



Mains Practice Question

Q. “An independent judiciary enjoying public confidence is a basic necessity of the rule of law.” In light of the statement, discuss the need of Code of Conduct to be followed by the judges. (150 words)

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Approach

- Introductory line about the independent judiciary and rule of law.
- Discuss the need of Code of Conduct to be followed by the judges.
- Mention a code of conduct which judges must follow to maintain justice.
- Give a suitable conclusion.

Introduction

- An independent judiciary enjoying public confidence is a basic necessity of the rule of law.
- For the judiciary to be independent and impartial to serve the constitutional goals, the Judges need to act fairly, reasonably, free of any fear and favor. The judiciary stands between the citizen and the State as a rampart against misuse or abuse of power by the executive. Therefore, it is absolutely essential for the judiciary to be free from executive pressure and the judges follow ethical conduct.

Body

Need for Code of Conduct for judges

- For the Judicial decision to be honest and to uphold the Integrity and Independence of the Judiciary.
- In order to make a judicial decision fair, without any objective and without any bias, a Judge should follow code of ethics such as justice, equality, objectivity etc.
- For judges to avoid conflicts of interest in the performance of official duties.
- In order to have transparency and accountability in the administration of justice.
- To encourage judges to remain aloof from political favours in administration of justice.
- Integrity is moral uprightness; honesty. It takes in its sweep, probity, innocence, trustfulness, openness, sincerity, blamelessness, immaculacy, rectitude, uprightness, virtuousness, righteousness, goodness, cleanness, decency, honour, reputation, nobility, irreproachability, purity, respectability, genuineness, moral excellence etc.
 - In short it depicts sterling character with firm adherence to a code of moral values. ‘Judiciary is an integrity institution’. Therefore, Judicial Officers including judges should possess the sterling quality of integrity.

Judges must follow in order to maintain justice

The Supreme Court of India in its Full Court Meeting held on May 7, 1997 unanimously adopted a charter called the **‘Restatement of Values of Judicial Life’**, generally known as the **Code of Conduct for judges**.

- A Judge should practice a degree of aloofness consistent with the dignity of his office.
- A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
- 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.
- A Judge is expected to let his judgments speak for themselves. He shall not give interviews to the media.
- A Judge shall not accept gifts or hospitality except from his family, close relations and friends.
- 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.
- A Judge shall not speculate in shares, stocks or the like.

Conclusion

- There is nothing wrong in a Judge having an ambition to achieve something, but if the ambition to achieve is likely to cause a compromise with his divine judicial duty, better not to pursue it.
- 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.

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