

IN THE SUPREME COURT OF INDIA
(EXTRAORDINARY CIVIL WRIT JURISDICTION)
CIVIL WRIT PETITION NO. 35 OF 2011

IN THE MATTER OF:

COMMON CAUSE

THROUGH ITS DIRECTOR

5, INSTITUTIONAL AREA

NELSON MANDELA ROAD

VASANT KUNJ, NEW DELHI-110070

... PETITIONER

VERSUS

1. THE UNION OF INDIA
THROUGH ITS SECRETARY
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110001

2. THE NATIONAL HUMAN RIGHTS COMMISSION
THROUGH ITS CHAIRMAN
FARIDKOT HOUSE,
COPERNICUS MARG
NEW DELHI-110001

3. JUSTICE K. G. BALAKRISHNAN
CHAIRMAN,
NATIONAL HUMAN RIGHTS COMMISSION
NEW DELHI-110001

....RESPONDENTS

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

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF

INDIA

1. The Petitioner is filing the present writ petition under Article 32 of the Constitution of India seeking a writ of mandamus to Respondent No. 1 to make a reference under Section 5 (2) of the Protection of Human Rights Act 1993 (herein after referred to as

"the Act") to this Hon'ble Court for holding an inquiry against Respondent No. 3. Respondent No. 3 is continuing as Chairperson of the National Human Rights Commission (hereinafter referred to as NHRC) despite the fact that in the past few months the news of close relatives and former-aide of Respondent No. 3 acquiring assets disproportionate to their known sources of income during his tenure as the Chief Justice of India has been covered widely by the national media. The Petitioner has also come across other instances of grave misbehaviour by Respondent No. 3 during his tenure as the Chief Justice of India which makes it expedient that a direction is issued to the Union of India to make a reference to this Hon'ble Court under Section 5 (2) of the Act for holding an enquiry against him so that if the ground of misbehaviour is proved, he could be removed from the post of Chairman of NHRC.

The Petitioner is filing the present petition in the interest of the public at large as allowing a person who is facing serious charges of corruption and impropriety to head an august body created for the protection of human rights would make the institution non-functional. Campaign for Judicial Accountability and Reforms through its Convener had written to the Prime Minister and the President of India vide letters dated 04.04.2011 (Page 102 to 127) enclosing numerous documents showing various acts of misbehavior by Respondent No. 3 and requesting the Government to make reference under Section 5(2) of the Act to this Hon'ble Court for initiating inquiry against Respondent No.3 but the Govt. has not responded to the said letters so far. Therefore, the Petitioner is approaching this Hon'ble Court through public interest litigation.

Petitioner, Common Cause, is a registered society (No. S/11017) that was founded in 1980 by late Shri H. D. Shourie for the express purpose of ventilating common problems of the people and

securing their resolution. It has brought before this Hon'ble Court various Constitutional and other important issues and has established its reputation as a bona fide public interest organization. Mr. K K Jaswal, Director is authorized to file this PIL.

Memorandum and Registration certificated has been placed along with Vakalatnama.

2. The documents annexed along with this Writ Petition are either obtained from news paper and magazine reports or are in the public domain.

Facts:

3. In the past few months the news of close relatives and a former-aide of Respondent No.3 possessing assets disproportionate to their known sources of income has been covered widely by the national media. The Petitioner has also come across other instances of grave misbehaviour by Respondent No.3 during his tenure as the Chief Justice of India.

After retiring as Chief Justice of India, Respondent No. 3 was appointed as the Chairman of National Human Rights Commission. The process of removal of a member of NHRC has been given in Sec 5 of Protection of Human Rights Act, 1993. According to Sec 5 (1), *subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.*

4. The following are some of the known instances of misbehaviour on part of Respondent No. 3 which make him unfit to continue as the Chairman of National Human Rights Commission:

1. Benami properties in the names of his daughters, sons-in law and brother.

P.V. Sreenijan, married to Soni, the elder daughter of Respondent No. 3 comes from a humble background. He is a practicing advocate in the Kerala High Court. When Respondent No. 3 started his three-year tenure as Chief Justice, Sreenijan started making huge investments in real estate and tourism. According to Form No. 26 filed by Sreenijan on his assets and liabilities to Election Commission in April 3, 2006, when he contested as an Indian National Congress candidate in Njrackkal (reserved) constituency in Eranakulam District, Kerala, he and his wife KB Soni had no agricultural land. Sreenijan had no non-agricultural land. His wife had 29.32 cent, currently valued at Rs.3,00, 000 at Thiruvankulam Village in Eranakulam District in Kerala in the survey no. 392/7. Both had no commercial properties and apartments. Sreenijan had cash in hand Rs.5000 and his wife had nothing. Sreenijan had savings bank account with a deposit of Rs.20,000 at Bank of Baroda, Kalamassery Branch in Eranakulam district and his wife had nothing. Both had no debentures or shares of any companies, savings certificates vehicles. Sreenijan had 3 sovereign (24 gram) gold valued at Rs.18,000 and wife had 20 sovereign (160 gram) valued at Rs.1,20,000. Both declared no heritable rights acquired by them. A copy of the said assets declaration form dated 3.4.2006 is annexed herewith as Annexure-P/1. (Pages 20-22)

Recently, Asianet, Tehelka and others in the media have uncovered various properties acquired by Sreenijan and Soni after Respondent No. 3 became Chief Justice of India.

- Sreenijan along with his wife purchased lands along with an old building on April 8, 2008 - 9.241 cent, 14.455 cent, 9.904 cent, 2.5 cent in Varappuzha Village of survey numbers 265/1 and 265/3. Value shown Rs.7, 27, 000. The current Market value is around Rs.60 lakh. This deed agreement also shows that Soni lives in a posh flat (that address is shown in the deed) F4-Travacore Residency, Managd Road, Mamangalam, Eranakulam. A translated copy of relevant extracts of the said sale deed dated 8.4.2008 is annexed herewith as Annexure-P/2. (Page 23)
- Sreenijan purchased 20 cent of land on March 3, 2007 in Alangad village survey number 176/15. Value show is Rs.80, 000. Market value is more than Rs.7.5 lakh. A translated copy of relevant extracts of the said sale deed dated 3.3.2007 is annexed herewith as Annexure-P/3. (Page 24)
- Sreenijan purchased 3.750 cent of land having survey number 177/5, 21 cent in survey number 176/16 and 90 cent of land having survey number 176/17 in Alangad Village on March 3, 2007, Value shown is Rs.2, 30,000. Market value is more than Rs.20 lakh. A translated copy of relevant extracts of the said sale deed dated 3.3.2007 is annexed herewith as Annexure-P/4. (Page 25)
- Sreenijan along with wife Soni on June 5, 2009 purchased 29.033 cent in survey number 176/6A in Edapally South Village. Value shown is Rs.30 lakh. Market value is expected to be more than Rs.3 crore. A translated copy of relevant extracts of the said sale deed dated 5.6.2009 is annexed herewith as Annexure-P/5. (Page 26)
- PV Sreenijan's mother Smt.Vasu purchased One Acre 44 Square Meter of land in survey number 176/6A in Edapally South Village on October 6, 2010. Value shown is 15 lakh. This is a Commercial property and market value expected is above Rs.One crore. A translated copy of relevant extracts of the said

sale deed dated 6.10.2010 is annexed herewith as Annxure-P/6. (Page 27)

- KB Soni (eldest daughter of KGB and PV Sreenijan's wife) purchased flat at F4 of Travancore Residency in Mangattu Rd, Edapally and 1/34 of the undivided share in survey number 81/1B and 81/1C in Edapally Sub Registrar office and Edapally North Village (heart of the Eranakulam City) on Feb 12, 2007. Value shown is Rs.6 lakhs. Market value at the time of purchase was Rs.50 lakhs. A translated copy of relevant extracts of the said sale deed dated 12.02.2007 is annexed herewith as

Annxure-P/7 (Page 28)

- Sreenijan purchased 58.86 cent, 35.25 cent, 52.89 cent, 73.14 cent and 59.38 cent of land [Total 2.77 acres. A big resort is under construction at this place. This is river side property] of survey numbers 2076, 2077/1, 2385, 2076/1 and 2075 in Kallur Village (Kadukutty Panchayat) on November 11, 2008. There are old buildings in this property also. Value shown is Rs.14, 00, 000. The market value of the property was above Rs. 2 crore. A translated copy of relevant extracts of the said sale deed dated 11.11.2008 is annexed herewith as Annxure-P/8. (Pages 29-30)

- KB Soni along with others (non-family) for purchased legal office in Survey No. 1986/1 of Eranakulam village the in heart of the Eranakulam town, opposite to Railway Station on March 19, 2007. Value shown is Rs.1,49,500. But the Market value is around Rs.50 lakh excluding furnishing cost etc. A translated copy of relevant extracts of the said sale deed dated 19.3.2007 is annexed herewith as Annxure-P/9. (Page 31)

Respondent No. 3's second son-in-law, advocate MJ Benny also became considerably wealthier after his marriage to Rani, Respondent No. 3's younger daughter particularly during Respondent No. 3's tenure as CJI. Between 19 March 2008 and 26 March 2010, he

64

purchased 98.5 cents of land through five title deeds for Rs.81.5 lakh. This is prime land along the National Highway in Marad, Ernakulam district. A cursory comparison of land rates during this period shows that the property was undervalued. When Benny purchased the property it was around Rs. 4 lakh per cent and at current rates it would be Rs. 10 lakh per cent thus making the total value as Rs. 9 crores, 85 lakhs. Yet Benny showed his yearly income as Rs. 5 lakh and Rs. 5.5 lakh during the assessment years 2008-09 and 2009-10. Just five land deals made Benny a millionaire in two years. (*The father, the sons-in-law and the unholy properties, Tehelka 26 April 2011*). A copy of the said article published in Tehelka on 15.01.2011 is annexed herewith as Annexure-P/10. Besides these properties, Benny has also made other (Pages 32-34) lucrative investments.

- 6 properties .
over 13 crores
- MJ Benny purchased a posh commercial Shop/Office in Swapnil Enclave (Room No. 12) in Marine Drive, Kochi (heart of the city) on Dec 19, 2007. Value shown is Rs.35 lakh. Market Value was around Rs.Three crores. A translated copy of relevant extracts of the said sale deed dated 19.12.2007 is annexed herewith as

Annexure-P/11. (Page 35)

- Rani KB along with others purchased . 98.075 cent agro-plantation land including the entire belongings in the land including small homes in survey number 337/2 in Ettumanoor Sub Registrar office and Athirambuzha Village for Rs.7,90,000 on May 28, 2005. Market value is expected above Rs. Three crores. A translated copy of relevant extracts of the said sale deed dated 28.5.2005 is annexed herewith as Annexure-P/12.

(Page 36)

- Benny purchased 31.650 cent in Marad Village on April 28, 2008. Value shown is Rs.39, 56,250. The Market value of this property near the National Highway is Rs.Five crores. A translated copy of relevant extracts of the said sale deed dated

April 28, 2008 is annexed herewith as Annexure-P/13. (Page 37)

- Benny purchased 6.5 cent in Marad Village on April 28, 2008. Value shown is Rs. 2 lakhs. The Market value of this property near the National Highway is Rs. 30 lakh. A translated copy of relevant extracts of the said sale deed dated 28.4.2008 is annexed herewith as Annexure-P/14. (Page 38)
- Benny purchased 6.54 cent along with house on the land in Marad Village 17.03.2008. Value shown is Rs.9,50,000. The Market value of this property near the National Highway is Rs.30 lakh. A translated copy of relevant extracts of the said sale deed dated 17.03.2008 is annexed herewith as Annexure-P/15. (Page 39)
- Benny purchased 7.928 cent in Marad Village 10.6.2009. Value shown is Rs. 8 lakh. The Market value of this property near the National Highway is Rs. One crore. A translated copy of relevant extracts of the said sale deed dated 10.6.2009 is annexed herewith as Annexure-P/16. (Page 40)

Respondent No. 3's brother late KG Bhaskaran who was a senior Government Pleader at Kerala High Court also possessed property beyond his known sources of income. Mr. Bhaskaran resigned after these facts came to light.

- KG Bhaskaran, along with his wife MV Ratnamma (Advocate, retired and suspended Munsif) purchased 87.201 cent and house in it in survey number 383/3, 339/1 and 397/1 in Puthenkurisu Sub Registrar office and Thiruvaniyoor Village. Date of purchase June 24, 2009. Value shown is Rs.21,75,000. Market value is more than Rs.2 crore. A translated copy of relevant extracts of the said sale deed dated 24.6.2009 is annexed herewith as Annexure-P/17. (Page 41)
- KG Bhaskaran purchased a Farm House and 53 acre land in Bodikamanvadi Village in Dindigul in Tamil Nadu. Value shown is Rs. 4,21,289/-. Market Value is above Rs. 10 crore. The deal

was made on November 28, 2006. It is pertinent to mention that Respondent No. 3 was Tamil Nadu's Chief Justice for a year from 1999 to 2000. A translated copy of relevant extracts of the said sale deed dated 28.11.2006 is annexed herewith as

Annexure-P/18.

(Pages 42-56)

- KG Bhaskaran along with wife and children purchased 40 acres of Farm House on Feb 23, 2005. Value shown is around Rs. 10,59,120. But the Market value is above Rs.3 crore. A translated copy of relevant extracts of the said sale deed dated 23.2.2005 is annexed herewith as Annexure-P/19. (Pages 57-61)
- KG Bhaskaran along with wife and children purchased on March 18, 2005 20 acres of farm land. Value shown Rs. 1,28,050 is but the market value is above Rs.3 crore. A translated copy of relevant extracts of the said sale deed dated 18.3.2005 is annexed herewith as Annexure-P/20. (Pages 65-74)
- KG Bhaskaran along with wife and children purchased on March 18, 2005 2.13 acres of farm land valued at Rs.75,615 but the market value is above Rs.50 lakh. A translated copy of relevant extracts of the said sale deed dated 18.3.2005 is annexed herewith as Annexure-P/21. (Pages 75-80)
- KG Bhaskaran along with wife and children purchased on March 18, 2005 farm land 20 acres. Valued around Rs.6,64,950 but the market value is above Rs.5 crore. A translated copy of relevant extracts of the said sale deed dated 18.3.2005 is annexed herewith as Annexure-P/22. (Pages 81-87)

6 properties
worth over
20 crores.

This amassing of wealth beyond their known source by the kin of Respondent No. 3 during his tenure as Judge/ Chief Justice of the Supreme Court clearly indicates that this wealth was given to these people as illegal gratification to the then Respondent No. 3.

II. Benami properties in the name of his former aide M. Kannabiran.

According to a story covered by *Headlines Today* on 4th February 2011, Tamil Nadu Chief Minister M. Karunanidhi misused his discretionary power and allotted two prime plots of land in Chennai to a former aide of Respondent No. 3. Documents accessed through *Headlines Today* show how Justice Balakrishnan's aide M. Kannabiran, whose monthly income was just around Rs 10,000, was awarded the plots, one currently costing Rs 48 lakhs and the other around Rs 2.5 lakhs. Copy of the *Headlines Today* story dated 04.02.2011 is annexed herewith as

Annexure P/23.

(Page 88)

The documents show that the Tamil Nadu Housing Board (TNHB) swiftly cleared Kannabiran's application and issued the letter of allotment for both the plots just a day after receiving the request. As per the Chief Minister's discretionary quota, only one plot can be allotted to a person. However, Kannabiran was allotted the two plots under the quota for government employees. It was not mentioned how he qualified for it. Also, Kannabiran was not even working in Tamil Nadu at the time he was granted the land. Kannabiran resigned from his job after the news coverage of the said allotments. It is obvious that rules would not have been bent for a lowly employee and in fact Respondent No. 3 used his influence with the Chief Minister of Tamil Nadu to get these allotments. Copies of the allotment letters dated 31.02.2008, July 2008 and receipt dated 20.03.2008 are annexed herewith as

Annexure-P/24 Colly..

(Pages 89-92)

This in itself is misbehaviour. Further, in light of the fact that Kannabiran's monthly income was just around Rs 10,000, it appears that the said plots must have been purchased benami by him for Respondent No. 3. Copy of the pay certificate dated 11.03.2008 issued by Supreme Court to Kannabiran is annexed

herewith as Annexure-P/25.

1 Page 201

III. Respondent No. 3 approved evasive and false replies given by CPIO, Supreme Court in response to the RTI application filed by Sh. Subhash Chandra Agarwal regarding declaration of assets by judges.

According to a news-story published in *Times of India* on April 14, 2008, in response to an RTI application filed by Sh. Subhash Chandra Agarwal regarding declaration of assets by judges, Supreme Court's Central Public Information Officer (CPIO) stated that the information relating to declaration of assets by judges is "not held by or under the control of" its registry and therefore could not be furnished by him. When Sh. Agarwal filed another RTI application to access the file notings which led to the approval of the reply, it was revealed that this elusive reply was given with the approval of the then Chief Justice of India, Respondent No. 3, who was himself supposed to be the custodian of those declarations.

The file related to the RTI query on asset disclosures was in fact placed before Respondent No. 3 on two occasions.

The first time was when a note prepared by the CPIO on November 27, 2007, was "put up to Hon. CJI for approval" by the head of the SC registry, Secretary General V K Jain.

The second time was when Sh. Jain again "submitted for orders" of the Chief Justice a slightly revised note of the CPIO dated November 30, 2007.

The second note bears Respondent No. 3's signature with the same date. In a reference to the three points proposed to be mentioned in the RTI response, the Chief Justice wrote: "A, B & C approved."

What is crucial is point B, which says: "The applicant may be informed that the information relating to declaration of assets by Hon'ble Judges of the Supreme Court is not held by or under the control of the Registry, Supreme Court of India, and therefore cannot be furnished by the CPIO, Supreme Court of India, under the Right to Information Act, 2005."

In keeping with the CJI-approved note, the CPIO wrote his formal reply under RTI on that very day, November 30, 2007.

Later on the Central Information Commissioner and the single and division benches of Delhi High Court held that Supreme Court could not be allowed to make a distinction between its registry and the office of the CJI for the purpose of giving reply to an application under the RTI Act and that the CPIO had to disclose the information asked for in the said application since it was available at the Chief Justice's office. A copy of the said news story dated 14.04.2008 is annexed herewith as Annexure-P/26. (Page 94-95)

IV. Suppressing a letter written by a High Court judge alleging that former Union Minister A. Raja tried to interfere his judicial function and later lying to the press that he had not received any such letter implicating any Union Minister.

Justice R Raghupathy of the Madras High Court had written a letter on 2.7.2009 to Respondent No. 3, the then Chief Justice of India, in which he stated that the Chairman of Bar Council of Tamil Nadu and Pondicherry K Chandramohan, who is reportedly a friend of former Union Minister Sh. A. Raja, tried to influence him to grant anticipatory bail to his clients Dr Krishnamurthy and his son, who were wanted by the Central Bureau of Investigation (CBI) for forging mark-sheets in MBBS examinations. In his letter to Respondent No. 3, Justice Raghupathy said that Chandramohan wanted him to talk to 'a Union Minister by name Raja' over the bail issue as both the accused were Mr. Raja's family friends. Justice Raghupathy mentioned this incident in an order dated 7.12.2010. Respondent No. 3 in his press conference dated 8.12.2010 stated that he had not received any such letter implicating any Union Minister and that Mr. Raja's name was not mentioned in Justice Raghupathy's letter. This claim of Respondent No. 3 was refuted by Justice H.L. Gokhale, a Supreme Court Judge who was the Chief Justice of Madras High Court at the time the said letter was written. In a detailed press note dated

70

14.12.2010, Justice Gokhale said that he had forwarded to the former CJI a copy of Justice Raghupathy's letter dated July 2, 2009 by a letter dated July 5, 2009. The former CJI had in fact acknowledged the same in his subsequent letter dated August 8, 2009 as follows: "vide letter dated July 5, 2009, you have forwarded to me a detailed letter/report July 2, 2009 of Justice Raghupathy explaining the actual state of affairs concerning the alleged misbehaviour of a Union Minister of the Government of India reported in the media." Justice Gokhale said: "The former CJI informed me by that letter that he had received a copy of the memorandum concerning the above incident, addressed by a large number of Members of Parliament to the Prime Minister. A copy thereof was enclosed to seek my views/comments on the issues raised therein. I replied to this letter on August 11, 2009."

On Respondent No. 3's statement that there was no mention of the name of any Union Minister in the report sent by him, Justice Gokhale said: "I may point out that Justice Raghupathy's letter was already with him [Respondent No. 3] and in the second paragraph thereof Justice Raghupathy had specifically mentioned the name of Minister Raja. I had no personal knowledge about the incident, and the observations in my reply were in conformity with the contents of Justice Raghupathy's letter."

Justice Raghupathy and Justice Gokhale's revelations have made it clear that Respondent No. 3 not only suppressed the letter implicating Mr. A. Raja but did not flinch from lying to the nation about these grave allegations. It is pertinent to mention that Respondent No. 3 committed the misbehavior of deliberately lying in order to hide the fact of dereliction of duty committed by him and to shield a Union Minister while holding the post of Chairperson, NHRC. A copy of the press note dated 14.12.2010 issued by Justice Gokhale is annexed herewith as Annexure-P/27. (Pages 96-9

5. On 26.02.2011 Income Tax officials confirmed that three relatives of Respondent No. 3 hold black money. Director General (Investigation) ET Lukose stated "As far as Justice Balakrishnan is concerned, we can't say anything. But his two sons-in-law and brother possess black money." A copy of a related news story dated 26.02.2011 is annexed herewith as Annexure-P/28. (Page 100-101)
6. Campaign for Judicial Accountability and Reforms wrote to the Prime Minister and the President of India vide letters dated 04.04.2011 enclosing the above evidence and requesting the Government to make reference under Section 5(2) of the Act to the Hon'ble Supreme Court for initiating inquiry against Respondent No.3 but the Government has not responded to the said letters so far. Copies of the said letters dated 4.4.2011 are annexed herewith as Annexure-P/29 Colly.. (Pages 102-127)
7. On 15.06.2011 CNN-IBN broadcasted interviews of two retired judges of Kerala High Court wherein the judges, Justice PK Shamsuddin and Justice K Sukumaran, made grave allegation against Respondent No. 3. In an interview taken by Firstpost Justice Shamsuddin stated that he was approached by a man to facilitate an introduction to Respondent No. 3's son (KG Pradeep) or son-in-law (Puliyanaaveetil Vasu Sreenijan) to fix a case in the Supreme Court. Justice Shamsuddin further said, "I am of the view that a detailed and comprehensive inquiry must be initiated against all the allegations against Justice Blakrishnan. I feel he should resign as the NHRC chief and establish that he is innocent. All judges have a moral obligation to ensure that relatives do not misuse their position and use their names in illegal and dubious matters." Justice K Sukumaran stated that Respondent No. 3 allowed his late brother KG Bhaskaran to exploit his name and position for personal gain. A copy of this news story dated 15.06.2011 is annexed herewith as Annexure-P/30. (Pages 128-131)

8. It has been held by this Hon'ble Court in *R.P. Kapur v. S. Pratap Singh Kairon AIR 1964 SC 295* that even in the absence of any detailed instructions or directions as to how a government servant should act and conduct himself there would never be any manner of doubt that a government servant was expected and required to act honestly and not to use his position as a government servant for enriching himself or others. Every dishonest act of a government servant, including acts by which he uses his position for enriching himself or others would clearly amount to "misbehavior". Thus, it is apparent that there is overwhelming evidence indicating that the Respondent No. 3 has been guilty of several acts of serious misbehaviour despite that the Government has not taken any step for his removal from the Commission. It was the duty of the Government, on receiving such damaging reports against Respondent No. 3, to immediately make reference under Section 5(2) of the Act to this Hon'ble Court for holding an inquiry so that he could be removed from the Commission once the charge of misbehaviour is proved by this Hon'ble Court.
9. According to a news story published in Rediff.Com, Justice Sabharwal was not considered for the post of National Human Rights Commission chief because of "adverse media and other reports" about him. In reply to an RTI application by Subhash Chandra Agrawal, the human rights division of the Ministry OF Home Affairs said, "Because of adverse media and other reports with regard to Justice Y K Sabharwal, it was felt that highly sensitive post of chairperson of NHRC may not be offered to him." A copy of the news story dated 17.03.2010 is annexed herewith as Annexure-P/31. It is submitted that as in the case of Justice Sabharwal, there was sufficient material against Respondent No. 3 to exclude him from the field of consideration for appointment to the office of Chairman, NHRC. Even otherwise this Hon'ble Court in *Center for Public Interest Litigation vs. Union of India AIR 2011 SC 1267* has emphasized on the concept of institutional integrity. If the selection adversely affects institutional competency and functioning then it shall be the duty of the High Powered Committee not to recommend such a candidate. What has been held regarding the

(Page 132-133)

72

Central Vigilance Commission is equally true for the National Human Rights Commission. According to Section 3 (2) of the Act, "The Commission shall consist of "a Chairperson who has been a Chief Justice of the Supreme Court." The true import of the words "who has been" has been elucidated by this Hon'ble Court in *N. Kannadasan vs. Ajoy Khose and Others* [(2009) 7 SCC 1] thus- the said words indicate the eligibility criteria and further they indicate that such past or present eligible persons should be without any blemish whatsoever and that they should not be appointed merely because they are eligible to be considered for the post....."

10. The National Human Rights Commission was established in India on 12 October 1993 under the Protection of Human Rights Act, 1993 as a result of strong international pressure created by adoption of the 'Paris Principles' by the United Nations Human Rights Commission in 1992 and the General Assembly in 1993. NHRC has been accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions (ICC) which means that it has to make full compliance with the Paris Principles. The Chairperson and Members of NHRC have to be accountable for their actions according to Paris Principles.

11. **Petitioner's Legal Rights –**

The inaction of the Government in making reference to this Hon'ble Court under Section 5(2) of the Act is not only arbitrary and violates Article 14 but is also against public interest since allowing a person who is facing serious charges of corruption and impropriety to head an august body created for the protection of human rights of the citizens of this country would make the institution non-functional.

The present writ petition is being filed on the following amongst other grounds:

GROUND

- A. That the inaction of the Government in making reference to this Hon'ble Court under Section 5(2) of the Act despite the fact that

there is overwhelming evidence indicating that the Respondent No. 3 has been guilty of several acts of grave misbehavior is totally arbitrary and hence, in violation of Article 14 of the Constitution of India.

- B. That the discretion vested in the Government to make a reference to this Hon'ble Court under Section 5(2) of the Act is not unlimited. This hon'ble Court in *Comptroller and Auditor General of India v. K S. Jagannathan*, AIR 1987 SC 537 has held that the courts have the power to issue a writ of mandamus or a writ in the nature of mandamus or to pass orders and give necessary directions where the government or a public authority has failed to exercise or has wrongly exercised the discretion conferred upon it by a statute or a rule or a policy decision of the government or has exercised such discretion mala fide or on irrelevant considerations or by ignoring the relevant considerations and materials or in such a manner as to frustrate the object of conferring such discretion or the policy for implementing which such discretion has been conferred.
- C. That the power vested in the Government to make a reference under Section 5(2) of the Act is vested with a duty to consider all relevant materials on record and to uphold the purpose of the Act.
- D. That in *In Re: Destruction of Public & Private Properties Versus State of A.P. and Ors.* (2009) 5 SCC 212 this Hon'ble Court has held that positive directions can be issued where there is a power coupled with a duty.
- E. That the continuance of Respondent No. 3 as the Chairperson of the NHRC despite several grave charges of misconduct against him is against public interest and would defeat the purpose for which the NHRC was created i.e. having a vigilant

body to ensure that the human rights of the citizens of India are not violated.

F. That the inaction of the government in taking steps for the removal of Respondent No. 3 from the post of the Chairperson of NHRC despite the fact that serious charges of misuse of office have been made by some of his former brother judges against him is not only unreasonable but also malafide in law.

12. It is submitted that no other writ petition has been filed by the Petitioner in this Hon'ble Court or in any other Court of the country raising the same issue.

PRAYERS

It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to:

- (a) issue a writ of mandamus or any other writ or direction of similar nature against Respondent No. 1 for making reference to this Hon'ble Court under Section 5(2) of the Human Rights Act, 1993 for holding an inquiry against Respondent No.3; and
- (b) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstance of this case.

Petitioner

Drawn by: Pyoli, Advocate
New Delhi
Dated: 20.01.2012

(Prashant Bhushan)
Through: Counsel for the Petitioner

(TRUE COPY)

ANNEXURE - P3

Form 26

(Affidavit filed with election commission as a Congress candidate in Kerala Assembly elections in 2006)

I, Srinijan, S/o Vasu, contesting in Njarakkal (071) assembly constituency filing affidavit before the Returning Officer on April 3, 2006 declare as under:

1. Not convicted or charge sheeted in any case leading to be convicted more than two years.

a) no FIR registered against me in any police station

b) no case against me in any courts or no stay order in any courts on any proceedings against me

2. No cases or conviction against me as per the provisions mentioned in the Section 8 of the People's Representation Act of 1951 and I am/was not convicted or any stay order in any case which should lead to conviction of more than One year

All the above said facts are true (Notary Attested)

I have no dues to government in using accommodation facility, if any, or to water supply or to electricity supply or telephone department or transportation facility including use of aero plane or helicopters.

I have no dues to government in any sort

I Srinijan contesting in Njarakkal assembly constituency (071) in the Kerala Assembly, living in Aluva (076 Assembly constituency) and S/o Late Vasu swear in front of the the Returning Officer, while presenting my nomination forum :

1. No case against me

2. Following are the assets and liabilities of me, wife and my dependents

Details of Assets

Self

Agricultural Land : Nil

Non-Agricultural Land : Nil

Commercial Property : Nil

Flats/Apartments : Nil

Bank balance: Rs.5,000 (Five Thousand) in the SB A/c and FD of Rs.20,000 (Twenty Thousand) in Bank of Baroda's Kalamassery Branch in Eranakulam District.

Debenture/Shares: Nil

Savings certificates: Nil

Vehicle: Nil

Gold ornaments: 3 sovereign gold (One Sovereign = 8gm), worth market value of Rs.18,000 (eighteen thousand)

Any other assets: Nil

Wife : KB Sony

Agricultural Land : Nil

Non-Agricultural Land : 29.32 cwnt of land worth market value of Rs.3,00,000 (Three lakh) in the survey no: 392/7 of Thiruvankulam village of Eranakulam Dt of Kerala state

Commercial Property : Nil

Flats/Apartments : Nil

Bank balance: Nil

Debenture/Shares: Nil

Savings certificates: Nil

Vehicle: Nil

Gold ornaments: 20 sovereign gold (One Sovereign = 8gm), worth market value of Rs.1,20,000 (one lakh and twenty thousand)

Any other assets: Nil

Dependents: No Dependents

My Educational Qualifications

Details of Schools and Colleges

1. Passed 10th Std. Exam (SSLC) in 1991 from Govt.High School, Kalady in Eranakulam District

78

2. Passed Pre-Degree (Now known as Plus Two) (1995-97) from Mahararajas' college in Eranakulam

3.LLB Degree (1997-2002) from Govt.Law College, Eranakulam

4. LLM (course completed) in March 2006 - Northampton University

Above mentioned is very true and I have not said any wrong or suppressed any information

(Signature)

Srinijan
April 3, 2006

(True copy)

Annexure P 4

Certified Copy of the land transfer details in the office of the Sub Registrar, Alangand in Eranakulam District, Kerala – provided to Bijumon CP on 13 January 2011 in Rs.20 Non-Judicial Stamp Paper No: 09AA 571287

Bindu Shaju (35) and Gincy Benjamin(41) and Linjo(27) and Lisy Kuriakose(50) sell the below mentioned properties under their control to PV Srinijan(32) and his wife KB Sony (28) on April 8, 2008 :

Sellers belong to the address and resides in Puliyaana Veedu in the Edapally South Village in Kochin and Buyers PV Srinijan (S/o MA Vasu) and Wife KB Sony, both advocates resides in F4-Travancore Residency Flat in Eranakulam Town.

Sellers hereby sells the below mentioned properties under their control –

1.9.241 cent in survey number 265/1 in Allangad Sub Registrar office and Varapuzha Village for Rs.1,84,820

2. the same survey number, another land of 14.455 cent with a home numbered as VP/III/158 with water and electricity connections in the Varapuzha Village for Rs.2,94,100

3.the same survey number, another land of 9.904 cent and survey no: 265/3 land of 2.5 cent for Rs.2,48,080

The total value of the entire deal is Rs.7,27,000 and the said amount was given by buyers to sellers through the cheque of ICICI Bank's Edapally Branch. The cheque numbers are 439471 to 439474.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Alangad, Thaluk : Paravur, Farka : Paravur, Village : Varapuzha, Kara : Puthenpally.

Survey numbers : 265/1 and 265/3

Areas of land: 9.241 cent, 14.455 cent, 9.904 cent and 2.5 cent.

The land transfer date: April 8, 2008

80

Annexure P5

Certified Copy of the land transfer details in the office of the Sub Registrar, Alangand in Eranakulam District, Kerala - provided to Bijumon CP on 13 January 2011 in Rs.20 Non-Judicial Stamp Paper No : 09AA 571285

Sarasa Kumari (52) W/o Mohandas and A.Ravindran Nair S/o Ayyapan Nair (68) sell the below mentioned properties under their control to PV Srinijan(32) on March 2, 2007 :

Sellers belong to the address and resides in Ram Kripa House in the Eloor Village in Eranakulam District and Ramya Kottage in Aluva West Village in Eranakulam District respectively and Buyer PV Srinijan (S/o MA Vasu) resides in Puliyan House Kanayannur Taluk in Eranakulam District.

Sellers hereby sells the below mentioned properties under their control -

1.90 cent in survey number 176/17 in Allangad Sub Registrar office and Alangad Village

2. 21 cent in survey number 176/16 in Allangad Sub Registrar office and Alangad Village

3. 3.750 cent in survey number 175/5 in Allangad Sub Registrar office and Alangad Village

The total value of the entire deal is Rs.2,30,000 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Alangad, Thaluk : Paravur, Village : Allangad, Kara : Koduvazhanga.

Survey numbers : 176/17, 176/16 and 175/5

Areas of land: 90 cent, 21 cent and 3.750 cent.

The land transfer date: March 3, 2007

M. S. Srinivasan

Certified Copy of the land transfer details in the office of the Sub Registrar, Alangand in Eranakulam District, Kerala - provided to Bijumon CP on 13 January 2011 in Rs.20 Non-Judicial Stamp Paper No : 09AA 571286

Rameshkumar (40) S/o Raghavan Thampi sell the below mentioned property under his control to PV Srinijan(31), S/o MA Vasu on March 3, 2007 :

Seller belong to the address and resides in Padmalayam House in Eloor Village in Kochin and Buyer PV Srinijan (S/o MA Vasu) resides in Puliyaana House Kanayannur Taluk in Eranakulam District.

Sellers hereby sells the below mentioned property under their control -

1. 20 cent agricultural property in survey number 176/15 in Allangad Sub Registrar office and Alangad Village for Rs.80,000

The total value of the entire deal is Rs.80,000 and the said amount was given by cash by buyer to seller in presence of witnesses from both parties and vendors.

The seller declare that he is the sole owner and enjoying full right of the above mentioned property and no debt is in the property to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyer or any debt in future shall be met by the seller.

The details of the properties

District : Eranakulam, Sub District : Alangad, Taluk : Paravur, Village : Alangad, Kara : Koduvazhanga.

Survey number : 176/15

Areas of land: 20 cent.

The land transfer date: March 3, 2007

(True copy)

Certified Copy of the land transfer details in the office of the Sub Registrar, Edappally in Eranakulam District, Kerala - provided to Krishnakumar on 18 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 08AA 624026

Dr.Dandapani(65) staying in House No : 48/1080(1) in Desabhimani Road, Kochi and having PAN No : ABKPD2358 sell the below mentioned property under their control to PV Srinijan(33) (PAN No : BGDPS2765Q and wife KB Sony (29) (PAN No : PGDPS2766P) staying in F-4, Travancore Residency, Kochi on June 5, 2009 :

Sellers belong to the address and resides in Ram Kripa House in the Eloor Village in Eranakulam District and Ramya Kottage in Aluva West Village in Eranakulam District respectively and Buyer PV Srinijan (S/o MA Vasu) resides in Puliyan House Kanayannur Taluk in Eranakulam District.

Sellers hereby sells the below mentioned properties under their control -

1.29.033 cent in survey number 176/6A in Edappally Sub Registrar office and Edapally South Village for Rs.30,00,000 (Thirty Lakh).

The total value of the entire deal is Rs.30,00,000 (Thirty Lakh) and the said amount was given by cash by buyers to seller through bank cheques of ICICI Bank (Edapally Branch Chq Nos : 570975 and 571015) and Dhanalakshmi Bank's High Court Branch, Chq No : 039461

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Edapally, Thaluk : Kanayannur, Village : Edapally South, Kara : Elamakkara - Kochi Corporation.

Survey numbers : 176/6A

Areas of land: 29.033 cent.

The land transfer date: June 5, 2009

83

Annexure P8

Certified Copy of the land transfer details in the office of the Sub Registrar, Edapally in Eranakulam District, Kerala - provided to Krishnakumar on 18 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 08AA 624028

Advocate KV Sohan (53) (PAN No : AKHPS 9616H) S/o VP Krishnan Nair resides House No : 48/1079A, Atul House Deshabhimani Rod, Kochi sell the below mentioned property under his control to Smt MA Vasu (Mother of PV Srinijan) aged 62 resides Puliyan House at Thrikkakkara in Kalamassery in Eranakulam District in on October 6, 2010 :

Seller hereby sells the below mentioned property under their control -

1. One Aar and 44 Square Meter in survey number 176/6A in Edapally Sub Registrar office and Edapally South Village for Rs. 9,79,200
2. The commercial building in the above mentioned property for Rs.5,20,000

The total value of the entire deal is Rs.15,00,000 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors. Buyer's son PV Srinijan is also a witness to this transaction.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Edapally, Taluk : Kanayannur, Village : Edappally South, Kara : Elamakkara in Kochi Corporation.

Survey number: 176/6A

Areas of land: One Aar and 44 Square Meter with a commercial building. .

The land transfer date: October 6, 2010

True copy)

84
Annexure P 9

Certified Copy of the land transfer details in the office of the Sub Registrar, Edapally in Eranakulam District, Kerala - provided to Biju Pankaj on 21 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 08AA 624051

Martin Jose PG (37) S/o PP George resides Pidiyancheril House, Kaloor, Kochi sell the below mentioned property under his control to Smt KB Sony(27), W/o PV Srinijan resides at F4-Travancore Residency, Edappally in Kochi in on February 12, 2007 :

Seller hereby sells the below mentioned property under their control -

1. Sixth Floor of F-5 of the Travancore Residency Apartments and related access including car parking facility and 1/34 of the undivided share in survey number 81/1B and 81/1C in Edapally Sub Registrar office and Edapally North Village for Rs. 6,00,000

The total value of the entire deal is Rs.6,00,000 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Edapally, Taluk : Kanayannur, Village : Edappally Noth, Kara : Chuttupadu in Kochi Corporation.

Survey number: 81/1B and 81/1C

Areas of land/building: Sixth Floor of F-5 of the Travancore Residency Apartments and related access including car parking facility and 1/34 of the undivided share

The land transfer date: February 12, 2007

(True copy)

Certified Copy of the land transfer details in the office of the Sub Registrar, Annamanada in Thrissur District, Kerala - provided to Krishnakumar on 17 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 05AA 859844

Muhammed Iqbal Methar, Shemy Methar, Razia Methar, Ahamedunni Methar and Nazim Methar resides Thottahikoottam Valiya Veettil, Edappally in Kochi sell the below mentioned property under their control to PV Srinijan aged 32 resides Puliyan House at Thrikkakkara in Kalamassery in Eranakulam District in on November 11, 2008:

Seller hereby sells the below mentioned property under their control -

1.8.86 cents in survey number 2076 in Annamanada Sub Registrar office and Amboor Village

2.35.250 cent in survey number 2077/1 in Annamanada Sub Registrar office and Amboor Village

3.52.890 cent in survey number 2075 in Annamanada Sub Registrar office and Amboor Village

4. 73.140 cent in survey number 2076 in Annamanada Sub Registrar office and Amboor Village

5. 59 cent in survey number 2075 in Annamanada Sub Registrar office and Amboor Village

The total value of the entire deal is Rs.14,00,000 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Thrissur, Sub District : Annamanada, Taluk : Mukundapuram, Village : Ambur South, Kara : Kalluru Vadakkum Muri.

Survey number: 2076 and 2075 and 2077/1

26

Areas of land: 8.86 cent, 35.250 cent, 73.140 cents and 59 cents

The land transfer date: November 11, 2008

(True copy)

Certified Copy of the land transfer details in the office of the Sub Registrar, Eranakulam in Eranakulam District, Kerala - provided to Krishnakumar on 18 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 08AA 458748

Subai Mather, KI Mayakutty Mather, Babu Mather, KI Noor Muhammed Mather residing in Mather Building in Kochi, sell the below mentioned commercial area in the building under his control to Smt KB Sony (wife of PV Srinijan) aged 27 resides F4-Travancore Residency in Eranakulam District in on March 19, 2007 :

Seller hereby sells the below mentioned property/commercial area under their control -

1. Comerical area in Mather Building (1300/75000) (Room No : 5-1 in the fifth floor (1336 sq.ft.) with common facilites in survey number 1986/1 in Eranakulam Sub Registrar office and Eranakulam Village for Rs. 1,49,500

The total value of the entire deal is Rs.1,49,500 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties/commercial area and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Eranakulam, Taluk : Kanyannur, Village : Eranakulam Village, Kara : Thrikkannar vattom in Kochi Corporation.

Survey number: 1986/1 -

Areas of land: commercial area of 1336 sq.ft in the fifth floor

The land transfer date: March 19, 2007.

(True copy)

TEHELKA**The father, the sons-in-law and the unholy properties****15.01.2011**

JEEMON JACOB & VK SHASHIKUMAR scoop documents to establish property amassed by former Chief Justice of India KG Balakrishnan's son-in-law, PV Sreenijan, a practising lawyer who recently resigned from the Kerala Congress

WHEN KG Balakrishnan was appointed Chief Justice of India in 2007, it was a great moment for a man of humble origins. But VR Krishna Iyer, former judge of the Supreme Court and national icon, now says, "I used to say that an era had begun when KG Balakrishnan became the first Dalit Chief Justice. Now, I don't feel that way."

Post retirement, Balakrishnan became head of the National Human Rights Commission (NHRC) in June last year. Ever since, a rising crescendo of allegations of corruption have been heard, fuelled by the fact that his younger brother KG Bhaskaran and his two daughters and sons-in-law all acquired vast properties during his tenure as Chief Justice.

TEHELKA has accessed documents that show that between 2007 and 2010, son-in-law Puliyanaveetil Vasu Sreenijan purchased property worth Rs. 1.85 crore. The current real estate value of these properties is in excess of Rs. 25 crore.

This is a truly amazing story of wealth creation by a man who, while contesting elections from Kerala's reserved Njarackkal Assembly constituency as a Congress candidate in 2006, had declared a bank balance of Rs. 25,000 apart from 24 g of gold.

Sreenijan is married to Balakrishnan's elder daughter KB Sony, whom he met in college. He traces his background to a humble and hard-working family: his father was a factory worker in Premier Tyres, Kalamassery, and a Congress party worker. His classmates remember him as an introvert who had a muted, almost latent, ambition to become a powerful politician. From campus politics he moved to the Youth Congress and took active part in its programmes and activities.

Sreenijan became a practising lawyer in the Kerala High Court. When Balakrishnan started his three-year tenure as Chief Justice, Sreenijan started making huge investments in real estate and tourism. This sudden acquisition of wealth is currently being probed by the vigilance department after a probe was ordered by Chief Minister VS Achuthanandan.

TEHELKA repeatedly tried to establish contact with Sreenijan for his version via SMS and phone, but all calls went unanswered.

After his marriage with Sony, Sreenijan's political career also leapfrogged. He was appointed state vice-president of the Youth Congress. Though Congress leaders like MA Kuttappan (also a former minister) challenged Sreenijan's rise, such protests were short-lived. He lost the 2006 elections but his wife purchased a flat and car parking space in Travancore Residency Towers for Rs. 6 lakh in 2007.

WITHIN A month, Sony again purchased another flat in Mather Square. The cost of the flat mentioned in the title deed is only Rs. 1.49 lakh, but the market price of flats in the vicinity was about Rs. 66 lakh at that time.

Today, Kerala Youth Congress leaders who were angry about Sreenijan's political rise are gunning for him. "We demand a CBI inquiry to find out how Sreenijan acquired so much property and assets within the last three years," said M Liju, former Youth Congress state president. On 5 January, Sreenijan tendered his resignation as Youth Congress vice-president.

In November 2008, Sreenijan purchased a river-front property of 277.52 cents in Kadukutti village in Thrissur district where he is now reportedly constructing a resort. According to the title deed, he purchased the land from Mohammed Iqbal Mather for Rs. 14 lakh. Villagers who prefer to remain anonymous say the market price was Rs. 1 lakh per cent. If that is the case he has allegedly shelled out Rs. 2.77 crore. And building the resort could put him back by more than Rs. 10 crore.

In 2009, Sreenijan purchased another property on Deshabhimani Road in Ernakulam for Rs. 30 lakh. Later, a property of 3.5 cents of land was purchased in his mother's name (Sreemathy Vasu) adjacent to his plot.

But it is not only Sreenijan who became rich during Balakrishnan's tenure as CJI. The second son-in-law, advocate MJ Benny, too, became wealthier after his marriage to Rani, Balakrishnan's younger daughter.

Born to a working-class Christian couple in Nettur, Ernakulam, Benny married Rani in 2006. Benny and Rani, both lawyers, fell in love in the court.

Benny's assets piled up in a manner similar to Sreenijan's. Between 19 March 2008 and 26 March 2010, he purchased 98.5 cents of land through five title deeds for Rs. 81.5 lakh. This is prime land along the National Highway in Marad, Ernakulam district. A cursory comparison of land rates during this period shows that the property was undervalued.

When Benny purchased the property it was around Rs. 4 lakh per cent and at current rates would be Rs. 10 lakh per cent. Yet Benny showed his yearly income as Rs. 5 lakh and Rs. 5.5 lakh during the assessment years 2008-09 and 2009-10. Just five land deals made Benny a millionaire in two years.

Rani also embarked on an investment spree, purchasing 10.5 acres in Athirampuzha with her relatives, including Abhilash T Chandran in 2007. Chandran is the son of Thangappan, one of Balakrishnan's six brothers.

Then there's KG Bhaskaran, younger brother of the former CJI, who is in the spotlight for possessing property beyond his known sources of income. A senior government pleader practising in the Kerala High Court, Bhaskaran reportedly purchased 50 acres of land in Dindigul, Tamil Nadu. In the light of allegations of having illegally amassed property he was asked to go on leave from 4 January by Kerala's Advocate General CP Sudhakara Prasad. Bhaskaran, a former member of the CPM, contested Assembly elections as a party candidate from Vaikom in 1977.

Bhaskaran was a regular visitor to the Supreme Court during his elder brother's tenure as the CJI. He is also reportedly close to Justice Paul Daniel Dinakaran (currently Chief Justice of Sikkim High Court and former Chief Justice of Karnataka High Court) against whom serious allegations have been levelled of land grab in Tamil Nadu.

No wonder, the Kerala Vigilance Department is now probing all the assets acquired by Balakrishnan's family. Especially as the patriarch has not faded into the sunset and is now heading a body tasked with bringing justice to those whose human rights have been violated.

(True copy)

Certified Copy of the land transfer details in the office of the Sub Registrar, Eranakulam in Eranakulam District, Kerala - provided to Bijumon CP on 15 January 2011 in Rs.20 Non-Judicial Stamp Paper No : 07AA 626863

Pioneer Infrastructure Co Pvt Ltd represented by its Managing Director Anil Thankappan Nair and Tenent Homes and Resorts represented by its Managing Director GP Josekuttan sell the below mentioned commercial area in the building in Marine Drive in Kochi under his control to Advocate MJ Benny aged 32 S/O Late Joseph resides Manjilakattu House, Nettur PO in Eranakulam District in on December 19, 2007 :

Seller hereby sells the below mentioned property/commercial area under their control -

1. Room No : 12 (1103 Square Feet) in Second Floor in Comerical area in Swapnil Enclave in Marine Drive Kochi with common facilites in survey number 843 in Eranakulam Sub Registrar office and Eranakulam Village for Rs. 35,00,000

The total value of the entire deal is Rs.35,00,000 and the said amount was given by cash by buyer to sellers in presence of witnesses from both parties and vendors.

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties/commercial area and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Eranakulam, Taluk : Kanyannur, Village : Eranakulam Village, Kara : Kovil vattom in Kochi Corporation.

Survey number: 843

Areas of land: commercial area of 1103 sq.ft in the second floor

The land transfer date: December 19, 2007.

(True copy)

Certified Copy of the land transfer details in the office of the Sub Registrar, Ettumannor in Kottayam District, Kerala

M Joseph and Thresiamma of Aimanam Village in Kottayam sell the below mentioned property under their control to KB Rani(23) D/o KG Balakrishnan belongs to Kaduthurthi Village in Vaikkom Thaluk in Kottayam District May 28, 2005.

Sellers hereby sells the below mentioned properties under their control -

1. 98.075 cent agro-plantation land including the entire belongings in the land including small homes in survey number 337/2 in Ettumanoor Sub Registrar office and Athirambuzha Village for Rs.7,90,000 .

The total value of the entire deal is Rs.7,90,000 and the said amount was given by cash by buyers to seller in the presence of witness

The sellers declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Kottayam, Sub District : Ettumanoor, Thaluk : Kottayam, Village : Athirampuzha, Kara : Srikantamangalam.

Survey number : 337/2

Areas of land: 98.75 cent.

The land transfer date: May 28, 2005.

(True copy)

ANNEXURE - P15 93

Certified Copy of the land transfer details in the office of the Sub Registrar, Marad in Eranakulam District, Kerala - provided to Rony Joseph on 30 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 09AA 621357

Kurian C George(59) staying in House No : 26/2003-A in Kochi Corporation sell the below mentioned property under his control to Advocate MJ Benny aged 32 S/O Late Joseph resides Manjilakattu House, Nettur PO in Eranakulam District in on April 28, 2008 :

Seller hereby sells the below mentioned properties under their control -

1. 31.650 cent in survey number 496 in Marad Sub Registrar office and Marad Village for Rs.39,56,250.

The total value of the entire deal is Rs.39,56,250 and the said amount was given by cash by buyer to seller in the presence of witnesses from both sides.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Marad, Thaluk : Kanayannur, Village : Marad, Kara : Marad Panchayat.

Survey numbers : 496

Areas of land: 31.650 cent.

The land transfer date: April 28, 2008

(True copy)

ANNEXURE-P16

94

Certified Copy of the land transfer details in the office of the Sub Registrar, Marad in Eranakulam District, Kerala - provided to Rony Joseph on 30 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 09AA 621344

Victory W/o Joseph staying in Manjilikkattu House in Kanayannoor Taluk sell the below mentioned property under his control to Advocate MJ Benny aged 32 S/O Late Joseph resides Manjilakattu House, Nettur PO in Eranakulam District in on April 28, 2008 :

Seller hereby sells the below mentioned properties under their control -

1. 6.50 cent and home in it in survey number 1674/1 in Marad Sub Registrar office and Marad Village for Rs.2,00,000.

The total value of the entire deal is Rs.2,00,000 and the said amount was given by cash by buyer to seller in the presence of witnesses from both sides.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Marad, Thaluk : Kanayannur, Village : Marad, Kara : Nittur, Marad Panchayat.

Survey number : 1674/1

Areas of land: 6.50 cent and home

The land transfer date: April 28, 2008

(True copy)

ANNEXURE - P17 95

Certified Copy of the land transfer details in the office of the Sub Registrar, Marad in Eranakulam District, Kerala - provided to Rony Joseph on 30 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 09AA 621329

Suhra Mansoor, Shafeela Askar, Shifil staying in Maradu Village sell the below mentioned property under his control to Advocate MJ Benny (PAN No : APPPM5349L) aged 32 S/O Late Joseph resides Manjilakattu House, Nettur PO in Eranakulam District in on March 17, 2008 :

Seller hereby sells the below mentioned properties under their control -

1. 6.54 cent in it in survey number 1673/1 and 1674/1 in Marad Sub Registrar office and Marad Village for Rs.9,50,000.

The total value of the entire deal is Rs.9,50,000 and the said amount was given by cash by buyer to seller in the presence of witnesses from both sides.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually and jointly.

The details of the properties

District : Eranakulam, Sub District : Marad, Thaluk : Kanayannur, Village : Marad, Kara : Nittur, Marad Panchayat.

Survey number : 1673/1 and 1674/1

Areas of land: 6.54 cent.

The land transfer date: March 17, 2008

(True copy)

ANNEXURE-P18
96

Certified Copy of the land transfer details in the office of the Sub Registrar, Marad in Eranakulam District, Kerala - provided to Rony Joseph on 30 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 09AA 621332

Paul Varghese S/o MG Gheevarghese staying in House No : 41/2922 in Kochi Corporationsell the below mentioned property under his control to Advocate MJ Benny aged 32 S/O Late Joseph resides Manjilakattu House, Nettur PO in Eranakulam District in on June 10, 2009 :

Seller hereby sells the below mentioned properties under their control -

1. 7.928 cent and home in it in survey number 496 in Marad Sub Registrar office and Marad Village for Rs.8,00,000.

The total value of the entire deal is Rs.8,00,000 and the said amount was given by cash by buyer to seller in the presence of witnesses from both sides.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the sellers individually.

The details of the properties

District : Eranakulam, Sub District : Marad, Thaluk : Kanayannur, Village : Marad, Kara : Nittur, Marad Panchayat.

Survey number : 496

Areas of land: 7.928 cent

The land transfer date: June 10, 2009

(True copy)

ANNEXURE-P19

97

Certified Copy of the land transfer details in the office of the Sub Registrar, Puthenkurisu in Eranakulam District, Kerala - provided to Krishnakumar K on 18 December 2010 in Rs.20 Non-Judicial Stamp Paper No : 09AA 558170

Thankam KI alias Thankam Babu W/o AV Babu, aged 47 in staying in Autokaran House in Perungavu Village in Mukundapuram in Thrissur sell the below mentioned property under her control to KG Bhaskaran and his wife MV Ratnamma resides House No : 11/485 in Kaduthuruthi Village in Kottayam District in on June 24, 2009 :

Seller hereby sells the below mentioned properties under their control -

1. 87.201 cent and home in it in survey number 383/3, 339/1 and 397/1 in Puthenkurisu Sub Registrar office and Thiruvaniyoor Village for Rs.21,75,000.

The total value of the entire deal is Rs.21,75,000 and the said amount was given by cash by buyers to seller in the presence of witnesses from both sides.

The seller declare that they are the sole owners and enjoying full right of the above mentioned properties and no debt is in these properties to any bank, any financial institutions, any court or any pending cases. If any loss is occurred to buyers or any debt in future shall be met by the seller individually.

The details of the properties

District : Eranakulam, Sub District : Puthenkurisu, Thaluk : Kunnathunadu, Village : Thiruvaniyoor, Kara : Monapally.

Survey number : 383/3, 339/1 and 397/1

Area of land: 87.201 cent

The land transfer date: June 24, 2009

(True copy)