



What to know

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In Republic, Plato describes the perfect society, with a guardian class protecting the City. But who, it is asked, will “guard the guards?” That is the very question that those calling for judicial accountability ask. India’s higher judiciary, by most accounts the world’s most powerful, is entrusted with guarding India’s founding document, often from elected authority. Their (necessary) independence poses the question — accountable to whom? This is the question that vexes not just far-reaching protocols on judicial appointments but also more mundane matters such as the public declaration of judicial assets.

Which is why the UPA government’s draft law on judges’ assets may be welcomed. As even Chief Justice K.G. Balakrishnan pointed out, judges have no objection to the law. More controversial though are the draft law’s details: judicial assets will be declared only to the chief justice and the government; it will not be made public. On the face of it, this is too much compromise. After all, transparency is not served by a semi-opaque lens. If the purpose of the law is to ensure that judges are as accountable as public officials are (whom the Right to Information Act covers), then denying public access is neither here nor there. Yet, many argue, the judges are different. They can neither respond with press conferences nor publicly defend themselves against smears. Besides, many judges were well-to-do lawyers before they were elevated to the bench. Those earnings are not proof of perfidy, yet might appear to be so. Then there are the requirements of the rule of law, the same requirements behind our contempt of court provisions. Allowing dissatisfied litigants to vent their spleen compromises the authority that judges must be seen to have.

Plato solves his dilemma by hoping that the guardian class, ennobled by their privileged status, will guard themselves. But for those of us more cynical, judicial accountability must be seen as a work in progress. Is there a better way to assuage judicial worries of smear? Can the unscrupulous be screened away, yet public accountability guaranteed? These are matters for public debate, and that is exactly what this draft law is in need of. Let the conversation begin.