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'CJI is not the big boss of judiciary'

Rakesh Bhatnagar / DNA

The authority of the chief justice of India (CJI), perceived by many as the big boss of judiciary, stands clarified as legal luminaries unanimously supported the stance of Karnataka high court justice DV Shailendra Kumar that a CJI can't be a spokesperson for the entire fraternity of judges.

In his article, justice Kumar said "...the SC has no supervisory power or control over the high courts in the scheme of our Constitution. High courts are independent and function in accordance with the constitutional provisions and in terms of the applicable statutory provisions".

"The SC only exercises appellate jurisdiction over the high courts in specified areas as provided for under the Constitution and the laws," he said.

"I congratulate justice Kumar. I hope others will follow the suit," said former CJI JS Verma, who is in the forefront of the initiative to make judges disclose their assets. But, he does not agree with the common demand of making the disclosures available to the public. "The key issue of disclosure of assets by judges shouldn't be moulded to undermine the authority of the CJI," former CJI Verma hastened to add.

"After all, the CJI enjoys moral authority," he said. Though he retired a decade ago, Verma wants the CJI "to make public on the Supreme Court website his assets which he had declared".

"I do hope most judges in the high courts and the Supreme Court would act likewise and put an end to this controversy," he said, referring to the dispute over whether judges were liable to disclose their assets or not.

"The judiciary's real strength lies in public acclaim. I am sure this will raise us a peg or two in public view," Verma hoped.

Former law minister and eminent constitutional lawyer Shanti Bhushan raised a pertinent question. "Who has stopped justice Kumar or any other judge from disclosing their assets on a website?"

"If the court concerned isn't doing it, he should voluntarily release it to the media and the website. He and his colleagues should keep updating the information," Bhushan said. "Can a CJI take any action against such a judge? I don't think so. The CJI is only an administrative head. He fixes the roster and delegates cases to judges. He is just another judge," Bhushan said.