

HYDERABAD DECLARATION - RULE OF LAW

28 February 2021

1. The police force needs to be strengthened with adequate personnel to effectively meet the growing challenges of a modern society and enhance public trust in police, with a proportion of officers embedded in the community to promote communication and collaboration with the citizenry.

2. A professional course in policing must be developed as a mandatory requirement at the entry level for effective training to facilitate specialized and efficient functioning of the police force.

3. Forensic infrastructure needs to be scaled up to meet present day requirements, with adequate facilities available at each administrative level - the police circle, the subdivision, the district and the state, as well as major urban centers based on the population, crime rate, and nature of crimes.

4. An independent, well-equipped, and accountable crime investigation agency needs to be created, separate from the law and order department, to investigate crimes above a certain threshold, such as, a maximum of 3 years of imprisonment.

5. A strong system of prosecution, at the district level, must be instituted such that the competence, stature of prosecution, independence, public trust and coordination of investigator, prosecutor and judiciary are assured.

6. Criminal Procedural Laws must be amended to rationalise and simplify trial procedures, ensure effective investigation with transparency and accountability, protect the rights of victims, enhance the role of the judge in the trial process, and recognize non-custodial punishments when appropriate.

7. Measures to reform the civil justice system must be based on an empirical analysis of both the supply and demand side of the ecosystem. On the supply end, increasing the judicial resources is necessary. The demand side of the spectrum calls for limiting the scope for appeals, adjournments and interim orders, and introducing a case management system to ensure speedy and efficient trial through mechanisms such as a sunset clause on interim orders and ‘outcome date certainty’.

8. Adequate resources, including more, well-trained judges and sufficient physical infrastructure, must be allocated and effectively utilized, to make the judiciary accessible to the ordinary citizens, in terms of proximity, cost of litigation, and summary disposal of cases.

9. The efficiency and efficacy of the District Courts and the Constitutional Courts can be enhanced by setting up a robust court administration system, including appointment of highly competent judicial managers and judicial clerks allowing judges to focus on matters of adjudication and improving professionalism in the administrative functions.

10. The Constitutional Courts must be strengthened by limiting their jurisdiction to their primary role, that is the interpretation of the Constitution and substantial questions of law. This may be achieved by setting up Permanent Constitutional Benches in courts, reducing the number of appeals and revision petitions and prioritizing clearing the current backlog. Ad hoc judges may be appointed according to Article 224A of the Constitution to dispose of the backlog.

11. There is a need to attract best talent into the judiciary at the Trial Court Level and the Constitutional Courts. Therefore, remuneration for judges, the service condition and the prestige of office, all should be significantly enhanced to make judgeship aspirational for bright young lawyers. A nationwide, competitive, meritocratic recruitment with an assured fast track for elevation based on performance would go a long way in attracting talent.

12. A permanent mechanism for ensuring judicial standards and accountability in the higher courts must be established to address issues of misconduct. Guidelines for this have already been laid down in the Judicial Standards and Accountability Bill 2010, which lapsed in 2012.