

COMMITTEE ON JUDICIAL ACCOUNTABILITY

**66 Lawyers Chambers
Supreme Court of India, New Delhi**

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PRESS RELEASE

Growing corruption within the judiciary has been recognised by the highest within the Judiciary and the Executive. This has been accentuated by the absence of any credible and effective mechanism to secure the accountability of the superior judiciary. The process of impeachment has completely failed. Increasingly the power of contempt has been used to gag the media and the Press and prevent public discussion of judicial wrongdoing.

Today, the Committee on Judicial Accountability wishes to draw public attention to one of the most serious cases of alleged judicial misconduct, which starkly illustrates the serious problem of judicial accountability.

In August 2004 more than 350 responsible advocates of the Madras High Court sent a signed representation to the Chief Justice of India, detailing many serious charges against the sitting Chief Justice of Madras High Court. These allegations require investigation and scrutiny.

The documented charges pertain, inter-alia, to:-

- ? The manner in which he ordered the reinstatement of a District Judge who had been dismissed by the Governor pursuant to a full court recommendation for his removal, on being found guilty of corruption in 3 separate instances by an inquiry committee of High Court Judges.
- ? Pressurizing other judges to change the marks given by them to candidates for the posts of District Judge to influence the selection process.
- ? Not convening meetings of the Full Court and thus bypassing other judges of the High Court in matters where decisions have to be taken by the Full Court.
- ? Changing the roster of judges even in part heard cases of powerful personalities, in a very irregular and unprecedented manner.
- ? The protection afforded to a Calcutta Stock Exchange scam accused who was being investigated by the Calcutta police, by entertaining his appeal and staying his arrest when the matter entirely pertained to Calcutta and a single judge of the Madras High Court had dismissed the petition on the ground of lack of jurisdiction.
- ? Not delivering judgments for a long time in a case seeking the appointment of independent public prosecutors in the criminal cases against the Chief Minister of Tamil Nadu, which

resulted in a farcical trial continuing until the Supreme Court intervened and transferred the case to Karnataka. These and several other serious charges which if true merit removal.

While there had been no formal response of the Chief Justice of India to this representation, there are reports suggesting that a collegium of senior judges of the Apex Court has recommended the transfer of Chief Justice Reddy.

Meanwhile there is a move by some Members of Parliament to present an impeachment motion based on the charges contained in the above representation against the Chief Justice of Madras High Court and several Members of Parliament have already signed the proposed motion. The matter, therefore, is in the public domain.

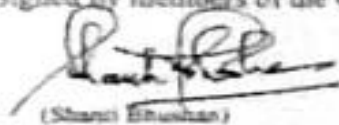
Recently, when a TV channel was preparing a report based on this representation and allied documentation and requested Chief Justice Reddy for his version consistent with journalistic ethics, the response was initiation of contempt proceeding at the instance of the Chief Justice of Madras. A contempt notice and an injunction restraining the reporter and the channel from broadcasting any report had been issued.

Thus while on the one hand, no effective disciplinary action can be take against the judge even on such serious documented charges contained in a representation signed by more than 350 responsible advocates, even public debates on this matter is prohibited by judicial fiat and threat of contempt action.

For proper democratic functioning, the people have a right to know and debate and must have complete information about the functioning of all the Constitutional Institutions and of the persons manning them. The media accordingly performs this vital function of dissemination. In the present situation the people are denied the right to information and the right to debate the issue, which violates their fundamental rights.

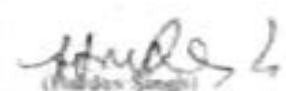
We therefore call upon the entire print and electronic media to stand united and perform their duty responsibly and fearlessly, unmindful of the consequences. We also call upon Members of Parliament to sign and support the proposed impeachment motion. It is the responsibility of all citizens of the country. We owe this to ourselves and to our future generations.

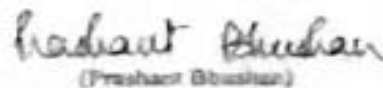
Signed by members of the Committee on Judicial Accountability by:

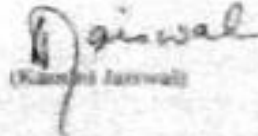

(Shanti Bhushan)

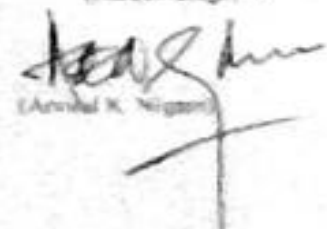

(Ram Jethmalani)


(Anil B. Dixit)


(Haldar Singh)


(Prashant Bhushan)


(Kamini Jaiswal)


(Arvind K. Nigam)