

SPLIT WIDE OPEN

To reveal or not? Two judges, two views

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New Delhi: The two high court judges, who broke the silence in the judiciary on the assets controversy, have come up with conflicting views on the stand taken by CJI K G Balakrishnan.

While Justice D V Shylendra Kumar of the Karnataka high court questioned the CJI's authority to speak on behalf of the entire judiciary, Justice K Kannan of the Punjab and Haryana high court agreed with the CJI's view that the disclosure of assets might embolden litigants to raise questions about the wealth of judges and compromise the independence of the judiciary.

Yet, in an extraordinary gesture of transparency, Justice Kannan sent a declaration of his assets to advocate Prashant Bhushan, convenor of the campaign for judicial accountability and reforms. His reason: "I hold views against your demand and ... I still have no qualms about letting you know about my riches or lack of it!"

Echoing the CJI's apprehensions about the declaration of assets, Justice Kannan painted a grim scenario that might unfold: "Imagine a judge enquiring into allegations of disproportionate wealth case of abureaucrat. In the course of the proceedings, what if the litigant asks the judge, 'how did you obtain your wealth, before asking me to explain my riches?' It may not be a daily occurrence, but consider the mischief that the right to demand the assets statement of a judge could entail."

In his response, Bhushan told Justice Kannan that the "marginal gain in independence" that would accrue from sparing judges the odium of answering uncomfortable questions about his wealth would be "more than offset by the enormous increase in corruption and misconduct of judges due to the lack of accountability."

In contrast to Justice Kannan's ambivalence on the issue, Justice Kumar has pulled no punches in expressing his disagreement with the CJI's opposition to transparency. This is evident from the very first line of his long newspaper article, which raised eyebrows in judicial circles.

"It is a matter of utmost paradox," Justice Kumar wrote, "that the chief justice of the most powerful Supreme Court in the world should be expressing, apprehension for the safety and security of the judges of the superior courts in this country by saying that revealing the particulars of assets of the judges and throwing open the information to public domain may result in harassment to judges and in turn prevent the judges from performing their duties without fear or favour."

Since he was not allowed to disclose his assets on the high court website, Justice Kumar is reportedly looking for an alternative mode of making them public even in the absence of an agreed procedure.