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New Delhi, April 23, 2008

First Published: 01:11 IST(23/4/2008)

Last Updated: 01:21 IST(23/4/2008)

Top jurists want Indian judiciary more accountable

Why won't judges of India's Supreme Court and High Courts be willing to declare their wealth when their counterparts in other democracies such as the United States and the United Kingdom do it as a routine?

Top jurists say the judges of the US Supreme Court make public the details of their wealth in newspapers, while all details related to judges of the UK can be obtained by making use of the Freedom of Information Act there.

The judiciary in India has, however, so far resisted the demand for declaration of judges wealth, and implementation of the Right to Information Act to seek details regarding their appointments and inquiries into allegations of corruption.

"The accountability standards for judges in the countries like the US and UK cannot be compared with India, because there is a resistance from within the judiciary here to enforce transparency measures," senior lawyer and former Law Minister, Shanti Bhushan, said.

An aspirant for the position of a Supreme Court judge in the US is grilled by the Senate Committee for hours to find out the exact credentials, and to make sure the person would be able to do justice to the post, he said.

It is also mandatory for judges in America to declare every gift worth more than \$ 100 received by them. Recalling an interesting incident, former Chief Justice of India, JS, Verma, said: "Once during our visit to that country, we were surprised to read in the papers that a judge had declared that he received a cigar box as a gift". In the UK, the government was forced to release the list of judges disciplined for misuse of computers, including viewing pornography, last year.

The UK Ministry for Justice had refused to divulge the number and rank of judges, who were under investigation. It said that the judges were exempt under the Freedom of Information Act. This was overruled by the Information Commission, which said, "It was important for the public to know and be assured that all the allegations against judges were thoroughly investigated".

In the UK, an appointment of a judge can be challenged in the Judicial Appointments Commission, and the public also has a right to lodge a corruption or misconduct complaint against the judge to a Judicial Conduct Commissioner.

If a complainant was still not satisfied, an appeal could be made to the judicial ombudsman.

Asked to compare the transparency in judiciary's functioning with India, former CJI Verma said, "In United Kingdom, the conventions are still honoured, while in the US, the law takes care of the safeguards. In India, the civil society has failed to put pressure for enforcement of accountability measures".

Justice Verma said the debate on judicial accountability in India has remained confined to individual cases, and there was a need to have a complete look at the issue, beginning from judges appointments to their post-retirement activities.

Senior Supreme Court lawyer Rajeev Dhavan said there was complete transparency in the functioning of judiciary in the Western countries, and judges in India should shed their hesitation towards having a transparent system.

"Information cannot be denied to the public simply because an inconvenient question has been asked. No institution can claim to be credible if it works in a closed environment," he said.

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