

NATIONAL JUDICIAL ACADEMY
BHOPAL

ELEMENTS OF JUDICIAL BEHAVIOR
ETHICS, NEUTRALITY AND PROFESSIONALISM

Training program for Bangladesh Judges

7th Feb. 2023, Session 4

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JUDICIAL ETHICAL STANDARDS

- Sound knowledge of fundamental constitutional and legal principals to give him/her vision and sense of proportion.
- Thorough knowledge of procedural laws and statutes dealing with limitation, court fees and stamps, forensic and police procedures.
- Working knowledge of substantive laws.
- Knowledge, practice and training in Information and Communication Technology
- Knowledge of the language of the court.

GIVING A PATIENT AND PROPER HEARING

- A judge must learn the art and skill of giving due hearing to all the parties/ applicants/ disputants appearing before him/her.
- A judge must allow parties to lead evidence and put forth their arguments freely and fearlessly, guiding them with effective interventions
- A judge must at all time be in active and effective control of the proceedings of the court .
- A judge must persuade, encourage and motivate the lawyers appearing before him/her to prepare and research the case well to assist the court.

MARSHALLING FACTS AND WRITING GOOD JUDGMENTS

- A judge must learn the skill of writing good orders and judgments, putting the facts, issues on facts and law, and giving reasons and conclusions in a lucid, logical and precise and coherent manner in the orders and the judgments.
- All the orders, and judgments must be written in simple, good and understandable language with clarity, and must be as brief as possible.
- A judge must use temperate language, avoiding legalese, and be respectful to all disputants, be it women, children or persons suffering from poverty and other disadvantages in life.

INTERIM PRAYERS AND ADJOURNMENTS

- A judge must learn the skills to consider and dispose of interlocutory applications and request for adjournments quickly , effectively and firmly.
- A judge must have complete and effective control over the listing of the cases / case diary, managing the case load with modern court and case management systems.
- A judge must learn to handle and manage lawyers effectively.
- A judge must have effective and firm control over the court staff. He/she must be empathetic towards the problems and issues faced by them and should not allow them to unnecessary trouble or be troubled by the disputants .

TIME MANAGEMENT

- A judge must plan and allocate time for judicial functions , avoid non productive work, by effective and scientific management of time.
- In hearing cases the judge must plan and allocate time for hearing interim applications, recording evidence , hearing final arguments, as well as administrative matters, giving priorities and preferences keeping in mind urgencies and the directions issued by the higher courts.
- Time management also includes managing time in chambers for, reading files, writing judgments, without ignoring personal matters such as time for family, and for light exercise and entertainment.

MANAGING SELF.

- A Judge needs to cultivate self discipline, punctuality, commitment, positive attitude and hard work. A Judge has to maintain good health and good habits.
- A Judge should be neatly attired and groomed. The dress code must be followed scrupulously.
- A Judge should maintain a good and dignified posture in court, as he is being constantly watched by litigants, lawyers and court staff.
- The courts all over the world are known for the punctuality observed and maintained by Judges. Discipline for judge knows no excuses.

JUDICIAL ETHICS.

- STANDARDS OF JUDICIAL ETHICS AND BEHAVIOUR : CORE VALUES
- 1. INTEGRITY (HONESTY)
- 2. JUDICIAL DETACHMENT/ ALOOFNESS
- 3. JUDICIAL INDEPENDENCE
- 4. MODERATE VIEWS
- 5. JUDICIAL DETACHMENT
- 6. HUMILITY, SOBRIETY AND IMPARTIALITY
- 7. RESPECT AND REGARD FOR ALL CONCERNED.

A JUDGES OATH OF OFFICE

- A judges oath of office ADMINISTERED IN THE NAME OF GOD or SOLEMNLY AFFIRMED gives indication of his/her functions:
- 1. To bear true faith and allegiance to the Constitution of India as by law established and uphold the sovereignty and integrity of India.
- 2. To perform his/her duties duly and faithfully and to the best of his/her ability, knowledge and judgement without fear or favour, affection or ill will; and
- 3. To uphold the constitution and the laws.
- THIRD SCHEDULE ITEM VIII OF THE CONSTITUTION OF INDIA FOR CHIEF AND JUDGES OF HIGH COURT
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“14(I) All persons shall be equal before the courts and tribunals.

In the determination of any criminal charge against him , or of his rights and obligations in a suit of law, everyone shall be entitled to a **fair and public hearing** by a **competent, independent and impartial tribunal established by law**.

BANGALORE PRINCIPLES OF JUDICIAL CONDUCT 2002

- PREPARED AT THE INSTANCE OF AN INTERNATIONAL GROUP OF STRENGTHENING OF JUDICIAL INTEGRITY AND REVISED AND ADOPTED AT THE ROUND TABLE MEETING OF THE CHIEF JUSTICES HELD AT PEACE PALACE , THE HAUGE ON 25.11.2002 AND 26.11.2002.

- For Judicial Officers appointed by the State Governments or by Union of India , the Code of Conduct prepared by the respective Government is applicable, and the respective Conduct and Appealate Service rule govern their services.
- In India with the separation of powers between the judiciary and the executive and to ensure the independence of judiciary whereas the power of appointment of Judicial Officers after their selection is vested in the respective Government , the powers of transfer, posting, promotion and all disciplinary matters including suspension, dismissal and discharge is with the jurisdictional High Court.

PROFESSIONALISM

- Professionalism is defined as a way of doing a job or discharging responsibility that shows great skill and experience.
- A professional is not expected of making mistakes or show lack of learning and callousness in discharge of his/her duties
- Professionalism in any calling requires specialised knowledge, intensive academic preparation, experience and expert case in performing duties.
- A Judge as a arbitar of disputes touches and affects the life of the disputants or the person charged before him/her in many ways . He /she is not expected to make errors or mistakes. He/she is expected of acquire expertise and exercise great concern with care in rendering justice justifying the confidence reposed by the people in judicial system

JUDICIAL ACCOUNTABILITY

- Judicial accountability, for rendering efficient, timely and impartial justice does not rest with the judges alone. The whole eco-system of judiciary starting with the Government functionaries at all level responsible for sanctioning judge strength, appointments and more particularly timely appointment, ensuring adequate pay and allowances, allocation of sufficient budget and resources, fair and impartial investigations, appointment of competent prosecutors vests with the respective Governments. It is only then and thereafter the Judges of all cadres will be able to perform and deliver justice, which is the most precious of the human rights guaranteed to the citizens. Judicial accountability is thus to be shared by all stakeholders responsible of delivery of justice.

RESTATEMENT OF VALUES OF JUDICIAL LIFE

Code of Conduct adopted by the Chief Justice Conference at New Delhi on 3/4.12.1999

- THE RESTATEMENT OF VALUES OF JUDICIAL LIFE , WAS ADOPTED BY FULL COURT MEETING OF THE SUPREME COURT OF INDIA ON 7TH MAY 1997.
- IT WAS LATER ADOPTED FOR ALL THE HIGH COURTS IN THE CHIEF JUSTICES CONFERENCE ON 03/04, 12.1999.

MEDIA

- Media has a responsibility to keep people informed of the current events and provide experts views and opinion to make informed choices in managing their affairs.. A fair, impartial and responsible media must maintain a balance in the society between extremes.
- The judiciary should not be afraid of impartial and honest media. At the same time it must be cautious of the overzealous or biased media.
- The best way to interact with media is to avoid giving interviews and express opinions on issues pending in courts. Remember a Judge is not expected or is responsible for the proceedings in court and to defend his/her orders and judgements.
- A judge should avoid the temptation of publicity in media ,and so far as possible keep a safe distance or preferably avoid being part of social media.

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THANK YOU.....