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Open court hearing in Ghaziabad PF scam case

THE SUPREME Court on Monday decided to hear in an open court two petitions demanding a "thorough and unfettered probe" against 36 judges, alleged to have financially benefited from the multi-crore Ghaziabad provident fund scam.

The decision to hold an open court hearing on Thursday, is learnt to have been taken by a three-judge bench headed by Chief Justice of India K. G. Balakrishnan in a closed-door hearing held in his chamber.

The court decision on open hearing in the matter came on separate petitions filed by the Ghaziabad Bar Association and the Transparency International (India).

This is perhaps for the first time that the Supreme Court is hearing a matter in which allegations have been leveled against judges right from the district court to the Supreme Court level.

Of the 36 judges, whose names have been mentioned as alleged beneficiaries in the scam, one is a sitting Supreme Court judge, 11 judges belong to Allahabad and Uttarakhand High Courts and 24 are district-level judges in Uttar Pradesh. The state police has not revealed the names of the judges so far. Earlier, senior advocates Anil Devan and M. N. Krishnamani, who appeared for the Ghaziabad Bar Association, demanded a CBI probe into the matter. They also requested the court to hear the matter in the open court.

Senior lawyer, Fali S. Nariman, who had appeared for the Ghaziabad Bar Association on July 7, excused himself from the case, saying since he was a member of the TII, it was not proper for him to be represent a party in the case being contested by his organization.

Former law Minister, Shanti Bhushan, the counsel for TII, demanded that a single agency should be allowed to probe the entire matter. No distinction should be made between the judges who have been named as alleged beneficiaries and other accused in the case, he argued.

Bhushan said a separate probe for judges whose names have been allegedly linked to the scam, would be against the provisions of the Code for Criminal Procedure and would only provide strength to the common notion of "lack of accountability in the functioning of the judiciary".



Solicitor General G. E. Vahnavati, who was asked by the court to join the proceedings, is said to have supported the demand for an open hearing.

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