble Judge

Copy to: -

Correspondents Accredited with the Supreme Court of India

20 183

Press Release by Justice H.L. Gokhale
Judge, Supreme Court of India

14/12/2010

1. On 7th December, 2010 the electronic media reported about an order passed by the Madras High Court, suspending Advocate K. Chandramohan from functioning as the President of the Bar Council of Tamil Nadu. That was in view of the attempt made by him on 12.6.2009, to influence Hon'ble Justice R. Regupathi, a Judge of that High Court, to seek a bail order by saying to him in his Chamber that the applicants were family friends of a Union Minister by name Raja. The Advocate tried to hand over his mobile phone by saying that the Union Minister was on the line to have a talk with the Judge. The Judge refused to talk and reported the incident by his letter dated 2.7.2009 to me since I was then the Chief Justice of that High Court. This letter had been taken into consideration by the Court while passing its order. The said report appeared in the print media on the next day.
2. Subsequently, the electronic and print media published the news about a press conference held on 8th December, 2010, by Hon'ble Mr. Justice K.G. Balakrishnan, the then Chief Justice of India. He is reported to have stated, firstly that he had not received any letter from Justice Regupathi when he was the CJI, and secondly that the report which I had sent to the former CJI in this behalf, did not mention the name of any Minister having talked to Justice Regupathi on phone, and therefore, there was no occasion for him to recommend any further action.
3. The reported statement of the former CJI gives an erroneous impression about my role in the matter. Hence, it became necessary for me to verify the facts from the record with the CJI's office. Thereafter, I am releasing this press note.
4. With respect to the first statement of the former CJI that he did not receive any letter from Justice Regupathi, I may point out that, I had forwarded to the former CJI a copy of Justice Regupathi's letter dated 2.7.2009 by my letter dated 5.7.2009. The former CJI had in fact acknowledged the same in his subsequent letter dated 8.8.2009 as follows:-

"Vide letter dated 5th July, 2009, you have forwarded to me a detailed letter/report dated 2nd July, 2009 of Mr. Justice R. Regupathi explaining the actual state of affairs concerning the alleged misconduct of a Union Minister of the Government of India reported in the media".

5. The former CJI informed me by that letter that he had received a copy of the Memorandum concerning the above incident, addressed by a large number of Members of Parliament to the Prime Minister. A copy thereof was enclosed to seek my views/comments on the issues raised therein. I replied this letter on 11.8.2009. The former CJI has stated in his press conference that in my letter I did not mention the name of any Union Minister having talked to Justice Regupathi over phone to influence him. With respect to this statement, I may point out that Justice Regupathi's letter was already with him, and in the second paragraph thereof Justice Regupathi had specifically mentioned the name of Minister Raja. I had no personal knowledge about the incident, and the observations in my reply were in conformity with the contents of Justice Regupathi's letter. I drew attention of the former CJI, to the same para from Justice Regupathi's letter, which reads as follows:-

"On 12.6.2009, at about 2 P.M. during Lunch Recess, while I was in the Chamber, High Court, Madras, my Office Assistant Mr. Mujibir Ali informed me that Mr. Chandramohan, Chairman, Bar Council of Tamil Nadu, is waiting and seeking for an appointment to meet me and, immediately I allowed him to come in. To start with, he discussed about the general subject on Advocates and so proceeding, he said that two persons, who are father and son/accused in a criminal case, are family friends of a Union Minister by name Raja, and that the petition filed by them for anticipatory bail must be considered favourably. Simultaneously, he handed over his mobile phone by saying that the Union Minister is on the line to have a talk with me. Right away, I discouraged such conduct of Mr. Chandramohan and told him that the case would be disposed of in accordance with law, if listed before me."

Further, I drew the attention of former CJI to the following sentence in the third para of Justice Regupathi's letter regarding the statement he made in the Court:-

"I observed that a counsel, who made an attempt to exert influence on the Court by using the name of a Cabinet Minister, cannot be allowed to succeed in snatching an order in his favour by advancing threat."

In this letter, I also informed the former CJI about the Petitions filed in the Madras High Court concerning this incident. The continuity of the correspondence clearly shows that the Incident related to Advocate Chandramohan and Minister Raja had been brought to the notice of former CJI.

Justice H.L. Gokhale
Judge, Supreme Court of India

express
buzz

By V Krishna Ananth

26 Dec 2010 11:39:00 PM IST

22

He can't be NHRC chief

K G Balakrishnan is a former chief justice of India and now heads the National Human Rights Commission (NHRC). It is, therefore, an irony that he should seem to be lending his considerable weight and influence to an effort to drain public confidence in the higher judiciary.

The story begins with a Division Bench of the Madras High Court finding serious wrongdoing on the part of R K Chandramohen and directing his suspension from the Bar Council of Tamil Nadu. But for that, the question whether the former CJI foreclosed a case involving serious allegations against former Union telecom minister A Raja, even at the cost of letting the majesty of the law and the courts be eroded, would not have come up. One is obliged to Justices F M Ibrahim Khalifullah and M M Sundaresh for their order of December 7.

Coming to the issue, on June 12, 2010, Chandramohen, who is also chairman of the Bar Council of Tamil Nadu, walked into Justice Regupathy's chamber and tried to pressure the judge and obtain anticipatory bail for his client (a doctor and his son, a medical college student, accused in a marksheet scam and murder). He said Raja, then a Union minister, was interested in such an order and held out his mobile phone to the judge saying the minister was at the other end and wanted to talk. Justice Regupathy refused to entertain the lawyer. No one knew about this until the judge, provoked by the same lawyer in open court, said he would reveal all that happened in his chamber. This was when the same case came up for hearing before Justice Regupathy on June 29. The judge did not reveal the minister's identity. But anyone who knew the father-son duo could conclude that it was Raja. It was discussed in the corridors and the quadrangle where advocates engage in tittle-tattle.

The media reported all that was said in court the following day. And that led to two things. Regupathy wrote about what happened in his chamber to Chief Justice H L Gokhale on July 2. He in turn forwarded the letter along with a note to Balakrishnan, the CJI at that time, on July 5.

While none among us knew Regupathy had named Raja as the minister whose name was invoked by Chandramohen, the Chief Justice of India knew that. He did not act. Balakrishnan had another opportunity when, on the same issue, a memorandum by MPs to the Prime Minister was forwarded to him. He still did

not act. His own letter to Gokhale, on August 8, 2009, mentioned the media reports and about "a Union minister". Justice Balakrishnan then had the powers to order a case of contempt suo motu, but he did not.

He had the authority to order an investigation then and there and as the apex court is doing now in the 2G case. Such an investigation could have been monitored by the court. He did nothing. It is possible that he knew that Raja was not just "a Union minister" but one who had the courage to defy the Prime Minister too and decide on changing the rules in his ministry.

Justice Balakrishnan has refused to act, in defence of the majesty of the law and the courts on other occasions as well. He sought to brush aside documents showing wrongdoing by Justice P D Dinakaran and did all that was possible to have him elevated to the Supreme Court. He refused to see the truth, as presented by a committee of judges, on the infamous Provident Fund scam involving high court judges in Uttar Pradesh. Justice Gokhale, incidentally, was one of the judges who investigated the scam and reported to Justice Balakrishnan. The former CJI did not see something rotten involving a particular judge in Chandigarh despite the evidence. As Chief Justice of India he refused to part with information — as to whether judges in the Supreme Court had filed their assets' statements — under the RTI.

Justice Balakrishnan, as Chief Justice of India, instructed the registry of the apex court to turn a litigant before the Delhi High Court against the order by the Chief Information Commissioner that the information whether judges had filed their assets' statement be disclosed. When the Delhi High Court ordered in favour of the CIC, Justice Balakrishnan had the apex court file an appeal. And when the appeal too was disposed of by a Full Bench of the Delhi High Court, Justice Balakrishnan ordered the Registrar General of the Supreme Court of India to file a Special Leave Petition against the order of the Delhi High Court before the Supreme Court of India.

The fact is that while abdicating his duty when it came to protecting the majesty of law and courts in case of Raja, Justice Balakrishnan did act with promptness when it came to achieving the contrary. No wonder that he said what he did on December 8, 2010; that he did not know that the minister involved was Raja. But then, he seemed to have presumed as much impunity as he had until May 2010! Justice Gokhale's access to the records in the CJI's office, as much as his own interest in clearing the air of the "erroneous impression" about his role in the matter has now brought to light the truth that Balakrishnan knew Raja was the minister allegedly involved as early as in July 2009. And yet, on December 8, 2010, the former Chief Justice of India specifically denied any knowledge of this.

It is not possible to reverse all that had happened. But then, we, the people of India, have the right to have a man of integrity and standing at the helm of the

47

NHRC. Past conduct may not be a ground for the removal of a member or the chairman, according to the provisions of the Protection of Human Rights Act, 1993. But moral principles certainly have a mightier force. In any case, we came to know that Justice Balakrishnan's statement on December 8, 2010 (that the identity of the minister was not disclosed to him), was not the truth only when Justice Gokhale presented his own case with documents, and the least he can do now is to vacate his office at the NHRC. All that can be done now and will necessarily have to be done is to have him out of the National Human Rights Commission

About the author: V Krishna Ananth is a practising lawyer in the Madras High Court.

© Copyright 2008 ExpressBuzz

Former SC judge demands probe into assets of ex-CJI's son-in-law

TNN, Dec 28, 2010, 12:55am IST

THIRUVANANTHAPURAM/KOCHI: Barely weeks after firefighting the controversy over a central minister trying to influence an HC judge, former chief justice of India K G Balakrishnan has come under the spotlight again. Demands have emerged from several quarters for a probe into the assets of Balakrishnan's son-in-law, P V Sreenijan, an advocate and a leader of the Youth Congress in Kerala.

The move comes in the wake of reports claiming a "baffling increase" in Sreenijan's assets in recent years.

Former Supreme Court judge Justice V R Krishna Iyer demanded that a high-powered panel be deputed to inquire into the charges against Justice Balakrishnan's family. In a statement, Iyer requested the President to seek Balakrishnan's resignation from the post of chairman of National Human Rights Commission.

He also demanded a probe to find the truth about Balakrishnan's statement regarding then Madras High Court chief justice H L Gokhale's letter that a central minister had tried to influence a judge of that court.

Reiterating the demand, CPM youth wing state president M B Rajesh said a probe was necessary as the needle of suspicion also pointed to the former CJI. "These allegations have the potential to affect the credibility of the judiciary which is why we are demanding a thorough investigation," Rajesh said.

In an affidavit filed before the state election commission in 2006, Sreenijan, who contested as a candidate of the Congress-led United Democratic Front had stated that he and his wife possessed only Rs 25,000 in cash. The couple had 23 gold sovereigns and 29.32 cents (a measure of land in Kerala) of land in Thiruvankulam, a Kochi suburb.

However, all that seems to have changed since, as revealed by a TV channel. The report quoting the 2009 income tax papers of the duo says that Sreenijan and his advocate wife K B Soni, had annual income of Rs 25 lakh and Rs 15 lakh, respectively. Soni is the daughter of the former CJI.

The couple also entered into three property deals, which are under a scanner. These involve more than 2.5 acres of riverside land in Sreenijan's name in Thrissur, 20 cents in the couple's name in Elamakkara in Ernakulam district and a commercial space in Kochi.

Allegations are that the documented price of these properties was much less than the existing market rates. For instance, the land in Elamakkara in Kochi is shown as purchased at a price of merely Rs 30 lakh while its current price is worth crores of rupees.

Kerala Pradesh Congress Committee president Ramesh Chennithala said he had not received any complaint against Sreenijan. However, he had seen the news and would inquire into what has been claimed.

Sreenijan did not respond to repeated calls on his cellphone.

THE TIMES OF INDIA

Powered by **INDIATIMES**

[About us](#) | [Advertise with us](#) | [Terms of use](#) | [Privacy policy](#) | [Feedback](#)
[RSS](#) | [Newsletter](#) | [TOI Mobile](#) | [ePaper](#) | [Sitemap](#) | [Archives](#)

Other Times Group news sites

Times Crest | The Economic Times
 इकोनॉमिक टाइम्स | द इकोनॉमिक्स टाइम्स
 Mumbai Mirror | Times Now
 Indiatimes | नवभारत टाइम्स
 महाराष्ट्र टाइम्स | Go Green

Living and entertainment

Timescity | iDiva | Bollywood | Zoom

Network

itimes | Dating & Chat | Email

Hot on the Web

Hotfix

Services

Book print ads | Online shopping | Business solutions | Book domains | Web hosting
 Business email | Free SMS | Free email | Website design | CRM | Tenders | Print
 Cheap air tickets | Publications | Holidays | Astrology | Jobs | Property | Buy/Sell
 eGreetings

[Print](#) [Close Window](#)

Balakrishnan controversy: Fali Nariman wants judicial probe

Agencies Posted online: Sun Jan 02 2011, 21:20 hrs

Kochi : Noted jurist Fali S Nariman has come out in support of former Supreme Court judge V R Krishna Iyer, who had demanded a judicial probe into allegations of amassing wealth by the son-in-law of former Chief Justice of India K G Balakrishnan.

In a letter to Justice Iyer on December 28, Nariman said, "Your prompt and pithily devastating remarks on the conduct of the NHRC Chairman (Balakrishnan) deserves several rounds of applause."

"This is just to tell you that we all (not merely Bapsi and myself but a very large number of well-wishers) are deeply beholden to you for always reminding Judges past and present that Honour comes first.

Iyer had recently demanded judicial probe into the amassment of wealth by Justice Balakrishnan family members in the wake of a television channel's report that his son-in-law P V Sreenijan had amassed wealth disproportion to his known sources of income.

According to the channel's report, Sreenijan, advocate and former Youth Congress State Vice-president and his advocate wife K G Sony had properties worth several crores of Rupees in Ernakulam and Trichur districts.

Ex-CJI kin in soup over Rs 3cr assets

Ananthakrishnan G, THN, Jan 3, 2011, 05:07am IST

THIRUVANANTHAPURAM: After his son-in-law, National Human Rights Commission chairman and former Chief Justice Justice of India K G Balakrishnan's brother, K G Bhaskaran, is in the middle of a controversy over his assets.

Investigations by local TV channels on Sunday revealed that Bhaskaran and his family own a farm spread over 60 acres in Tamil Nadu's Dindigul. The farm is registered in the name of Bhaskaran, his wife and kin in five separate deeds registered in the Attur Sub Registrar office. The property was registered in 2005 and 2007. Purchased for about Rs 22 lakh, the farm's market price is now estimated to be over Rs 3 crore. This is besides property and houses Bhaskaran owns in Kerala's Ernakulam district.

Bhaskaran is a government pleader and his wife a retired judicial magistrate. He rubbished suggestions about his disproportionate assets, saying that the family had bought the farm with its saving. "I deal with arbitration matters and have private cases and get paid for that," he said.

He wondered why there was so much hue and cry over properties of Balakrishnan's family and claimed that it was part of a design to target the former CJI. "The way media reports it, it seems we can't own any property. Apparently, they want us to be like our ancestors — at the mercy of the landlords and living on their grants," he said, and added that it amounted to questioning the entire Dalit community of which he was a part.

He said the attempts to "target" them was part of a "larger design".

THE TIMES OF INDIA

Powered by **INDIA TIMES**

About us Advertise with us Terms of use Privacy policy Feedback
RSS Newsletter TOI Mobile ePaper Sitemap Archives

Other Times Group news sites

Times Crest | The Economic Times
इकोनॉमिक टाइम्स | एकोनॉमिक्स टाइम्स
Mumbai Mirror | Times Now
Indiatimes | नवभारत टाइम्स
महाराष्ट्र टाइम्स | Go Green

Living and entertainment

Timescity | iDiva | Bollywood | Zoom

Network

times | Dating & Chat | Email

Hot on the Web

mobuzz

Services

Book print ads | Online shopping | Business solutions | Book domains | Web hosting
Business email | Free SMS | Free email | Website design | CRM | Tenders | Remit
Cheap air tickets | Testimonials | Ringtunes | Astrology | Jobs | Property | Buy car
eGreetings



A judge requested me not to write to PM about Balakrishnan: Iyer

Agencies Posted online: Mon Jan 03 2011, 21:25 hrs

Kochi : Former Supreme Court judge V R Krishna Iyer said a judge of the Kerala High Court, who has resigned, had requested him not to write to Prime Minister Manmohan Singh on the issue relating to family members of former CJI Justice K G Balakrishnan allegedly amassing wealth disproportionate to their sources of income.

Justice Iyer, however, refused to give the name of the judge who had approached him with such a request.

Iyer said that the judge had said 'I should, if I so, please not write to the Prime minister. As far as possible, I will accommodate him', he said.

Asked if he was planning to write to the Prime Minister on the issue, Justice Iyer said "I do not propose to do so now. I assume the PM must have read media reports", he said.

On whether Justice K G Balakrishnan had spoken to him on his statement, Justice Iyer replied in the negative. "Justice Balakrishnan has not called me about this", he said.

On whether Justice Balakrishnan should resign as National Human Rights commission chairperson, Iyer said "I think he should resign and face inquiry. It is left to him. I had demanded a commission of inquiry, not merely against Balakrishnan but also against his family members-- brother, son, sons-in law, daughters.

A large number of persons have called him and supported his stand, Iyer said.

Justice Iyer also refused to comment on a statement reportedly made by Tamil Nadu Chief Minister M Karunanidhi, that it was an issue about Dalit vs Iyer. "Karunanidhi is a very close friend", he said.

Kerala CM orders probe against former CJI Balakrishnan's son-in-law

PTI, Jan 3, 2011, 09:15pm IST

THIRUVANANTHAPURAM: In a new twist to the property scam involving P V Sreenijan, son-in-law of former Chief Justice of India K G Balakrishnan, Kerala chief minister V S Achuthanandan on Monday recommended a vigilance probe into the alleged amassing of wealth by Sreenijan.

In a letter to the home minister Kodayeri Balakrishnan, the chief minister said it would be appropriate to hold a vigilance enquiry into the charge that Sreenijan had amassed property worth crores of rupees in a short span of time.

Achuthanandan's letter was based on a complaint he received from one Sameer belonging to Mattanchery in Kochi, sources at the Chief Minister's office said.

Several political leaders and Jurists have demanded a probe into the matter and asked K G Balakrishnan to step down as chairman of the National Human Rights Commission.

Molloy's virtual clean chit to K G Balakrishnan

Earlier in the day, Union law minister M Veerappa Moily on Monday virtually gave a clean chit to NHRC chairman and former CJI K G Balakrishnan, saying there is no evidence of misuse of office by him.

"I don't have even a single piece of paper to say...these are all the allegations", Moily said, responding to a question on allegations against Balakrishnan's son-in-law for amassing disproportionate assets and against his brother which appeared in a section of the media.

"It's only in newspapers and (television) channels", he said on the allegations, adding "just because somebody levels charges, they don't become true".

Moily said allegations should be linked to misuse of office, if any, by the former CJI. "There is no linkage between the exercise of duty as a judge and certain property made by his kith and kin", he said.

THE TIMES OF INDIA

Powered by **INDIA**TIMES

About us Advertise with us Terms of use Privacy policy Feedback
RSS Newsletter TOI Mobile ePaper Sitemap Archives

Other Times Group news sites

Times Crest | The Economic Times
इकोनॉमिक टाइम्स | द इकोनॉमिक्स टाइम्स
Mumbai Mirror | Times Now
IndiaTimes | नवभारत टाइम्स
महाराष्ट्र टाइम्स | Go Green

Living and entertainment

Timescity | iDiva | Bollywood | Zoom

Network

Times | Dating & Chat | Email

Hot on the Web

Index

Services

Book print ads | Online shopping | Business solutions | Book domains | Web hosting
Business email | Free SMS | Free email | Website design | CPM | Tenders | Remit
Cheap air tickets | Matrimonial | Ringtones | Astrology | Jobs | Property | Buy car
eGreetings

Fali joins chorus against ex-CJI

Thiruvananthapuram January 3, 2011

The chorus against K. G. Balakrishnan got shriller with eminent jurist Fali S. Nariman joining a host of prominent people demanding an inquiry into the allegations of corruption against the former chief justice of India (CJI).

Nariman expressed solidarity with justice V. R. Krishna Iyer, who demanded a judicial probe into the allegations that P. V. Sreenijan, son-in-law of the former CJI, amassed property worth crores misusing his father-in-law's office.

"As always you are the hero of 2010. Your prompt and pithily devastating remarks on the conduct of the NHRC chairman deserve several rounds of applause. This is just to tell you that we all are deeply beholden to you for always reminding judges, past and present, that honour comes first," Nariman wrote in a letter to Iyer on December 28.

Iyer, a former Supreme Court judge, had requested Parliament and the Prime Minister on December 27 to appoint a commission to inquire into the issue.

Sreenijan within a span of four years had reportedly purchased flats and land in prime locations in Kochi and Thrissur, which are now worth several crores. Sreenijan, a lawyer and former state Youth Congress vice-president, is married to Balakrishnan's daughter Sony, who is also a lawyer.

He had unsuccessfully contested the assembly polls in 2006 on a Congress ticket. Among his property are 2.5 acres of land on the riverfront at Annamanada worth Rs 5 crore, 30 cents (a measurement) of land at Elamakkara in Kochi worth about Rs 3 crore, a luxury flat in Kochi worth about Rs 75 lakh and an office near high court worth Rs 20 lakh.

Probe ordered into ex-CJI kin's wealth

A. V. Srinivasan G. TNM, Jan 4, 2011, 04:32am IST

THIRUVANANTHAPURAM: Complicating matters for NHRC chairman and ex-Chief Justice of India K G Balakrishnan, Kerala CM V S Achutanandan on Monday ordered the state home department to start a vigilance probe into charges that the former top judge's son-in-law P V Sreenijan had amassed huge wealth.

What makes the development significant is that the probe, if it goes ahead, will also have to look into the manner in which Sreenijan, a lawyer by profession, allegedly accumulated the assets. This in turn would mean that the probe agency will have to sift for evidence to see if Sreenijan had misused his connections with the office of the former CJI.

VS gave the direction on a complaint by a resident of Mattancheri in Ernakulam district. "Since the allegations are of serious nature, the CM felt that it was only proper that the vigilance be asked look into it, official sources said.

Interestingly, the CM's proactive step has put both the Congress and the CPM in the state in a fix. Ever since the allegations came to light, Congress leaders in Kerala have been trying to put up a brave face and demand an intra-party probe against Sreenijan, a Youth Congress leader who had contested as candidate of the Congress-led United Democratic Front in the 2006 Assembly polls.

It's a difficult pill to swallow for the CPM too given reports that the Supreme Court had fast tracked hearing on the appeal of party state secretary Pinarayi Vijayan in the SNC-Lavlin case on the directions of the former CJI. This was revealed by the SC registry in reply to an RTI query by a Delhi-based lawyer. Interestingly, CPM's Malayalam mouthpiece Deshabhimani had blacked out statements made by SC Judge Justice V R Krishna Iyer and party youth wing leader M B Rajesh demanding a probe into charges against Sreenijan.

Meanwhile in Thrissur, Union defence minister A K Antony said he had only seen media reports against Balakrishnan's kin, but added that their veracity needed to be established.

THE TIMES OF INDIA

Powered by **INDIATIMES**

[About us](#)
[Advertise with us](#)
[Terms of use](#)
[Privacy policy](#)
[Feedback](#)

[RSS](#)
[Newsletter](#)
[TOI Mobile](#)
[ePaper](#)
[Sitemap](#)
[Archives](#)

Other Times Group news sites

[Times Crest](#) | [The Economic Times](#)
[इकोनॉमिक टाइम्स](#) | [ऑनोमिक्स टाइम्स](#)
[Mumbai Mirror](#) | [Times Now](#)
[Indiatimes](#) | [समयभारत टाइम्स](#)
[महाराष्ट्र टाइम्स](#) | [Go Green](#)

Living and entertainment

[Timescity](#) | [iDiva](#) | [Bollywood](#) | [Zoom](#)

Network

[times](#) | [Dating & Chat](#) | [Email](#)

Hot on the Web

[Hobby](#)

Services

[Book print ads](#) | [Online shopping](#) | [Business solutions](#) | [Book domains](#) | [Web hosting](#)
[Business email](#) | [Free SMS](#) | [Free email](#) | [Website design](#) | [CRM](#) | [Tenders](#) | [Remit](#)
[Cheap air tickets](#) | [Matrimonial](#) | [Ringtones](#) | [Astrology](#) | [Jobs](#) | [Property](#) | [Buy car](#)
[eGreetings](#)

27 DEC, 2010, 06:12PM IST, JOE A SCARIA, ET BUREAU

Kith and kin put ex-CJI KG Balakrishnan in a spot

1Cr Life Cover@Rs.818/M

PolicyBazaar.com, Termu-Plan : Only a Right Step to Protect Your Family From Any Mishap

Ad by Google

THIRUVANANTHAPURAM: A fortnight ago, National Human Rights Commission chairman KG Balakrishnan was on a mission to ensure justice for those in Kerala's Kasaragod district who have borne the toxic side effects of the pesticide endosulfan. In a curious turn of events, Balakrishnan, a former chief justice of the Supreme Court, is now facing allegations that his family members have been involved in noxious property deals in Kerala that runs into several crores of rupees.

Within hours of a Malayalam television channel putting out a report pointing to suspicious land deals of Balakrishnan's son-in-law PV Sreenijan, former Supreme Court justice VR Krishna Iyer demanded that a panel of two or three judges investigate the matter and punish whoever is found guilty.

"When KG Balakrishnan became the chief justice of the Supreme Court, I had said that the Balakrishnan era had commenced. I now rue that I have even been associated with the judicial profession", Iyer said today. The nonagenarian justice also said he was "astonished" that justice Balakrishnan had remarked he had not seen the letter written by Tamil Nadu high court chief justice R. Raghupathy about former telecom minister A Raja trying to influence him.

Justice Krishna Iyer, a minister in the EMS Namboothiripad ministry in Kerala in 1957, said it was "a shame" that the names of lawyers and those at high levels of the judiciary were linked to corruption.

The development also took on political connotations with the revelation that Balakrishnan's son-in-law had contested – and lost – on a Congress ticket in the 2006 assembly elections. KPCC president Ramesh Chennithala said the party would make inquiries on the basis of news reports about Sreenijan. DYFI state president MB Rajesh said there was proof that Sreenijan owned more assets than what were reported about.

In the backdrop of allegations against justice Balakrishnan's family members and the earlier allegation against him when he was chief justice of the Supreme Court when he turned a blind eye to chief justice Raghupathy's letter, justice Krishna Iyer said it underscored the need for setting up "an appointments and performance commission for judges".

On Friday, the NHRC is expected to release its report in New Delhi on the endosulfan disaster in Kasaragod district, and suggest recommendations, based on the findings of its team led by KG Balakrishnan that visited Kasaragod on a fact-finding mission. By the time that report is released to bring succor to the pesticide-affected persons in Kasaragod, justice Balakrishnan may himself be at the receiving end of equally toxic findings involving his near and dear ones.

Get a Quote

Type Company Name

Browse Companies

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z | 1 2 3 4 5 6 7 8 9

Home | News | Markets | Personal Finance | Mutual Funds | Infotech | Jobs | Opinion | Features | Videos | My Portfolio

Other Times Group news sites

Times of India | इकोनॉमिक टाइम्स
उद्योग/वेब टाइम्स | Mumbai Mirror
Times Now | Indiatimes
नवभारत टाइम्स | महाराष्ट्र टाइम्स

Living and entertainment

Timescity | iDiva | Bollywood | Zoom

Networking

itimes | Dating & Chat | Email

Hot on the Web

Holidix | Restaurants in Mumbai
Buy Mobiles | Katrina Kaif
Send Flowers to India
Luxury Lifestyle

Services

Book print ads | Online shopping | Business solutions | Book domains | Web hosting
Business email | Free SMS | Free email | Website design | CRM | Tenders | Remit
Cheap air tickets | Matrimonial | Ringtunes | Astrology | Jobs | Property | Buy car
eGreetings

55

NHRC Chief must resign

By Rajeev Dhavan

The year 2010 ended with a damning allegation about the former Chief Justice (CJI) K. G. Balakrishnan's son-in-law amassing a small fortune during a period approximating the former CJ's tenure.

Was this accidental good luck? Perverse? CJI was colloquially known as KGB. The venerable Justice Krishna Iyer, has asked for (i) an inquiry and (ii) the removal of KGB from the National Human Rights Commission (NHRC).

Under section 5 of the Protection of Human Rights Acts, (POHRA) through which the NHRC is constituted, the only way of removing of the chairman (under section 5) is for the President to make a reference to the Supreme Court which has to decide if he is guilty of "proved misbehaviour or incapacity".

Removal

Of course, a simple removal without reference to the Supreme Court is possible if he becomes insolvent, takes a paid job while in office, has infirmity of mind and body, mental imbalance or conviction of an offense constituting moral turpitude.

Unfortunately, Justice Krishna Iyer may not be technically right. KGB must be found wanting for what he did in the NHRC, not for allegations of what he did as a high court or Supreme Court judge.

But Justice Krishna Iyer's exhortation should not go in vain. It requires that KGB suspends himself or resigns from public office till these family embarrassments are resolved. What is not permissible to a judge is not permissible to the chairman of NHRC, too.

KGB has lived a charmed life. As a Munsif or district judge, he was not on track for appointment to the high court. But he had friends in high places (including a President of India). He resigned from lower judgeship, started an indifferent practice and was unmeritoriously made high court judge. The appointment was calculated so that he would rise in seniority and, one day, become CJI. In other words, his very elevation to the pivotal launching pad of a high court judge was shrouded with stories. Lawyers and judges made of a different mould of integrity might have resisted such a meteoric rise to power. But not KGB. Some doubt has been expressed if KGB wrote his more famous judgments. Only his law clerks can answer this question honestly. KGB may not. There have been times where I have wondered about whether some of his orders were above query. This feeling may have been shared by other lawyers, too.

True, KGB was the first Dalit CJI and his father was a matriculate and mother a seventh standard student. He suffered disadvantage if not discrimination. But when it comes to judicial rectitude, the standards of mind, body and spirit are to be applied strictly.

KGB is not the best of NHRC chairmen. The standards were set by Justices Venkatachaliah and Verma. KGB's eligibility in this regard is not his human rights record or experience, but because as an ex- CJI he is entitled to the job at least as a sinecure post. There were no other CJI's around. He got the job. KGB leaves behind an awkward legacy.

He did not exercise a CJI's moral authority over judicial lapses even though the Dinakaran and Sen impeachment were triggered in his tenure. His successor, CJI Kapadia also emerged from

humble beginnings but is known for his integrity. When Prashant Bhushan attacked his conduct in the Vedanta case, the word corruption to describe his behaviour was wrongly used.

CJI Kapadia is far from being corrupt or corruptible. But he has a gigantic problem on his hand. His own Supreme Court judges are getting edgy. Justice Katju's outburst about 'uncle judge' found one source identifying nine judges in the Allahabad High Court placed in this unenviable position. Just a few weeks earlier, CJI Kapadia transferred eleven high court judges in the public interest. This has been called the biggest "transfershake-up" since 1993. The term 'public interest' is a euphemism. One judge of the Bombay High Court, Justice R. S. Mohite, preferred to resign rather than being transferred to Patna.

But, transfer of high court judges is not a redeeming solution. The lawyers of Sikkim protested tainted judges being transferred to their high court. To say that local links alone make a judge corrupt is not correct. Corruption travels with and catches up with the judge - according to some - even to the Supreme Court in select cases.

Standards

Proof rather than suspicion is needed for this. But corruption not only penalises the court system, but makes a citizen distrust judicial independence as a virtue.

This sometimes leads to money compensation - as in the case of the Punjab judge, Justice Nirmal Yadav which got into the wrong hands. But, it also leads to a scene of unfathomable suspicions.

Even in the Supreme Court, certain lawyers are targeted to appear before certain judges. This is not the fault of the judge. I can recall a Madras judge praising me in one matter. When I left the court, I was besieged with briefs in that court in the next week. I did not appear in that court thereafter. In one instance, many years ago, an Allahabad judge was told to ask a particular lawyer not to appear before him. A lawyer was often briefed before an Orissa judge with significant success. We cannot blame the judge, who may know nothing about all this. Even today, it is said that some lawyers get favourable orders from certain judges.

Good lawyers may inspire confidence in a judge. That is unexceptional. But, it will become justice when the lawyer and judge shopping becomes a trend. Higher standards are expected from Caesar's wife and judges, even if totally innocent.

Recommendations

What must be done this year are two things. The first is to pass the Constitution (114th Amendment) Bill 2010 so that a high court judge's retiring age is also 65 years in line with Supreme Court judges.

This equalising is long due. The competition to get to the Supreme Court must stop because it is responsible for far too much nepotism. Some judges, especially chief justices of high courts, may prefer to decline a Supreme Court appointment. But it is time that merit and not seniority and favouritism be the basis of higher judiciary appointments.

The second is to introduce and pass the Judges Standard and Accountability Bill, 2010 to replace the old impeachment procedure of 1968. This bill seeks to create a complaints mechanism which will go to an oversight committee, which will vet and pronounce on the complaint. This proposal, which cleared cabinet in October 2010, is enough. A fine-tuned constitutional amendment is necessary.

Sometimes the bad things in a system have to be profiled. There are too many embarrassing episodes. In July 2010, the CJI's chargesheet into the Ghaziabad judicial expenses scam includes three former high court judges. We remain as helpless as we are astounded.

But there is spine, creativity, verve and talent in India's judicial system - not to mention the fancy footwork of the Delhi High Court's Lok Adalat clearing one lakh minor pending cases in one day in 2010. Post- independence India has produced a remarkable court- created jurisprudence. There is still a huge confidence in judges as the custodians of the rule of law. But even the best of boats will find it difficult to navigate muddy waters. 2011 is a significant year for reassessment and change.

The writer is a Supreme Court lawyer

BUSINESS
ING A CAR
STOUGH
 at rates, fuel
 and car prices
P19

SPORT RAIN INTERRUPTS FIRST DAY OF TEST

Zaheer Khan removes Graeme Smith before early lunch is called due to a drizzle

P15



hindustantimes.com

times

MONDAY, JANUARY 03, 2011

Now, former CJI's brother in dubious land deal

Ramesh Babu
 rbabu@hindustantimes.com

KOCHI: More skeletons are tumbling out of the closet of former chief justice KG Balakrishnan, now National Human Rights Commission chairman.

After the expose last week that his son-in-law PV Sreenijan's wealth grew 130 times in four years, his brother KG Bhaskaran has now come

under a cloud. Sources revealed that Bhaskaran, a state government court pleader for the last 10 years, bought 53 acres in Dindigul district of Tamil Nadu in 2005-06 and built a farmhouse there.

HT has accessed records at the Attur sub-registrar office in Dindigul, which showed that Bhaskaran and his nephew KG Praveen bought the land in Bodikamanvadi village for

₹22 lakh. Village locals who HT spoke to said that it was actually worth at least 10 times or more. What's more, registration has been done in four phases to avoid any publicity.

The sale deeds were executed on February 23, 2005 for 27.44 acres, on March 18, 2005 for 2.13 acres, on March 20, 2005 for 3.43 acres, and on Nov 20, 2006 for 20.46 acres.

CONTINUED ON PAGE 12

CJI'S BROTHER...

CONTINUED FROM PAGE 1

Besides, Bhaskaran and his wife MV Ratnama, a retired judicial magistrate, are building a palatial house in Puthan Kurus in Ernakulam district. According to sources at the worksite more than ₹40 lakh has been spent on the partially-constructed house situated on 30 cents of prime land. (One acre is 100 cents). Bhaskaran said he only invested his wife's retirement benefits. Ratnama retired from the state judicial services in 2004. Going by prevalent salaries at her level at the time, it is very unlikely that her retirement benefits could be as much as ₹40 lakh. "Allegations against former CJI's family members are far more serious than charges against former judge Justice Ramaswamy," said senior lawyer of Kerala high court Kaleeswaram Raj.

HT had reported last week that Sreenijan, a Congress leader and lawyer, had amassed huge wealth (reportedly properties worth ₹7 crore) in the last four years.

HINDUSTAN TIMES, NEW DELHI
TUESDAY, JANUARY 04, 2011

Kerala to probe former CJI's son-in-law

ht **IMPACT**

Ramesh Babu
■ rbabu@hindustantimes.com

THIRUVANANTHAPURAM The Kerala government has ordered a vigilance probe into former Chief Justice and now NHRC chief KG Balakrishnan's son-in-law FV Sreenijan's wealth that had reportedly shot up from ₹25,000 to ₹7 crore in four years.

Chief minister VS Achuthanandan directed home minister Kodayeri Balakrishnan on Monday to appoint a senior bureaucrat to probe the charges against Sreenijan, now a state Congress leader.

Meanwhile, Justice VR Krishna Iyer, who first asked Balakrishnan to quit the NHRC to allow an impartial probe, alleged that he had been requested by a retired judge not to write to the Prime Minister, seeking Justice Balakrishnan's removal.

But union law minister M Veerappa Moily virtually gave a clean chit to Justice Balakrishnan on Monday, saying there was no evidence against him. "I don't have a single piece of paper to say anything. These are merely allegations in newspapers and TV channels."

Two days ago, a Kerala Youth Congress worker, KP Shameer, wrote to Achuthanandan, citing allegations against Sreenijan

I don't have a single piece of paper to say anything. These are merely allegations in newspapers and TV channels.

M. VEERAPPA MOILY,
law minister

appearing in the media.

HT reported last week that Sreenijan, a Congress candidate in 2006 assembly elections from Ernakulam district, showed in his affidavit that he did not have any land and had a bank balance of only ₹25,000.

Records with HT showed that in 2007, he purchased a 2.5-acre riverfront property for ₹14 lakh in Thrissur. According to local people, the market rate for one cent — or one-hundredth of an acre — of land in the locality now is ₹2 lakh.

In 2009, Sreenijan and his wife and Balakrishnan's daughter, KB Sony, jointly purchased 30 cents of land in Elamakkara in central Kochi for ₹1 lakh a cent. The current price for a cent of land in the area is ₹8 lakh.

Another report on Monday said Justice Balakrishnan's brother, KG Bhaskaran, and his nephew, KG Praveen, paid ₹22 lakh for 60 acres in Dindigul, Tamil Nadu. The land is worth at least 10 times more.

SC must demonstrate will to correct itself

Harish Salve

This year saw a change in guard — Chief K G Justice Balakrishnan retired in May 2010 after a relatively long term spanning three-and-half years as compared to nine months of Chief Justice Verma, and less than two years of his immediate predecessors (except Justice Anand). At the end of 2010 the changing hues of the Supreme Court make an interesting study.

The post-Krishna Iyer Supreme Court defined itself by expanding not just constitutional jurisprudence but also gathering courage to boldly confront problems of accountability or lack of it. It courted controversy taking on cases impinging on political accountability and accountability of the political class under the criminal laws.

The years under the stewardship of Chief Justice Balakrishnan saw a distinct move from a reactive court, sensitive to the need for intervention when the rule of law was compromised, to a conservative court with its doors more closed than ajar to controversial public causes.

The lowest ebb of Chief

Justice Balakrishnan's conservative approach is defined by its two judgments in the Lalu Yadav-related cases. The first when (before assuming the office of the Chief Justice) he headed the bench in which concurring with Justice Lakshmanan (Justice Kapadia dissenting) the court dismissed Sushil Modi's attempts to ensure that the politics of coalition does not triumph over the rule of law. A brazen manipulation of the Income Tax Tribunal benches unfortunately got past judicial scrutiny — the court applying the conservative "hands off" doctrine. The results are there for all to see — the Tribunal accepted Lalu's near puerile explanation for unexplained income in a judgment that hardly does credit to that institution.

The second — almost a follow up — was when a bench headed by him (this time as Chief Justice) quashed the state government's attempt to appeal Lalu's acquittal in the unexplained assets case in an appeal by the CBI who chose to bat for the accused. The CBI should have challenged the acquittal as prosecutors normally do but — again a tribute to coalition politics — ended up challenging those who chal-



TIME FOR INTROSPECTION: Salve

lenged the acquittal. No comments on the merits of the judgment as a review is — I believe — pending consideration.

Chief Justice Balakrishnan's era did see the court engaging in some controversial cases, and deciding some important constitutional issues, but the inevitable perception was that of a conservative court, that was more often than not supportive rather than interrogative of the government!

The change of guard almost always heralds a change in direction, for it is now an accepted and remarkable phenomenon that the persona of the Chief Justice always imbues the court with colour.

Little surprise then that the year ended with sparklers from the court. Three significant interventions mark this change.

The first is the decisive manner in which the court has revived the matter relating to police reforms, taking each state to task for its failure to comply with directions issued to insulate the police force from political interference. The second is the court snubbing the government's attempt to block scrutiny of the credentials of the Chief Vigilance Commissioner. The third is its intervention in the well known 2G scam.

The last symbolises, in a manner of speaking, all that is wrong with our system. It clearly establishes beyond prima facie, the brazenly corrupt methods of decision makers, the helplessness of a honest prime minister in heading a coalition government and the enormous potential for monetary corruption in exercise of discretion. Add to this the possibility that decision making may be influenced by lobbyists who now have access to the sanctum sanctorum.

The credibility of the court has also come under sustained attack as never before some allegations are worthy of concern although for the most they are worthy of scorn. The judges of the High Courts and the Supreme Court work hard

and with a great sense of sacrifice, considering the increasingly handsome rewards from the profession. However, the institution is fragile for it cannot risk being anything less than perfect and even its votaries recognise the scope for correction. The strength of the institution lies in its ability to correct itself. It has to demonstrate its will to correct itself as much as it exercises its power to correct others.

The Chief Justice of India and the institution he heads enter the New Year under somewhat extreme weather conditions beyond the unusually cold winter in Delhi and the rest of the world. Parliament faces a potential logjam with its future course uncertain as allegations about corporate India fly fast and thick even if a little truth is embellished with a lot of salacious fiction. Even the court itself is under scrutiny. Once again the beleaguered citizenry looks with one part hope and three parts desperation upon the court to help restore some semblance of values of governance in this circus of Indian democracy.

(The writer is a well known lawyer and a former solicitor general of India)

Times of India, 01.01.11 69-9

HINDUSTAN TIMES, NEW DELHI
WEDNESDAY, JANUARY 05, 2011

hindustantimes | 09

More trouble for former CJI

DEEPENING MESS Another son-in-law of Balakrishnan found to have amassed huge wealth

ht FOLLOW-UP

Ramesh Babu

■ rbabu@hindustantimes.com

- **THIRUVANANTHAPURAM:** Another son-in-law of National Human Rights Commission chief and former Chief Justice of India KG Balakrishnan, MJ Benny, has been found to have amassed disproportionate assets.
- This comes close on the heels of a vigilance probe against his eldest son-in-law and Congress leader, PV Sreenijan, and state

advocate general's marching order to his brother, government pleader KG Bhaskaran.

HT has access to records at Maradu Panchayat on the outskirts of Kochi city, showing that Benny had purchased 96.5 cents of land (100 cents make an acre) between 2008 and 2010 for ₹81.50 lakh, while the actual cost of the land was at least ten times higher.

The land was purchased in five installments in a single village and the last registration was done on March 26, 2010. This was done just five days

PLOT THICKENS

- MJ Benny, an advocate and son-in-law of former CJI bought 96.5 cents of land for ₹81.50 lakh. The actual cost of the land is supposed to be 10 times higher
- The land was purchased in 5 installments, paid between 2008 and 2010

before the state fixed the fair price for land on April 1, 2010 to check speculation.

Sources in Kochi said Benny, an advocate who showed an

- Benny, who showed an earning of ₹50 lakh in 2009, did not take any bank loan to purchase the land

- This comes close on the heels of a vigilance probe order against CJI's eldest son-in-law P Sreenijan and brother KG Bhaskaran.

earning of ₹5.50 lakh in his 2009 income tax return file, did not take any bank loan to purchase the five plots of land.

Benny's family is also not

wealthy, as one of his brothers is a low-level employee in Kerala High Court and another is a driver. The youngest, Benny, married his classmate KB Rani, Balakrishnan's second daughter, four years ago.

Benny chose to remain silent on the issue as did his brother-in-law, Sreenijan.

The HT was the first newspaper to report on Sreenijan and Bhaskaran's wealth. A Congress candidate in 2006 assembly elections from Ernakulam district, Sreenijan's affidavit with the Election

Commission showed that he owned no land and had a bank balance of ₹25,000. In four years, his wealth shot up to several crores.

Bhaskaran also purchased 60 acres of land in Dindigul in Tamil Nadu, which does not match his known sources of income.

Meanwhile, Justice (retired) VR Krishna Iyer, a former Supreme Court judge, asked Justice Balakrishnan to put the records straight. "It is high time to break his silence. With more allegations surfacing, it is better to face a judicial probe."

APRIL 2011 FRIDAY

Tehelka

FOLLOW US
YouTubePlan for your child's
education today

HOME CURRENT AFFAIRS OPINION BUSINESS ENGAGED CIRCLE CULTURE & SOCIETY >> ARCHIVES

Go

From Tehelka Magazine, Vol 8, Issue 2, Dated January 15, 2011

CURRENT AFFAIRS

The father, the sons-in-law and the unholy properties

JEEMON JACOB & VK SHASHIKUMAR scoop documents to establish property amassed by former Chief Justice of India KG Balakrishnan's son-in-law, PV Sreenijan, a practising lawyer who recently resigned from the Kerala Congress

WHEN KG Balakrishnan was appointed Chief Justice of India in 2007, it was a great moment for a man of humble origins. But VR Krishna Iyer, former judge of the Supreme Court and national icon, now says, "I used to say that an era had begun when KG Balakrishnan became the first Dalit Chief Justice. Now, I don't feel that way."

Post retirement, Balakrishnan became head of the National Human Rights Commission (NHRC) in June last year. Ever since, a rising crescendo of allegations of corruption have been heard, fuelled by the fact that his younger brother KG Bhaskaran and his two daughters and sons-in-law all acquired vast properties during his tenure as Chief Justice.

TEHELKA has accessed documents that show that between 2007 and 2010, son-in-law Puliyanaveetil Vasu Sreenijan purchased property worth Rs. 1.85 crore. The current real estate value of these properties is in excess of Rs. 25 crore.

This is a truly amazing story of wealth creation by a man who, while contesting elections from Kerala's reserved Njarackkal Assembly constituency as a Congress candidate in 2006, had declared a bank balance of Rs. 25,000 apart from 24 g of gold.



PHOTO: SHAILENDRA PANDEY

Sreenijan is married to Balakrishnan's elder daughter KB Sony, whom he met in college. He traces his background to a humble and hard-working family: his father was a factory worker in Premier Tyres, Kalamassery, and a Congress party worker. His classmates remember him as an introvert who had a muted, almost latent, ambition to become a powerful politician. From campus politics he moved to the Youth Congress and took active part in its programmes and activities.

Sreenijan became a practising lawyer in the Kerala High Court. When Balakrishnan started his three-year tenure as Chief Justice, Sreenijan started making huge investments in real estate and tourism. This sudden acquisition of wealth is currently being probed by the vigilance department after a probe was ordered by Chief Minister VS Achuthanandan.

TEHELKA repeatedly tried to establish contact with Sreenijan for his version via SMS and phone, but all calls went unanswered.

After his marriage with Sony, Sreenijan's political career also leapfrogged. He was appointed state vice-president of the Youth Congress. Though Congress leaders like MA Kuttappan (also a former minister) challenged Sreenijan's rise, such protests were short-lived. He lost the 2006 elections but his wife purchased a flat and car parking space in Travancore Residency Towers for Rs. 6 lakh in 2007.

WITHIN A month, Sony again purchased another flat in Mather Square. The cost of the flat mentioned in the title deed is only Rs. 1.49 lakh, but the market price of flats in the vicinity was about Rs. 66 lakh at that time.

Today, Kerala Youth Congress leaders who were angry about Sreenijan's political rise are gunning for him. "We demand a CBI inquiry to find out how Sreenijan acquired so much property and assets within the last three years," said M Liju, former Youth Congress state president. On 5 January, Sreenijan tendered his resignation as Youth Congress vice-president.

In November 2008, Sreenijan purchased a river-front property of 277.52 cents in Kadukutti village in Thrissur district where he is now reportedly constructing a resort. According to the title deed, he purchased the land from Mohammed Iqbal Mather for Rs. 14 lakh. Villagers who prefer to remain anonymous say the market price was Rs. 1 lakh per cent. If that

Tehelka Tehelka on Facebook

Like
19,224 people like Tehelka.
Facebook social plugin

SLY Culture
Spooky Tamil bedrooms, publisher party games, angry chefs and more
LSAT Registration Form
Apply for Law School Admission Test 2011
Batch Get Free Counselling!

Ads by Google

PURCHASE PRICE SHOWN ₹30 lakh
MARKET VALUATION THEN ₹1.5 crore
CURRENT MARKET PRICE ₹2 crore

Sreemathy V, Sreenijan's mother

PROPERTY 3.5 cents plot (Deed No 12883/2010)
BOUGHT 6 October 2010
PURCHASE PRICE SHOWN ₹15 lakh
MARKET VALUATION THEN ₹70 lakh

MJ Benny, Son-in-law

PROPERTY Plots totaling 96.5 cent on National Highway, Marad
BOUGHT Between 19 March 2008 and 26 March 2010
PURCHASE PRICE SHOWN ₹81.5 lakh
MARKET VALUATION THEN ₹4 crore
CURRENT MARKET PRICE ₹10 crore

is the case he has allegedly shelled out Rs. 2.77 crore. And building the resort could put him back by more than Rs. 10 crore.

In 2009, Sreenijan purchased another property on Deshabhimani Road in Emakulam for Rs. 30 lakh. Later, a property of 3.5 cents of land was purchased in his mother's name (Sreemathy Vasu) adjacent to his plot.

But it is not only Sreenijan who became rich during Balakrishnan's tenure as CJI. The second son-in-law, advocate MJ Benny, too, became wealthier after his marriage to Rani, Balakrishnan's younger daughter.

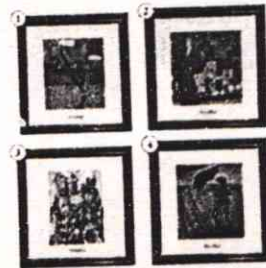
Born to a working-class Christian couple in Nettur, Emakulam, Benny married Rani in 2006. Benny and Rani, both lawyers, fell in love in the court.

Benny's assets piled up in a manner similar to Sreenijan's. Between 19 March 2008 and 26 March 2010, he purchased 98.5 cents of land through five title deeds for Rs.81.5 lakh. This is prime land along the National Highway in Marad, Emakulam district. A cursory comparison of land rates during this period shows that the property was undervalued.



Legal riches?
 Sreenijan's wealth has multiplied since 2007

SUBSCRIBE TO TEHELKA
SAVE UPTO 51%
 PLUS GET A SERIES OF LIMITED EDITION COLLECTOR PRINT



FOR TEHELKA HINDI SUBSCRIPTION
[click here](#)

FOR INTERNATIONAL SUBSCRIPTION
[click here](#)

When Benny purchased the property it was around Rs. 4 lakh per cent and at current rates would be Rs. 10 lakh per cent. Yet Benny showed his yearly income as Rs. 5 lakh and Rs. 5.5 lakh during the assessment years 2008-09 and 2009-10. Just five land deals made Benny a millionaire in two years.

Rani also embarked on an investment spree, purchasing 10.5 acres in Athirampuzha with her relatives, including Abhilash T Chandran in 2007. Chandran is the son of Thangappan, one of Balakrishnan's six brothers.

Then there's KG Bhaskaran, younger brother of the former CJI, who is in the spotlight for possessing property beyond his known sources of income. A senior government pleader practising in the Kerala High Court, Bhaskaran reportedly purchased 50 acres of land in Dindigul, Tamil Nadu. In the light of allegations of having illegally amassed property he was asked to go on leave from 4 January by Kerala's Advocate General CP Sudhakara Prasad. Bhaskaran, a former member of the CPM, contested Assembly elections as a party candidate from Vaikom in 1977.

Bhaskaran was a regular visitor to the Supreme Court during his elder brother's tenure as the CJI. He is also reportedly close to Justice Paul Daniel Dinakaran (currently Chief Justice of Sikkim High Court and former Chief Justice of Karnataka High Court) against whom serious allegations have been levelled of land grab in Tamil Nadu.

No wonder, the Kerala Vigilance Department is now probing all the assets acquired by Balakrishnan's family. Especially as the patriarch has not faded into the sunset and is now heading a body tasked with bringing justice to those whose human rights have been violated.

jeemonj@gmail.com, shashi@tehelka.com

[Tell a Friend](#) [E-M](#)

[Print](#)

[Email to Friend](#)

From Tehelka Magazine, Vol 8, Issue 2, Dated Jan 15, 2011

GET PAID TO TELL THE TRUTH
 WE ARE HIRING JOURNALISTS WHO BELIEVE IN JOURNALISM

GIFT A SUBSCRIPTION OF TEHELKA TO A FRIEND



Gift yourself a copy of
 BEST OF TEHELKA vol. 1 worth Rs450

Tehelka

READ TEHELKA
 ONLINE JUST
 AS IN PRINT FOR
 FREE!

Tehelka

About Us: About Us, With Us, and Beyond Us. Tehelka is a part of Anant Media Pvt. Ltd. © 2006-2011. All rights reserved.