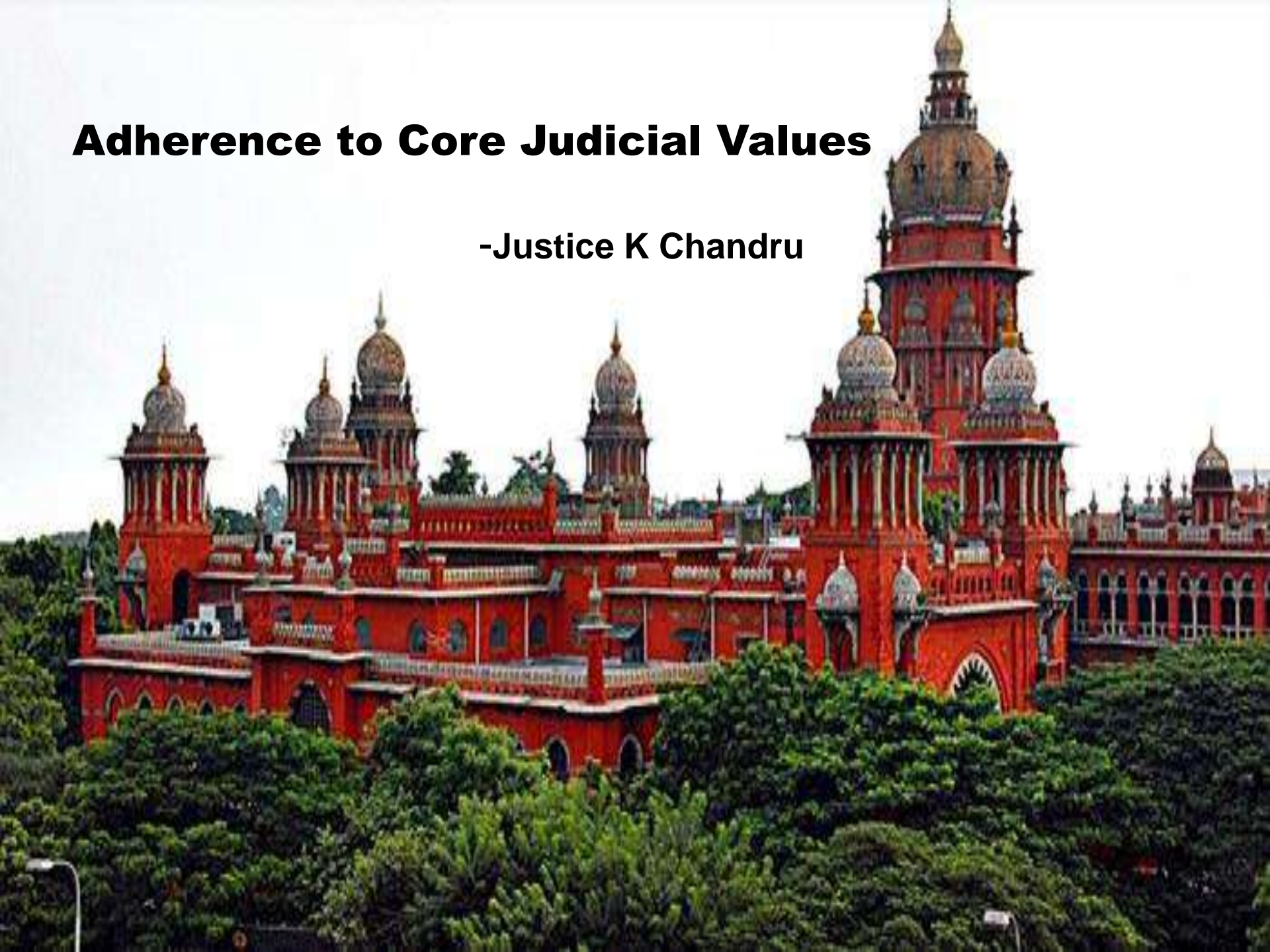


# **Adherence to Core Judicial Values**

**-Justice K Chandru**



# JUDGES

**Judges do not have an easy job.  
They repeatedly do what the rest avoid :**

**“Make decisions”**

**They carry out this function in public.**

**They cannot decide by spinning a coin or  
consulting an astrologer.**

**They must give reasons for their decision.**



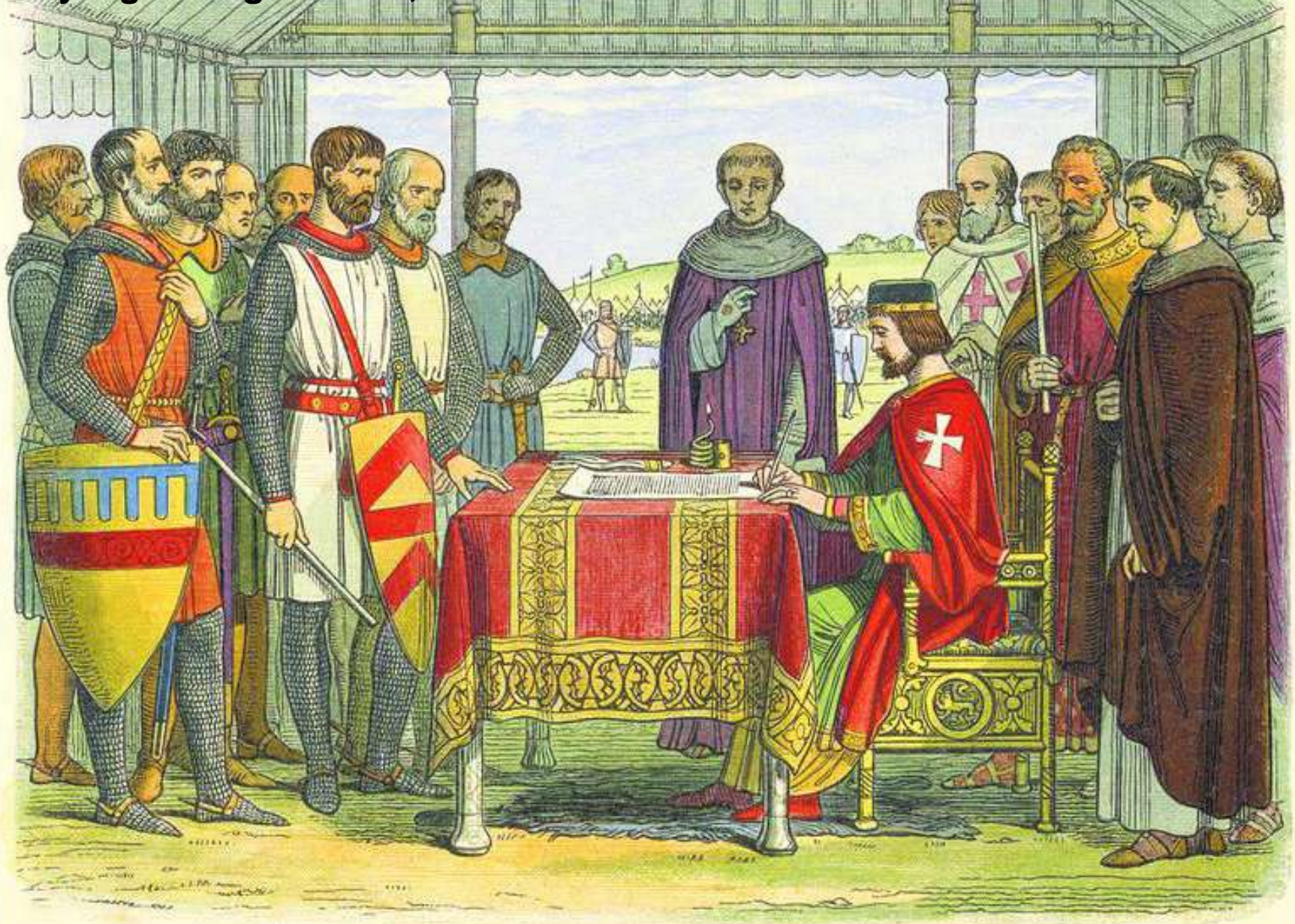
# MAGNA CARTA

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The Foundation of Freedom



**King John, pressured by English barons,  
reluctantly signs Magna Carta,**



## **Magna Carta is Latin for “Great Charter.”**

**King John accepted that he would no longer get to make the rules up as he went along. From that acceptance flowed, ultimately, all the rights and freedoms that we now take for granted: uncensored newspapers, security of property, equality before the law, habeas corpus, regular elections, sanctity of contract, jury trials.**

## **Magna Carta XLV**

**We will not appoint justices, constables, sheriffs or bailiffs except from such as know the law of the kingdom and are willing to keep it well.**

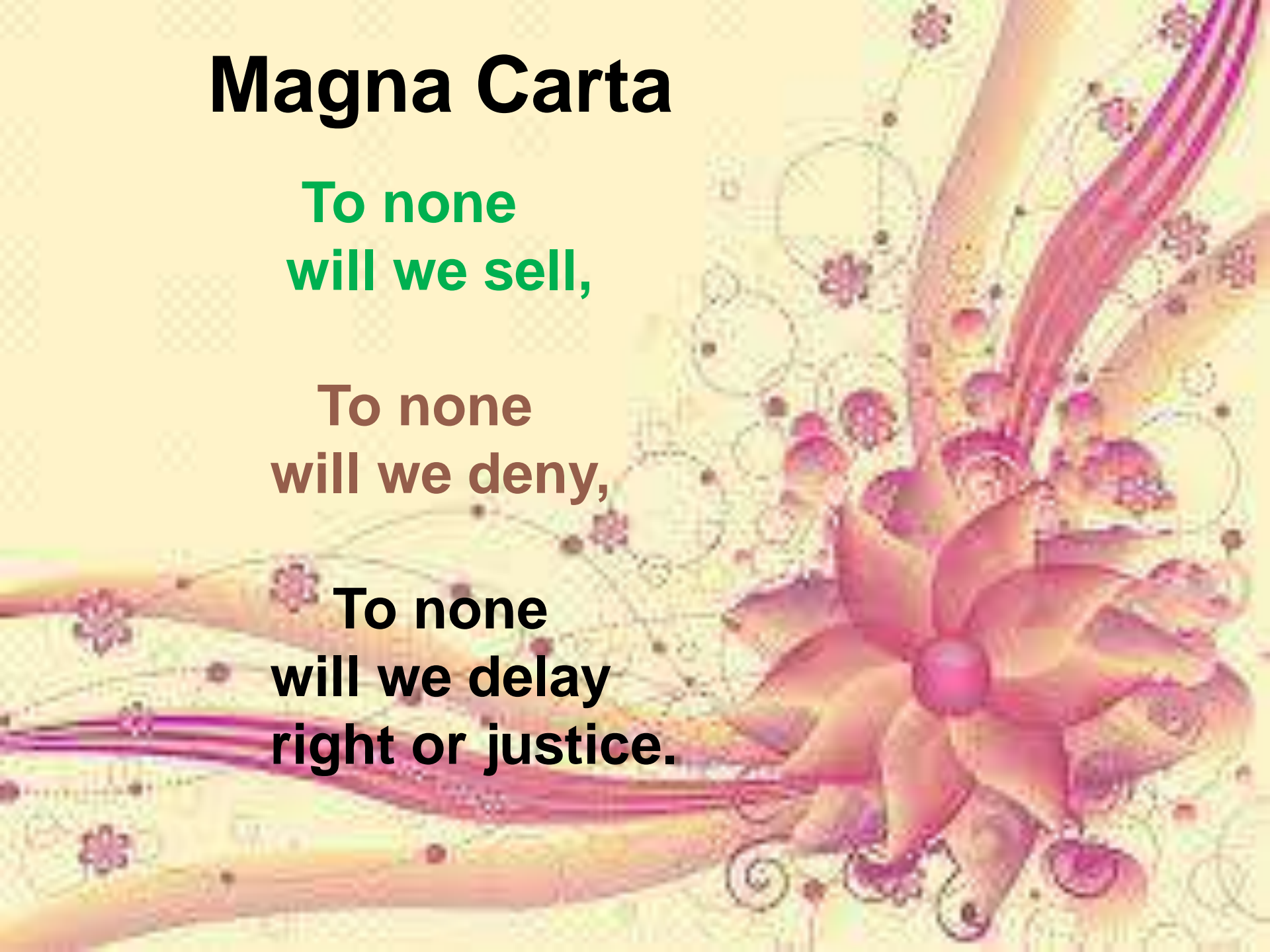


# Magna Carta

To none  
will we sell,

To none  
will we deny,

To none  
will we delay  
right or justice.



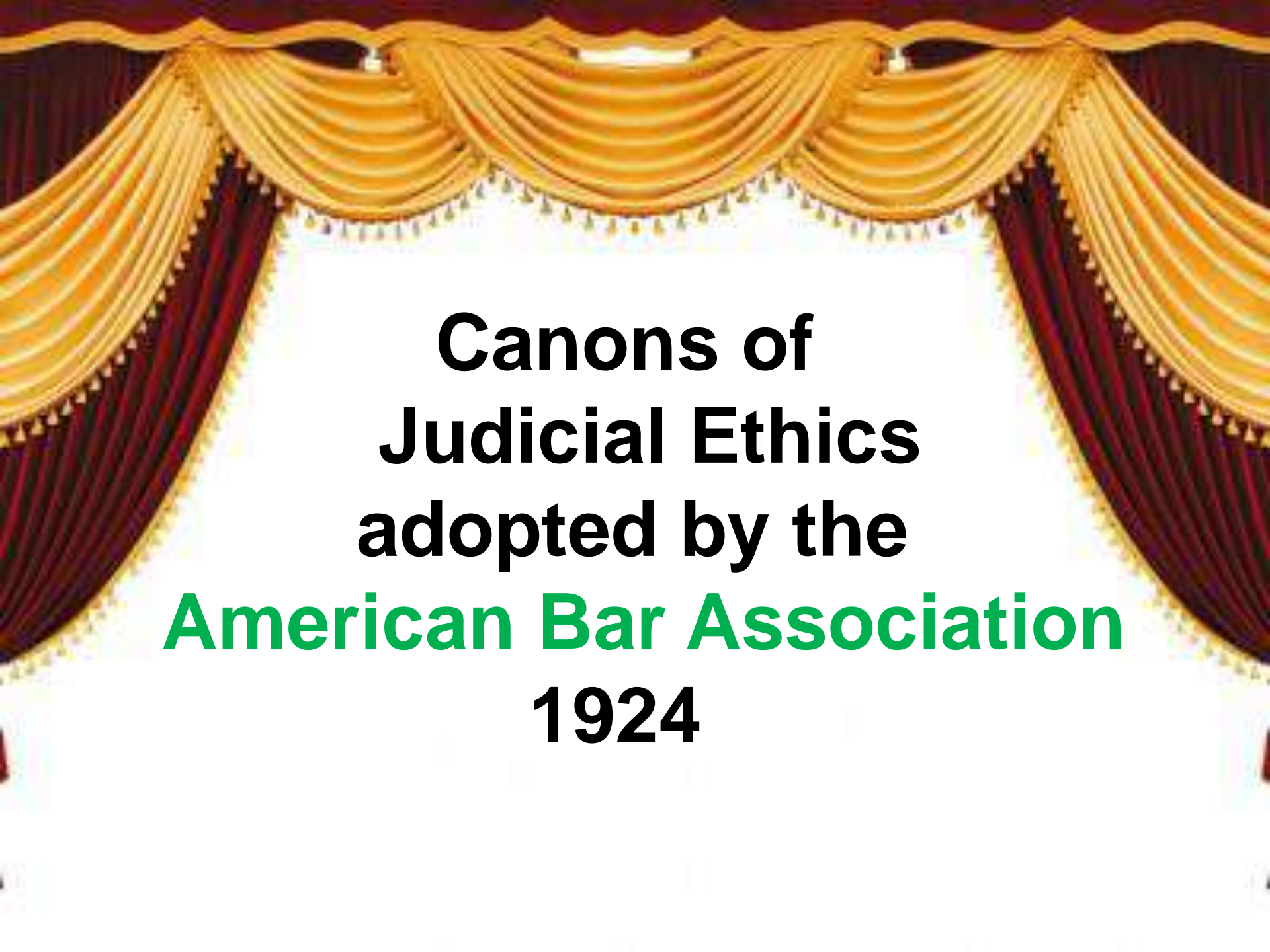
# **THE JUDGES ARE GOING TO JAIL**

**(a popular song for 1840)**

**(FROM THE JOHN BULL)**

HURRAH for the masses,  
The lawyers are asses,  
Their gammon and spinach is stale!  
The law is illegal,  
The Commons are regal,  
And the Judges are going to jail.  
Hurrah for the masses!





**Canons of  
Judicial Ethics  
adopted by the  
American Bar Association  
1924**

# **The Public Interest**

---

Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful.

Every judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can, to make it useful to litigants and to the community.

.....Canons of Judicial Ethics

He should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

# Laws relating to Ethics and Judgeship

A wooden gavel with a curved head and a long handle rests on an open book. The book's pages are filled with text, and the lighting is warm, creating a professional and scholarly atmosphere.

- Constitution of India
- Recruitment Rules
- Conduct Rules
- Bar Council of India Rules
- Restatement of the Values  
of Judicial Life

CONSTITUTION  
OF  
INDIA



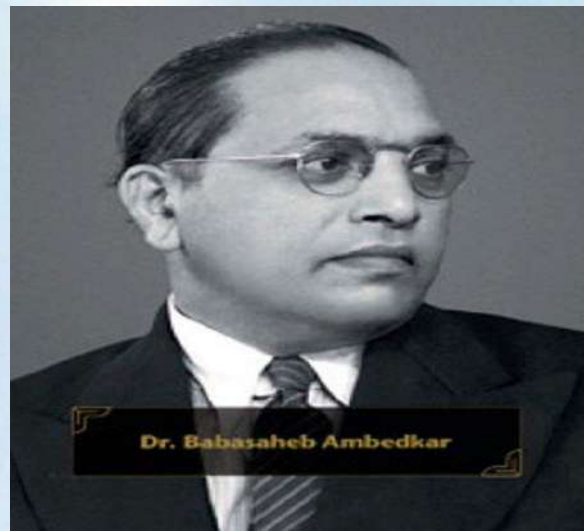
सत्यमेव जयते

# PREAMBLE

**WE THE PEOPLE OF INDIA** having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens

**JUSTICE**, social, economic and political  
**LIBERTY** of thought, expression, belief, faith and worship  
**EQUALITY** of status and of opportunity  
and to promote among them all.

**FRATERNITY** assuring the dignity of individual and the unity and integrity of the nation.



Positively, my social philosophy may be said to be enshrined in three words: liberty, equality and fraternity. Let no one however say that I have borrowed my philosophy from the French Revolution. I have not. My philosophy has its roots in religion and not in political science. I have derived them from the teachings of my master, the Buddha.

**Dr Ambedkar**

## Article 13(1)

### **13.Laws inconsistent with or in derogation of the fundamental rights**

(1) **All laws** in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be **void**



# Article 17

## Abolition of Untouchability

**Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.**



Our struggle does not end  
so long as there is a  
single human being  
considered untouchable  
on account of his birth.



**M. K. Gandhi**

**MAHATMA, Vol. 3, p. 239**

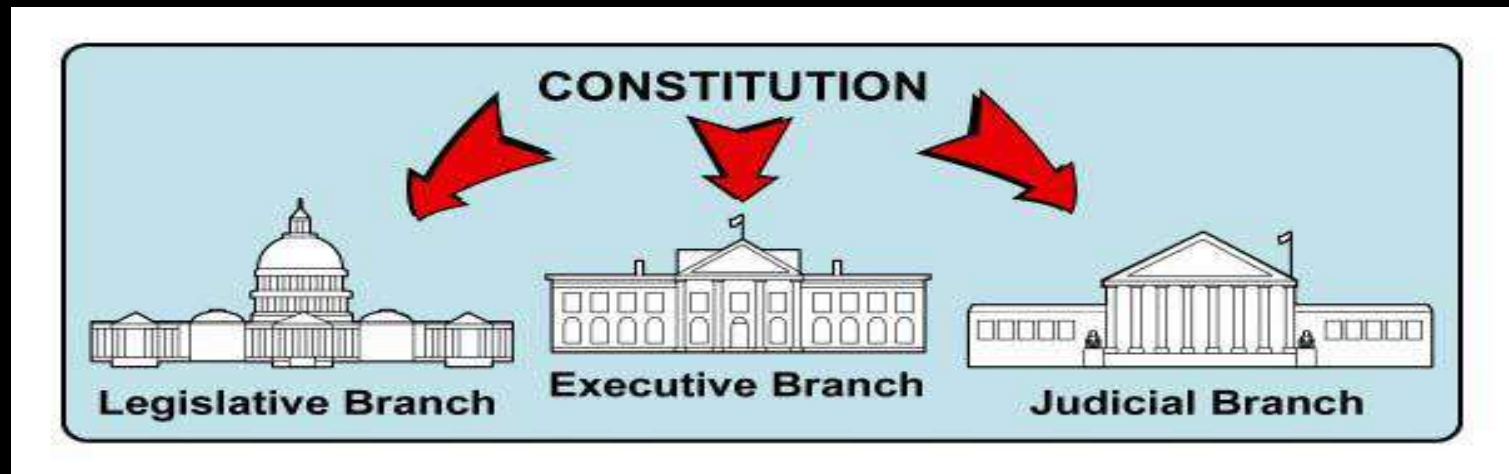
## 39-A Equal justice and free legal aid

The State shall secure that the operation of the legal system promotes justice , on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

# Article 50

## Separation of judiciary from executive

The State shall take steps to separate the judiciary from the executive in the public services of the State



# **Article 51A**

## **Fundamental duties**

It shall be the duty of every citizen of India

(b) To cherish and follow the noble ideals which inspired our national struggle for freedom;

**(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;**



The background features a soft-focus image of pink cherry blossoms on dark branches, framing a central white ceramic bowl. The bowl has a subtle floral pattern and a dark rim. The overall aesthetic is delicate and traditional.

**(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;**





## **Article 141**

**Law declared by Supreme Court to be binding on all courts.**

**The law declared by the Supreme Court shall be binding on all courts within the territory of India**

## **Article 144**

**Civil and judicial authorities to act in aid of the Supreme Court**  
**All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court**

## Article 309

Recruitment and conditions of service of persons serving the Union or a State  
Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State:

... contd..

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act

**Judicial Officers cannot have two standards, one in the Court and another outside the Court. They must have only one standard or rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy.**

**Daya Shankar vs High Court Of Allahabad &Ors.**

**1987 (3) SCC 1**

**In a major embarrassment for the Andhra Pradesh judiciary, five judges were caught cheating while writing the LLM (Master of Law) examination for which they were promptly suspended by the High Court.**

**One of the judges was found copying from a law book hidden under his answer sheet. Written slips and pages torn from textbooks were seized from other judges.**

**(Times of India dt. 26<sup>th</sup> August 2010)**







# FOOTAGE REVEALS JUDGES CAUGHT 'COPYING'

Warangal, AP



Nervous when caught

## JUDGES CAUGHT CHEATING

Judges caught 'copying from notes' by invigilato

**TIMES**  
**N|O|W**

## **Rule 3 Gifts**

"(1) Save as otherwise provided in these rules, no Government servant shall, except with the previous sanction of the Government, accept or permit his wife, or any other member of his family, to accept from any person any gift of value exceeding Rs.5000/-"

“Provided that the Government Servant may accept any gift of a value exceeding Rs.5,000/- from a personal friend or close relation, on special occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs and shall make a report to the Government within one month of the acceptance of the gift”.

# Canon of Ethics for American Judges, 1924

## 32. Gifts and Favors.

He should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.



# GANDHI

an autobiography



**MY EXPERIMENTS  
WITH TRUTH**

भारतीय रिज़र्व बैंक पाँच सौ रुपये

केन्द्रीय सरकार द्वारा प्रत्याभूत

RESERVE BANK OF INDIA

GUARANTEED BY THE CENTRAL GOVERNMENT

0AA 000000

₹500

₹500



महात्मा गांधी

MAHATMA GANDHI

मैं धारक को  
पाँच सौ रुपये  
अदा करने का  
बचत देता हूँ।  
प्रतिभार रिज़र्व  
बैंक

I PROMISE TO  
PAY THE BEARER  
THE SUM OF FIVE  
HUNDRED RUPEES

*Uday Kumar*  
GOVERNOR



₹500



0AA 000000

## **Rule 6 :Investments, lending and borrowing**

**6.4 (a)** No Government servant shall, save in the ordinary course of business with a bank or a firm or a Public Limited Company of standing, duly authorised to conduct banking business either himself or through any member of his family or any other person acting on his behalf

(i) lend or borrow money, as principal or a agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person





## **7. Movable, immovable and valuable property**

---

**(7.1) (a)** No Government servant shall, except after notice to the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift, exchange or otherwise either in his own name or in the name of any member his family.

~~Such a notice will be necessary even~~  
where any immovable property is  
acquired by any member of the family  
of the Government servant out of  
the resources of the Government  
servant:

- It may be generally stated that the conduct rules of the Government and public sector corporations constitute a code of permissible acts and behaviour of their servants.
- It is evident from record that the prescribed period for filing property return is six months and though appellant was aware of the requirement he did not choose to file any return, even during the course of enquiry no return was filed and ultimately after show cause notice was issued it was filed

**Praveen Bhatia vs Union Of India & Ors**

**2009 (4) SCC 225**

**Rule 14** :Taking part in politics and Elections and position of Government servants in relation to Elections:

**(1) No Government servant shall be a member of or be otherwise associated with any political party or any organisation in respect of which there is reason to believe that the organisation has a political aspect, nor shall be take part in, subscribe in aid of,**

or assist in any other manner any political movement or activities. He shall also not only maintain political neutrality but shall also appear to do so. He shall also avoid giving room for any suspicion that he is favouring any political party or any candidate in elections

## Rule 19 :Bigamous marriages

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19.1 (i) No Government servant shall, enter into or contract, a marriage with a person having a spouse living; and

(ii) No Government servant having a spouse living shall enter into or contract a marriage with any person



**BAR COUNCIL  
OF  
INDIA  
RULES**

## CHAPTER - II

### Standards of Professional Conduct and Etiquette

4. An advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the advocates himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth-piece of the client, and shall exercise his own judgement in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.



6. An advocate shall not enter appearance, act, plead or practise in any way before a court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law



**“RESTATEMENT OF VALUES OF  
JUDICIAL LIFE”  
(CODE OF CONDUCT)  
ADOPTED IN  
THE CHIEF JUSTICES’ CONFERENCE  
DEC 1999**




(1) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided.

(2) A Judge should not contest the election to any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.

**(3) Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.**

**(4) A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.**

A decorative border on the left and bottom of the slide, featuring green and black swirling lines, red and orange flowers, and green leaves. The text is centered in the upper right quadrant.


**(5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities for professional work.**

A decorative border of colorful flowers (red, yellow, purple, green) surrounds the text. The flowers are arranged in a repeating pattern along the top, bottom, and sides of the page.

**(6) A Judge should practice a degree of aloofness consistent with the dignity of his office.**

**(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.**

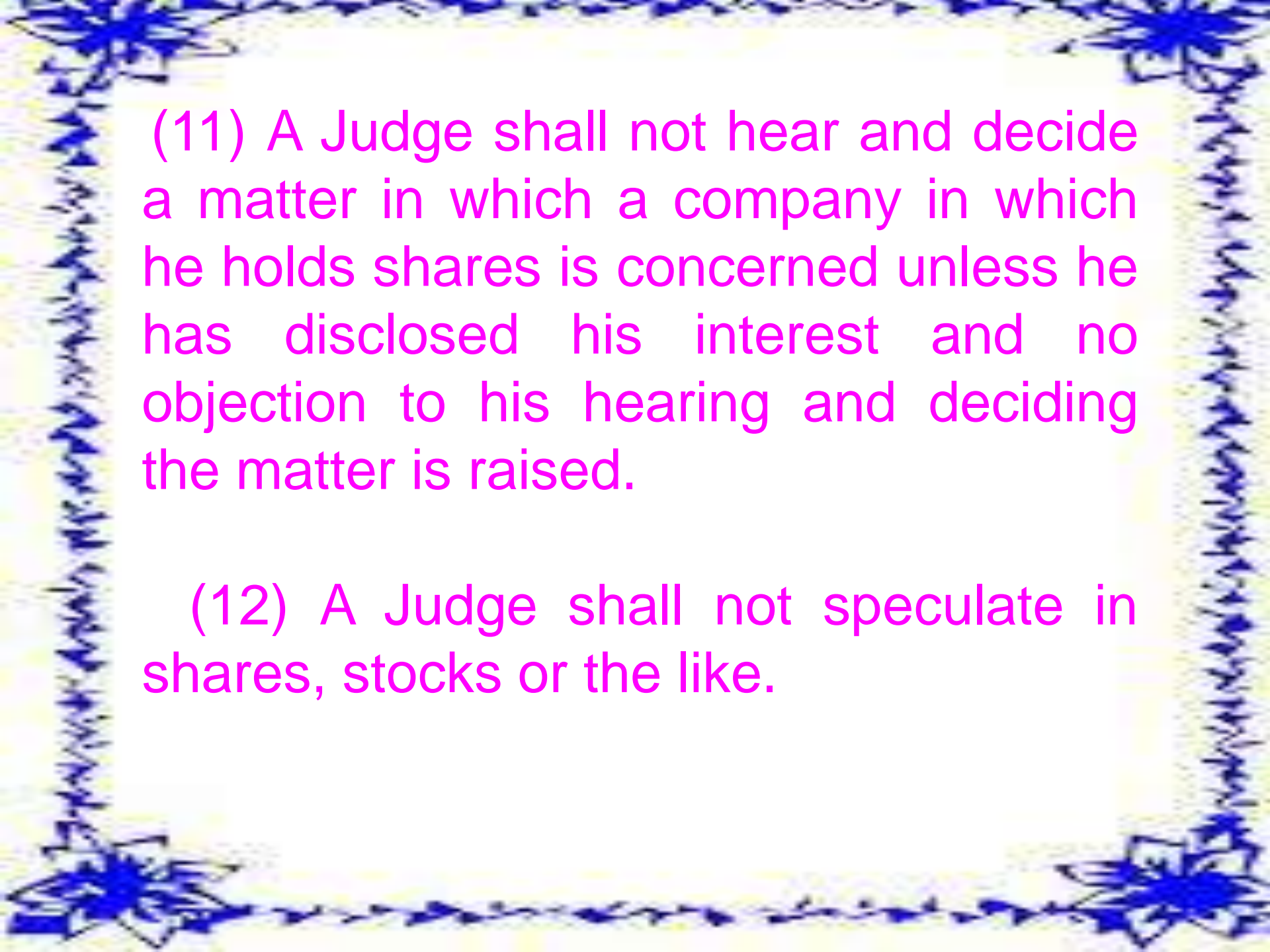




**(8) A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.**

**(9) A Judge is expected to let his judgments speak for themselves; he shall not give interview to the media.**

**(10) A Judge shall not accept gifts or hospitality except from his family, close relations and friends.**




(11) A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.

(12) A Judge shall not speculate in shares, stocks or the like.

**(13)** A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person. (Publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).

**(14)** A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.

- (15) A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.
- (16) Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held.

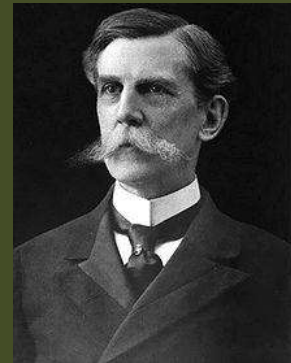
A decorative border featuring green vine-like scrolls, pink flowers with yellow centers, and small clusters of purple and red flowers. The border is positioned on the left and bottom edges of the slide.

**These are only the “Restatement of the Values of Judicial Life” and are not meant to be exhaustive but only illustrative of what is expected of a Judge.**

## Harold Laski to Justice Holmes

“People could be persuaded to realise that judges are human beings; it would be a real help to jurisprudence.”

We would like to add :- If judges could be persuaded to realise that they are human beings; it would be a real help to jurisprudence.



## Justice V.R.Krishna Iyer

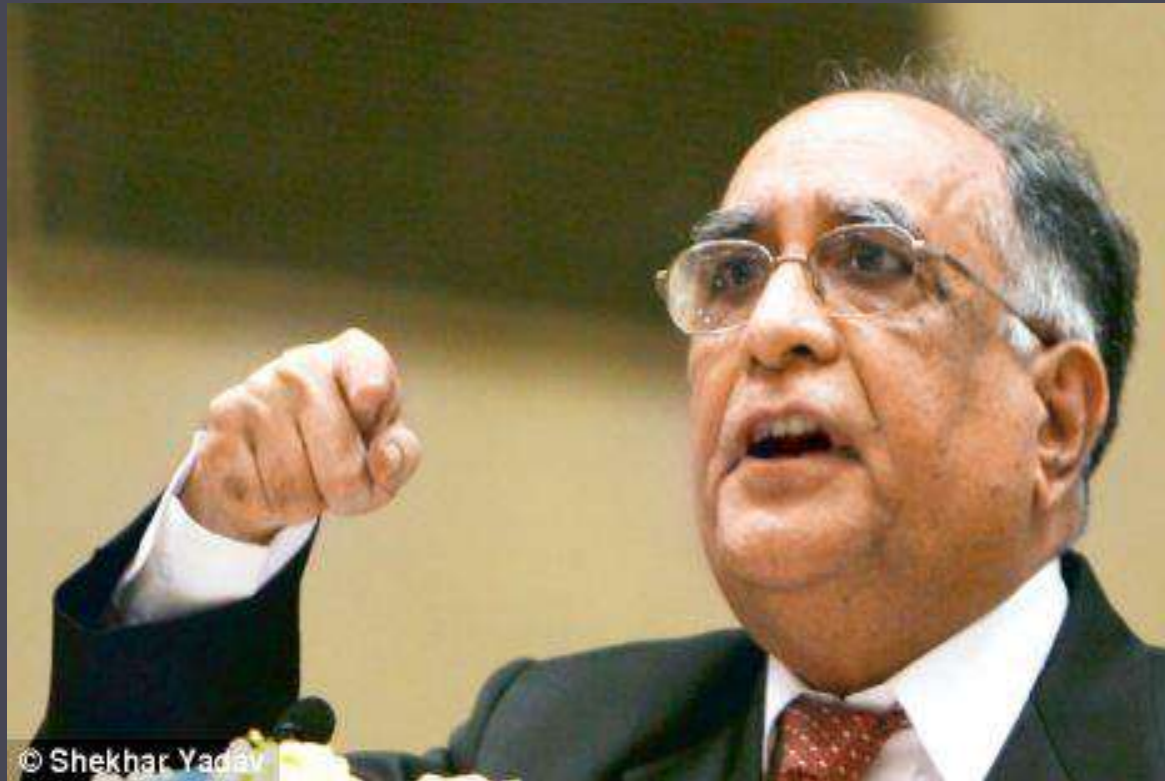
His integrity and freedom from personal predilections and class biases must be of a high standard, secular to the core, socialist in faith and democratic even in its spiritual dimensions.





Corruption, ambition, callousness, craze for position, promotion and five-star craving plus graft, nepotism and other vices are infiltrating into the hallowed place of Justice, Justices and Justicing. This affluenza craze ad passion for tax-free perks are creeping into court culture. After all when society degenerates and values slowly whether we cannot expect judges angle unless we put special emphasis or character and commitment as part of the judicial office.

# Chief Justice Kapadia's advice to Judges



WORK LIKE  
a  
HORSE



LIVE LIKE  
an  
HERMIT

