

Campaign for Judicial Accountability and Judicial Reforms

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To,
The Chief Justice of India
Supreme Court of India
New Delhi

23/9/10

Subject: Complaint against Justice F.I. Rebello, Chief Justice of the Allahabad High Court

Dear Chief Justice,

This is to bring to your notice what appears to be an act of misconduct committed by Justice F.I. Rebello, the Chief Justice of the Allahabad High Court.

The facts are as follows: Writ Petition 2019/09, Kamlesh Verma Vs. Union of India, challenging the refusal of the Governor to grant prosecution sanction against Ms. Mayawati and others in the Taj Corridor case, was filed in Feb 09, in the Lucknow bench of the Allahabad High Court. The case has been throughout heard by a bench of Justice Pradeep Kant and Justice Shabihul Husnain. It was heard on many dates (Copies of some of the orders are collectively annexed as Annexure A), after which a detailed order was passed in Sept 09 admitting the petition and ordering its listing in November 09. A copy of this order is annexed as Annexure B. Thereafter it was once listed before a bench of then Acting CJ Amitava Lala and Justice Husnain on 25/2/10. This bench noted that the case had been heard by the bench of Justice Kant and Husnain and ordered it to be listed before them in the week commencing 8/3/10. This order is annexed as Annexure C. That thereafter it was again listed and heard by the aforesaid bench headed by Justice Kant on a number of dates.

On 26th June 2010, Justice F.I. Rebello took over as Chief Justice of the Allahabad High Court, during the summer vacations there. On 19th August, the Press Information Bureau of U.P. reported that Ms. Mayawati met Justice Rebello at his Lucknow residence which was described as a courtesy call. A copy of the release of the PIB is annexed as Annexure D. It is learnt that Ms. Mayawati was accompanied by Shri S.C. Mishra, the legal advisor and Aide of Ms. Mayawati.

Within 9 days of this meeting, a rather unusual administrative order was issued on 28/8/10 by Chief Justice Rebello, classifying PILs in Lucknow for the first time into two categories, Civil and Criminal. Such a division of PILs into Civil and Criminal PILs is unprecedented and has not been adopted by any court so far as we are aware. He made a new bench headed by Justice A. Mateen to deal with all Criminal PILs and said that Justice Kant's bench

would henceforth deal only with Civil PILs. Curiously, he also directed that even part heard cases would be shifted to the newly designated bench. A copy of this order is annexed as Annexure E.

It appears that someone then pointed out to Justice Rebello that the PIL against Ms. Mayawati being heard by Justice Kant's bench was classified as a Civil PIL. He then issued a clarification 3 days later on 31/8/10 that "Matters pending as PIL wherein sanction/non sanction or refused to grant sanction u/s 196 or 197 Cr.PC as well as u/s 19 of the Prevention of Corruption Act is involved would be classified as a Criminal PIL". This particular clarification was clearly meant for the PIL against Ms. Mayawati as this was the only case affected by this order. A copy of this clarification is annexed as Annexure F.

Though it is the prerogative of the Chief Justice to make the roster and change the roster and even divest benches of part heard cases, it is most unusual for a Chief Justice to issue such administrative orders which are so specific so as to affect only one case. There was no justification for transferring this part heard case from the Bench of Justice Kant (who enjoys a universal reputation of being an upright and strong judge) which had heard this case extensively. Justice Rebello's meeting with Ms. Mayawati just 9 days prior to this is very significant. These orders have also been adversely commented upon in the Media. A copy of a report on this in the Hindustan Times on 20th September 2010 is annexure G.

I would therefore request you to kindly examine the circumstances and justification for these unusual orders of Justice Rebello which appear to be designed to take away this sensitive case against Ms. Mayawati from the bench of Justice Kant in an arbitrary manner and take appropriate action in the matter by way of Transfer or in house inquiry proceedings. It would also be appropriate if the action taken in this matter is disclosed to the people.

With warm regards,

Sincerely,

(Prashant Bhushan)

Convenor, Campaign for Judicial Accountability and Judicial Reforms