

**IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION  
CONTEMPT PETITION (CRIMINAL) NO. 10 OF 2009  
IN  
I.A. NO. 1324, 1474, 2134 of 2007  
IN  
WRIT PETITION (C) NO. 202 OF 1995**

**IN THE MATTER OF:**

AMICUS CURIAE

..Applicant

AND

1. SHRI PRASHANT BHUSAN, Advocate.  
RESIDING AT:  
C-67, SECTOR-14,  
NOIDA,  
UTTAR PRADESH-201301.

2. TARUN J. TEJPAL  
EDITOR-IN-CHIEF,  
TEHELKA,  
M-76, 2<sup>ND</sup> FLOOR,  
M-BLOCK MARKET,  
GREATER KAILASH-II,  
NEW DELHI - 110048.

....Respondents

**AN APPLICATION DRAWING ATTENTION OF THIS HON'BLE  
COURT TO CONTEMPTUOUS STATEMENTS REPORTED IN THE  
TEHELKA MAGAZINE.**

To  
The Hon'ble Chief Justice of India  
And his other companion Judges  
Of the Hon'ble Supreme Court of India

The applicant abovenamed

**MOST RESPECTFULLY SHEWETH:**

- 1) The Applicant seeks to bring to the notice of this Hon'ble Court the attack on the integrity of this Hon'ble Court by the Respondents.
- 2) The Applicant submits that allegations attributing corruption to sitting Judges of this Hon'ble court is clearly an attempt to undermine the public confidence in the Court as an institution. These scandalous statements were made by Respondent No. 1 and carried out in Issue No. 35, Dated September 05, 2009 in Volume 6 of the Tehelka Magazine i.e. Respondent No. 2 herein.
- 3) The Respondent No.1 in an interview to the Tehelka magazine has not only attributed corruption to the Hon'ble judges of this Hon'ble Court admittedly without any evidence but also suppressed vital material information while narrating the facts of a particular case which has shaken the confidence of the public in the justice delivery system and tarnished the image of this Hon'ble Court in eyes of the public.
- 4) The portion of the interview to which the Applicant seeks to draw attention is extracted as below:

"....."

***You've been at the forefront of the judicial accountability campaign. Why?***

*I have been witness to judicial corruption in the courts for a very long time. I know decisions are passed for extraneous considerations, but it's difficult to get hard evidence of this. There have been highprofile impeachment attempts, for instance, on Justice Ramaswamy, Justice Punchi and Justice Anand. Yet, they all went on to become chief justices. In my view, out of the last 16 to 17 chief justices, half have been corrupt. I can't prove this, though we had evidence against Punchi, Anand and Sabharwal on the basis of which we sought their impeachment.*

.....

***Are there other ways in which judicial corruption manifests itself?***

*There are so many. There is Justice Kapadia who decided on the Niyamgiri mining lease case in Orissa. He said Vedanta can't be given the lease because it's been blacklisted by the Norwegian government; but its subsidiary company Sterlite can get the lease because it is a publicly listed company. Justice Kapadia said it's publicly listed because he had shares in it and yet he passed an order in favour of Sterlite! There is a law against judges hearing cases where there is a conflict of interest, but they just bypass it and you can't complain because that would be contempt.*

.....



- 5) The Applicant submits that the question whether or not judges should hear cases, as a matter of propriety, on the principle that justice should not only be done but appear to be done, is not relevant for the present. The allegations made aforesaid suggest that Mr. Justice Kapadia hearing the case manifested an act of corruption.
- 6) These statements severely erode the public confidence in the judiciary and are contemptuous per se. The statement alleging corruption in respect of past chief justices smacks of irresponsible maligning of the institution - creating a doubt of who all would be the "guilty" - thereby tarnishing the institution itself. Respondent No.1 admits that he does not have evidence to back his statements and cannot prove the same but nevertheless goes on to make the unsubstantiated allegations.
- 7) In relation to the allegations against the Hon'ble Justice Kapadia it is submitted that the Respondent has indulged in half truths. What has not been revealed is that during the course of hearing of that particular case, Justice Kapadia had in fact disclosed his holding of shares and offered to recuse from the matter. He only proceeded in the matter after all the parties assured that they had complete confidence in him and had no objection to his hearing the case.

- 8) It is submitted that ascribing corruption to an act which was undertaken with the consent of the advocates appearing in the matter is a deliberate attack on the judiciary only with a view to undermine the public confidence in the institution.

- 9) In this context it would be relevant to extract the following passages from the judgement of this Hon'ble Court in *Haridas Das v. Usha Rani Banik*, (2007) 14 SCC 1 :

1. "Judge bashing" and using derogatory and contemptuous language against Judges has become a favourite pastime of some people. These statements tend to scandalise and lower the authority of the courts and cannot be permitted because, for functioning of democracy, an independent judiciary to dispense justice without fear and favour is paramount. Its strength is the faith and confidence of the people in that institution. That cannot be permitted to be undermined because that will be against the public interest.

30. Majesty of law continues to hold its head high notwithstanding such scurrilous attacks made by persons who feel that the law courts will absorb anything and everything, including attacks on their honesty, integrity and impartiality. But it has to be borne in mind that such divinity and magnanimity is not its weakness but its strength. It generally ignores irresponsible statements which are anything but legitimate criticism. It is to be noted that what is permissible is legitimate criticism and not illegitimate insinuation. No court can brook with equanimity something which may have tendency to interfere with the administration of justice. Some people find judiciary a soft target because it has neither the power of the purse nor the sword, which other wings of democracy possess. It needs no reiteration that on judiciary millions pin their hopes, for protecting their life, liberty, property and the like. Judges do not have an easy job. They repeatedly do what rest of us (the people) seek to avoid, make decisions, said David Pannick in his book *Judges*. Judges are mere mortals, but they are asked to perform a function which is truly divine.

- 10) It is submitted that the statements made by the Respondent No. 1 herein and published by Respondent No. 2 unequivocally scandalise and lower the authority of this Hon'ble Court and interfere with the administration of justice.
- 11) In the circumstances it is respectfully prayed that this Hon'ble Court may consider taking appropriate action, including
- (a) initiation of suo moto contempt proceedings against the Respondents herein.
  - (b) Pass such other and further orders as in the interest of justice may be deemed necessary

**AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.**

FILED BY :

(HARISH N. SALVE)  
AMICUS CURIAE

NEW DELHI:  
DATED:06.11.2009



## CURRENT AFFAIRS

judiciary

### 'Half Of The Last 16 Chief Justices Were Corrupt'

*The decision to declare assets is a big victory. Supreme Court lawyer Prashant Bhushan tells SHOMA CHAUDHURY what else is rotting in our judiciary*

It's great judges have agreed to declare assets. But will it really help? Politicians do it too. This decision is very welcome, even if it's only happened under public pressure. It is proof of the power of public opinion. And even though declaring assets is a relatively minor aspect of judicial accountability, it will help. If a judge misdeclares his assets, there's a chance someone might know he has particular properties he hasn't declared, and may point it out. One could then examine if these can be explained within their legal income.



In public interest Prashant Bhushan has championed the fight for judicial accountability  
Photo: SHAILENDRA PANDEY

The debate around judicial accountability has got really hot. Are there watershed events that triggered this?

Not in my own perception, but I think for the public there were two watershed events — the Chief Justice Sabharwal case (where there was an allegation that Chief Justice YS Sabharwal's orders to demolish commercial outlets in Delhi directly benefited his sons, who were partners with some mall developers) and the Ghaziabad Provident Fund scam. Both these cases got wide media attention. A 2006 Transparency International report said the judiciary in India is the second most corrupt institution after the police.

You've been at the forefront of the judicial accountability campaign. Why?

I have been witness to judicial corruption in the courts for a very long time. I know decisions are passed for extraneous considerations, but it's difficult to get hard evidence of this. There have been high profile impeachment attempts, for instance, on Justice Ramaswamy, Justice Punchi and Justice Anand. Yet, they all went on to become chief justices. In my view, out of the last 16 to 17 chief justices, half have been corrupt. I can't prove this, though we had evidence against Punchi, Anand and Sabharwal on the basis of which we sought their impeachment.

What is the root cause of judicial corruption then, and what are your key demands?

Our key demand is an institutional mechanism for entertaining complaints and taking action against the judiciary. Nothing exists today. Everyone realises impeachment is impractical. To move an impeachment motion you need the signatures of 100 MPs, but you can't get them because many MPs have pending individual or party cases in these judges' courts. In the impeachment proceeding against Justice Bhalla, the BJP declined to sign because LK Advani had been acquitted by him in the Babri Masjid demolition case. Such political considerations prevail all the time. An in-house procedure was set up in 1999, post a chief justices' conference in 1997, but that too is activated only selectively. For example, the complaint against Justice Bhalla was that he had purchased land worth Rs 4 crore at Rs 4 lakh — approximately — from land mafia in Noida. This was based on a report from the DM and SSP of Noida. This land mafia had several cases pending in courts subordinate to Justice Bhalla. Another complaint was



that in the Reliance Power matter, though his son was the lawyer for Reliance Power, Justice Bhalla constituted a special bench while he was the presiding judge in Lucknow. He sat in the house of one of the judges at 11pm at night to hear their case and pass an injunction in their favour. We asked Chief Justice Sabharwal to initiate proceedings against Bhalla, but he refused.

Similarly, Justice Vijender Jain decided the case of a person whose granddaughter had been married out of his own house. He was a close friend but he still heard and decided the case in this person's favour. The point is, in these cases though very specific complaints were made to the then Chief Justice of India (CJI), he didn't do anything to activate the in-house procedure. All these judges have gone on to become chief justices. Bhalla is still chief justice of Rajasthan; Virendra Jain became chief justice of Punjab and Haryana.

#### What's the answer?

The first problem is that there is no independent institution for entertaining complaints and taking action against judges. There has to be a National Judicial Complaints Commission — independent of the government and judiciary. It should have five members and an investigating machinery under them. The second problem lies in the Paraswamy judgment, which ordered no criminal investigation can be done against a judge without prior written permission of the CJI. That's what happened in Karnataka. There was a complaint against several judges visiting a motel and misbehaving with women. When the police officer came, the judges threatened him and said no FIR could be filed against them because they were judges. This happened in the Ghaziabad Provident Fund case as well. The investigation is stumped because the CJI hasn't given permission. We have to get rid of this injunction.

The third problem is the Contempt of Court Act. Today, even if you expose a judge with evidence, you run the risk of contempt. Judges are even seeking to insulate themselves from the RTI. We have to get rid of the Contempt of Court Act — not the whole Act. Disobeying the orders of the court is civil contempt — that should remain. Interfering with the administration of justice is criminal contempt — that too should remain. What needs to be deleted is the clause about scandalising or lowering the dignity of the court, for which Arundhati Roy was sent to jail. Finally, there is the problem of appointments. Earlier, judicial appointments were made by the government, which was bad enough. Now, by a sleight of hand, the Supreme Court has taken the power of appointments to itself. Earlier there were political considerations; now there are nepotistic ones.

#### Again, what's the answer to that?

We need an independent Judicial Appointments Commission, which is independent and works full time, and follows some systems and procedures. Eligibility lists should be prepared and comparative merits debated and evaluated. You can't just pick judges arbitrarily, and let people know about it only after the deed is done.

#### What are the best practices and conventions elsewhere?

We should at least have Public Confirmation hearings like in the US. In the Senate Judicial Committee, you have hearings where any public citizen can give evidence about the background of a judge that has bearing on their appointment. This is being fiercely resisted here.

There is still no independent body to process complaints and action against judges

#### Do any counter arguments hold?

None that I can see. The judges say all this will compromise their independence. Unfortunately, they are equating the independence of the judiciary with independence from accountability. Independence of the judiciary was meant to be independence from the political establishment, not from all accountability.



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**Are there other ways in which judicial corruption manifests itself?**

There are so many. There is Justice Kapadia who decided on the Niyamgiri mining lease case in Orissa. He said Vedanta can't be given the lease because it's been blacklisted by the Norwegian government; but its subsidiary company Sterlite can get the lease because it is a publicly listed company. Justice Kapadia said it's publicly listed because he had shares in it and yet he passed an order in favour of Sterlite! There is a law against judges hearing cases where there is a conflict of interest, but they just bypass it and you can't complain because that would be contempt.

**WRITER'S EMAIL**  
shorna@tehelka.com

*From Tehelka Magazine, Vol 6, Issue 35, Dated September 05, 2009*

IN THE SUPREME COURT OF INDIA  
CRIMINAL CONTEMPT PETITION NO. 10 OF 2009

IN

I.A. NO. 1374, 1474, 2134 OF 2007

IN WP (C) NO. 202 OF 1995

IN THE MATTER OF:

AMICUS CURIAE

....PETITIONER

VERSUS

PRASHANT BHUSHAN AND ANR.

....RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Tarun Tejpal, S/o Inderjit Tejpal, Editor-in-Chief, Tehelka, having office at M-76, 2<sup>nd</sup> Floor, M-Block, Market, Greater Kailash-II, New Delhi-110048 do hereby solemnly state and affirm as under:

1. I am Respondent No. 2 in the aforementioned contempt petition and being familiar with the facts and circumstances of the case am competent to swear this Counter Affidavit.

2. That I have read and understood the contents of the Contempt Petition filed by the Petitioner and my response to the same is as under:

3. That the aforesaid contempt petition relates to the publication in 'Tehelka' of an interview with Respondent No.1 about corruption in the judiciary. It is submitted that what was published in Tehelka was a truthful and accurate reproduction of the contents of that interview.

4. It is the belief of 'Tehelka' that a truthful exposure of corruption in high places including the judiciary is an essential duty of the free press in the service of the people of the Indian Republic. Such exposure serves two essential purposes. One, it tends to deter others from indulging in corruption for fear of such exposure. Second, it tends to activate the different institutions of governance to take effective measures to curb the growing corruption.





5. It is well known that the people of this Republic are groaning under increasing corruption in all institutions of governance, and all well meaning people in all walks of life have to strive their utmost in an effort to eliminate this corruption.
6. In exercise of its fundamental right of freedom of speech and expression, it is the solemn duty of a free press to honestly and truthfully engage in discharging this duty.
7. As this duty has to be performed with great care, 'Tehelka' only publishes what it believes to be true. Tehelka practices public interest journalism of the highest order and has earned a global reputation for its work. It therefore only publishes the statements made by responsible people, who command the highest credibility and a reputation for their sense of responsibility.
8. As Respondent No.1 is universally regarded as a person of the highest credibility, integrity and devotion to public interest, 'Tehelka' was certain that the contents of the interview that it published was truthful and it was its duty towards the people, to publish the same.
9. That under article 19(2) of the Constitution, only reasonable restrictions can be placed on the freedom of speech in relation to contempt of court. The deponent believes that it is only malicious and false allegations on judicial corruption which can be restrained by any contempt law and not allegations made bona fide and in good faith. A bonafide expression of one's views about the extent of corruption in the judiciary can certainly not be restrained by a contempt law in a democracy with a fundamental right of speech.
10. That in fact this may be the reason for the Parliament enacting sections 13(a) in the Contempt of Courts Act 1971 in the following terms:-

Section 13 - "contempt not punishable in certain cases"

*"Notwithstanding anything contained in any law for the time being in force*



(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes or tends substantially to interfere with the due course of justice;"

11. Criminal contempt is defined in section 2(c) of the Act in the following terms:-

Section 2(c)

"criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which—

- (i) Scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court; or
- (ii) Prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- (iii) Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner; "

12. It is clear that section 13(a) permits punishment for contempt only in cases covered by sub-clauses (ii) & (iii) of section 2(c) only and acts falling under sub-clause (i) are not punishable. In the present case, paragraph 10 of the instant contempt petition shows that only sub-clause (i) of section 2(c) is being invoked and not sub-clauses (ii) or (iii) of Section 2 (c).



YES  
DIPANKAR BASU  
ADVOCATE  
PUBLIC  
NO. 918  
GOVT. OF INDIA  
SUPREME COURT, NEW DELHI  
**VERIFICATION:**

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

*[Signature]*  
DEPONENT

Verified at New Delhi on this 6th day of September 2010.

*[Signature]*  
DEPONENT



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IN THE SUPREME COURT OF INDIA  
CRIMINAL CONTEMPT PETITION NO. 10 OF 2009

IN

I.A. NO. 1374, 1474, 2134 OF 2007

IN WP (C) NO. 202 OF 1995

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VERSUS

PRASHANT BHUSHAN AND ANR.

....RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1

I, Prashant Bhushan, son of Shanti Bhushan, resident of B-16, Sector 14, Noida, U.P. do hereby solemnly state and affirm as under:

1. I am Respondent No. 1 in the aforementioned contempt petition and being familiar with the facts and circumstances of the case am competent to swear this Affidavit.
2. That the Respondent by way of the present affidavit is placing on record an article written by the Hon'ble Justice Krishna Iyer in a newspaper "the Hindu" dated 21.09.2010 expressing his concern over the charges of corruption against the retired Chief Justices of this Hon'ble Court and suggesting the steps which should be taken in order to address this issue. Copy of the said article dated 21.09.2010 is annexed hereto as Annexure A.

DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 2nd day of Dec. 2010.

DEPONENT

THE HINDU

ANNEXURE - A

Date: 21/09/2010 URL:

<http://www.thehindu.com/2010/09/21/stories/2010092163131300.htm>[Back](#)[Opinion](#) - News Analysis**A challenge before the nation**

V.R. Krishna Iyer

*Have some Chief Justices of the Supreme Court indeed been delinquent, or is Shanti Bhushan resorting to bravado? The truth should come out.*

Shanti Bhushan is a distinguished Senior Advocate of the Supreme Court. The former Union Law Minister has been a public-spirited counsel of corrective strategy. Now he has, in a stroke of seemingly egregious expression of national conscience, raised a historic, heuristic challenge. He has questioned the integrity of the top brethren of the highest judiciary of the Republic, hurling charges of corruption against eight of 16 Chief Justices of the past. He has defiantly desiderated them in a militant manner. Take action for contempt of court against me, if you dare, he seems to say. And the media have publicised Mr. Bhushan's action, which sounds much like bravado.

Now it is left to the nation to move on this matter of paramount importance. This is an astonishing event — the rarest of the rare kind. If India is not a coward, if its swaraj is not merely soft and formal but firm and phenomenal, an appropriately high-level investigation, with consequential follow-up action that is punitive and reformatory, is imperative. This is no time to hesitate or involve in an exchange of rhetoric. Nor is this the time for a guarded and diplomatic reaction. This is unprecedented: a succession of Chief Justices have been publicly accused by a Senior Advocate of standing, risking his career.

Take action or face collapse. This is not a matter for ordinary public interest litigation. Until now, in no democracy would such an event have happened. There is not a moment now to relax or show amoral indifference or inaction. Should India keep quiet and go into slumber in the face of Operation Bhushan Bravo now, the world will judge this democracy as a bundle of brave words that, when it comes to action, is a flop show. This is not an hour to relax or retreat from duty. This is an open offensive against the highest court. The court, with vast powers of adjudication of justice and writ jurisdiction, has been put in the dock, so to say. To remain deaf or dumb to this situation will be a shock and a shame. When the judicial system suffers seppuku, we become a society sans justice.

This is a crisis beyond Mr. Shanti Bhushan and Chief Justice S.H. Kapadia themselves. The extraordinarily epic charge demands a trial. How can the courts close its eyes and pretend to be asleep? Wake up and walk with your head high, and create a tribunal as unique as the situation. To fail here will put the nation's reputation under grave suspicion.

The judiciary is constitutionally empowered to be critical, to quash and be a corrective. It could issue creative writs or directives binding the functional process of the Executive and



the Legislature. What about the judges if they are not efficient, competent and capable, and with a vision and mission to transform the social dimension of any policy or action that is violative of *suprema lex*? In the United States, Chief Justice Earl Warren produced a racial revolution that U.S. President Eisenhower could not achieve. In the Commonwealth, visionary judges have shown their ability to transmute society through judicial activism.

Even in India, public interest litigation has revolutionary potential if our 'robed brethren' are really socialist and secular. They do not always possess in plenary fashion such a dimension in terms of perception or vision. On the contrary, some of them often tend to yield to class bias and political pressure by multinational corporations, or class-oriented prejudices. Indeed, some of them seem to be slowly succumbing to corruption by powerful vested interests. This is a grave danger.

Yet, the controversy raised by Mr. Shanti Bhushan poses a serious peril before this Republic's crimson future. Our tryst with destiny, articulated in the historic address by Prime Minister Jawaharlal Nehru, cannot be implemented since final adjudicatory powers under Article 141 and 144 lie with the highest court. To remain inert and indifferent to the attack is to be amoral and unethical to constitutional mandates. If this Republic is a live constitutional instrumentality, it has received stab wounds on its chest. Our Supreme Court Judges do have a moral stature.

If Parliament has a sense of shame, now is the time to act: it cannot wait till tomorrow. Mr. Shanti Bhushan has dared the court. Of course, he will get an opportunity and has an obligation to the nation to prove the truth of his charges. Not to act on the matter will amount to cowardice, timidity, bankruptcy, and an unworthy submission to his audacious invasion on the credibility of India's highest moral authority, the Supreme Court.

Parliament must act. Let the Prime Minister move a resolution asking the two Houses to meet and pass a motion appointing the highest-ever quasi-judicial body to sit and inquire into any judicatural retreat from their oath of office. This will involve issues of grave importance. It is no longer Bhushan vs. the Supreme Court. It is the people's right to have a paramount Supreme Court of justice. This nation is greater than Mr. Shanti Bhushan and it cannot have a moral backbone if these charges are not publicly enquired into and consequent changes are made — so that the Supreme Court may shine supreme.

Any Commission or Tribunal that is created should not be confined to the charges in its ambit of enquiry. The public must be able to bring any other charges against the judges of the highest court. This will be a historic, epic tribunal to try its own judges without fear or favour and cleanse the system of any bad elements. Frame a performance prescription, punish any guilty judges.

Or if Mr. Shanti Bhushan fails in his bid, let him face the consequences of his phenomenal folly. There should be no secrecy but only transparency, no contempt proceedings to hide delinquent conduct. This will be an epic battle more important than the making of the Constitution — a national hearing by a superlative tribunal. I suggest the Chief Justices of all the High Courts plus the Speaker and the Chairpersons of the two Houses sitting as a body assisted by the Attorney-General and the Solicitor-General. During the course of these proceedings, ad hoc judges may be appointed to hear cases. The marathon process will involve sittings on three days a week. The other four days could be set apart for their regular judicial work. Such a tribunal will be unique — a brave judicial odyssey. For, never has

there been such a spiritual or civil challenge to a nation's supreme body.

Let us not be afraid of doing the right thing at the right time. Anybody who comes up with charges must suffer punishment if these turn out to be unproven. Nobody can escape after levelling allegations frivolously, nocently, malignantly and mendaciously. Mr. Shanti Bhushan and Prashant Bhushan will either go down in history as tremendous challengers of evil or run afoul of the law for having raised frivolous charges. Justice shall be done to the judges, and equally to those who have levelled unproven charges. Those who seek to defile the system through blackmail will be punished, unless they are able to back up and prove the charges.

#### **The collegium**

Meanwhile, there is one more item of great relevance and importance to be considered by Parliament. This involves the collegium created by a judgment of the Supreme Court to make appointments and recommend the transfer of judges of the higher courts. This instrumentality is the creature of a judgment with no foundation in the Constitution. It constitutes an usurpation of the powers of the Executive with no guidelines whatsoever. It has played havoc and deserves to be demolished by parliamentary correction, by means of an amendment to the law. The collegium is answerable to none, and acts without transparency. Instead of waiting for a larger bench to eliminate it, a constitutional provision must extinguish this instrument.

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IN THE SUPREME COURT OF INDIA

Cr. M.P. NO. \_\_\_\_\_ OF 2010

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PRASHANT BHUSHAN AND ANR.

....RESPONDENTS

**APPLICATION FOR PERMISSION TO FILE ADDITIONAL AFFIDAVIT ON BEHALF OF  
RESPONDENT NO.1**

To

The Hon'ble Chief Justice &

His Companion Justices of the Supreme Court of India

The humble application of the Petitioners above named.

**Most respectfully sheweth:**

1. That the applicant is the first respondent in the aforementioned contempt petition and by way of the present application seeking permission to file a supplementary affidavit in the present case.
2. The applicant is filing an additional affidavit to place on record an article by the Hon'ble Justice Krishna Iyer in a newspaper "the Hindu" dated 21.09.2010 which is directly related to the present contempt proceeding.
3. It is submitted that it would be in the interest of justice that this Hon'ble Court allows the applicant to file the said additional affidavit.

PRAYERS~~6~~

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) permit the applicant to file an additional affidavit in the aforesaid contempt petition; and
- b) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Applicant/Respondent No.1

Delhi

Dated

Through: Kamini Jaiswal

(Advocate for the Applicant)



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IN THE SUPREME COURT OF INDIA  
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IN THE MATTER OF:

AMICUS CURIAE

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VERSUS

PRASHANT BHUSHAN AND ANR.

....RESPONDENTS

AFFIDAVIT

I, Prashant Bhushan, son of Shanti Bhushan, resident of B-16, Sector 14, Noida, U.P. do hereby solemnly state and affirm as under:

1. I am Respondent No. 1 in the aforementioned contempt petition and being familiar with the facts and circumstances of the case am competent to swear this Affidavit.
2. That I have read and understood the facts mentioned in the accompanying application and I state the facts mentioned in the accompanying application are true and correct to the best of my knowledge.

DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 2nd day of December 2010.

DEPONENT

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IN THE SUPREME COURT OF INDIA  
CRIMINAL CONTEMPT PETITION NO. 10 OF 2009

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PRASHANT BHUSHAN AND ANR.

....RESPONDENTS

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Tarun Tejpal, S/o Inderjit Tejpal, Editor-in-Chief, Tehelka, having office at M-76, 2<sup>nd</sup> Floor, M-Block, Market, Greater Kailash-II, New Delhi-110048 do hereby solemnly state and affirm as under:

1. I am Respondent No. 2 in the aforementioned contempt petition and being familiar with the facts and circumstances of the case am competent to swear this Affidavit.
2. That the Respondent by way of the present affidavit is placing on record three documents giving the lists of stories done on corruption and other stories related to riots, bomb blasts, human rights violations etc. done by Tehelka in past to show that Tehelka has always been exposing corruption and other evils prevalent in our society through its investigative stories. These stories have won Tehelka dozen of awards and earned it a global reputation in its public interest journalism. Copies of these lists are annexed hereto as Annexure A (Colly).

DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 30<sup>th</sup> day of November 2010.

DEPONENT



Tehelka investigations involving corruption

Annexure A (colg)

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No	Year	Synopsis
1.	May 2001	Operation West End is Tehelka's best known sting operation which uncovered malpractices during defense procurements in 2001. Tehelka's reporters pretended to be arms dealers and with the help of spycams captured the depth of corruption in this realm. Several political figures, as well as the army top brass, were captured on camera, colluding to take bribes in order to approve defense contracts worth hundreds of crores. <a href="http://www.tehelka.com/home/20041009/operationwe/investigation1.htm">http://www.tehelka.com/home/20041009/operationwe/investigation1.htm</a>
2.	26 June, 2004	DIGGING INTO the Uttar Pradesh narcotics trade, TEHELKA unearthed documentary evidence indicting several MPs and MLAs. In more than a dozen letters written over the years to successive state chief ministers by members of the Samajwadi Party, the BJP and the BSP, the netas recommended that cases be dropped against drug lords then in jail. The investigation proved that narcotics in UP had grown into a well-entrenched, multibillion dollar industry with politicians and the state police its biggest stakeholders. When asked about these letters, the politicians either denied writing them, or claimed to have been misled by constituents. <a href="http://www.tehelka.com/story_main4.asp?filename=Ne062604opium_men.asp">http://www.tehelka.com/story_main4.asp?filename=Ne062604opium_men.asp</a>
3.	April 10, 2010	After extensive investigations carried out by Tehelka in Pune, including detailed conversations with the district administration, army officers and even the private individual who claims to be the owner, it now appears prima facie that the army has wrongfully acquired 69 acres of prime real estate and was refusing to give it up. In fact, the army had no documentary proof of ownership of the land. Stunningly, the army had forced the government to lie in Parliament on this issue. <a href="http://www.tehelka.com/story_main44.asp?filename=Ne100410an_uncivil.asp">http://www.tehelka.com/story_main44.asp?filename=Ne100410an_uncivil.asp</a>
4.	December 04, 2009	A Tehelka investigation shows how the chairman of the Damodar Valley Corporation was appointed even while he was under the scanner of the Central Vigilance Commission for a multi-crore scam.
5	July 17, 2010	In April 2010, the Supreme Court directed the Ministry of Environment and Forests to conduct a probe into French cement giant Lafarge's limestone mines in Meghalaya. Lafarge was alleged to have been operating on forest land without proper clearance. A Tehelka investigation shows that Lafarge had persuaded a local MLA to buy land on its behalf and then transfer the same to the company. <a href="http://www.tehelka.com/story_main46.asp?filename=Ne170710limestones.asp">http://www.tehelka.com/story_main46.asp?filename=Ne170710limestones.asp</a>

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6.	October 03, 2009	<p>A Tehelka investigation shows that VK Sibal, director general in the Directorate General of Hydrocarbons (DGH) of the Ministry of Petroleum and Natural Gas had received favours from contractors, including Reliance Industries (RIL), in return for swift approvals of huge, unaudited capital expenditures relating to oil and gas explorations:</p> <p><a href="http://www.tehelka.com/story_main42.asp?filename=Bu031009black_holes.asp">http://www.tehelka.com/story_main42.asp?filename=Bu031009black_holes.asp</a></p>
7	April 03, 2010	<p>A Tehelka investigation probes the enormous corruption in mining through the example of the Reddy brothers in Karnataka.</p> <p><a href="http://www.tehelka.com/story_main44.asp?filename=Ne030410coverstory.asp">http://www.tehelka.com/story_main44.asp?filename=Ne030410coverstory.asp</a></p>
8.	May 12, 2007	<p><a href="http://www.tehelka.com/story_main30.asp?filename=Bu120507Scandal_in.asp">http://www.tehelka.com/story_main30.asp?filename=Bu120507Scandal_in.asp</a></p> <p>A Tehelka investigation shows that India's second largest bank ICICI Bank has taken a hit on loans given against warehouse receipts (WR) — a pledge security which acts as evidence that a specific commodity is kept in a warehouse. The fraud, unearthed in the quarter ended December 2006, was in the region of Rs 500 crore.</p>
9	25 November 2007	<p>Maharashtra DGP (DGP) PS Pasricha used his position to accumulate property worth crores of rupees, which he undervalued in his income tax returns. As TEHELKA found, the state's senior-most cop was also impeding inquiries against shady builders with underworld connections. The evidence TEHELKA gathered showed the DGP had been in the business of buying and selling property ever since 2000. The investigation also found conclusive documentary evidence of Pasricha's burying an investigation into the suspected connection between a building firm and the Dawood Ibrahim gang. As a result of TEHELKA's investigations, an inquiry headed by the state Chief Secretary was instituted by the then state Home Minister, RR Patil.</p> <p><a href="http://www.tehelka.com/story_main29.asp?filename=Ne210407Top_cop_CS.asp">http://www.tehelka.com/story_main29.asp?filename=Ne210407Top_cop_CS.asp</a></p>
10.	April 21, 2007	<p>Tehelka accessed tainted builder Shailesh Sawla's mobile phone record, which laid bare his proximity to Maharashtra DGP PS Pasricha. The builder was arrested after Tehelka's investigations into Pasricha's properties. Tehelka then found more evidence of the nexus between the two. In a month-long sting operation earlier, Tehelka had caught Sawla on a spycam saying Pasricha was his 'guardian' and had been helping soft-pedal the on-going investigation against him. Further investigations by Tehelka showed that Pasricha had bought an entire floor from Sawla in the same housing project over which the builder has been arrested. Tehelka acquired Sawla's cellphone records that clearly show their relationship.</p> <p><a href="http://www.tehelka.com/story_main29.asp?filename=Ne280407DGP_pasricha.asp">http://www.tehelka.com/story_main29.asp?filename=Ne280407DGP_pasricha.asp</a></p>



11	Feb 3, 2007	<p>A Tehelka special report made public the Maharashtra police's discovery of evidence of kickbacks to 30 officials in the Slum Rehabilitation Authority, a body headed by Maharashtra CM Vilasrao Deshmukh. The money made by the tainted SRA officials and builders runs into hundreds of crores. Tehelka further revealed that the home ministry headed by the Deputy CM RR Patil didn't respond to ACB's request for a Special Investigation Team.</p> <p><a href="http://www.tehelka.com/story_main26.asp?filename=Ts020307robbed.asp">http://www.tehelka.com/story_main26.asp?filename=Ts020307robbed.asp</a></p>
12	Jan 13, 2007	<p>A Tehelka investigation revealed that the Madhya Pradesh government had lied to the Supreme Court about the rehabilitation of Sardar Sarovar Project displaced families. The MP government told the SC that they were "well-rehabilitated" but several families had not got possession of their land. The land was bought by district officials and not by the affected families as claimed in court by the MP government. Further, the water pipeline to the land had been removed and the land registry said that the land is not arable.</p> <p><a href="http://www.tehelka.com/story_main25.asp?filename=ts01132007Rehabilitation_p33.asp">http://www.tehelka.com/story_main25.asp?filename=ts01132007Rehabilitation_p33.asp</a></p>
13	December 12, 2009	<p>In a revelation that had damaging ramifications for the image of the Indian Army, a court of Inquiry probing the Sukna land scam in Darjeeling has found prima facie evidence of wrongdoing by four top army officers, including Military Secretary Lt Gen Avadhesh Prakash, Lt Gen PK Rath and Lt Gen PK Halgali. Tehelka tracked the story.</p> <p><a href="http://www.tehelka.com/story_main43.asp?filename=Ne121209taint_at.asp">http://www.tehelka.com/story_main43.asp?filename=Ne121209taint_at.asp</a></p>
14.	October 17, 2009	<p>Tehelka tracked the Supreme Court's lack of urgency in investigating charges of judicial corruption. Special CBI judge Rama Jain uncovered Rs 7 crore Provident Fund scam during vigilance inquiry. The accused Ashutosh Asthana revealed that he was paying off 36 judges including a sitting Supreme Court judge and 11 High Court judges. Supreme Court directed the CBI to investigate, permits interrogation of all involved judges. Several status reports were given by the CBI to the apex court. Tehelka revealed that the reports were being kept secret and so was the action taken on the basis of reports.</p> <p><a href="http://www.tehelka.com/story_main43.asp?filename=Ne171009burn_after.asp">http://www.tehelka.com/story_main43.asp?filename=Ne171009burn_after.asp</a></p>
18.	November 26, 2005	<p>Tehelka reported that the Noida authority has sold prime land worth several crores of rupees in the area to the DLF, without even acquiring it. Tehelka investigations showed that the Noida authority has sold prime real estate to private parties even</p>

		<p>when the entire land did not belong to it, on other occasions as well.</p> <p><a href="http://www.tehelka.com/story_main15.asp?filename=ts112605_its_not.asp">http://www.tehelka.com/story_main15.asp?filename=ts112605_its_not.asp</a></p>
19	Oct 07 , 2006	<p>Thousands of rural unemployed across India are neither getting any work nor any unemployment allowance, as promised to them under the National Rural Employment Guarantee Scheme (NREGS). A Tehelka investigation into the working of NREGS in UP has revealed that it is fast turning into yet another hollow government scheme, long on promises but short on delivery. Eligible rural workers in UP are not getting NREGS job-cards in many districts including Sitapur, Barabanki, Rae Bareilly, Gorakhpur and Lakhimpur Kheri.</p> <p><a href="http://www.tehelka.com/story_main20.asp?filename=Ne100706Poverty_Guaranteed.asp">http://www.tehelka.com/story_main20.asp?filename=Ne100706Poverty_Guaranteed.asp</a></p>
20	June 3 2006	<p>Gujarat Chief Minister Narendra Modi's much-touted Sujalam Sufalam project to bring water to the parched regions in north Gujarat is running far behind schedule, and, according to the project's internal audit report, is riddled with corruption and large-scale irregularities. The Sujalam Sufalam irrigation project was launched ahead of the Parliamentary elections in February 2004 with great fanfare. It was announced that when completed in December 2005, the project would solve the water problem of the region once and for all. The Rs 6,200-crore project was meant to provide drinking water to 4,900 villages through pipelines and spreading-channels in seven districts. But currently only 475 villages are getting piped water under the project; work is underway in another 2,815 villages. Tehelka obtained a copy of the project's internal audit report.</p> <p><a href="http://www.tehelka.com/story_main18.asp?filename=Ne060306water_borne.asp">http://www.tehelka.com/story_main18.asp?filename=Ne060306water_borne.asp</a></p>
21	Jun 03, 2006	<p>A Tehelka investigation showed that Bihar Chief Secretary GS Kang, Irrigation Secretary Hemchand Sirohi and Energy Secretary V. Jayashankar have been found guilty of violating the Forest Conservation Act (FCA), 1980 and are in contempt of the Supreme Court (SC) orders in the Durgawati Irrigation Project, in the state's Rohtas and Kaimur districts.</p>
22	June 24, 2006	<p>The socialist chief minister of Uttar Pradesh and his family own much more than they have declared. Vineet Khare uncovers their property trail.</p>

18 August 2007

INDIA'S JUDICIARY is the country's most holy cow. A colonial relic, the Law of Contempt, has effectively silenced criticism. Going against the grain, TEHELKA published a cover story based on how the just retired Chief Justice of India, YK Sabharwal, had passed dubious judgments that directly helped his sons earn huge profits.

The judgments related to removing offices and shops in residential areas in Delhi. Sabharwal was unrelenting in the face of numerous pleas for more time by the state government. As the massive sealings drove commercial establishments to the malls, Sabharwal's sons and a key real estate major invested in malls, raking in crores.

"The issue of sealing was difficult as on the one hand it was a question of law and on the other of the suffering among the people." This is how Justice YK Sabharwal, the former Chief Justice of India (CJI), described the demolition drive that had brought the nation's capital to a virtual standstill for weeks. The anguish with which the former chief justice of India described the sealing drive as the most difficult decision of his career, however, flies in the face of facts unearthed by a committee of equally eminent citizens called the Campaign for Judicial Accountability and Judicial Reforms. The Committee's patrons include such veteran torchbearers of public integrity as former law minister Shanti Bhushan, Justice VR Krishna Iyer, Admiral RH Tahliani and the Supreme Court lawyer Prashant Bhushan.

Though the retired judge issued a rebuttal to the Tehelka's story, each of the points raised in the rebuttal were further proved wrong by the evidence.

[http://www.tehelka.com/story\\_main33.asp?filename=Ne180807Officefor.asp](http://www.tehelka.com/story_main33.asp?filename=Ne180807Officefor.asp)



Other important investigations by Tehelka

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No	Date	Synopsis
1	March, 2000	<p><b>Fallen Heroes</b></p> <p>In a bid to expose the corruption of India's favourite sport, Tehelka sent cricketer Manoj Prabhakar to meet players and officials. On spycam they revealed shocking details about match-fixing in Indian cricket. Subsequently the CBI named Mohammed Azharuddin, Ajay Jadeja, Ajay Sharma and Manoj Prabhakar as prime suspects. Azharuddin and Sharma were given a lifetime ban from professional cricket by the BCCI. Jadeja and Prabhakar were banned for five years for their involvement with bookmakers.</p> <p><a href="http://www.tehelka.com/story_main6.asp?filename=Ne092504I_WILL_NOT.asp">http://www.tehelka.com/story_main6.asp?filename=Ne092504I_WILL_NOT.asp</a></p>
2	February 7th, 2004	<p>A new mood of aggressive Christian evangelism has been emanating from America. Well-funded, superbly networked, backed by the highest of the land, seized of its moral supremacy, it has India as one of its key targets, revealed Tehelka in a disturbing exposé.</p> <p><a href="http://www.tehelka.com/story_main.asp?filename=ts013004shashi.asp">http://www.tehelka.com/story_main.asp?filename=ts013004shashi.asp</a></p>
3	Apr 10, 2004	<p>The Indian government gave a Rs 53 crore contract for the purchase of AK-47s, intended for the modernisation of its forces. A Tehelka investigations reveals that the contract was received by a Bulgarian firm with a reputation of arming terrorist groups</p> <p><a href="http://www.tehelka.com/story_main1.asp?filename=Ne041004assault.asp">http://www.tehelka.com/story_main1.asp?filename=Ne041004assault.asp</a></p>
4	May 17, 2004	<p><b>Asylums</b></p> <p>FOR AMOUNTS ranging from Rs 5,000 to Rs 10,000, Dr SK Gupta, a psychiatrist working at the state-run asylum in Agra, Uttar Pradesh, certified women as mentally ill without clinical evaluations. His certificates provided women's husbands a trouble-free route to a quick divorce. The doctor sold the certificate to a TEHELKA reporter and to 10 other men. He was arrested the day the story hit the headlines.</p> <p><a href="http://www.tehelka.com/story_main4.asp?filename=Ne071004the_price.asp">http://www.tehelka.com/story_main4.asp?filename=Ne071004the_price.asp</a></p>

No	Date	Synopsis
5	14, August 2004	<p>A five-month long undercover investigation conducted by Tehelka has revealed that hundreds of Europeans — British, Germans, Dutch, French, Swiss and Swedish — visit Goa to seek children for sexual gratification. They come to Goa because it is easy, and cheap, to sexually abuse a child here. On the run after crackdowns on cheap child-sex tourism in Thailand and Sri Lanka, the paedophile bus has rolled into Goa. And turned the picture-postcard tourism destination into an arena of perversity and of horrors. Goa has made an alarming transition from being a laid-back resort to a paedophile's paradise. And the government, despite knowledge of this debased crime, despite alerts from international agencies, chooses to look the other way.</p> <p><a href="http://www.tehelka.com/story_main5.asp?filename=Ne080714Sin_in_Paradise.asp">http://www.tehelka.com/story_main5.asp?filename=Ne080714Sin_in_Paradise.asp</a></p>
6	28 August, 2004	<p><b>Pay for scans</b></p> <p>Each time a doctor refers you for a scan or a test to a particular diagnostic centre, chances are he is getting a fat commission from there. As diagnostic centres mushroom all over the country, the noble practitioners in white make money at the expense of patients they are meant to heal. Tehelka's undercover journalists took up a job as a representative in two such centres in the Capital to unravel a flourishing malpractice in which big bucks bind corrupt doctors and greedy businessmen.</p> <p><a href="http://www.tehelka.com/story_main5.asp?filename=Ne082804Diabolical_Diagnosis.asp">http://www.tehelka.com/story_main5.asp?filename=Ne082804Diabolical_Diagnosis.asp</a></p>
6	18 December, 2004	<p><b>Pilot scam</b></p> <p>A Tehelka sting operation nets 10 flying hours without the need to step into a cockpit, and a student pilot's licence with a Rs 1 lakh bribe. More money can fetch you an undeserved commercial pilot's papers. The expose rent holes in our faith in pilots and our safety in the skies.</p> <p><a href="http://www.tehelka.com/story_main9.asp?filename=ts121804CAPTAIN_PERIL.asp">http://www.tehelka.com/story_main9.asp?filename=ts121804CAPTAIN_PERIL.asp</a></p>



No	Date	Synopsis
7	Jan 1, 2005	<p><b>ZAHEERA SHEIKH</b>  ZAHEERA SHEIKH and the Best Bakery case became the symbols of the 2002 Gujarat carnage. Fourteen people were slaughtered by a mob at the Best Bakery in Vadodara. Zaheera's sister and uncle were among those killed. Zaheera's account went into police files, was printed in newspapers, and she soon became the prime witness. That, however, didn't stop her from taking money to let the guilty off the hook. Her repeated changes of testimony smoothed the way for the court setting all the defendants free. In its investigation, TEHELKA unearthed the story of how Zaheera had been threatened by the ringleaders of the lynch mob. She had also been paid Rs 18 lakh to turn hostile. Her admission, captured on camera, implicated BJP legislator Madhu Srivastava, known to be close to Gujarat Chief Minister Narendra Modi, and his cousin Chandrakant Batthoo. In an unprecedented move, the Supreme Court ordered the Best Bakery case to be shifted out of Gujarat to Mumbai, and set up a committee to enquire into Zaheera's volte face. It concluded that she had indeed been 'induced'. In March 2006, a court ordered that Zaheera undergo a one-year prison term for lying under oath.  <a href="http://www.tehelka.com/story_main10.asp?filename=ts010105The_Buying.asp">http://www.tehelka.com/story_main10.asp?filename=ts010105The_Buying.asp</a></p>
8	Mar 12, 2005	<p><b>ON MARCH 26, 2003</b>, Haren Pandya, former home minister of Gujarat, BJP member and staunch political opponent of Gujarat Chief Minister Narendra Modi was killed. TEHELKA, in two separate investigations, revealed the possibility of the Gujarat Government's complicity. RB Sreekumar, Additional Director General of Police, in his diary noted that Modi's Principal Secretary, PK Mishra, asked him to find out which minister in the Cabinet had met the citizen's tribunal investigating the 2002 riots. Mishra later told Sreekumar that he suspected Pandya. Sreekumar was ordered to tap Pandya's phone. When he refused, OP Mathur, IGP, was handed the responsibility. Less than a year later, Pandya was killed in broad daylight. Pandya's father accused the Modi Government of having a hand in the killing. TEHELKA discovered that not only did the probe close in just six months, but also that the prosecution failed to raise the most basic and vital questions surrounding his murder.  <a href="http://www.tehelka.com/story_main11.asp?filename=ts031205Who_Killed.asp">http://www.tehelka.com/story_main11.asp?filename=ts031205Who_Killed.asp</a></p>



No	Date	Synopsis
9	Oct 7, 2006	<p><b>Jessica Lall: Killers Of The Truth</b>            On April 29, 1999, at Tamarind Court, an up-scale restaurant in New Delhi, Siddharth Vashisht, alias Manu Sharma, son of politician Venod Sharma, walked into the bar and demanded a drink. Model Jessica Lall was shot dead for denying him one. It was an open and shut case. Three eyewitnesses — Shiv Das, Karan Rajput and Shayan Munshi — were more than enough to ensure a life sentence. Yet each eyewitness turned hostile, and Manu Sharma walked away a free man from the lower court. A three-month-long TEHELKA sting operation blew the lid off all conjecture: witnesses had been bought off or just threatened into silence. The admissions to TEHELKA'S spycams were unabashed. They pointed to the fact that Venod Sharma had abused power and money. He had paid upto Rs 25 lakh to Rajput. Das had been intimidated. Munshi, who had lied in court, admitted that "they" — the Sharmas — were very powerful people. TEHELKA's investigation added to the groundswell of public protest. Venod Sharma was forced to quit his post in the Haryana Government. And the Delhi High Court held Manu Sharma guilty of Jessica's murder.</p> <p><a href="http://www.tehelka.com/story_main20.asp?filename=Ne100706killers_of_CS.asp">http://www.tehelka.com/story_main20.asp?filename=Ne100706killers_of_CS.asp</a></p>
10	Dec 30, 2006	<p><b>The Hindu Hand</b>            April 6, 2006. A bomb goes off in Nanded, a town in Maharashtra, at the house of an RSS member. Two people die; others connected with the accidental explosion are arrested. TEHELKA scooped their narcoanalysis and brain-mapping reports to throw light on a disturbing trend: individuals associated with Hindutva outfits like the RSS, the Vishwa Hindu Parishad and the Bajrang Dal are developing terror networks in north Maharashtra, targeting the region's Muslims. The motive: to avenge attacks carried out by Muslim extremists. One of those who died in the blast said Hindus would be "treated like hijras (eunuchs)" if they failed to take action. The story presaged the attacks planned and carried out by Sadhvi Pragya and Lt Col Purohit in 2008.</p> <p><a href="http://www.tehelka.com/story_main24.asp?filename=Ne123006Nanded_blast_CS.asp">http://www.tehelka.com/story_main24.asp?filename=Ne123006Nanded_blast_CS.asp</a></p>
11	May 19, 2007	<p><b>Operation cover-up</b>            The Cover-up of Sameer Khan's murder in a fake encounter by the Gujarat Police extended up to Chief Minister Narendra Modi's office. After the Gujarat government was forced to concede that its police had killed a small-time extortionist, Sohrabbudin Sheikh, and his wife Kausar Bi in fake encounters, a TEHELKA probe established that Sohrabuddin's cold-blooded murder was no aberration. The killing of Khan laid bare the mammoth cover-up crafted by Modi's office.</p> <p><a href="http://www.tehelka.com/story_main30.asp?filename=Ne120507Death_by_CS.asp">http://www.tehelka.com/story_main30.asp?filename=Ne120507Death_by_CS.asp</a></p>

No	Date	Synopsis
12	March 24 , 2007	<p>1993 MUMBAI BLAST CASE</p> <p>Filmstar Sanjay Dutt's co-accused in the 1993 Bombay blasts case have all been convicted under the harsh Terrorist and Disruptive Activities (Prevention) Act (TADA) on evidence much less damning. TEHELKA unearthed court records which point to Dutt's exact role in the events that culminated in the serial bomb blasts on March 12, 1993. Dutt's lawyer also admitted that the filmstar had been treated much more leniently by the courts than his co-accused. TEHELKA then posed some tough questions. The filmstar admitted that he had spoken with Anees Ibrahim, brother of underworld don Dawood Ibrahim, the prime accused in the serial blasts. Why did the investigation agencies not press this point in court? When two co-accused, who had merely stored the weapons, were convicted under TADA, why was Dutt, who requisitioned the arms, spared? Yusuf Nullwala, whom Dutt directed to destroy his AK-56, was convicted for destruction of evidence but not the film star. Why? The investigation showed the differences the law makes between the poor and the privileged.</p> <p><a href="http://www.tehelka.com/story_main28.asp?filename=Ne240307How the CS.asp&amp;id=2">http://www.tehelka.com/story_main28.asp?filename=Ne240307How the CS.asp&amp;id=2</a></p>
13	Feb 3, 2007	<p>The Selling of Afzal Guru</p> <p>DEBATES AROUND the innocence of Afzal Guru, awarded the death sentence by the Supreme Court for the 13 December 2001 attack on the Indian Parliament aside, TEHELKA found his brother making money in his name. Across Kashmir, people, political parties and secessionists alike spoke in one voice — Afzal Guru must be granted clemency or the Valley would go up in flames. Even as ordinary Kashmiris risked lives to join the clemency processions, Afzal's brother, Aijaz Guru, and Yasin Guru, the brother of Afzal's co-accused Shaukat Guru collected up to Rs 7 lakh in the name of 'legal aid' for Afzal. Political party leaders of all shades in Kashmir admitted on record to having paid money to the duo in the belief that it would be used in the campaign to keep Afzal from death row. The money collected was subsequently invested in property.</p> <p><a href="http://www.tehelka.com/story_main26.asp?filename=Ts020307Blood Brothers.asp">http://www.tehelka.com/story_main26.asp?filename=Ts020307Blood Brothers.asp</a></p>



No	Date	Synopsis
14	Feb 10, 2007	<p><b>NITHARI MURDERS</b>  OVER TWO years, from 2005 to the end of 2006, at least 19 children — all from poor families — went missing from Nithari, a village-turned-slum in Noida, a Delhi suburb. Despite repeated complaints by frantic parents, the Noida Police were apparently unable to track a single child. Finally, after the courts intervened, the police was forced to act. Investigations revealed the skeletal remains of a still uncertain number of children buried in a drain running behind businessman Moninder Singh Pandher's house. Initial investigations revealed that Pandher, along with his domestic help Surendra Koli, had sexually abused and then killed many children. TEHELKA conducted several sting operations into the grisly murders and discovered that not only had the police remained indifferent to the children's disappearance, they were in cahoots with Pandher and had actively helped him to cover his tracks. Pandher paid the police, and financed AC 1st Class fares and doled out other favours to them. TEHELKA also found that the errant police officers and constables had support extending right up to the highest political circles. They even called the chief minister's brother to escape punishment. TEHELKA carried a series of stories and forced the establishment to either suspend or transfer the guilty policemen.</p> <p><a href="http://www.tehelka.com/story_main31.asp?filename=Ts090607Sloppy_pursuit_SR.asp">http://www.tehelka.com/story_main31.asp?filename=Ts090607Sloppy_pursuit_SR.asp</a></p>
15	May 5, 2007	<p>A Tehelka investigation unearths illegal banks floated by criminals and backed by strongmen in Bihar's north-eastern districts. The report showed how these banks wooed borrowers and depositors with attractive offers, only to turn on their 'customers' later.</p> <p><a href="http://www.tehelka.com/story_main29.asp?filename=Ne050507Cough_Up.asp">http://www.tehelka.com/story_main29.asp?filename=Ne050507Cough_Up.asp</a></p>
16	Aug 4, 2007	<p><b>KANISHKA BOMBING</b>  Talwinder Parmar's 1992 encounter killing may have been staged because the Kanishka bombing's alleged mastermind knew too much. He knew that the 1985 tragedy was 'engineered' by Indian agencies to discredit the Khalistan movement. Kanishka's Canadian inquiry commission took the investigation on record.</p> <p><a href="http://www.tehelka.com/story_main33.asp?filename=Ne040807operation_silence.asp">http://www.tehelka.com/story_main33.asp?filename=Ne040807operation_silence.asp</a></p>



No	Date	Synopsis
17	Nov 3, 2007	<p>A TEHELKA reporter stayed put in Gujarat for six months in 2007, disguised as a student of the Hindutva ideology. Carrying a hidden camera, he taped a range of politicians, government lawyers, Sangh Parivar leaders and activists admitting how they planned, executed and then covered up their deeds. They said the pogrom could not have happened without Modi's blessings, and that the authorities colluded. Arvind Pandya, the Gujarat Government's counsel, was captured on a hidden camera as saying that KG Shah, who co-headed the Nanavati-Shah Commission, was pro-BJP, and Justice Nanavati was in it only for the money. The TEHELKA report was widely hailed as the most groundbreaking work of investigative journalism in India. The commission admitted the tapes as evidence and the NHRC asked the CBI to examine them. In February 2009 Valsad Deputy Superintendent of Police, KG Erda was arrested in connection with his role in the riots. Curiously, TEHELKA was accused of conspiring with the BJP and Modi to consolidate Hindu votes.</p> <p><a href="http://www.tehelka.com/story_main35.asp?filename=Ne031107DEVIL.asp">http://www.tehelka.com/story_main35.asp?filename=Ne031107DEVIL.asp</a></p>
18	Jan 26, 2008	<p>THE INCREASING flood of cheap weapons gives the growing rage and conflict in India a dangerous dimension. Posing as arms buyers, TEHELKA reporters managed, in five days, to access people dealing in AK-47s and AK-56s just 100 kms outside Delhi. In a field in western Uttar Pradesh's Muzaffarnagar, the reporters were met by a group of people selling Kalashnikovs for Rs 70,000. 9mm pistols and .32 bore revolvers were available at a bargain basement price of Rs 9,000; grenades were even cheaper. The investigation was carried out at a time when security forces in the region were on high alert following an attack on the Central Reserve Police Force camp in neighbouring Rampur. The reporters were told that AK-47 and AK-56s had to be ordered 15 days in advance; for smaller weapons, however, supply would be no problem. Much of the contraband came through Nepal, with the open border providing easy transit.</p> <p><a href="http://www.tehelka.com/story_main37.asp?filename=Ne260108rs_70000.asp">http://www.tehelka.com/story_main37.asp?filename=Ne260108rs_70000.asp</a></p>
19	Jun 21, 2008	<p>Kept in a slum, fed twice a day, and their blood extracted thrice a week — Tehelka uncovered scores of unsuspecting men who are victims of a well-organised blood trade centred around Gorakhpur's numerous private hospitals and clinics.</p> <p><a href="http://www.tehelka.com/story_main39.asp?filename=Ne210608bloodthirsty.asp">http://www.tehelka.com/story_main39.asp?filename=Ne210608bloodthirsty.asp</a></p>

No	Date	Synopsis
20	Aug 16, 2008	<p>SIMI</p> <p>Each time a bomb exploded, killing innocents, newspaper and TV headlines screamed: SIMI Behind Terror Blast. There were never any questions asked. Everyone bought into the convenient scapegoat. Since it was first banned in 2001, police and security agencies had vilified the Students Islamic Movement of India (SIMI) as a jihadi group, blinded by bigotry and hatred for India. They claimed SIMI was linked with Al Qaeda and the ISI. Hundreds were arrested and accused of hatching elaborate conspiracies and committing terror acts. In 2008, the Centre banned SIMI a fourth time and set up a judicial tribunal to hear the case against it. TEHELKA followed the tribunal over three months and nine states, witnessing dozens of depositions and poring over hundreds of documents —chargesheets, FIRs, and confessions. Most charges were clearly based on forged evidence. While TEHELKA did not claim to vouch for SIMI, its investigation exposed the disturbing way in which the state was targeting innocent citizens. TEHELKA's story broke the blind prejudice against SIMI, and by extension, the Muslim community.</p> <p><a href="http://www.tehelka.com/story_main40.asp?filename=Ne160808thekafka_project.asp">http://www.tehelka.com/story_main40.asp?filename=Ne160808thekafka_project.asp</a></p>
21	Nov 1, 2008	<p>Human trafficking is the third largest illicit industry after arms and drugs. Tehelka went undercover in an investigation that lasted several months to meet the traffickers and the young victims sold by their own families to pimps and placement agents</p> <p><a href="http://www.tehelka.com/story_main40.asp?filename=Ne011108cover_story.asp">http://www.tehelka.com/story_main40.asp?filename=Ne011108cover_story.asp</a></p>
22	Jan 17 2009	<p>TEHELKA's expose proved that the mobile numbers that were used by the Mumbai terrorists were available with the Intelligence Bureau at least five days before 26/11. And that at least three of the 32 numbers were the exact same cell numbers that the Mumbai terrorists used to keep in touch with their handlers in Pakistan.</p> <p><a href="http://www.tehelka.com/story_main41.asp?filename=Ne170109coverstory.asp">http://www.tehelka.com/story_main41.asp?filename=Ne170109coverstory.asp</a></p>
23	Mar 21, 2009	<p>On February 5, 2009 the Supreme Court ordered a ban on mining, stone crushing, construction and land sale in the Aravalli range. Through an undercover operation Tehelka brought to light the continuing of crushing operations in the area, violation of the environment management plan, the illegal construction and sale of forest land and most astonishingly the projection of doctored satellite images of the green belt.</p> <p><a href="http://www.tehelka.com/story_main41.asp?filename=Ne210309nailing_the.asp">http://www.tehelka.com/story_main41.asp?filename=Ne210309nailing_the.asp</a></p>



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No	Date	Synopsis
24	Jul 11, 2009	<p><b>Siachen soldiers</b>          6,000 Indian soldiers fight in the minus 50 degree bitter cold of the Siachen Glacier. The Ministry of Defence gave them flimsy gear that's fit only for minus 10 degrees. Tehelka brought to light multi-crore contracts given to corporations for gear that had not been tested under extreme conditions when there better and cheaper options.  <a href="http://www.tehelka.com/story_main42.asp?filename=Ne110709a_nation.asp">http://www.tehelka.com/story_main42.asp?filename=Ne110709a_nation.asp</a></p>
25	Aug 8, 2009	<p><b>Ahmedabad blasts</b>          The Gujarat Police took for arresting the masterminds behind the July 2008 blasts in Ahmedabad. Tehelka tracked the police's star witness to find he has been tortured into falsely implicating the 'masterminds'.  <a href="http://www.tehelka.com/story_main42.asp?filename=Ne080809coverstory.asp">http://www.tehelka.com/story_main42.asp?filename=Ne080809coverstory.asp</a></p>
26	Aug 15, 2009	<p><b>Khap Panchayats</b>          Murder, rape and exile are routine punishments in the parallel 'Parliaments'. Tehelka Tracked khap panchayats across north India and exposed their draconian laws and judgements.  <a href="http://www.tehelka.com/story_main42.asp?filename=Ne150809a_taliban.asp">http://www.tehelka.com/story_main42.asp?filename=Ne150809a_taliban.asp</a></p>
27	May 22, 2010	<p>A Tehelka sting operation proves that for the right price you can get the Sri Ram Sene to organize a riot anywhere. A six-week undercover investigation by TEHELKA, reveals that even the Sene's violent, spitfire morality is a hypocritical sham. Sri Ram Sene members are not just committed ideologues who are spontaneously willing to become violent law-breakers for a "cause". That's just one of their criminal and negative faces. They are also cynical lumpen that can be bought for a price. "Contract rioting" — thugs being handed out contracts or money to create riots — no longer is a matter of mere speculation.  <a href="http://www.tehelka.com/story_main44.asp?filename=Ne220510coverstory.asp">http://www.tehelka.com/story_main44.asp?filename=Ne220510coverstory.asp</a></p>
28	June 19 2010	<p>B Ramalinga Raju, disgraced chairman of Satyam Computer Services had been in hospital for nine months, evading trial even via video conferencing. A Tehelka journalist got himself admitted into the same hospital and found the former IT czar ill, but fit for trial.  <a href="http://www.tehelka.com/story_main45.asp?filename=Ne190610sick_man.asp">http://www.tehelka.com/story_main45.asp?filename=Ne190610sick_man.asp</a></p>



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No	Date	Synopsis
29	Jul 3, 2010	<p>A Tehelka investigation shows that the Gujarat junior Home Minister Amit Shah was complicit and directly involved in a vast spectrum of crimes. The evidence, primarily call records that the CBI possesses, implicated him and police officers who worked at his behest to cover up the fake encounter that killed Tulsiram Prajapati on December 28, 2006. The latter was the sole surviving witness to the December 2005 police encounter that killed Sohrabuddin Sheikh and his wife Kauserbi.</p> <p><a href="http://www.tehelka.com/story_main45.asp?filename=Ne030710gujrat.asp">http://www.tehelka.com/story_main45.asp?filename=Ne030710gujrat.asp</a></p>
30	Apr 3, 2010	<p>A Tehelka investigation shows that in January 2010, Manipur Chief Minister Okram Ibobi Singh handed over the ceremonial keys of the Rs 224 crore-Loktak Lake clean-up project to representatives of a company that does not exist.</p> <p><a href="http://www.tehelka.com/story_main44.asp?filename=Ne030410the_lake.asp">http://www.tehelka.com/story_main44.asp?filename=Ne030410the_lake.asp</a></p>