

Power Breeds Corruption and Absolute Power Corrupts Absolutely

Praveen Singhal: (Advocate) Research Scholar, JJT University, Jhunjhunu,
Rajasthan

There is an old adage, “*Power breeds corruption and absolute power corrupts absolutely*”. This saying appears to be aptly and squarely applicable to the judicial in our country. More so, looking to the recent media report about the **Ghaziabad Provident Fund Scam**, when the vigilance judge of the Ghaziabad District Court reported to the High Court about how more than 7 Crores had been siphoned out of the Ghaziabad treasury by successive District Judges of Ghaziabad with the help of an administrative officer of the Court, in the guise of Provident Fund advance to class 3 and 4 employees. The administrative officer of the Ghaziabad Court, shri Ashutosh Ashana made a confessional statement before the court that he had done this at the behest of successive judges of the district Court and that much of money had been used for several High Court judges as well as a Supreme Court judge.

The fact however that is while several minor employees have been chargesheeted, no judge has been chargesheeted yet. Moreover, Ashutosh Asthana died in jail in mysterious circumstances which his family believed to be a murder.

While there cannot be any debate and controversy that judicial independence has to be maintained at every cost, however, the question is whether the ‘Power’ has to be made transparent and accountable. In the 21st century where everything is moving at a phenomenal speed, reform in the judicial institution still moves at a snail’s pace and there has been nothing done to ensure that the sacred institution keeps pace with the changing ethos, values and technological development.

I joined the City Civil and Sessions Court at Bombay in 1973 as Clerk and thereafter, on 8th December, 1984 as an advocate, I began my practice in Bombay’s Courts. During this period, I noticed rampant corruption in Bombay High Court and other Courts of Bombay i.e. City Civil and Sessions Court, Ld. Metropolitan Magistrate Courts, Small Causes Courts, Labour Courts etc.

In response to an appeal made by late shri Rajiv Gandhi, the then Prime Minister of India, I went on hunger strike on 8th December, 1984, to expose the corruption in Bombay High Court and other lower Courts. I distributed about 10,000 pamphlets identifying the names of corrupt judges and their agents. Unfortunately, my this honest and sincere effort was not supported by advocates in the Bar at Bombay. Eventually, after 7 days of my hunger strike, I gave up my hunger strike on the request of

Variorum, Multi- Disciplinary e-Research Journal
Vol.-01, Issue-III, February 2011

Senior Lawyers from the Bar. I had then realized that majority of lawyers did not want eradication of the prevailing corrupt system in judiciary and people at large were also not concerned about the corruption in judiciary. I had also reported all these developments to late shri Rajiv Gandhi, but before, I could get an opportunity of hearing, our beloved Prime Minister was assassinated.

After some time of my hunger strike, the Advocates' Association of Western India (AAWI) and the Bombay Bar Association (BBA) had passed Resolution expressing no confidence in 5 sitting Judges of Bombay High Court and recommend boycott of their Courts, leveling various allegations of corruption and misconduct against them, they were Justice S.K.Desai, Justice M.P.Kenia, Justice Sharad Manohar, Justice G.H.Guttal and Justice V.S.Kotwal, leveling various allegations of corruption and misconduct. No action was taken against them by Hon'ble Supreme Court of India.

The Bar Council of Maharashtra and Goa had then initiated a suo motu enquiry in the matter of my hunger strike and had collected evidence supporting the allegations leveled in my pamphlets but had not produced the same before the High Court for reasons unknown and a Division Bench of Bombay High Court (Coram: Mr. Pendse and Mr. Tipnis JJ.) convicted me by an ex parte order saying that truth is no defence in contempt proceedings and sentenced me for simple imprisonment for three month and I was sent to jail.

Later on, the Disciplinary Committee of the Bar Council of India had closed the enquiry by their order dated 29/09/1998 against me after considering the evidence and my unconditional apology.

The purpose of this article is to bring the causes of corruption before the society to show how the politicians are responsible for the corruption in Mumbai Courts and give suggestions to curb the corruption in Judiciary in India.

Webliography

www.frankspeaks.com

www.deepdyve.com

www.citizenjournalismafrica.org

www.edlotterman.com

www.indiabix.com

www.cato-at-liberty.org

www.legalschnauzer.blogspot.com