

# CM backs vigilance in MCL graft case

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**Thiruvananthapuram:** Ignoring the findings of chief, industries and law secretaries, chief minister Pinarayi Vijayan has backed vigilance director Jacob Thomas in the Malabar Cements Ltd corruption case.

It has been reliably learnt that Vijayan justified the arrest of former managing director of the public sector undertaking, K Padmakumar, who was arrested by the vigilance bureau on corruption charges. The chief minister also turned down the suggestion for reinstating the officer as the managing director of the company, who was ousted following the case. The case file, which was returned to the vigilance department from the chief minister's office the other day, contains the remarks of Vijayan.

The report from the vigi-

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lance director recommending action against Padmakumar was submitted to additional chief secretary (home and vigilance) Nalini Netto, who had forwarded it to law secretary B G Harindranath.

The law secretary had said that the arrest was in gross violation of Supreme Court guidelines and not even a single charge would stand in a court of law. On the basis of the legal opinion from the law secretary, the file was forwarded to additional chief secre-

tary (industries) Paul Antony, who had recommended reinstating the officer. This was subsequently endorsed by chief secretary S M Vijayanand, before submitting the report to the chief minister for final approval.

It has been learnt that the law secretary has remarked that there was no enough material evidence in the case for it to be charged under sections 409 and 420 of the Indian Penal Code. While 409 is slapped for criminal breach of trust, and would invite a penalty of a sentence of minimum 10 years, the section 420 deals with cheating and thereby dishonestly inducing the person deceived to deliver any property to any person, or to make, alter or destroy a valuable security that can award a penalty of an imprisonment up to seven years. Neither of these charges, except the sections under the

Prevention of Corruption Act, would hold good in the graft case. Further, the legal opinion referred to the Supreme Court judgment in the 2014 case - Arunesh Kumar versus State of Bihar - to substantiate that the arrest served only the purpose of humiliating the individual involved.

Interestingly, no legal consultation was made with the Advocate General in the matter, which is the procedure before overruling the opinion of the law secretary. AG CP Sudhakara Prasad confirmed the same.

Padmakumar was arrested by the vigilance on September 5, on charges of corruption and alleged irregularities in awarding a dealership that had led to a financial loss of Rs 2.7 crore to the company. He was granted bail by the vigilance court on September 9.