

Anti Land-Grabbing Action Committee
ಭೂಕ್ರಷ್ಟಾರ್ಥಿಕ ವಿರೋದಿ ಹೊರಾಟ ಸಮಿತಿ

No. 759, 5th Main, 8th Cross, R.T.Nagar, II Block, Bangalore 560032
Website : <http://savekarnataka.in>

Ph: [094481 20305](tel:09448120305)

mail: karnatakasave@gmail.com

26 July 2016

To
Hon'ble Justice Sri T.S.Thakur
Chief Justice of India,
Supreme Court of India,
Tilak Marg, New Delhi- 110001

Hon'ble Chief Justice,

**Sub: Requesting Hon'ble Chief Justice of India to order CBI investigation
into the revelation made in the open Court by the Chief Justice of
Karnataka Hon'ble Justice Sri SK. Mukherjee, of bribe being offered
to him in a land related case before his Bench and for not taking any
action subsequently.**

I am an ex-MLA from Karnataka and the Convener of the Anti-Land Grabbing Action Committee. I was the Chairman of the Joint Legislature Committee which was formed in 2006 to give a report on land encroachment in Bangalore Urban district. The Committee under my Chairmanship gave a report in 2007 disclosing huge land grabbing by creating fictitious documents by the rich and the very powerful in the society. What was extremely sickening was the fact that the report named many former Justices (including retired) of the Hon'ble High Court of Karnataka and the Hon'ble Supreme Court of India. Details are available in our website <http://savekarnataka.in>. I am giving below two newspaper reports about recent shocking incidents of bribe offer to Justices:

I was offered ₹25 lakh for a favourable verdict: Justice Sankaran

EXPRESS NEWS SERVICE @ Kochi

TRYING to lure a judge into a money trap to obtain a favourable verdict. Impossible? Too filmy? Not necessarily, as you listened to Justice K T Sankaran, a senior judge of the senior High Court judges on Monday made an open declaration in the court room that the gold smuggling mafia made a futile attempt to "buy" him for ₹25 lakh.

The judge revealed that he was offered a bribe by an individual

who has links with persons detained under provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act to get a favourable verdict.

The judge made the revelation while the Division Bench was considering a batch of petitions challenging the preventive detention order issued against the accused in the gold smuggling case.

When the cases came up for hearing, the Bench, headed by Justice

Bid to bribe judge: VACB begins probe

The VACB Special Cell, Ernakulam, has initiated a probe into the allegation that bribe was offered to Justice K T Sankaran of Kerala High Court to obtain a favourable verdict in a gold smuggling case. The judge in his chamber on Monday formally and collected information regarding the bribery allegation. The other proceedings will be decided later. The statement of the judge will be recorded only if required," said VACB Special Cell SP Sasidharan, who is leading the investigation team.

Justice Sankaran, observed that it was not in a position to hear the case for reasons beyond its control. "One of us (Justice K T Sankaran) is not in a position to hear these cases due to certain subsequent developments. In such cases, the trials of these cases are avoided by Justice K T Sankaran," held the order issued by the Bench comprising Justice Sankaran and Justice A Hariprasad. However, the judge did not mention his revelations in the order.

The case, about 2,000 kg of gold was smuggled through Kochi airport with the help of airport staff, including an ex-immigration officer. The Central Economic Intelligence Bureau, New Delhi, is said to have ordered 13 kg of gold hidden in the seats of a plane ferrying passengers from aircraft to the terminal. The order of the Bench stated that the cases challenging the detention of the accused persons were heard on March 29 and the hearing could not be completed before summer vacation.

INDIAN EXPRESS Tue, 07 June 2016 epaper.newindianexpress.com/c/11821793

Chief Justice drops bombshell: 'I was offered a bribe'

YATHIRAJU @ Bengaluru

KARNATAKA High Court Chief Justice Subhro Kamal Mukherjee on Tuesday made the sensational disclosure that someone had offered him money in a land case.

He was hearing a revision petition filed by Umrah Developers against the Revenue Department and the Deputy Commissioner of Bengaluru Urban district. After telling the court a visitor had tried to buy a favourable verdict, he recused himself from the case.

His revelation shocked advocates in the court hall. Justice Ravi Mallimath was part of the division bench headed by Mukherjee hearing cases in the post-noon session.

This is the second such revelation within a month in the Indian higher judiciary. On June 6 exactly a month ago, Justice K T Shankaran of the Kerala High Court had recused himself from a smuggling case, saying he had been offered money to deliver a favourable judgment.

In the Bengaluru court, when senior counsel Padmanabha V Mahale appeared to argue the land case, Mukherjee said, "Wait, wait." He then directed his personal assistant to fetch a visiting card handed to him by a visitor to his office residence on Palace Road.

When the card was brought to the court, he flashed it to Mahale and said, "This person, who was speaking in Bengaluru, walked into my house yesterday. He sought a favour, offering a bribe for disposing the case listed as Serial No 34." Stunned, Mahale informed the court the visitor had no connection with the case, and requested to see the visiting card. However, Mukherjee repeated the serial number, asked Mahale to take a photocopy of the card.

Mukherjee said, "My doors are always open. Anybody can come. But not this type. I don't want to hear this case."

THE CASE THAT WAS: P5

INDIAN EXPRESS Wed, 06 July 2016 epaper.newindianexpress.com/c/11547602

Senior counsel told to photocopy visiting card

YATHIRAJU @ Bengaluru

KARNATAKA High Court Chief Justice Subhro Kamal Mukherjee disclosed on Tuesday that he was offered money in a land case. Following this, he asked senior counsel Padmanabha V Mahale, who is arguing the land case, to make a photocopy of the visiting card that was handed to him by the person offering the bribe. Reuben Jacob, the advocate who has engaged Mahale, is yet to take a photocopy, as suggested by the judge.

The Revenue Department had auctioned 1.2 acres in 2008. Umrah Develop-

ers was the highest bidder, and paid the full amount of ₹ 2.1 crore.

The land had been acquired by the Bangalore Development Authority (BDA) for formation of the Kempegowda Layout. As a result, the developers neither got the land nor the money back. The developers then approached the High Court. A single-judge bench ordered the BDA to provide alternative land to Umrah Developers.

The Revenue Department filed an appeal against the order. A division bench said the petitioner could not claim alternative land as a matter of right, and or-

dered the BDA to refund the money with interest. But the BDA did not comply with this order either.

Umrah Developers then filed a contempt petition. The Revenue Department returned the principal but not the mandated interest of 7.5 per cent a year. The developers filed a revision petition, seeking restoration of the single-judge order on the grant of alternative land.

"Since one of us is not inclined to take up this matter on personal grounds, let this matter go out of the list," said an order hosted on the High Court website on Tuesday.

INDIAN EXPRESS Wed, 06 July 2016 epaper.newindianexpress.com/c/11547602

While there are honest judges across the country who make every effort to keep the faith of citizens in the judiciary intact, acts of some of the judges tend to shake this faith. Justice Sri. PD Dinakaran, who was Chief Justice of Karnataka, short of impeachment on charges of corruption and judicial misconduct had to resign. Justice Dr. Y.Bhaskar Rao who was not only the Chief Justice of Karnataka but who later became Lokayukta of Karnataka had to resign from the post of Lokayukta and is now facing criminal prosecution for abetting corruption in the very institution meant to curb corruption. Along with the earlier incidents involving former Chief Justices of Karnataka, the recent incident of bribe offer made to the present Chief Justice of Karnataka in a land related case has caused serious concern among citizens about the very integrity of the judicial system. It appears that the fact that most of the

Justices of Karnataka are themselves illegal beneficiaries in a Housing Co-operative Society meant for judicial employees is being used by the land mafia in Karnataka to influence the judges to give favourable judgments. It is relevant to quote here a portion of the report on land grabbing given in 2007 under my Chairmanship which was tabled in both the Houses of the government of Karnataka:

Of the long list of erring HBCs, the most notorious is the Judicial Employees Cooperative HBCS. Instead of being a model for other HBCSs, this Society has created an all-India record for being Mother of Illegalities, unleashing tsunami of scandals. Judges of High Court and Supreme Court who, according to the Judgment of the Hon'ble High court itself, cannot by any stretch of imagination agree to be members of HBCS, have become members and have secured sites, flouting all norms. The HBCS has taken possession of agriculture land violating the provisions of the Land Reforms Act. The Society's Secretary and Manager has distributed a large number of sites to his close relation. Its Layout was not approved by the BDA as required under the Law. It has not left 50% of the area for civic amenities, parks, and roads as required under the Rules. Thus, the Judicial Employees Cooperative HBCS, which should have been a model and example for other HBCSs to emulate, has become a cesspool of corruption and lawlessness.

It would not be out of place to mention here the fact that as early as in 2012 itself, the then Chief Justice of Karnataka Sri JS. Khehar (presently a sitting judge of the Hon'ble Supreme Court) stated in the open Court that he is convinced that Karnataka is the

most corrupt State in the country. Further, recently, even a map generated based on google searches as to how the world perceives different Indian States, clearly shows that even rest of the world recognises Karnataka as being the most corrupt State. The statement of Justice Khehar and the map is reproduced below:

'Karnataka tops country in corruption'

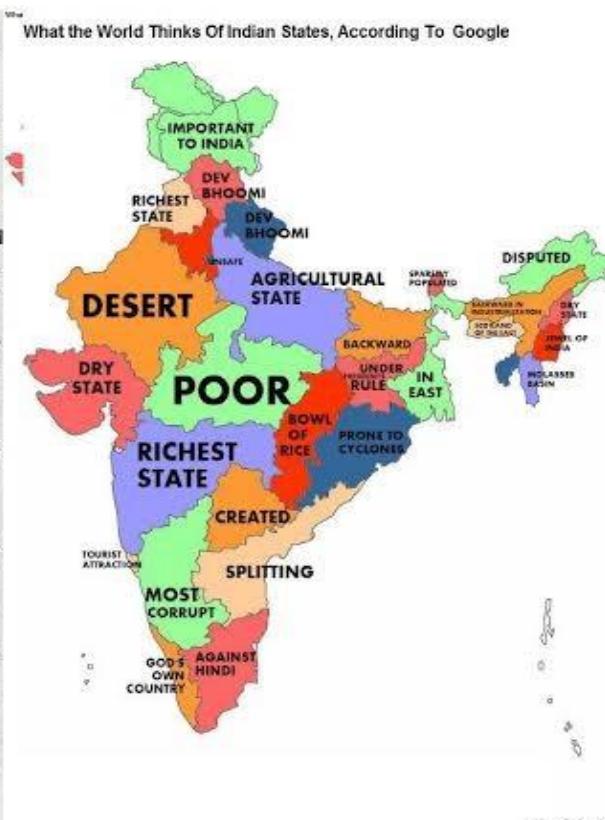
The Division Bench headed by Chief Justice J S Khehar on Tuesday declared Karnataka "most corrupt in India." "Corruption is increasing. I have been reading in the magazines that Karnataka is the most corrupt state. But we can say here now that Karnataka is No. 1 corrupt state in India," the Bench noted.

The annoyance of the Bench stemmed from a case pertaining to granting of licence for granite quarrying and its subsequent withdrawal, in Coorg district.

P C Prabhu had filed a petition challenging the withdrawal of the licence.

The Court was annoyed at the conflicting statements given by State Government and Department of Mines and Geology.

It said that the State did not have appropriate rules and regulations for anything and no mechanism to bring errant officials to book.



I am writing this letter to Your Honor hoping that, being the Head of the judiciary in the country, Your Honor will take appropriate immediate action to cleanse the judiciary which would go a long way in reducing corruption and bringing Karnataka out of this shame .

On 6th June 2016, an Hon'ble Justice of the Kerala High Court, Sri K.T.Sankaran disclosed in the open Court about bribe offered to him in a case being heard by him and recused himself from the case. A month later on 6th July 2016, Hon'ble Chief Justice of Karnataka, Sri. SK. Mukherjee disclosed in the open Court about bribe offer made to him in his residence in connection with a land related case heard by his Bench

and has recused himself from the case. Though Hon'ble Chief Justice Sri. SK. Mukherjee was aware of the action taken against those who had offered bribe to the Justice of the Kerala High Court, the developments which took place after the revelation and Sri SK. Mukherjee's reaction establish that he wanted no such action. Various individuals and the Advocates Association have written to various authorities including Your Honor to consider seriously the action of Hon'ble Chief Justice of Karnataka to ignore the criminal act. While a corrupt judge affects the cases coming up before him, a Chief Justice not taking any action against the person who offered bribe to him affects the entire judicial system in the State. This becomes all the more important as the institution of Lokayukta has been totally decimated by the government itself. As the matter is being widely discussed, we are still expecting that Your Honor will take suo-moto cognizance and initiate appropriate action keeping in mind the serious implications of such incidents on the image and integrity of the very institution of the judiciary. Public at large still believe that they will ultimately surely get justice from the Courts and it is the responsibility of the highest Court in the country to keep this faith intact as none of other Hon'ble Justices of Karnataka High Court have taken any action in this regard, least being openly opposing the conduct of the Chief Justice of Karnataka. It is highly relevant to mention that in 2009, when there were allegations against the then Chief Justice of Karnataka, Justice PD. Dinakaran, at least one then sitting Justice of the Karnataka High Court, Justice Sri D. Shylendra Kumar had publicly condemned the conduct of Justice PD. Dinakaran on the internet by opening a blog and an extract from his blog is given below:

Extraordinary situations call for extraordinary measures:

....Well grace, propriety and good conduct are definitely not the strong points of our chief justice. Well, I will work out a way.

But the point here is, that the people of the state and the country should be aware of such developments and also react

to the same. It is for this purpose, I am posting this communication on the net.

Ultimately, Justice PD Dinakaran facing impeachment on corruption and judicial misconduct had to resign.

Your Honor has publicly bemoaned in the presence of the Hon'ble Prime Minister about the inability of the overburdened judicial system to deliver timely justice. We are sure Your Honor is aware that the damage that would be done if such incidents as given above are not addressed would be worse than the damage caused by insufficient number of judges. This has forced me to write this lengthy letter to your Honor about the further damage that would be done to the judicial system which has already been dented, particularly when the Courts are the last resorts for justice in democracy for a common man.

In land related issues, the land mafia have not only corrupted the government and various institutions including the Karnataka Lokayuka , the recent brazen incident gives an impression that even the judiciary has not been excluded. In fact, after successive governments failed to take action on the report given under my Chairmanship in 2007, we formed a Committee along with other activists under the leadership of veteran freedom fighter Dr.H.S. Doreswamy (98 years old) and launched a struggle against land grabbing by very influential and powerful people by creating fictitious documents for government lands and the Committee has been forcing the government to act on the report. Details are available at <http://savekarnataka.in> . While some lands have been taken back after the intervention of the Courts, till today no criminal action has been initiated against those who grabbed and those who connived with them to grab those lands.

It now appears that an even bigger scam has started emerging related to auctioning

of lands taken back from the land grabbers and the incident involving the Hon'ble Chief Justice in a way confirms the involvement of very powerful, as even an authority vested with power and responsibility chose to remain silent. The fact that the land mafia in Karnataka is very powerful is confirmed by the fact that Justice Dr. Y. Bhaskar Rao (former Chief Justice of High Court of Karnataka) is being criminally prosecuted for his acts of omissions and commissions as Lokayukta, Karnataka. I do not know how far the announcement by Justice Dr. Y. Bhaskar Rao that he would take suo-moto action on a memorandum given by our Committee against some cases of land grabbing by very powerful people in the government hastened the total decimation of the very institution of Lokayukta in Karnataka.

I would like to bring to Your Honor's notice that our Committee requested the present Chief Justice of Karnataka to intervene in another matter of revelation in open Court by a Hon'ble judge of the Karnataka High Court that he possessed corruption CD relating to land irregularities involving Rs. 100 crores which he would disclose only after his retirement. The letter written by the Committee on 19th December 2015, much before the retirement of that Hon'ble Justice is available at <http://savekarnataka.in/OCT15/ATR%20CJ%20CD.pdf> for your reference. The subject of the letter written by our Committee to the Hon'ble Chief Justice of Karnataka is as follows: **Requesting to take appropriate action in respect of Rs. 100 crores corruption scandal CD in possession of a sitting High Court judge, Justice Sri Ram Mohan Reddy.** The silence of the Hon'ble Chief Justice of Karnataka in that matter and the inaction by him again in the instant case have forced me to write this letter to Your Honor in the interest of State. It is relevant to mention that both the incidents related to land related issues.

I want to elaborate why immediate investigation by CBI is extremely important. In this

regard, I would like to mention the implications of the silence on the part of the Chief Justice of Karnataka after disclosing it in open Court and an instance of how a similar situation was handled responsibly outside India.

Hon'ble Chief Justice of Karnataka by refusing to take action on the person who had come forward to offer bribe in his official residence (it is relevant to mention here that most of the corrupt activities which resulted in criminal prosecution of Justice Dr. Y.Bhaskar Rao took place in the official residence of the Lokayukta) has violated not just various corruption related laws but also the Zero-tolerance policy to corruption which our country has accepted by being a signatory to the UN Convention against Corruption and having ratified the same. Hon'ble Chief Justice of Karnataka has also violated the oath of office he has taken clearly establishing that either for some reason he wants to protect the person who had come forward to offer him bribe or is afraid to act against that person. This becomes all the more important when the pressure from the corrupt lobby on the government is continuously weakening the anti-corruption laws and delaying protection to whistle-blowers in the entire country even after the enactment of the Whistle-blowers Protection Law more than two years back. As the PIL relating to total absence of protection to Whistle-blowers is presently before the Hon'ble Supreme Court, I am not further elaborating it.

If a sitting Chief Justice of a High Court is afraid to come forward after blowing whistle (his revelation in the open Court is nothing but an act of whistle-blowing), the plight of citizens and government servants who blow whistle will not be difficult for Your Honor to understand. This becomes all the more important when Courts are merciless when it comes to pleas made by a poor and illiterate person about ignorance of law.

The silence on the part of the Hon'ble Chief Justice of Karnataka, after revealing the

offer of bribe has not only set an undesirable low standard of judicial conduct but also makes ordinary citizens to think twice before approaching Courts for justice that too when such an incident has happened in two different States within a span of one month. While these two incidents have come to light and action is being demanded, it certainly gives scope for creation of impression in the minds of public that there may be many more such incidents which have been suppressed which would have resulted in ‘legally’ looting of public wealth with the connivance of corrupt government machinery which has been brazenly harassing whistle-blowers at all levels. To put it very bluntly, the incident reeks with criminal conspiracy involving the judiciary and the government to illegally benefit the greedy at the cost of society by subverting justice. In the light of the above, the unimaginably exorbitant fee charged by certain advocates in the country make any reasonably thinking citizen to ponder what part of such huge fees so received goes as bribe. This also gives raise to a doubt whether face value of advocates is equated with their expertise in law or for their expertise in using money to get judgments favourable to their clients. At present the only silver line in the highly clouded situation is the decision of the Karnataka Bar Council demanding action against the Hon’ble Chief Justice of Karnataka. Refusing to take action demanded in such a situation by the highest judicial authority in Karnataka amounts to abetment of crime and promoting corruption by criminally conspiring with others.

In the instant case, all the ingredients needed to punish a bribe giver could have been established beyond doubt as the evidence of the Hon’ble Chief Justice of Karnataka carried weight because of both direct and circumstantial evidences and because of the location of the offer of bribe. The credibility of the Hon’ble Chief Justice of Karnataka would have become unimpeachable if he had filed a complaint. Certainly apart from direct evidence, there would have been many corroborative evidences (in the case of Dr. Justice Y.Bhaskar Rao who resigned as Lokayukta, the statement of

his cook is being used against him is known to all those who are following the case). The Hon'ble Chief Justice of Karnataka could have easily got the person who offered him bribe trapped and set a model for prosecuting bribe givers. This becomes important in view of the observations made by a Bench chaired by Your Honor's immediate predecessor and the relevant portion is quoted below:

The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1) (d)(i)&(ii) of the Act and in absence thereof, unmistakably the charge therefore, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof ... would thus not be sufficient to bring home the charge under these two sections of the Act

Mere possession and recovery of currency notes from an accused without proof of demand would not establish the offence. It has been propounded that in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be proved,"

As receiving bribe is not part of duty of any judge/authority in the country but on the other hand is a criminal offence, Hon'ble Justice Mukherjee not taking action to punish the person who had come forward to offer the bribe to him amounts to abetment. Being the senior most Justice in the Court, by openly refusing to take further action in the case to take it to the logical end, Hon'ble Justice Mukherjee has pre-empted other Justices of the Karnataka High Court from taking action on it. Unfortunately, silence on the part of the Hon'ble Chief Justice of Karnataka gives rise to strong suspicion that this could be a case of blackmail. Hence, I am forced to write letter to Your Honor in this manner as only Your Honor can address this extremely serious issue now. The

fear of opening the pandora's box exposing more corruption in the judiciary should not deter Your Honor from ordering CBI enquiry, as in democracy , Rule of Law must prevail and only judiciary can ensure it.

While the official Secrets Act (enacted to punish honest government servants and citizens when British were ruling India!) is used even today to silence whistle blowers by their corrupt bosses, the contempt of Courts play a similar role when it comes to exposing corruption in judiciary. However unpleasant the findings of the CBI investigations may be, the integrity of the Court should not be allowed to be clouded. I hope that Judicial Accountability Bill will be strengthened to address such issues.

Some countries have laws to mitigate bribe givers if they self-report before the commencement of any prosecution in instances where bribe is demanded. In the instant case, Hon'ble Chief Justice was not only duty bound but could have elevated the stature of the judiciary itself by pursuing action against the bribe giver unless the bribe was demanded by himself. Any right thinking person will certainly ask the question, who will have the courage to bribe a Chief Justice at his own residence? The cliché that *justice is blind* should not be extended to mean that even judges are *blind* when it comes to corruption in their own official residences.

I would not have written this letter if Hon'ble Chief Justice of Karnataka had acted like Justice Henry L.Lackey when he responded to a similar situation including suffering damage of health, not to mention about other things he had to face. The following quote from the book *Power Greed Hubris – Judicial Bribery in Mississippi* by James R. Crockett published in 2014 reveals the highest standard set by a judge:

...Judge Lackey was 73 years old when Tim Balducci , a friend and fellow attorney attempted to bribe him to rule for the defendants in the law

suit Jones v. Scrugges . That 2000 incident changed Judge Lackey's life forever...Judge Lackey's comment about being approached by Tim Balducci in the Scrugges affair is revealing: " My first thought was what kind of character flaw has he discovered in me that would lead him to think that I would do something like this? I was furious. I mean that this strikes at the heart of our judicial system." Lackey said the bribe proposal was a "shock that I cannot put into words."

Lackey soon went to the authorities and agreed to work with the FBI in a sting operation which eventually brought to justice those who tried to bribe him...

...Judge Lackey had health issues that were heightened by his part in the investigation and its aftermath. When Balducci left one session with Lackey that the judge had taped for the FBI, Lackey's pacemaker went off and he landed in the hospital. Had the federal authorities known the seriousness of his health problems, Lackey would not have been asked to participate in the sting. While he did not face threats from those he implicated in criminal behaviour, it is no stretch to say that he took his life in his hands.

From day one Judge Lackey has modestly maintained that he is no hero. In a March 2010 interview he said that praising him for what he has done was like praising the Sheriff for not stealing...

Karnataka would have been very proud to have such a person as Chief Justice if he had also responded like Judge Lackey. In the light of the above, our Committee demands Your Honor to take suo moto cognizance of the case and order investigation by the CBI.

I would like to conclude by reproducing below a poem titled *A Judge's Progress* from Judge James Clarke from a collection of his poems titled *How to bribe a Judge : Poems from the Bench* published in 2002

***At the beginning he wrote judgments
To follow the Law
And please the Court of Appeal.***

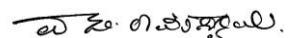
***Then when the Court of Appeal disagreed
He knew
he was doing something wrong***

***At the end he wrote judgments
To please himself
And follow the Court of Conscience***

***Now when the Court of Appeal disagreed,
he knew
he was doing something right.***

Thanking you,

Yours sincerely,



(A.T.Ramaswamy)
Convener

Copy to:

1. Hon'ble Sri Ravishankar Prasad, Minister for Law and Justice and Electronics and Information technology, 4th floor, A- Wing, Shastri Bhavan, Rajendra Prasad Road, New Delhi - 110001. - With a request to take appropriate action to hold Justices accountable in such cases.
2. The Secretary General, Supreme Court of India, Tilak Marg, New Delhi- 110001 - for information and with a request to place this letter before the Hon'ble Chief Justice of India
3. Justice Sri Subhash B. Adi, Upa Lokayukta, Karnataka – with a request to initiate action against the Head of the Anti-Corruption Bureau and the Chief

Secretary of Karnataka for not taking any action as the involvement of very senior All India Service officers cannot be ruled out (including retired).

4. The Registrar General, High Court of Karnataka, High Court Buildings, Dr.Ambedkar Veedhi, Bangalore-560 001 – with a request to place this letter before the Hon'ble Chief Justice of Karnataka Justice Sri SK. Mukherji.