

Judges' assets bill stalled

- Rare opposition to legislation at initial stage

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New Delhi, Aug. 3: Politicians today united against a bill that would prevent judges' assets from being made public, forcing the government to back off from tabling it.

The entire Opposition, from the BJP to the Left, objected in the Rajya Sabha to the bill saying it violated the Constitution, and even Congress MPs sounded a word of caution.

The Supreme Court

Law minister M. Veerappa Moily then deferred the introduction of the Judges (Declaration of Assets and Liabilities) Bill, 2009, whose Clause VI requires judges to declare their assets to their superiors but spares them from being made public.

Sensing the mood of the House, including that of Congress members, Moily said: "It (tabling) is deferred. I want to get a consensus on it."

He, however, claimed the bill reflected the government's efforts "after 60 years" to bring some accountability to the judiciary, where it has "found a lot of corruption".

The Congress needs a consensus in the 245-member House, where the party and its allies have a strength of just 79. The ruling alliance can muster a majority in the Lok Sabha but had decided to table the controversial bill in the Rajya Sabha first to test the waters. The bill must be passed by both Houses.

Opposition to a legislation at the introduction stage itself is rare, and it prompted Deputy Chairman K. Rahman Khan to cite an earlier ruling and seek the opinion of the House.

Most Opposition MPs insisted that Clause VI be removed. Leader of the Opposition Arun Jaitley (BJP) asked that if a poll candidate must declare his assets in public, why should the higher judiciary be exempt?

"This dual interpretation of Article 19(1)(a) of the Constitution (right to freedom of expression) cannot be sustained," he said. The CPM's Brinda Karat said the bill looked to create two classes of citizens.

Jayanthi Natrajan of the Congress then suggested the bill might violate the Right

to Information Act and asked that it be referred to the parliamentary standing committee.

Under the bill, high court judges are to furnish details of their assets and liabilities, and those of their dependants, to their respective chief justices. The state chief justices and Supreme Court judges will submit their details to the Chief Justice of India (CJI), who will furnish his own details to the President.

Currently, under an informal mechanism, judges can voluntarily declare their assets to superiors but cannot be punished for inadequate or wrong information. Under the bill, the CJI, if satisfied that a piece of information is wrong, will consider it a misconduct — which can be a ground for the judge's impeachment by Parliament.

Moily denied the bill was circulated among the judiciary before being brought to the House.

http://www.telegraphindia.com/1090804/jsp/nation/story_11318069.jsp