

# Campaign for Judicial Accountability and Judicial Reforms

6/6 Jangpura B, Basement, Mathura Road, New Delhi 110014

Tel: 9013689791, 24374535

[E-mail:judicialreforms@gmail.com](mailto:judicialreforms@gmail.com) Website: [judicialreforms.org](http://judicialreforms.org)

**Patrons:** Justice V.R. Krishna Iyer, Justice P.B.Sawant, Justice H.Suresh, Shri Shanti Bhushan, Shri K.G. Kannabiran, Shri Ajit Bhattacharjea, Prof. B.B.Pande, Admiral R.H. Tahilliani, Dr Bhaskar Rao, Ms. Arundhati Roy, Dr. Banwari Lal Sharma, Shri Pradip Prabhu, Prof Babu Mathew, Dr Baba Adhav, Ms. Kamini Jaiswal, Shri Mihir Desai, Shri Manoj Mitta

**Working Committee:** Prashant Bhushan, Venkatesh Sundaram, Indu Prakash Singh, Diwan Singh, D. Leena, Devvrat, Suchi Pande, Rohit Kumar Singh, Pranav Sachdeva, Pyoli Swatija, Divyajyoti Jaipurkar, Cheryl D'souza

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## STATEMENT WELCOMING THE RECONSTITUTION OF THE DINAKARAN INQUIRY COMMITTEE AND CALLING FOR AN INDEPENDENT FULL TIME JUDICIAL PERFORMANCE COMMISSION

The Campaign for Judicial Accountability welcomes the reconstitution of the Justice P.D. Dinakaran Inquiry Committee and the replacement of Justice V.S. Sirpurkar by Justice Aftab Alam as the Chairman of the committee. Justice Sirpurkar had been appointed on the recommendation of then Chief Justice K.G. Balakrishnan, who knew very well that Justice Sirpurkar had been a close personal friend of Justice Dinakaran. The Forum for Judicial Accountability, Chennai and the Campaign for Judicial Accountability had written to the Vice President in January itself seeking the removal of Justice Sirpurkar from the panel on the ground of this obvious conflict of interest. However he resisted the demand for his recusal for 9 months, till his continuance became untenable, when it was revealed that their friendship was so close that both Justice Dinakaran and Justice Sirpurkar had traveled great distances to attend each other's children's weddings. During these wasted 9 months, he did not even proceed to frame charges against Justice Dinakaran though the impeachment motion itself contained the detailed charges.

Chief Justice S.H. Kapadia however must be lauded for promptly recommending an outstanding judge with impeccable credentials who has no connections with Justice Dinakaran. Praise is also due to him for initiating moves to transfer judges who have come to enjoy bad reputations for integrity in their own courts. Though the initial exercise in this regard appears to have been carried out by consulting many of the relevant persons about the integrity of the judges involved, the Campaign however feels that this exercise needs to be done very carefully and methodically. That is why we have been saying that we need a permanent full time and independent Judicial performance Commission as a Constitutional body to systematically and transparently examine the performance of and complaints against judges, and having the power to take disciplinary action against them, whether by way of removal, suspension, transfer or otherwise.

The Campaign for Judicial Accountability again calls upon the government and the judiciary to have urgent public consultations on the composition and constitution of such a Commission so that it could be constituted soon after the required constitutional amendments which we are sure will be welcomed by all political parties. We have suggested a 5 member Commission headed by person selected by a Collegium of all the judges of the Supreme Court. A second member can be selected by all the Chief justices of the High Courts. The third member could be selected by the Union Cabinet. The fourth member by a collegium of NHRC Chairman, CEC, CVC, CAG, and CIC. The fifth by a Collegium of Leaders of Opposition of both houses of Parliament, Speaker and Vice President.

The country needs a strong, independent, clean and hence accountable judiciary, which must act as a bulwark against the rampant corruption prevalent in the country today.

PRASHANT BHUSHAN (On behalf of the Campaign for judicial Accountability)