

IN THE SUPREME COURT OF INDIA
(CRIMINAL ORIGINAL JURISDICTION)
WRIT PETITION (CRIMINAL) NO. 169 OF 2017
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF

CAMPAIGN FOR JUDICIAL
ACCOUNTABILITY AND REFORMS

PETITIONER

VERSUS

UNION OF INDIA & ANR.

RESPONDENTS

COUNSEL FOR THE PETITIONER: PRASHANT BHUSHAN

SYNOPSIS

That the present writ petition in public interest under Article 32 of the Constitution of India is being filed for the enforcement of fundamental rights of citizens under Articles 14 and 21 of the Constitution. A recent FIR lodged by the Central Bureau of Investigation (CBI) in the matters relating to criminal conspiracy and taking gratification by corrupt or illegal means to influence the outcome of a case pending before this Hon'ble Court, shows a nexus between middlemen, hawala dealers and senior public functionaries, including the judiciary. The case in which the FIR has been filed involves a medical college set up by the Prasad Education Trust in Lucknow. The said college was receiving adverse reports with respect to compliance with the requirements for setting up a Medical College by various assessments conducted by the Medical Council of India (MCI). Since the college was ultimately debarred by the government from admitting students for the academic years 2017-18 and 2018-19, at least three petitions were filed in quick succession before this Hon'ble Court and the Hon'ble Allahabad High Court. As it appears from the FIR lodged by the CBI, an attempt was being made to unduly influence the outcome of the petition which was pending before this Hon'ble Court. The FIR lodged by the CBI is naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get the favourable order in a petition pending in this Hon'ble Court. The said petition was being heard by a bench headed by the present Chief Justice of India. It therefore casts an aspersion on the judiciary at the highest level. Hence, it becomes essential that this case is investigated under the supervision of a Special Investigation Team headed by a retired Chief Justice of this Hon'ble Court and that the investigation is not left to an agency fully controlled by the government i.e. the CBI which has lodged the FIR and currently undertaking the investigation. This is important in order to protect the independence and integrity of the judiciary and also to restore the public confidence in the

judiciary. If the CBI, which is controlled by the government, is allowed to undertake the investigation in the present matter, the government can use this to compromise the independence of the judiciary. The present petition is therefore being filed seeking the constitution of a Special Investigation Team, headed by a former Chief Justice of India, to investigate the above mentioned matter.

LIST OF DATES

Date	Particulars
30.12.2015	Medical Council of India letter to Central Government, not to issue Letter of Permission for establishment of New Medical College at Lucknow, Prasad Institute of Medical Sciences.
14.05.2016	Medical Council of India disapproved reiterated its earlier decision and returned the application for establishment of new medical college at Lucknow
8.06.2016	Ministry accepted the recommendation of MCI and disapproved the applications for the college for establishment of a new college
11.08.2016	Supreme Court Mandated Oversight Committee approved the scheme of establishment of new Medical College at Lucknow
20.08.2016	Central Government on approval of Oversight Committee granted Letter of Permission for establishment of new Medical College.
11.11.2016 12.11.2016	and An assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI
9.12.2016 10.12.2016	and Another inspection of college was conducted by the MCI by the Council of Assessors.
26.12.2016	MCI informed the Ministry that the College had failed to abide by its undertaking it had given to the Central Govt. and should be debarred from admitting students for the two academic

	years 2017-18 and 2018-19, as the infrastructure and facilities of the college were found to be grossly deficient.
31.05.2017	The Ministry after considering the recommendation of the MCI, Hearing reports of the Director General of Health Services and view of the Oversight Committee decided to accept the recommendation of the MCI since the college was found deficient in MCI inspection and debarred the college for two years and authorised MCI to encash the Bank Guarantee
1.08.2017	On W.P. (C) 442/2017, filed by the college, which was connected with the similar matter bearing W.P. (C) No. 411 of 2017, Glocal Medical College and Super Speciality Hospital and Research Centre v. UOI and Anr. this Hon'ble Court passed an order directing the Central government to re-evaluate the recommendations/view of MCI, Hearing Committee, Director General of Health Services and the Oversight Committee.
3.08.2017	Ministry granted hearing to the college and concluded that it agrees with the 31.05.2017 decision of the Ministry to debar the college for 2 years
10.08.2017	Ministry reiterated its earlier decision dated 31.05.2017 to debar the college from admitting students for a period of two years i.e. 2017-18 and 2018-19 and also to authorise the MCI to encash the Bank Guarantee of Rs. 2 crores.
24.08.2017	The above mentioned writ petition was withdrawn with a liberty to move the Hon'ble Allahabad High Court, which from the FIR appears to have been done on the advise of Shri. I.M. Qudussi, retired Justice of the Orissa High Court.
25.08.2017	Misc. Bench 19870 of 2017 Prasad Education Trust, Lucknow, Thru. Its Chairman & Anr v. UOI was filed by Prasad Education Trust in the Allahabad High Court. Allahabad High Court passed an order directing that the petitioners college shall not be de-listed from the list of colleges notified for counselling till the next

	<p>date of listing i.e. 31.08.2017. Further the court ordered that the encashment of Bank Guarantee was also stayed till the next date of listing. It was further clarified that on the basis of the order, the petitioners shall have no right to claim any admission of the students.</p>
29.08.2017	<p>SLP 22427 of 2017 against the aforesaid order of the Allahabad High Court was disposed off on the respondent submitted that the college does not claim any benefit from the order passed by the High Court.</p>
31.08.2017	<p>Prasad Education Trust filed a writ Petition No. 797/2017 which was admitted by a bench headed by the Hon'ble Chief Justice of India.</p>
4.09.2017	<p>The Hon'ble Court ordered that the matter be listed for 11.09.2017 and meanwhile the bank guarantee shall not be encashed by the MCI</p>
11.09.2017	<p>The court ordered that the matter be listed for 18.09.2017</p>
18.09.2017	<p>This Hon'ble Court directed that there shall be no renewal for the academic session 2017-18 and that the bank guarantee which was deposited shall not be encashed and be kept alive. Further that the MCI shall send the inspecting team to the Institution as per the schedule for consideration of grant of Leave of permission for the academic year 2018-2019.</p>
19.09.2017	<p>FIR was registered by the CBI against private persons and Shri I.M. Quiddusi, Retd. Justice of the High Court of Odisha on grounds of Criminal Conspiracy, taking gratification by corrupt or illegal means to influence a public servant.</p>
20.09.2017	<p>CBI raids various place and recovers close to 2 crores in cash and several incriminating documents.</p>
30.10.2017	<p>Hence this Writ Petition Before Hon'ble this Court</p>

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(CRIMINAL ORIGINAL JURISDICTION)
WRIT PETITION (CRIMINAL) NO. OF 2017
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF

CAMPAIGN FOR JUDICIAL
ACCOUNTABILITY AND REFORMS
THROUGH ITS SECRETARY
6/6 BASEMENT, JANGPURA B
DELHI – 110014
PHONE: 011-24374535
E-MAIL: judicialreforms@gmail.com

PETITIONER

VERSUS

1. UNION OF INDIA
THROUGH ITS SECRETARY,
DEPARTMENT OF PERSONNEL
AND TRAINING
NORTH BLOCK,
CENTRAL SECRETARIAT
NEW DELHI – 110001

2. CENTRAL BUREAU OF INVESTIGATION
THROUGH ITS DIRECTOR
CGO COMPLEX, LODHI ROAD
NEW DELHI-110003

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RESPONDENTS

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN PUBLIC INTEREST FOR
ISSUING APPROPRIATE DIRECTIONS FOR THE INSTITUTION
OF AN INDEPENDENT AND FAIR INVESTIGATION BY A
SPECIAL INVESTIGATION TEAM IN THE MATTER RELATING
TO THE ALLEGED PAYMENT OF ILLEGAL GRATIFICATION
TO INFLUENCE THE OUTCOME OF A CASE PENDING
BEFORE THIS HON'BLE COURT**

To,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA

The Humble Petition of the petitioner above-named
MOST RESPECTFULLY SHOWETH: -

1. That the petitioner is filing the instant writ petition in public interest under Article 32 of the Constitution of India for the enforcement of fundamental rights of citizens under Articles 14 and 21 of the Constitution. A recent FIR lodged by the Central Bureau of Investigation (CBI) in the matters relating to criminal conspiracy and taking gratification by corrupt or illegal means to influence the outcome of a case pending before this Hon'ble Court, shows a nexus between middlemen, hawala dealers and senior public functionaries, including the judiciary. The case in which the FIR has been filed involves a medical college set up by the Prasad Education Trust in Lucknow. The said college was receiving adverse reports with respect to compliance with the requirements for setting up a Medical College by various assessments conducted by the Medical Council of India (MCI). Since the college was ultimately debarred by the government from admitting students for the academic years 2017-18 and 2018-19, at least three petitions were filed in quick succession before this Hon'ble Court and the Hon'ble Allahabad High Court. As it appears from the FIR lodged by the CBI, an attempt was being made to unduly influence the outcome of the petition which was pending before this Hon'ble Court. The FIR lodged by the CBI is naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get the favourable order in a petition pending in this Hon'ble Court. The said petition was being heard by a bench headed by the present Chief Justice of India. It therefore casts an aspersion on the judiciary at the highest level. Hence, it becomes essential that this case is investigated under the supervision of a Special Investigation Team headed by a retired Chief Justice of this Hon'ble Court and that the investigation is not left to an agency fully controlled by the government i.e. the CBI which has lodged the FIR and currently undertaking the investigation. This is

important in order to protect the independence and integrity of the judiciary and also to restore the public confidence in the judiciary. If the CBI, which is controlled by the government, is allowed to undertake the investigation in the present matter, the government can use this to compromise the independence of the judiciary. The present petition is therefore being filed seeking the constitution of a Special Investigation Team, headed by a former Chief Justice of India, to investigate the above mentioned matter.

INTRODUCTION OF THE PETITIONER

1 A. That the Petitioner is the Campaign for Judicial Accountability and Reforms (CJAR). The Campaign is an unregistered body that is steered by an Executive Committee consisting of well known human rights advocates, activists and academics. The Campaign works in public interest on issues that concern judicial accountability and reforms. The Campaign has organised various seminars, discussions and national conventions on issues of judicial accountability and judicial reforms, sent various representations to the Hon'ble Chief Justice of India on matters of judicial reforms, as well as complaints against judges that have resulted in initiation of in-house enquiries such as in the case of Justice Shoumitra Sen, Justice P.D. Dinkaran, Justice Naragjuna Reddy, etc as well as in the initiation of impeachment proceedings in the Parliament in some cases. A resolution passed by the Executive Committee of the Campaign for Judicial Accountability and Reforms, authorising this writ petition to be filed through its Secretary on behalf of CJAR, has been filed with the vakalatnama.

The postal address for CJAR is 6/6 basement, Jangpura B, Delhi -110014. The email address is judicialreforms@gmail.com, phone number is : 011-24374535. The Campaign is a voluntary group of activists, lawyers and academics and works on the personal contributions from its members. It does not have a pan card, bank account or Aadhar number.

The petitioner has not made any representation to the respondent in this regard because of the extreme urgency of the matter.

The petitioner has no personal interest, or any private/oblique motive in filing the instant petition. There is no civil/criminal or any other litigation involving the petitioner which has or could have a legal nexus with the issues involved in this PIL.

Facts of the case

2. That Shri. B.P. Yadav and Shri Palash Yadav, named in the FIR referred to above, are managing the affairs of the Prasad Education Trust. The Prasad Education Trust made an application for establishment of a new medical college at Lucknow, Uttar Pradesh in the name and style of Prasad Institute of Medical Sciences, Lucknow, for the academic session 2016-2017 to the Ministry of Health and Family Welfare. The Ministry forwarded the application to the MCI for evaluation and making recommendation to the Ministry u/s 10 A of the Indian Medical Council Act, 1956. Based on the assessment on 30.12.2015 and there after another compliance verification assessment on 14.05.2016, the MCI recommended to the Central Government not to issue letter of permission for establishment of New Medical College at Lucknow. The Ministry accepted the recommendation of the MCI and disapproved the applications of the college for establishment of a new college for the academic session 2016-2017.

*(A copy of the FIR lodged by the CBI dated 19.09.2017, RC 10 (A)/2017 – AC. III registered is annexed as **Annexure P 1(Page _____ to _____)***

3. That the Central Government subsequently on the approval of the Oversight Committee of the MCI issued necessary Letter of Permission to the Trust for establishment of new medical college on 20.08.2016.

4. That an assessment with regard to verification of compliance submitted by the College in the Ministry was conducted by the MCI on 11th and 12th of November 2016. Another inspection was also conducted by the MCI on 9th and 10th of December 2016 by the Council of Assessors. The MCI vide its letter dated 26.12.2016 informed the Ministry that the College had failed to abide by its undertaking it had given to the Central Govt. and should be debarred from admitting students for the two academic years 2017-18 and 2018-19, as the infrastructure and facilities of the college were found to be grossly deficient.

5. That the Ministry after considering the recommendation of the MCI, Hearing reports of the Director General of Health Services and view of the Oversight Committee decided to accept the recommendation of the MCI since the college was found deficient in MCI inspection. Accordingly the Ministry vide its letter dated **31.05.2017** debarred the college for two years and authorised MCI to encash the Bank Guarantee.

6. That the college filed W.P. (C) 442/2017 before this Hon'ble Court, which was connected with the similar matter bearing W.P. (C) No. 411 of 2017, Global Medical College and Super Speciality Hospital and Research Centre v. UOI and Anr. On 01.08. 2017, this Hon'ble Court passed an order directing the Central government to re-evaluate the recommendations/view of MCI, Hearing Committee, Director General of Health Services and the Oversight Committee, as available on records:

“In the above persuasive premise, the Central Government is hereby ordered to consider afresh the materials on record pertaining to the issue of confirmation or otherwise of the letter of permission granted to the petitioner colleges/institutions. We make it clear that in undertaking this exercise, the Central Government would re-evaluate the recommendations/views of the MCI, Hearing Committee, DGHS and the Oversight Committee, as available on records. It would also afford an opportunity of hearing to the

petitioner colleges/institutions to the extent necessary. The process of hearing and final reasoned decision thereon, as ordered, would be completed 21 peremptorily within a period of 10 days from today. The parties would unfailingly cooperate in compliance of this direction to meet the time frame fixed.”

*(A copy of the Supreme Court order dated 1.08.2017 in Writ Petition 411 of 2017 is annexed as **Annexure P 2 (Page _____ to _____)**)*

7. In Compliance with the above direction of this Hon'ble Court dated 1.08.2017, the Ministry granted hearing to the college on 3.08.2017. The hearing Committee after considering the record and oral and written submission of the college submitted its report to the Ministry. The Hearing Committee concluded that it agrees with the 31.05.17 decision of the Ministry to debar the college for 2 years and also permit MCI to encash the bank guarantee.

8. That based on this recommendation of the Hearing Committee, the Ministry on 10th August 2017, reiterated its earlier decision dated 31.05.2017 to debar the college from admitting students for a period of two years i.e. 2017-18 and 2018-19 and also to authorise the MCI to encash the Bank Guarantee of Rs. 2 crores.

*(Copy of the Government order dated 10th August 2017 debarring Prasad Institute of Medical Sciences is annexed as **Annexure P 3 (Pages ____ to ____)**)*

9. That the aforesaid college is among 46 colleges who have been barred by the Government from admitting medical students for the forthcoming 1 or 2 years because of substandard facilities and non fulfilment of the required criteria.

10. According to the FIR, Shri. B.P. Yadav got in touch with Shri I.M. Quddusi, Retd. Justice of the High Court of Odisha and Smt. Bhawana Pandey r/o N-7, G.K. 1, New Delhi, through Sh. Sudhir Giri of Venkateshwara Medical College in Meerut and

entered into a criminal conspiracy for getting the matter settled. The FIR further reveals that the 10th August 2017 order of the government was initially challenged in the ongoing hearing in the aforementioned petition before this Hon'ble Court by the Prasad Education Trust.

11. On 24th August 2017, the aforementioned petition was withdrawn by the Prasad Education Trust with a liberty to move the Hon'ble High Court of Allahabad. It appears from the FIR lodged by the CBI, the said withdrawal was done on the advise of Shri IM Quddusi, retired Justice of the Orissa High Court.

*(A copy of the order of the Supreme Court in Writ Petition No. 411 of 2017 dated 24.08.2017, granting withdrawal of the writ of the Supreme Court is annexed as **Annexure P 4 (Page ___ to ___)**)*

12. On 25. 08. 2017, Misc. Bench 19870 of 2017 Prasad Education Trust, Lucknow, Thru. Its Chairman & Anr v. UOI was filed by Prasad Education Trust in the Allahabad High Court. The sequence of events as they play out seem to suggest that a larger conspiracy was afloat involving Retd. Justice Quddusi and his associates and middlemen and unnamed public official and members of the judiciary.

13. On the same day of filing, i.e. 25.08.2017, the Allahabad High Court passed an order directing that the petitioners college shall not be de-listed from the list of colleges notified for counselling till the next date of listing i.e. 31.08.2017. Further the court ordered that the encashment of Bank Guarantee was also stayed till the next date of listing. It was further clarified that on the basis of the order, the petitioners shall have no right to claim any admission of the students.

*(A copy of the Allahabad High Court order in Misc. Bench no. 19870 of 2017 dated 25.08.17 is annexed as **Annexure P 5 (Page _____ to _____)**)*

14. The FIR further reveals that the MCI approached this Hon'ble Court by way of SLP 22427 of 2017 against the

aforesaid order of the Allahabad High Court which was disposed off on 29th August 2017 on the respondents submitting that the college does not claim any benefit from the order passed by the High Court. Further as the current order was being passed by the Apex Court, the writ petition filed before the High Court was deemed to be disposed off. The respondent was granted liberty to approach the Apex Court further in this regard under Article 32. *(A copy of the Supreme Court order dated 29-08-2017 disposing of SLP filed by the MCI is annexed as **Annexure P 6 (Pages _____ to _____)**)*

15. That Prasad Education Trust filed a writ Petition No. 797/2017 in this Hon'ble Court which was admitted on 31.08.17 by a bench headed by the Hon'ble Chief Justice of India. On 4.09.2017 the Court ordered that the matter be listed for 11.09.2017 and meanwhile the bank guarantee shall not be encashed by the MCI. Further, on 11th September, 2017 the matter was listed for hearing on 18th September, 2017.

On 18.09.17, this Hon'ble Court directed that there shall be no renewal for the academic session 2017-18 and that the bank guarantee which was deposited shall not be encashed and be kept alive. Further that the MCI shall send the inspecting team to the Institution as per the schedule for consideration of grant of Leave of permission for the academic year 2018-2019.

*(A copy of the order dated 4.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 7 (Pages _____ to _____)**)*

*(A copy of the orders dated 11.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 8 (Page _____ to _____)**)*

*(A copy of the order dated 18.09.17 in Writ Petition 797 of 2017 is Annexed as **Annexure P 9 (Pages _____ to _____)**)*

16. That on 19.09.2017, the FIR was registered against the following persons in connection with this case:

1. Shri. I.M. Quddusi, Retd. Justice of the High Court of Odisha.

2. Smt. Bhawana Pandey r/o GK. New Delhi (private person)
3. Shri B.P. Yadav (private person)
4. Shri Palash Yadav (Private person)
5. Shri Sudhir Giri (Private person)
6. Shri Biswanath Agrawala r/o HIG – 136, Phase 1, Kanan Vihar, Bhubaneswar, Odisha (Private person)
7. other unknown public servants and private persons

The FIR further alleges that Shri B. P. Yadav, in furtherance of the said conspiracy, requested Shri I M Quddusi and Smt. Bhawana Pandey who assured to get the matter settled in the Apex Court through their contacts and they further engaged Shri Biswanath Agarwala, a private person resident in Bhubaneswar, Orissa for getting the matter settled in the Apex Court. The FIR further states:

“Shri Biswanath Agarwala claimed very close contact with senior relevant public functionaries and assured that he would get the matter favourably settled. However he deemed huge gratification for inducing the public servants by corrupt and illegal means in lieu of the aforesaid help.

Information further revealed that in pursuance of the aforesaid criminal conspiracy, Shri B.P. Yadav and Shri Palash Yadav, along with Shri I.M. Quddusi, Smt. Bhawana Pandey , Sh. Sudhir Giri, are likely to meet Shri Biswanath Agarwala for delivering the agreed illegal gratification to Shri Biswanath Agarwala at Delhi shortly.”

That the above mentioned information discloses commission of offences punishable under S. 8 of the Prevention of Corruption Act 1988 and S. 120 B of the IPC against the above mentioned persons as well as unknown public servants and private persons.

17. It is submitted by the petitioners that since this case has brought to light an instance of corruption in the very highest echelons of power, including the judiciary, the CBI, a government controlled agency, may not be best suited to

continue this investigation. It is submitted that only an agency which is completely independent of the government can undertake this investigation impartially. Rather a matter of such serious import and sensitivity, allegedly involving judiciary at the highest level, needs to be handed over over to a Special Investigation Team headed by a retired Chief Justice of India. The interest of justice and fairness demand an impartial probe which can only be conducted by an independent SIT. This is essential to protect the independence of judiciary as well as maintain public confidence in the Judiciary.

18. That this FIR reveals a bribery scandal involving medical colleges, government officials and senior members of the Judiciary, who allegedly hatched a conspiracy to settle a MCI/government debarment against the stated private medical college. The CBI received information that the set of people named in the FIR were likely to meet a hawala operator Biswanath Agarwal who had allegedly agreed to deliver the cash to the concerned relevant public functionary. That news reports have further revealed that in subsequent raids at 8 places, CBI recovered close to Rs 2 crore in cash and several incriminating documents. The agency had seized Rs 1 crore which the hawala operator had handed over to an aide of the retired Justice.

*(A copy of the New18.com story dated 20th September 2017 is annexed as **Annexure P 10 (Page _____ to _____)**)*

19. That the petitioner has not filed any other writ petition same or similar to the present writ petition, neither in this Hon'ble Court nor in any other Court or forum.

GROUND

A. Because leaving the investigation with the CBI can seriously compromise the independence of the judiciary. In order to protect the independence of the judiciary and its integrity, it is essential that the matter concerning the corruption in the higher judiciary must be investigated by a Special Investigative Team headed by a former Chief Justice of India. If the CBI, which is

controlled by the government, is allowed to undertake the investigation in the present matter, the independence of the judiciary is likely to be compromised.

B. Because an impartial investigation by an agency, outside the control of the government must be ordered in the matters concerning alleged corruption in the higher judiciary and public servants holding offices at the highest level. It is essential to maintain the rule of law as guaranteed by Article 14 of the Constitution of India. Further the credibility of these institutions especially the judiciary must be maintained at all costs so that they remain above suspicion and the confidence of the public in these high offices is maintained.

C. Because the alleged charge of prevailing corruption in high places and particularly in the judiciary is a matter of serious concern. The judiciary is the final custodian of the rule of law and guardian of the Constitution. A fair and impartial investigation by a Special Investigation Team headed by a former Chief Justice of India in a matter like this is therefore essential, so that the public faith in the judiciary can be restored.

D. Because the right to life as guaranteed under Article 21 of the Constitution also includes in its fold the right to live in a society, which is free from crime and corruption. Hence the need for an impartial investigation by a Special Investigative Team headed by a former Chief Justice of India, into the afore-mentioned allegations.

E. Because the FIR lodged by the CBI has once again brought to the fore the issue of judicial corruption with the FIR naming a former judge of a High Court as an accused, who has apparently been negotiating through a middle man to get matter settled in the Apex Court.

F. Because the facts mentioned in the writ petition make out a more than adequate case for directing a credible and independent investigation. As disclosed in the FIR, there was a criminal conspiracy to pay illegal gratification to get a matter, related to a private medical college pending before this Hon'ble Court, favorably settled. Subsequent to the registration of FIR, raids were conducted by the CBI and the accused including a former judge of the High Court was arrested. Huge unaccounted amounts of cash and incriminating documents have been recovered in the raids. The information gathered shows bribery of government and judicial functionaries. All these facts warrant that the ongoing investigation is not left to an agency which has already been declared by this Hon'ble Court as a caged parrot. To allow the investigation to continue under the CBI, which is under the administrative control of the government, will have a serious deleterious effect on the independence of the judiciary. A thorough and impartial investigation into a matter such as this, by a Special Investigation Team, headed by a former Chief Justice of this Hon'ble Court, will maintain public faith in this institution.

H. Because the Hon'ble Chief Justice of India, Late Justice J.S. Verma, in the case of *Vineet Narain vs. Union of India* (1998) 1 SCC 226 while discussing "The Seven Principles of Public Life" from the report of Lord Nolan, Chairman, Committee on Standards in Public Life in England has held

"These principles of public life are of general application in every democracy and one is expected to bear them in mind while scrutinizing the conduct of every holder of a public office. It is trite that the holders of public offices are entrusted with certain powers to be exercised in public interest alone and, therefore, the office is held by them in trust for the people. Any deviation from the path of rectitude by any of them amounts to a breach of trust and must be severely dealt with instead of being pushed under the

carpet. If the conduct amounts to an offence, it must be promptly investigated and the offender against whom a prima facie case is made out should be prosecuted expeditiously so that the majesty of law is upheld and the rule of law is vindicated. It is the duty of the judiciary to enforce the rule of law and, therefore, to guard against erosion of the rule of law.”

In view of the facts and the circumstances stated above, it is most respectfully prayed that this Hon’ble Court may be pleased to:

PRAYERS

a. Issue writ of mandamus or any other writ or direction of similar nature to constitute a Special Investigation Team headed by the retired Chief Justice of India to investigate in the matter of alleged conspiracy and payment of bribes for procuring favourable order in a matter pending before this Hon’ble Court and take consequential action thereafter.

b. Issue a writ of mandamus or any other writ or direction of similar nature to the Central Bureau of Investigation i.e. Respondent no. 2, to hand over all the materials/evidences collected so far in FIR bearing RC. 10 (A)/2017- AC. III at New Delhi to the Special Investigating Team to be constituted by this Hon’ble Court.

c. Pass any other order as this Hon’ble Court may deem fit and proper.

DATE: 30TH OCTOBER, 2017

NEW DELHI

(PRASHANT BHUSHAN)

COUNSEL FOR THE PETITIONER