

Text of Supreme Court order, April 30,2013

In the course of hearing, Mr. U.U. Lalit, learned senior counsel for the Central Bureau of Investigation handed over to us three separate sealed covers "Note on the issue of sharing of the status reports with the political executive and the original draft status report of PE 219 2012 E 0002 and PE 219 2012 E 0004 and their final versions with differences highlighted by footnotes (Coal Block Allocations)".

These covers are taken on record and must be kept in sealed covers unless ordered otherwise by the court.

Having perused the affidavit filed by the director, CBI., on April 26, 2013 pursuant to the order dated March 12, 2013, we are of the view that the following aspects are required to be clarified by him :-

(i) As to why in the status report dated 08.03.2013 no disclosure was made to this court that the draft report has been shared with the political executive and officials.

(ii) What was the basis and reasons for the CBI in making the statement on 12.03.2013 through its counsel (additional solicitor general) before this court that the status report dated 08.03.2013 has not been shared with any one and it is meant only for the court.

(iii) In the affidavit now filed by the Director, CBI, on April 26, 2013, it is stated that the draft of the status report dated March 8, 2013 was shared with the minister of law and justice as desired by him prior to its submission before this court and it was also shared with joint secretary level officers each of the Prime Minister's Office and ministry of coal as desired by them but nothing has been said in the affidavit whether or not changes were made in the draft report and, if yes, at whose instance and the extent of changes and whether besides the three persons mentioned in para 4 of the affidavit, the draft report was shared with any other person in that meeting.

(iv) The names of the two officers one each of the Prime Minister's Office and Ministry of Coal referred to in para 4 of the affidavit.

(v) The procedure being followed by the CBI under the manual/guidelines in sharing the status report(s) with regard to on-going investigation in a sub judice matter where status report(s) have been called for by the court.

(vi) The names of the officers investigating the matter and their CVs in a sealed cover. Mr. U.U. Lalit, learned senior counsel for the CBI, states that above information shall be given in the affidavit by the director, CBI, We accept the statement. The affidavit on the above aspects may be filed by the director, CBI, by May 6, 2013.

The status report dated March 8, 2013 submitted by CBI may be kept in sealed cover again. Put up these matters for further consideration by this Bench on May 8, 2013.