

**THE
TEHELKA VIEW**
Shoma Chaudhury

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Silence Lies

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The story of the former judge raises many issues. The first is the media's silence.

On August 3, a group of eminent citizens called a press conference in Delhi. They had an explosive story to share. A story that impacted thousands. A story that raised questions about judicial accountability few ever dare to raise. A story that seemed to nail those at the apex of power. The media — mandated purveyors of national interest — should have been competing to break the story to the nation. But though the entire media attended the conference, almost no one carried the story.

The story's cast could have something to do with this. It involves Amar Singh and Mulayam Singh. But at its heart sits the former Chief Justice of India, YK Sabharwal — a man who will be most remembered by Delhi as the force behind the gigantic sealing drive last year that shut down thousands of commercial outlets in the city. As lakhs of people lost their livelihood and had to relocate, his zeal raised a storm of murmurs even then. Was there an undeclared motivation? Were the new mega malls pulling strings in their own interest? The August 3 press conference answered a lot of these questions. It established the growth of a close and highly profitable partnership between the former Chief Justice's sons and powerful mall builders at *exactly* the same time that the honourable judge was cracking his whip across the city. It also documents untenable bank loans and huge out-of-turn land allotments for his sons. Obvious quid pro quos. But even if one were to set aside the glaring signs of corruption, one would still be forced to ask: is it in keeping with the principles of natural justice for a Chief Justice to adjudicate on a case in which he has an obvious personal interest?

The story of YK Sabharwal raises many disturbing issues. The first is the media's silence. If stories of national interest, raised by men of the calibre of former Law Minister Shanti Bhushan cannot make its way past the self-censoring sieve of the media, what hope does it leave lesser men? The second is to do with judicial accountability itself. Sabharwal's order dismantled thousands of lives. Was he just in doing so? We must be allowed to pose such questions. The judiciary has for too long protected itself against scrutiny with the dreaded contempt of court law. It is time it had the integrity to let this clause die. That might just leave our democracy more robust.

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