
Resolution Adopted at the First Convention on Judicial Accountability on April 6, 1991

Representatives of the Bar of the country have met in a Convention at New Delhi today to discuss judicial accountability in the context of the present crisis that has overtaken the judiciary and threatens to bring about the collapse of the entire system of administration of justice in this country. Having heard and considered all shades of opinion and seriously thought over the problem in all its facts, the Convention hereby solemnly resolves as under:

That an independent and incorruptible judiciary is the corner-stone of our Republican Constitution. Any dilution of the total independence and integrity of our judges is bound to lead in no time to the destruction of the republic itself.

That the standards of the judiciary have suffered a steady decline during the last couple of decades and low water mark has now been reached. Some drastic changes and improvement are urgently called for. The present system of selection of judges has allowed many unworthy appointments. The lack of accountability of judges has allowed the continuance in office of incumbents who disgrace their office by their conduct. The remedy of impediment is both cumbersome as well as impracticable.

This Convention is of the considered opinion that the ruling Government at the Centre have by and large proved unworthy of retaining either exclusive or even predominant voice in the selection of judges and, therefore, the power must be removed from the executive hands and lodged in some other body.

It is resolved that a high level permanent body to be called the National Judicial Commission or by any other suitable name consisting of persons representing the judiciary, the bar, the academic world and the public be forthwith created with complete and plenary powers of appointment, suspension and removal of unworthy judges. This body must however be made independent of both the executive and the judiciary. That the said Commissioner of Body should have full jurisdiction, authority and effective machinery for investigating complaints of judicial misconduct.

That no appointments should be made clandestinely and without adequate public notice so that all persons interested may be able to present their criticism and objections to the said Commission or Body for their consideration.

That all judges of the superior court must recognise that they have as much a duty to maintain unculled the reputation of the institution of the judiciary as the lawyers and litigants. That it is destructive of public confidence in the integrity of the judicial system that a judge whose corruption and/or mis-conduct is being investigated should continue to exercise judicial functions.

The Supreme Court & High Court must respect the conviction that whenever a reasonable case of corruption or misconduct of a judge is made out he must be prevented from exercising any judicial function in the Court until the conclusion of an enquiry and exoneration of the judge complained against.

That it is desirable that if such a judge does not voluntarily resign or at least refrain from discharging judicial functions, it is incumbent upon the Chief Justice of the Court not to assign any judicial work to the said judge.

That a sub-committee is constituted to carry forward the job of implementing the resolutions of this Convention. In the first place, the sub-committee consist of Mr. Ram Jethmalani, Mr. Shanti Bhushan, Mr. V.M. Tarkunde, Ashok Desai, Debi Singh Tewatia, Har Dev Singh, Indira Jaisingh, M.K. Ramamurthi, with Mr. Har Dev Singh as the Convenor. The sub-committee is authorised to co-opt other persons in the sub-committee.

That this resolution be released to the press for as wide a publicity as possible and it be communicated to the Hon'ble Chief Justice of India, the other learned judges of the Supreme Court of India, and Chief Justice of High Court, the President and Prime Minister of India, the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha.