

# LOATHING & FEAR IN TN VILLAGE

By M.C. Rajan in Chennai

For years, the two tiny lakes and adjoining pasture served as the common property resource for the poor village folks, mostly Dalits. Not only have most of the village folk become landless now, even the water bodies are out of bounds for them thanks to a high court judge acquiring the land.

With the lakes and contiguous pastoral lands fenced off, things have changed for the worse in the nondescript yet idyllic village of Kaverirajapuram, off the highway to Arakkonam in Tamil Nadu.

The sons of the soil are in mortal fear and dare not open their mouth. The local administration, rather than protecting them, seems more interested in crushing their voice. On Tuesday, the police arrested nearly 300 protesters in Tiruvallur who were demanding removal of encroachments in their village.

Well-connected by road, the landscape here cannot escape the attention of the neo-rich eager to pump in their newly acquired wealth. It is an hour-and-a-half drive from Chennai and has seen the mushrooming of farmhouses and recreation centres over the last few years. A few yards into the approach road to the village, one is greeted by fences, covering large tracts on the left with grown-up saplings of mangoes and other trees. Even the mud road has a name to boast of: it has been christened "Justice P.D. Dinakaran Salai" with a granite slab.

"It was land I had grazed my cattle on since childhood. But now I can't step in," said Mani, an elderly Dalit, his voice almost choked. He was severely thrashed and a case "foisted" on him for inadvertently letting his cattle onto the land. Two others were also charged for stealing mangoes from the orchard.

"People from Salem and other places are looking after the land. No local is involved in these activities. The case was slapped almost a decade ago and the trial is still on. It was a warning for the villagers to behave properly," V.M. Raman of the Thalam Trust, an NGO engaged in the advancement of rural children, said.

This incident had brought to the public domain Justice Dinakaran's vast land holdings in

He (Justice Dinakaran) has no hereditary property here and had set foot in the village only some 18 years ago

—V.M. Raman, Kaverirajapuram native



the village. According to the Forum for Judicial Accountability and Reforms, the judge is in possession of approximately 440 acres in Kaverirajapuram alone, almost one-fourth of the village. He had been engaged in purchasing land from the villagers prior to his appointment as a judge.

Of the land held by the judge and his family, 313.33 acres is *patta* land. The rest is reportedly either government *poramboke* or unaccounted land.

"The land was fenced in the last three years. Outsiders were employed for the purpose," said a villager who took part in the protest at Tiruvallur.

"The people had unfettered access to the lakes and pasture earlier. The classification of the public lands has recently been changed and it is now in possession of the judge and his family," K. Balakrishnan of the All India Kisan Sabha, the farmers' wing of the CPM, said.

THE land holdings are in the name of the judge, his wife Dr. Vinodhini, daughters Amudha and Amirtha Porkodi, and two others said to be relatives.

"Ironically, I have been petitioning the government for the last nine years to allot me some land to house the office of my Trust. The judge alone had been granted around 13 acres here. His other family members, too, have been granted land," Raman, a native of Kaverirajapuram, said.

The fenced common property resource is contiguous with the land, including private *patta* land, in the possession of Justice Dinakaran and his family members.

"Physical violence and police harassment are what keeps the locals in the grip of fear," Thulasi Narayanan, Tiruvallur district president of TN Vivasayigal Sangam, said.

The social profile of Kaverirajapuram consists mostly of landless Dalits and Irulas, a tribal community. The village also has the presence of a few OBC families, such as the dominant Naidus and Boyars.

"It is not only the judge who has encroached on public land. Even politicians and retired officials have acquired vast tracts," Balakrishnan alleged.

Justice Dinakaran has his band of supporters, though. It is a motley crowd led by G. Subbrayulu Naidu, former vice-chairman of Thiruvallur Panchayat Union.

On christening the approach road after the judge, he said, "It was done by the villagers themselves. A resolution was passed to this effect by the gram sabha on May 2, 2008. It was out of deference to the judge and much against his own wishes."

But Kaverirajapuram is not the native place of Justice Dinakaran. He hails from far-off Orathur, near Arakkonam.

This has raised the hackles of many, especially after the common property resource was fenced off.

"He has no hereditary property here and has set foot in the village only some 18 years ago," Raman said.

## PROPERTY LIST 'OWNED' BY JUSTICE DINA KARAN

The Tamil Nadu Vivasayigal Sangam, affiliated to the CPM-led All-India Kisan Sabha, and the Forum for Judicial Accountability and Reforms claim Justice P.D. Dinakaran owns the following property

### LANDHOLDINGS

- 550 acres at Kaverirajapuram (Tiruvallur district), Anaipakkam, Mulvoy and Poovai (Vellore district). The landholdings are in the name of the judge, his wife, daughters and two others
- 310.33 acres are *patta* lands, 41.27 acres are government *poramboke* (unaccounted) land, and 88.33 acres are government land that can be allotted only to landless poor
- About 440 acres at Tiruttani Taluk, (Tiruvallur district). Of this,
- 50 acres of orchards in Poovai village (Vellore district)

### BUILDINGS

- Commercial construction with 5 floors at Shenoy Nagar in Chennai
- Commercial construction at posh Anna Nagar locality in Chennai
- Anbagam, a residential building in Arakkonam in Vellore district

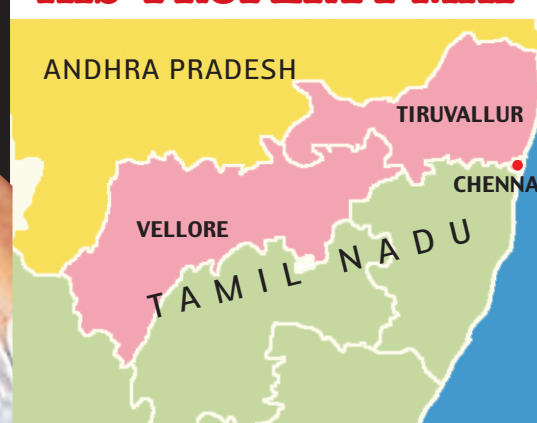


Villagers have named a 1-km road leading to Dinakaran's land in Kaverirajapuram after him.



Land belonging to P.D. Dinakaran and his kin fenced off in Kaverirajapuram. He owns 440 acres here.

### HIS 'PROPERTY MAP'



A Dinakaran-owned orchard in the area.

## Dinakaran's road to the apex court

BORN into a wealthy feudal family in Orathur village near Arakkonam in Tamil Nadu on May 9, 1950, P.D. Dinakaran went on to become a judge of the Madras High Court.

Hailing from a Dalit family, he graduated in science from Chennai's prestigious Madras Christian College after spending his school life in Arakkonam.

After graduation, he opted for a post-graduate degree in political science and public administration before studying law at the Madras Law College.

When Dinakaran enrolled as an advocate in 1976, he was a junior of Union home minister P. Chidambaram.

He had a roaring practice at the Madras High Court. He was a legal adviser to many religious institutions, including the Church of South India and the Tiruttani Lord Murugan Temple,

among others. Besides labour law, he took up civil and criminal matters and served as the additional central government standing counsel prior to his elevation as a permanent judge of the high court.

However, some of his judgments have come in for criticism.

### He was Chidambaram's junior in Madras court

One such judgment was the verdict in the famed Binny Mill case.

Another charge against him is, he had used his judicial staff to supervise his lands and orchards.

The lands he had allegedly acquired have come to light only now. He had purchased

lands and reportedly annexed government public land in Kaverirajapuram. This has proved to be his Achilles heel.

"Panchayat presidents, irrespective of caste, toed his line. The former president, Narasimhan, also a Dalit, turned his supporter. The present president, a Naidu, too, is his man," said V.M. Raman of Thalam, an NGO spearheading the agitation to retrieve encroached lands.

A day after the Supreme Court collegium took up the matter of Dinakaran's elevation to the apex court, G. Subbrayulu Naidu, ex-chairman of Thiruvallur Panchayat Union, addressed the media.

He offered to take newsmen on a conducted tour of the village to show that everything was above board, since Kaverirajapuram falls under his panchayat.

By M.C. Rajan in Chennai

## THE LONG-FORGOTTEN DUO



Justice K. Veeraswami



Justice V. Ramaswami

JUSTICE K. Veeraswami and son-in-law Justice V. Ramaswami are two names that inevitably crop up when it comes to corruption and misuse of office in the higher echelons of the judiciary.

While the former went on leave after a corruption case was registered against him by the Central Bureau of Investigation (CBI), the latter suffered the ignominy of being the first judge to face an impeachment motion in Parliament, though the motion failed to succeed.

Justice Veeraswami joined the Madras Bar in 1941 and became a prominent leader in 1959 and was appointed judge in 1960. He became the Chief Justice of the Madras High Court in 1969. The CBI filed an FIR against him on charges of corruption and amassing disproportionate assets running into lakhs in 1976. The case was registered under the Prevention of Corruption Act. Curiously enough, the trial is still going on.

On the CBI filing the case, Justice Veeraswami proceeded on leave and challenged it before the Madras High Court, seeking to quash it. Dismissing the plea, the court referred the matter to the Supreme Court for deciding certain questions of law. The apex court dismissed his petition and gave the go-ahead for the trial.

His son-in-law, Justice V. Ramaswami, was charged with amassing wealth and misusing office for personal gain during his tenure as the Chief Justice of the Punjab and Haryana High Court between November 1987 and October 1989. Having led an ostentatious life at the taxpayer's expense, he was found guilty of 11 of the 14 charges levelled against him, some in part and some in full.

The impeachment motion, signed by 108 MPs, was admitted by Lok Sabha Speaker Rabi Ray in 1991. As mandated by the Judges (Inquiry) Act, Ray constituted a committee comprising P.B. Sawant and O. Chinappa Reddy, among others. It was the first instance in the country's history of the Chief Justice of India recommending the sacking of a judge through impeachment.

Kapil Sibal appeared as the counsel for the disgraced judge and ridiculed the motion, questioning the removal of a judge for "purchase of a few pieces of carpets and suitcases". When the motion was tabled in the House, Janata Party president Subramanian Swamy canvassed support for the beleaguered judge and ensured the motion was defeated. Only 196 MPs voted for his ouster, less than the two-thirds majority needed.

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## Lift veil of secrecy over judicial appointments

THE CONTROVERSY surrounding the elevation of Justice P.D. Dinakaran to the Supreme Court has revived demands for a change in the existing system of appointment of judges. But the government has been shying away from it.

The Centre had last year rejected the Parliamentary Committee on Law and Justice's recommendation for a change that would make the appointment process transparent.

The Centre had said "public disclosure of names of candidates during the

### Call for greater government role in appointing judges

appointment process may be an impediment in the dispassionate consideration of the names". Records of deliberations among the Chief Justice of India, the law minister and the Prime Minister were privileged and could not be disclosed, it added.

The committee had suggested that the names of persons being considered should be made public.

Though the government rejected the

report, the committee's view was subsequently reflected in a Law Commission of India report. The law panel said many "less competent" people had been appointed as judges and suggested a change.

The law panel, headed by a former Supreme Court judge, suggested that the government should have a role in the appointment process. Under the existing system, the opinion of a collegium of judges, headed by the Chief Justice of India, determines appointments.

Recently, the Supreme Court Bar Association (SCBA) and the Delhi High Court Bar Association (DHCBBA) raised a similar demand.

Legal experts also felt such controversies would keep resurfacing until the system was changed.

Senior counsel Harish Salve suggested constitution of a national judicial commission to deal with appointments.

Eminent lawyer Fall S. Nariman, told a news channel that judges were too busy to screen candidates. He suggested that the collegium should be institutionalised so that it could have staff to help judges.

Mail Today

## JUDGES CAUGHT IN CONTROVERSY

### JUSTICE MADAN MOHAN PUNCHHI

**Post held:** Former Chief Justice of India  
The Committee on Judicial Accountability alleged in 1998 that Justice Punchhi had committed irregularities as a judge of the Supreme Court of India. The representation was signed by 25 MPs of the Rajya Sabha. However, before it could get the signature of the requisite number of 50 Rajya Sabha MPs, Justice Punchhi was appointed Chief Justice of India

### JUSTICE A.S. ANAND

**Post held:** Former Chief Justice of India  
Allegations of corruption and favouritism were raised against Justice A.S. Anand, the former Chief Justice of India, pertaining to the period when he was a judge and the Chief Justice of the Jammu and Kashmir High Court. These allegations were supplemented reportedly with documentary evidence. But the allegations against Justice Anand could never be proved

### JUSTICE VIJENDRA JAIN

**Post held:** Judge at Delhi High Court  
Justice Vijender Jain had been accused of deciding a case of a litigant Hari Ram, who was the father-in-law of his close friend Justice Arun Kumar, a former Supreme Court judge. The Code of Conduct or "Restatement of Judicial Values says that no judge shall hear and decide a case of his relative or friend. It was later reported that Justice Jain did not personally know Hari Ram

### JUSTICE ASHOK KUMAR

**Post held:** Additional Judge, Madras High Court  
He was formerly a session's judge. Complaints of corruption were levelled against him and the Intelligence Bureau conducted an inquiry into the matter. Not much is known as to what came of it. The Chief Justice of India promoted him as a high court judge in February 2007. Justice Kumar is allegedly close to the ruling Dravida Munnetra Kazhagam party

### JUSTICE JAGDISH BHALLA

**Post held:** Judge, Allahabad High Court  
Allegations were made against Justice Jagdish Bhalla, then judge of the Allahabad High Court, of purchasing property worth crores for a few lakhs in the name of his wife from a land mafiosi in Noida. But the Supreme Court did not find merit in the charges and he was appointed acting chief justice of the Chhattisgarh High Court and Chief Justice of the Himachal Pradesh High Court

### JUSTICE Y.K. SABHARWAL

**Post held:** Former Chief Justice of India  
He initiated the process of sealing of properties in designated residential areas of Delhi which were being used for commercial purposes. Reports later surfaced of his two sons, Chetan and Nitin, entering into partnerships with big mall developers. The allegation against Justice Sabharwal was that of serious conflict of interest

### JUSTICE SAUMITRA SEN

**Post held:** Judge, Calcutta High Court  
The Calcutta High Court judge was accused of financial misconduct, amounting to Rs 32 lakh, and misrepresentation of facts prior to his appointment as judge in 2003. He has refused to step down despite being asked by the Chief Justice of India (CJI) to do so. He faces impeachment in Parliament after the government accepted the CJI's recommendation that he be removed from the post