

THIRD ANNUAL CONVENTION OF THE COMMITTEE ON  
JUDICIAL ACCOUNTABILITY

Triveni Kala Sangam - 8th May, 1993

RESOLUTION

For the first time in the history of this country, a Judge of the superior judiciary is being impeached after going through the entire tortuous constitutional process for the removal spread over a period of more than two years. The Judge has been found guilty of several acts of gross misbehaviour and an Inquiry Committee of three judges of unimpeachable competence and integrity has held that his conduct "discloses wilful and gross misuse of office, purposeful and persistent negligence in the discharge of duties, intentional and habitual extravagance at the cost of the public exchequer, moral turpitude by using public funds for private purposes in diverse ways and reckless disregard of statutory rules and brings disrepute to the high judicial office and dishonour to the institution of judiciary and undermines the faith and confidence which the public reposes in the administration of justice".

In the face of such a unanimous and unequivocal finding of Justice Ramaswami's guilt and moral turpitude by such an eminent Judicial Committee, there is no option left for the Parliament but to endorse this finding and present an address to the President for removal of the Judge.

This Convention is extremely shocked, therefore, to find that some Ministers and Members of the Parliament are lobbying among other Members of the Parliament in support of the Judge and that too on parochial considerations. Parochial considerations have no place in such a solemn and serious matter which involves the integrity of the judiciary and the faith of the people in the integrity of the judiciary. If this impeachment motion fails and the Judge continues to discharge judicial functions from the highest court, after having been condemned so unequivocally by a Committee of his own peers, public faith and confidence in the integrity of the judicial system and in particular in the present constitutional system for holding judges accountable will surely be shattered. A reluctant litigant then being forced to seek justice from such a Judge may well start resorting to extra-legal methods for securing justice.

That even more serious than the lobbying of MPs is the reported fact that Justice Ramaswami himself has been directly canvassing support with MPs. After having called the M.P.'s his judges in whose impartiality he has more faith than in the Judicial Inquiry Committee of his peers, such lobbying directly with the MPs is not only judicial impropriety but also an act of gross contempt by Justice Ramaswami.

This Convention, therefore, hopes and expects that in order to maintain public confidence in the integrity of the judiciary, Parliament must swiftly adopt the motion and put an end to this sordid affair.