

COMMITTEE ON JUDICIAL ACCOUNTABILITY

65 Lawyers Chambers
Supreme Court of India, New Delhi

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RESOLUTION DATED 28/11/02

The Committee on Judicial Accountability is greatly concerned and alarmed by the recent spate of reports emanating from Punjab and Haryana, Rajasthan and Karnataka regarding behaviour of Judges of the High Courts.

The reports from Punjab and Haryana suggest that the former Chief Justice of India had asked the then Chief Justice of the High Court to investigate allegations regarding the involvement of three judges of the High Court in the Punjab public service commission scam. The report further indicates that the then Chief Justice of Punjab and Haryana had submitted a report to the Chief Justice of India as far back as in August. The news reports further indicate that in his investigation the Chief Justice had found some material to indicate the involvement of the three judges in the public service commission scam. The Committee on Judicial Accountability had taken note of this in its last meeting in October had written to the former Chief Justice of India requesting him to do the following things: A) Make the report of the Chief Justice of the High Court public. B) If the judges had been found guilty, they should ask them to resign, and if they do not, he should recommend to the government to initiate impeachment proceedings for their removal.

The Committee on Judicial Accountability however notes that no steps appear to have been taken in this direction and all the 3 Justices continue to exercise judicial functions in

the High Court. This is continuing to erode the confidence of the public in the judiciary of the state in particular and of the country as a whole.

The Committee therefore again resolves to ask the Chief Justice of India to act on the matter and also to ensure that the actions as requested in the earlier letter dated 15.10.02 to the previous Chief Justice Kirpal be taken. Meanwhile if these judges do not resign no judicial work be assigned to them.

The reports from Rajasthan and Karnataka are also very serious and have created strong misgivings in the public about the integrity of the higher judiciary. The reports from Karnataka particularly, suggest that steps taken so far are wholly inadequate to ascertain the truth. Unless adequate and immediate remedial action is taken the public disquiet would irretrievably damage the reputation of judiciary. It is essential in the circumstances to get to the bottom of the matter so that correct facts come out before the public. Only such resolute action can restore public confidence in the functioning of the Judiciary.

The reports from both Rajasthan and Karnataka are suggestive of acts which amount to criminal misconduct within the meaning of the Prevention of Corruption Act, involving and connected with sexual favours from vulnerable and targeted women, also raising wider issues of sexual harassment of women. In terms of the Veeraswamy judgement the investigating authorities are handicapped and would be loathe to investigate without the consent of the Chief Justice of India.

In these circumstances, it is essential that the Chief Justice of India act proactively on the basis of these persistent newspaper reports. The Chief Justice of India must handpick senior CBI officers of proven integrity to investigate these matters thoroughly and expeditiously and report back to the Chief Justice of India. It is imperative that such officers must be armed with full powers of investigation. If the investigation discloses that the judges have committed some offence, appropriate action must be taken. Apart from that, they must be asked to resign and if they do not, they should be assigned any

judicial work. In either case, the report of the investigation must be made public to put public misgivings at rest.

The Committee on Judicial Accountability feels that the credibility of the entire judiciary today rests on whether the judiciary can demonstrate its will and its ability to tackle and deal with such serious cases of reported judicial misdemeanors. In this, the Chief Justice of India must play a unique and vital role. The Committee expects that the Chief Justice of India to discharge this onerous responsibility.