



Judges' Bill deferred as ministers object

Swaraj Thapa Posted online: Tuesday , Mar 16, 2010 at 0808 hrs

New Delhi : Prime Minister Manmohan Singh was forced to defer a decision on the draft Judges' Standards & Accountability Bill after a lively debate in the Union Cabinet and appoint an informal ministerial committee to fine-tune it.

Law minister Veerappa Moily found himself isolated after several ministers objected to certain provisions in the Bill, especially with regard to the punishment reportedly not being commensurate with establishment of guilt over complaints of judges' impropriety that would not warrant removal from service, but still present a case for action against the judge. The draft legislation envisages an Oversight Committee, to be headed by Vice-President Hamid Ansari, with the authority to issue advisories, withdraw judicial work or ask the concerned judge to seek voluntary retirement. The Bill only empowers the Committee to request Parliament to initiate impeachment proceedings against a judge who is indicted in a serious irregularity following an inquiry.

Several legal luminaries in the Cabinet raised questions over the possibility of a judge refusing to comply with the recommendations of the Oversight Committee. According to sources, Union Home Minister P Chidambaram was among the first to disagree with a number of formulations in the draft Bill and suggested that more stringent measures be recommended once charges against a judge is proved.

Textiles Minister Dayanidhi Maran (DMK), promptly sided with Chidambaram to cite the example of Justice Dinakaran. "The issue is whether the government should go the whole hog in punishing Judges whose guilt has been established by the two oversight committees or just let them off with a light sentence," a senior minister said. "What is the point of passing strictures against a Judge if he decides to continue," he asked.

Some cabinet members also raised doubts about another clause that makes it mandatory for judges to declare their and their kin's assets on a yearly basis to their respective Chief Justices, wanting to know if extended family included a sister or a brother of a Judge. Such details, according to the Bill, are to be put in the public domain and anybody would be able to access them under the Right to Information Act.

Among the few who defended Moily in the meeting on Monday, HRD minister Kapil Sibal said that kin would only mean the immediate family, reasoning that it was not always possible for a Judge

to know all the investments made by a relative in the extended family, say a sister. Finance minister Pranab Mukherjee then suggested that “immediate family” of a Judge should be clearly defined.

Speaking at the end of the almost hour long discussion, Prime Minister Singh told the members that more consultations were called for in the light of the divergence of opinion and that he would refer the matter to an informal committee. Home Minister P Chidambaram, HRD minister Kapil Sibal and finance minister Pranab Mukherjee are likely to be part of it, apart from the Law Minister.