

Judges' assets: Challenges ahead

LESSONS LEARNT? Similar resolution passed by full court in 1997 came to nothing

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NEW DELHI: A day after the Supreme Court judges unanimously decided to make their wealth details public, the focus on Thursday shifted towards the challenge to implement it, given the unknown fate of a similar decision taken by top judges 12 years ago.

The resolution adopted in the full court meeting on Wednesday is similar to the one passed by the top judges in 1997, only to be disowned by the Supreme Court itself a decade later.

To avoid a repeat of any such scenario, the law ministry appeared willing to provide a solution to the judiciary by hinting that it was willing to bring a Bill in the winter session of Parliament to provide a legal backing to the Supreme Court resolution.

The ministry is giving final touches to the Judges Inquiry (Amendment) Bill, which seeks to update the 1968 law, and includes a chapter on making annual assets declaration by judges mandatory.

MAKING OF THE WEDNESDAY DECISION

AUGUST 3: Failure of the government to introduce a Bill in the Rajya Sabha to keep judges wealth details secret.

AUGUST 10: In a full court meeting of the Supreme Court, many judges openly expressed their anger at the govt move. They felt the judiciary had been unnecessarily dragged into a controversy.

AUGUST 14-16: The matter was informally discussed at the chief justices conference, where a complete unanimity emerged on declaring assets.

AUGUST 21: Karnataka High Court judge D.V. Shylendra Kumar openly questions CJI K.G. Balakrishnan's reluctance to declare assets.

AUGUST 23: Punjab and Haryana High Court judge K. Kannan becomes the first to voluntarily declare assets.

AUGUST 24: Madras High Court judge K. Chanrdu offers to make his assets public.

AUGUST 26: SC judges finally relent, agree to make their wealth details public.



"The Supreme Court resolution is voluntary and does not apply to high courts across the country. The draft Bill being readied includes all these provisions to make it legally mandatory for judges of higher judiciary to declare assets," a senior ministry official said.

Law Minister M. Veerappa

SWIMMING AGAINST THE TIDE



BALAKRISHNAN
(CJI)

August 16: "Let Parliament make a law on judges' assets declaration, we will implicitly follow it."

August 23: "He (Justice Shylendra Kumar) is publicity crazy... it is not good for a judge."

VEERAPPA MOILY

(Law Minister)

August 3: "Judges need protection from wild allegations that may be levelled against them if they declare assets."

August 26: "If the judges are voluntarily disclosing their assets and wanting to become heroes, it is their wish."



Moily said judges were not reluctant to declare assets, but "the government does not want them to be embarrassed or put to any inconvenience. The gov-

ernment's position on bringing the Judges Inquiry (Amendment) Bill remains unchanged."

Former CJI J.S. Verma, who got the 1997 resolution passed which asked for mandatory declaration of assets by judges to their respective chief justices, strongly supported the demand for a law on the issue.

"I had written to then prime minister in December 2007, asking for a law to provide a legal backing to the resolution, but it never happened," he said.

"The resolution was implemented during my tenure. What happened after that is not known, but I gather it was discontinued quietly by my successors," Justice Verma said.

Activists for judicial accountability also demanded a law to make it mandatory for Supreme Court and high court judges to declare assets.

"The decision of Supreme Court judges certainly does not obviate the need for a law to make such declarations compulsory," said a statement by Campaign for Judicial Accountability and Reform.