

## **Editorial published in The Asian Age – November 4, 2009**

### **Let others follow judges' example**

**Nov.04 :** The public disclosure of assets by Supreme Court judges is likely to have a cleansing effect on the system, and boost the image of the higher judiciary in the country. On the basis of what has been brought out in the open, it is clear that our top judges are honourable officials. It is a relief to know that their moveable and immovable assets at the fag end of their working lives, and those of their spouses, are on the same footing as ordinary middle class professionals, if not lower in some cases. When it is widely perceived that institutions of public service have declined noticeably in standards of probity, the higher judiciary has clearly upheld the meaning of scruple. It is to be hoped that the example set by the Supreme Court judges will have a cascading effect on judges of the all the high courts. (To their credit, judges of the Karnataka and Kerala high courts have already made a full disclosure of their assets.) Perhaps this can pave the way for assets' disclosure by tiers of the judiciary below the high court level, whose reputation has been sagging for some time. India is passing through a phase of socio-economic transition that involves rural-urban migrations of a new order, occupational mobility, expansion of self-employment opportunities through financial openness, burgeoning of commercial interests, the large-scale displacement of populations, and property sales for purposes of urbanisation and industrialisation. If not handled with fairness and explicit sense of justice, the result can be an internal crisis that will weaken the system from within. A judicial system known for its uprightness is indeed the need of the hour.

True, the Supreme Court judges have made a "voluntary" disclosure of their assets as they are not bound by any law to do so. Whether such a law is needed, if the ripple effect of the action of our seniormost judges can be felt lower down the judicial ladder, is a moot point. However, the step taken by the country's highest judicial officers begs the question whether all those who depend on the public exchequer for their remuneration should not be made to follow their example. There is a widespread impression, for instance, that legislators grow seriously rich even after doing a single term. Naturally, a case can be made out for not only election candidates declaring their assets, but also serving legislators. If anything, the case of government officials at all levels is even more compelling.

India has the sorry reputation of being among the more corrupt places in the world. This straightaway impacts economic development and growth, and hurts the poorest sections more than anyone else. Any measure that helps to significantly

reduce opportunities for corruption will be a social balancer of reasonable magnitude. Finding ways to have public disclosures of assets across all branches — judiciary, legislature and executive — is likely to go a long way in choking off corruption. Whether this should be on a voluntary or mandatory basis may be determined on the basis of evolving practice, for even one volunteer can put the others to shame and oblige them to follow.