

Hyderabad Declaration of Campaign for Judicial Accountability and Reforms

40 prominent citizens from different fields of public life have, after a day long discussions last week, at CMS-ASCI meet, Hyderabad have resolved to bring out the following Recommendations to the attention of the public in particular and to the concerned Constitutional Authorities:

1. An independent national Judicial Commission should be constituted with powers to enquire into charges against judges at various levels, recommend judges after formulating a transparent criteria and procedure, set minimum standards and also promote the same. It should also lay procedures for recall of judges after following a transparent procedures. This Commission should function independently somewhat in the lines of the Election Commission.
2. Article 124(3) (C) must be implemented in all its provisions and should be amended to extend the same to the lower levels of judiciary.
3. The provision in the Judges (Inquiries) Bill 2006, that complainant shall be punished if the charge is not proved should be removed as it would dissuade the complaints. Section 33 of the Bill should be removed as it is against the principles of disclosure and transparency.
4. There should be strict compliance of code of Judicial Ethics and regular declaration of assets and liabilities by the Judges, Public Prosecutors, and Government Pleaders, etc.
5. Judiciary should not be exempted from the purview of the Right to Information Act, 2005. The PIOs under the same Act should be appointed in every court of law. People should be entitled to know the process of appointment of judicial and non judicial staff, including at lower courts.

6. The Gram Nyayalayas should be established in order to enhance the access of justice to a larger public. The Bill in the regard should be expedited.
7. Procedures and functioning of the courts should be simplified to enable poor of the court avail judiciary better and are not disadvantaged.
8. There should be a Citizen's Charter to explain the rights of the people and list out the norms of behaviour of the professionals such a lawyers and judges and it should be widely communicated.
9. Civil society should dialogue on judicial reforms and accountability so that the performance of judiciary, quality of justice and its delivery could be ensured. The public should be active and articulate their problems and concerns as oftenly through websites like the one inaugurated at this CMS-ASCI meet – www.judicialreforms.org - that is one sure way for judiciary becoming accountable and responsible.
10. There must be further amendment to contempt of Court Act to delete words 'scandalizing and lowering the authority of the court'. Fair Comment also should be made a defense to the charge of contempt of court.

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