

### **Section of HC judges threaten suo motu declaration of assets**

NEW DELHI: The growing popular pressure for across-the-board transparency in public appears to have blown judiciary's resistance to the demand for declaration of judges' assets, with a section of Delhi High Court judges declaring their intent to make the disclosure on their own.

The HC judges who voted for transparency at a full court meeting last week are determined to go ahead with the move despite reservations among peers who are still arguing what they call judicial exceptionalism.

But even as the status quoists continue with the resistance, the move by the reformists, combined with the bold refusal of veteran constitutional lawyer Fali S Nariman to be the amicus curiae in the case arising from judiciary's challenge to CIC order for disclosure, promises to be the trigger for the Supreme Court to revisit the issue soon.

Chief Justice of India K G Balakrishnan is learnt to be mulling a proposal to make it mandatory for judges of the HCs and the SC to declare their assets to the President, their appointing authority. This will be in sync with the practice in government, where employees declare their assets to their appointing authority.

This goes hand in hand with pro-transparency groundswell in the Bar. Constitutional experts and senior advocates are fully in support of Nariman's views, which was intimated to the Delhi HC along with a blunt refusal to become the amicus curiae in the petition filed by SC challenging a Central Information Commission order to make public the fact whether or not judges periodically declared their assets.

Former law minister Ram Jethmalani told TOI that his views were well known and he was unhesitatingly in favour of judges declaring their assets. Former attorney general Soli J Sorabjee was cryptic yet to the point, when he said, "Whether legally bound or not, in the fitness of things, the judges should declare their assets." Senior advocate Mukul Rohtagi, agreeing with Sorabjee and Jethmalani, said he fully endorsed Nariman's belief that judges must be amenable to good practices (declaration of assets).

The fresh proposal being deliberated upon by the CJI signals a significant departure from the earlier stubbornness in the judiciary that under the May 7, 1997 resolution passed at the Chief Justices conference, there was voluntary declaration of assets by SC judges to the CJI. Similarly, the HC judges declared their assets to the respective CJs.

In fact, last year, the CJI had written to the chief justices of HCs asking them to ensure that judges adhered scrupulously to the 1997 resolution and declared their assets

periodically to them.

However, there was strong opposition to making public the details of their assets on the old-fashioned argument that it would impinge upon the independence of judiciary. This stand had been under stress since the enactment of the Right to Information Act in 2005 and there had been numerous applications seeking a peep into the hitherto forbidden data.

Though the public had been debating this issue, the real progress towards bringing down the iron curtain was taken by the CIC recently when it directed the SC Registry that it should at least give information whether or not judges declared their assets periodically, as was envisaged under the 1997 resolution.

A section of judges was forceful in advocating that `My Lords', who expect transparency from the government and the litigants, should also submit themselves to identical norms. They even proposed that there should be a website where the judges could declare their assets suo motu.

But, the debate ended in a stalemate with many opposing the idea on the ground that data relating to judges' assets could be misused by unscrupulous elements.

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