



न्यायः मम धर्मः

VERDICTUM.IN AKHIL BHARATIYA ADHIVAKTA PARISHAD

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Accountability of “Independent” Judiciary

*(Resolution passed by National Executive of Akhil Bharatiya Adhivakta Parishad
on 13.04.2025, at Vijayawada, Andhra Pradesh)*

The recent incidents in the higher judiciary have once again shocked the nation. Adhivakta Parishad has been interacting with important persons from various fields and received feedback from advocates practicing at High courts and trial courts in this regard. While protecting the independence of judiciary, one must not lose sight of the accountability - accountability not to the conscience of each individual but to the society through a permanent mechanism which is transparent and verifiable.

Accordingly, the National Executive of Akhil Bharatiya Adhivakta Parishad made the following demands:

1. A new legislation be brought forthwith to see that the process of appointment and overseeing judicial conduct is done in a more transparent manner, while taking care to see that the judiciary will have a major say in this process.
2. Till this legislation becomes effective, the present process of appointment to higher judiciary through collegiums may continue, while bringing in more transparency including pre-consideration checks, etc.
3. A permanent committee must be formed forthwith by the Supreme Court with former CJIs and CJs of High Courts and eminent persons to deal with accountability (including conducting of courts) of the present incumbents in office. The Bengaluru Declaration for accountability made at the conference of Hon'ble Judges must be put into practice in a transparent, verifiable manner through this permanent mechanism.
4. If the committee as demanded cannot be formed now, even before June 2025, complaints against the higher judiciary. All hindrances be removed by the Supreme Court as there is nothing to hide.
5. The judges of High Courts may be put on notice for transfer if their family members, close relatives practice within the jurisdiction of the respective High Court or insubordinate courts within that state.



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6. If it pertains to a Supreme Court judge, that particular family member may not practice in the Supreme Court till that judge retires.
7. Post-retirement cooling period of three years must be adhered to for post-retirement appointments and arbitrations, if necessary, by amending the relevant statutes.
8. Future appointments to both the Supreme Court and High Courts may be subject to the same retirement age.
9. The assets of Hon'ble Judges of High Courts and Supreme Court and their immediate family members may be uploaded every year on the websites of respective courts.
10. Every High Court must have one-third of judges from other High Courts. It may be recalled that this was introduced and implemented to some extent during the tenure of Justice M.N. Venkatachalaiah.

K. Srinivas Murthy

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(President, ABAP)*