

A Call For Accountability

Three High Court judges spearheaded the campaign to make assets public, before the Supreme Court finally said yes. **TEHELKA** profiles the warriors

JUSTICE K KANNAN Punjab and Haryana High Court . Declared assests: Rs 15.49 lakh

I AM AN insipid person to talk to and no celebrity to deserve a feature. My website gives you a glimpse of my interests and my High Court website has some placid news about me. That is all there is," wrote Justice K Kannan of the Punjab and Haryana High Court to **TEHELKA**, when requested for an interview.

But there is more to the man who surprised many when he became the first judge to respond to a letter calling for judges to declare their assets, written by Prashant Bhushan, convener of the Campaign for Judicial Accountability and Reform. "He has remained transparent and has always had strong views on integrity," says Yadhod Vardhan, senior counsel in the Madras High Court and Kannan's cousin. Kannan, 55, has declared that he has Rs 1.03 lakh in bank deposits, investments worth Rs 3.87 lakh and Rs 10.59 lakh as deposits in his wife's name.

In 1977, when Kannan enrolled as a lawyer in the District Court of Cuddalore, he had no assets – except the fact that he came from an illustrious legal family. At 23, Kannan toured villages in Cuddalore district to develop legal aid clinics for the rural poor. In 1992, he moved to Chennai.

The shift might not have been ideal, given the standing his father and grandfather had created in the area. "But had I stayed, my clients would have been the grandsons of my grandfather's clients," jokes Kannan.

In Chennai, he joined Vardhan; the duo dealt in civil and constitutional cases. With his keenness for reading and writing, Kannan — who has authored over a dozen legal books — became the editor of the *Madras Law Journal*, India's oldest law journal, in 2006. Suddenly, those who had ignored the periodical began to take notice. "Law journals don't normally have the courage to include an editorial. But he (Kannan) wrote an editor's note in every issue," recalls a senior lawyer, who requests anonymity. Kannan served as editor for two years until he was elevated as an Additional Judge of the Madras High Court in 2008. Three months later, he was transferred to the Punjab and Haryana High Court.

When pressed about what drove him to make an assets declaration, a plainly uneasy Kannan



At 23, Kannan toured villages in Tamil Nadu to help develop legal aid clinics for the poor

said, "I am terribly embarrassed when people say I have done something honest and bold. A dishonest judge is a contradiction. What I did was a simple answer to my own conscience." Is there anything he would like to hide? "The immodesty of talking about myself," is the reply.

SHOBHITA NAITHANI

JUSTICE DV SHYLENDRA KUMAR *Karnataka High Court Declared Assets: Approximately Rs 46 lakh*

ADAY AFTER Judge DV Shylendra Kumar of the Karnataka High Court publicly disagreed with the Chief Justice of India (CJI), the CJI called him a "publicity-crazy judge". Friends and even acquaintances of Justice Kumar must have laughed. In his 33 years of engagement with the law, Justice Kumar's interactions with reporters have never strayed beyond the functional. The CJI's remark could not have been more inaccurate.

Two days after the CJI's stinging rebuke, Justice Kumar replied with characteristic unpretentiousness by filing a statement of his assets with the High Court, specifying that it could be made public. After the Chief Justice of Karnataka prevented its publication on the Court's website, Justice Kumar published it himself, on a website he created for the purpose. Those who know Justice Kumar are not surprised.

Enrolled in the bar in 1976, Justice Kumar has practised law before the Madras and Karnataka High Courts. He has a reputation as "a person of incredible integrity and forthrightness," as a close friend describes him. After several years, Kumar was elevated to the post of an Additional Judge of the High Court in 2000 and made a permanent judge in 2002.

In 2008, Justice Kumar wrote a definitive judgement in a case pertaining to mining permits. He personally visited the Kumaraswamy forest range and in his ruling, lambasted the mines which were ravaging the environment and directed the state to suspend mining in forests. The judgement also suggested that the government consider nationalising the mining sector "so that private profit does not come in the way of protecting the environment".

Eight months later, a division bench of the High Court overturned the order, calling it "untenable" and "illogical". The High Court staff who work closely with Justice Kumar say that there was no reaction from him at all. "His silence at that time spoke volumes. All he ever tells us is to abide by our duty – nothing less or more will do. There is no time for stray conversations at all," said a senior staffer. A rule that applies equally to himself – no time for stray conversations.



Two days after the CJI's stinging rebuke, Kumar published his assets on a blog

SANJANA

JUSTICE K CHANDRU

Madras High Court As a lawyer, fought cases pro bono for the poor

JUSTICE K CHANDRU of the Madras High Court (HC) joined Justice D V Shylendra Kumar of the Karnataka HC and Justice K Kannan of the Punjab and Haryana HC in giving a boost to the campaign for making judges' assets public. Last week, as the debate on the subject gained national prominence, Justice Chandru stated he was not averse to declaring his assets, though he would await a law on the issue.

This, coming from Justice Chandru, doesn't surprise those who know him well. Since his younger days, he has always had a keen sense of right and wrong. During his student days, he joined the Students Federation of India (SFI), a wing of the CPI(M) and fought for student rights. As a student of Loyola College, he participated in a strike protesting against irregularities in the college hostel. He was expelled from the college when he was in his second year.

He continued his graduation in Madras Christian College (MCC). At MCC, he earned the management's displeasure when he supported the workers of MRF, who were at loggerheads with the company management. The MRF owners were part of the MCC board. He was imprisoned for 15 days after defying a ban and speaking at an MRF workers' meeting.

Later, he studied law. As an advocate in the Madras HC from 1976, he has appeared in many cases on human rights issues, workers and Dalit rights. "He was known as the 'Fighting Spirit of the Madras High Court.' He never took money from poor people to fight their cases," says an acquaintance, M Punitha Pandian, editor of *Dalit Murasu*. Justice Chandru's two-decade-long association with the CPI(M) ended in 1988 when the party expelled him for his support to the Sri Lankan Tamil cause.

As an advocate, he has obtained some landmark judgements. In one case, he obtained a judgement that struck down a government order which decreased the age limit after which Dalits would be ineligible to join arts and science degree courses. He has appeared in various POTA-related cases and has defended the likes of Vaiko, Nedumaran and Nakkheeran Gopal.

When news of his elevation to the judiciary broke, his friend, I Elangovan, head of the English department at Voorhees College, Vellore, wrote to him: "If you become a judge, your judgements will be read by learned advocates and cited as precedents; you will be locked up in a library. We want you to continue as a senior advocate and be a friend of the poor as you have been."

Justice Chandru, advocates say, continues on the progressive path. "He has dispensed with the



During his student days, Chandru joined the SFI, the student wing of the CPI(M)

ceremonial carrying of the mace as he walks the corridors of the court,” said an advocate. The legal fraternity has even greater expectations from him.

PC VINOJ KUMAR

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