

## CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS

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Dated: 13.07.2017

### **PRESS NOTE**

On 03.03.2017, the Campaign for Judicial Accountability and Reforms (CJAR) sent a serious complaint against the then Acting Chief Justice of the Patna High Court, namely Justice Hemant Gupta, containing evidence of several charges of money laundering, acquiring several properties by illegal means, possessing disproportionate assets, and seeking to influence officer of the ED who was investigating these charges and had submitted a scathing report.

In pursuance of a resolution adopted in a Chief Justices conference 1997, it had been decided that an in-house procedure for investigating charges against sitting judges would be devised, in which the Chief Justice of India would constitute a committee of two Chief Justices of the High Court, and another High Court judge. However despite there being considerable evidence for the aforementioned charges, and the existence of a taped conversation between the J. Hemant Gupta and the ED officer in which he asked the ED officer to come and meet him to resolve the matter and thus, tried to influence him, no such in-house enquiry appears to have been set up, despite a further reminder dated 27.03.2017 sent to the Chief Justice of India. Also no communication whatsoever has been received by the CJAR from the Chief Justice of India as to what has been done to the complaint and why no in-house enquiry was set up to enquire into the charges.

On the other hand, we find that Justice Hemant Gupta has been promoted as the regular Chief Justice of the Madhya Pradesh High Court

without any enquiry into the charges. It is learnt that the government of India was also seriously interested in the promotion of J. Hemant Gupta who comes from an influential RSS background.

The failure of the Chief Justice of India to constitute an in-house enquiry against J. Hemant Gupta shows the futility of this in-house procedure. It also shows that often Chief Justices' act on subjective considerations and on the basis of his own personal equations with the judge concerned. This underlines the need for putting in place a permanent full time commission, which is independent of the government and the judiciary, for investigating complaints against judges and taking action against erring judges. The need for such a Commission has also been underlined recently by JJ. Chelameshwar and Gogoi, in their separate judgment in J. Karnan's case.

Unfortunately, in the absence of such an independent mechanism, the only available resort is impeachment which is a political process, but needs to be resorted to in some extreme cases. The CJAR feels that the case of J. Hemant Gupta is a fit case for commencement of impeachment proceedings and we urge leaders of all political parties to come together to initiate this process to protect the integrity of the judiciary.

A copy of the complaint dated 03.03.2017 along with annexures is enclosed. The last **Annexure L** is the note recorded by the Assistant Director of ED, PMLA regarding the attempt made by J. Hemant Gupta to influence him.

(Prashant Bhushan)

*Convenor*

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