

**Workshop on '*Transparency in
Judiciary and Governance -Need of the
Hour*'**

Mumbai, India.

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Mr. Justice Abu Taher Md. Saifur Rahman

*'Why accountable judiciary and its transparency is needed for
sustainable development and how it can be secured'*

An independent and impartial judiciary is the foundation of the rule of law and of a democratic state. It serves to protect human rights and people's liberties, provides a check on other branches of government and helps secure an environment conducive to economic growth and social progress. Therefore, when corruptions occur in the judiciary, it undermines the very principles of fairness and due process of law and can negatively affect much needed investment in developing countries.

Transparency and accountability are strongly interrelated. Unless there is accountability, transparency is of little value. Without transparency, it would be difficult to hold public sector entities to

account. The existence of both conditions is a pre-requisite to effective, efficient and equitable management in public institutions.

Judicial integrity, independence and impartiality are preconditions for fair and effective access to justice. There can be only limited oversight from outside of the judiciary to avoid undue influence and interference from the government. This is particularly relevant where judicial independence is put into questions by political legacies and subordination to the executive.

As per various surveys report conducted by the transparency international it appears that there is prevalence of corruption in justice system worldwide. High discretion and low oversight constitute corruption risk specific to the judiciary and law enforcement agencies. Judicial corruption disproportionately impacts the access to justice of the poor and marginalized because they likely cannot afford to pay bribes or gain access to influential networks. Accordingly, we strongly feel the importance of a strong judicial system for reducing conflicts, maintaining the rule of law and protecting rights. Corruption is among the challenges that undermine public confidence in the

justice system. The lack of judicial Code of conduct contributed to the weak accountability of the existing judicial sector.

However, in order to overcome this situations, we need to focuses on promoting the rule of law, improving access to justice, reducing violence, countering corruption, increasing the transparency and accountability of institutions, addressing exclusion, and enhancing public participation and engagement.

Information and communications technology (ICT) has great potential to automate Court services and proceedings as a way to make Court administration more efficient transparent and accountable. Indonesia and the Philippines provide examples on how simple technical solutions can create unprecedented transparency and open up judicial verdicts to public scrutiny.

A public complaint mechanism along with immediate action on the basis of inspection reports by the High judicial commission help to improve public confidence in the formal justice system.

Finally, in order to bring more transparency and accountable judiciary for sustainable development I also like to include the following matters as well:

*Enhancing the role of civil society;

*Creating a programme to raise public awareness about the mechanisms available to hold the judiciary and prosecution services accountable;

*Introducing training and support to increase the capacity of Court administrators to respond to requests for access to information;

*Developing new platforms for the exchange of information and concerns between the media and judiciary.

Hopefully this workshop will provide some ideas and resources to look up further and encourages those who seek a more transparent and accountable judiciary on their journey.

Justice Abu Taher Md. Saifur
Rahman

Bangladesh Supreme Court
High Court Division

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