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## **“Consultations needed on judges’ accountability Bill”**

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NEW DELHI: The Campaign for Judicial Accountability and Reform has called for effective consultation before the proposed Bill making it mandatory for High Court and Supreme Court judges to declare their assets was finalised.

The statement, endorsed by senior lawyers Fali Nariman, Shanthi Bhushan and Anil Divan and eminent personalities, including the former Chief of Naval Staff, Admiral Tahiliani, said that because of the widespread outcry against the refusal of the Supreme Court and the Chief Justice of India to provide information on judges’ assets (pursuant to a Full Court Resolution and Code of Conduct), the government announced that it was preparing a Bill.

However, the details of the proposed Bill (as reported in a television channel) provide for judges to disclose their assets only to Chief Justices and not to the public. “Even worse, the Bill seeks to make the disclosure of assets of judges to any citizen a penal offence punishable with imprisonment of up to three years. The only positive feature is that non-declaration of assets by judges has been made a violation of the Code of Conduct, which is proposed to be made actionable under the Judges (Inquiry) Bill, 2006, through an in-house judges’ committee.”

The statement said, “Experience with the existing Code of Conduct (which, though non-statutory, was unanimously adopted by the Chief Justices’ Conference in 1997) has shown that declaration of assets to the Chief Justice alone is unsatisfactory. Most Chief Justices have not looked into them critically, and it is virtually impossible for any Chief Justice to do so, given their preoccupation with judicial and administrative matters.”

Referring to the reasons cited by judges for withholding public disclosure such as its misuse by disgruntled litigants to indulge in mudslinging; inability to defend themselves unlike politicians; and absence of clear rules and format for disclosure, the statement said: “None of these reasons seem strong enough to justify the proposed secrecy.”

It said: “A format for disclosure has been rigorously prescribed by the Supreme Court itself for election candidates. The same could be used by judges, with whatever amendments that may be required. Only a public and annual declaration of assets, as is done by all federal judges of the U.S., including those of the U.S. Supreme Court, would ensure that the objective of transparency through this proposed Bill is achieved.”

Among others, the statement is endorsed by Justice Rajinder Sachar, former Chief Justice of the

Delhi High Court; Aruna Roy, founder, Mazdoor Kisan Shakti Sanghatan and RTI and NREGA activist; Prashant Bhushan, convenor, Campaign for Judicial Accountability and Reform; Vikram Lal, chairman, Common Cause; Arvind Kejriwal, Magsaysay awardee and RTI activist; N. Bhasker Rao, chairman, Centre for Media Studies; Kuldip Nayar, veteran journalist; and Yogendra Yadav, senior fellow, Centre for the Study of Developing Societies.

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