

## **Appointment and Accountability of Judiciary**

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*[Address in the Peoples Convention on Judicial Accountability and Reforms; 10-11 March 2007, New Delhi]*

The Campaign should begin with the people and not lawyers and judges, as they are part of the system. The Country and the Constitution are for the common person; the executive, the legislature and the judiciary are for the people. On 26 January 1950 India became a republic, and the citizens became the masters. However, the colonial hangover persists, the only difference is that today, we are ruled by our own people. The Campaign must reiterate to the people that the people are the real masters; it should show how the citizens can demand accountability from state institutions and its functionaries whom they entrust to govern on their behalf.

Shri Shanti Bhushan recalled the time when he started his practice; there was no bribery in court. It was unthinkable then that the judges could take bribes. Its not that all judges are corrupt but there are only very few judges like Justice Krishan Iyer and Justice Sawant who are sensitive to the issues of the poor. It is the right of the masses to ask for the conduct of judges and their accountability in the same way that they can demand this right from the executive.

The case of Judge Ashok Kumar of Madras who was formerly a session's judge and has been given a permanent position in the Chennai High Court by the Chief Justice of India in February 2007 is horrifying. When the complaints were levelled against him of corruption, an inquiry report by the Intelligence Bureau (IB) gave an even more horrendous report against him. But all the reports were ignored and he was promoted to the High Court. This happened due to the political pressure from the Central Government, as the judge was close to DMK government (now ruling party of the State) and DMK government threatened to withdraw support from the UPA government. So it is due to that, that the law minister asked the CJI to give extensions and finally made Ashok Kumar a High Court judge.

Recently in another case of a judge from the Allahabad High Court Justice Bhalla, it was reported that his wife brought a plot of 7200 sq feet plot in NOIDA, which was worth Rs 7 crore, for only Rs 5 lakh. When the ADM complained the issue was brought to the notice of the centre, but in spite of this Justice Bhalla's name has been recommended for the Chief Justice of Kerala.

In another case where a huge amount of money was recovered from a judge's house, the judge said that his wife runs a dairy business and over the years the money had accumulated and she did not bother to put it in a bank!

Making reference to the Vera Swamy's Case Shri Shanti Bhushan observed that all judges should declare their assets – it should be done with pride! Why raise

issues of self-respect? He said only those who have something to hide will be reluctant to disclose their assets!

In the last 15 years no cases have been brought against any judge. If an FIR is lodged against a judge- the police shall investigate and submit its report. No High Court or Supreme Court judge has ever been summoned. If an FIR cannot be lodged against a judge, how can we prove a case against a judge? Corruption is crime under the Indian Penal Code as well as under The Prevention of Corruption Act, but judges have always enjoyed this immunity and have now come to understand that they can take as much money as they want since they will not be caught.

Unless the people demand judicial accountability through this campaign and say that they are fed up with the attitude of the judiciary, unless they press for the effective institutional mechanisms to ensure judicial accountability, reforming the judiciary will be difficult. We hope this campaign will bring back the honest judiciary for the people of India.