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Eminent citizens urge judges to voluntarily disclose assets

Legal Correspondent

To advance the cause of transparency and probity in public life

*In line with the requirement for all civil servants
It will be applauded as an act of statesmanship*

New Delhi: Eminent citizens from various walks of life have appealed to Chief Justice of India K.G. Balakrishnan and judges of the Supreme Court and High Courts to voluntarily disclose their assets to advance the cause of transparency and probity in public life.

Code of conduct

In an appeal sent to the CJI and other judges the signatories pointed out that in 1997, while adopting the “Restatement of Judicial Values” (also called the code of conduct), the judges of the Supreme Court decided that each judge would declare his/her assets in confidence to the CJI. This was reiterated in 1999 in a conference of the Chief Justices. These resolutions were adopted in the light of a growing public perception that there was lack of accountability of the higher judiciary. This was also in line with the requirement of declaration of assets by all civil servants to the government.

Court’s rationale

The statement said: “The rationale given by the Supreme Court for the need for disclosure of assets of candidates contesting elections would equally apply to all public servants occupying crucial positions of authority. In any case, with the Right to Information Act, 2005, now in place, it is clear that the disclosure of assets by public servants to the government or to any other authority would be accessible to the citizens under the RTI Act. The exemption from disclosure under the RTI Act would not apply to disclosure of assets of public servants.

“Several eminent former judges and Chief Justices of the Supreme Court, including Justice Krishna Iyer and Justice J.S. Verma, have publicly expressed the view that it would be desirable for judges of the Supreme Court and the High Courts to publicly declare their assets. By doing so, they would be setting an example of transparency in the country which would then be emulated by other public servants. Such voluntary disclosure of assets by judges [without resort to the RTI Act] would be applauded as an

act of statesmanship by the people of this country, at a time when people have become cynical about the integrity of public servants. It would greatly advance the cause of transparency and probity in public life.

“We therefore call upon you to set an example for public servants by voluntarily making public your asset declaration.”

The signatories are: Admiral R.H. Tahiliani, former Chief of the Naval Staff and Director, Transparency International, India.; Aruna Roy, founder, MKSS and RTI and NREGA activist; Ramaswamy R. Iyer, former Secretary, Water Resources; Vikram Lal, Chairman, Common Cause; Madhu Bhaduri, former ambassador; Amit Bhaduri, Professor Emeritus, JNU; Anil Sadgopal, education activist and former Professor of Education, Delhi University; Jean Dreze, former Member, National Advisory Council; Vandana Shiva, education and agriculture activist; Trilochan Sastry, Professor and Dean, Academic, IIM-Bangalore; Yogendra Yadav, Professor, CSDS; Prashant Bhushan, convener, Campaign for Judicial Accountability and Reform; Arvind Kejriwal, Magsaysay awardee and RTI activist; N. Bhasker Rao, Chairman, Centre for Media Studies; Harsh Mandar, Director, Centre for Equity Studies; Ravi Chopra of the People's Science Institute; Kamini Jaiswal, advocate, Supreme Court; Shabnam Hashmi of ANHAD; Mira Shiva, health activist; Kavita Srivastava, secretary, PUCL Rajasthan; Gautam Navlakha, human rights activist; Nikhil Dey of the National Campaign for People's Right to Information; Arun Kumar, Professor of the JNU; and Dunu Roy, Director, Hazard Centre.