

**CONCEPTS OF DISCIPLINE –
JUDICIAL INDEPENDENCE,
ACCOUNTABILITY AND
JUDGE’S CONDUCT**

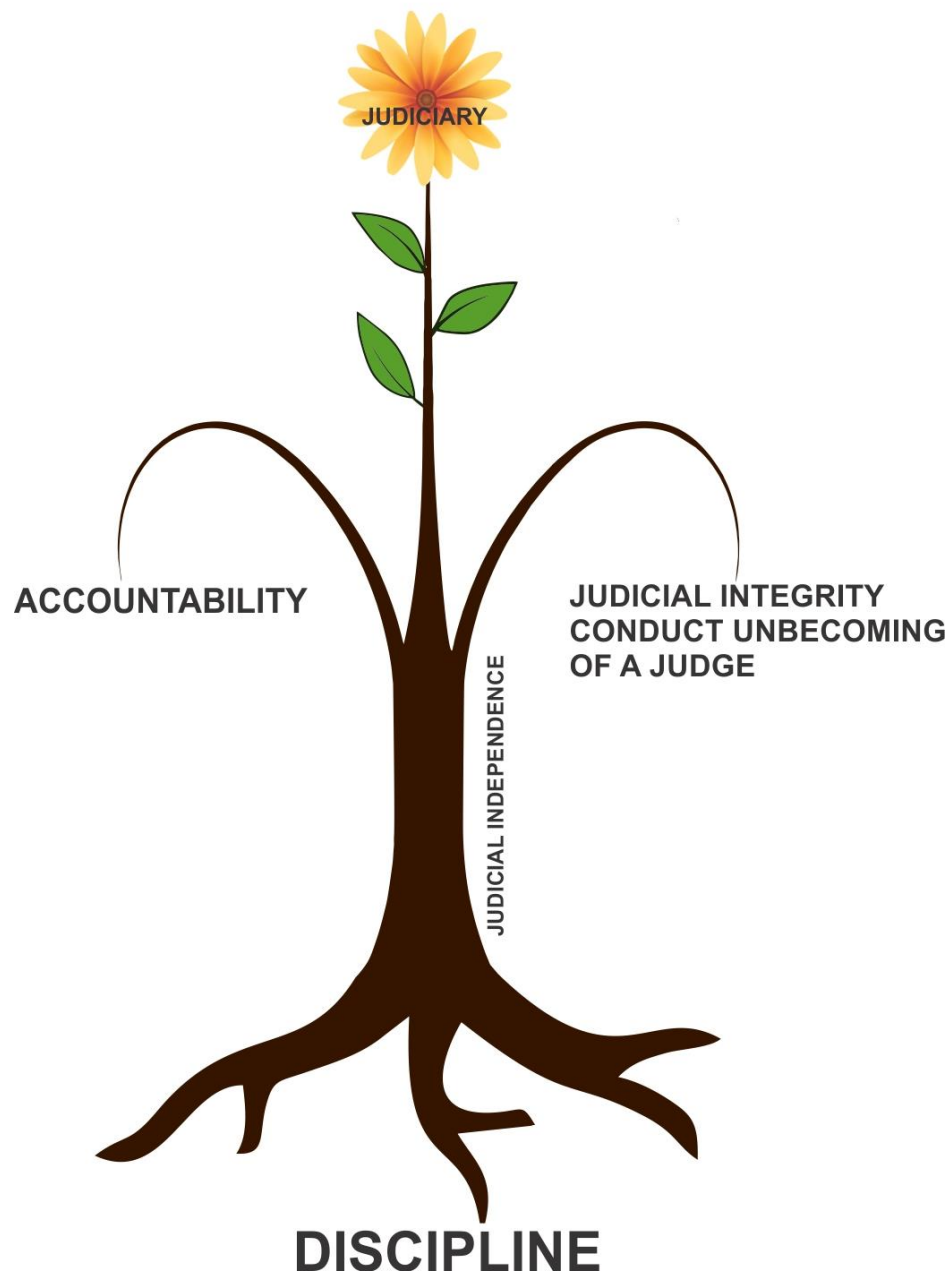
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UNDERSTANDING

- **Discipline**
- **Judicial Independence**
- **Judicial Integrity**
- **Accountability**
- **Conduct unbecoming of a judge**





DISCIPLINE

- The root of all success in life
- More strong it is the more sound and stern it is more stern is the stem of independence
- And more nourished are the branches of accountability
- And more immune is the tree to viruses of corruption
- Judicial discipline is just a little modification of this basic discipline of life



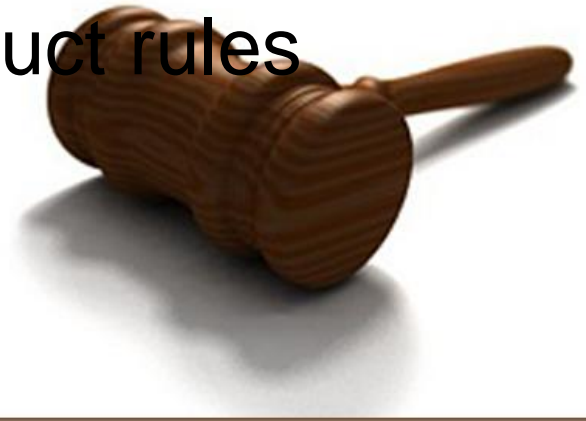
SOME THOUGHTS ON DISCIPLINE

- Man is self correcting and self governing (GANDHI)
- It has a power to commit mistake as much as he has the right to correct it(Gandhi)
- Highest form of freedom carries with it the greater measure of discipline

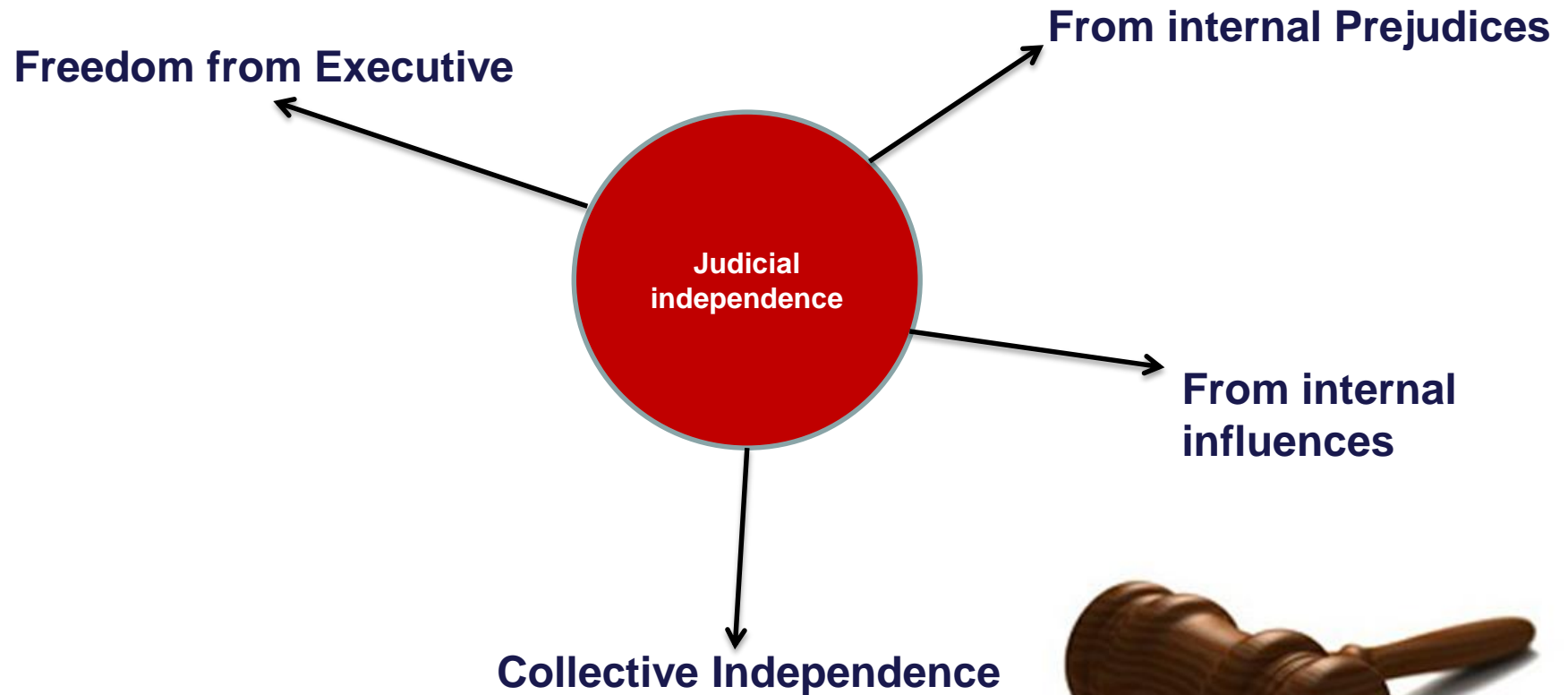


HOW TO ACHIEVE JUDICIAL DISCIPLINE

- Obey high court rules get well verged with the provisions
- Follow the circulars and letters issued by high courts time to time
- Comply the letters and orders of the superior courts timely .
- Follow the govt. servants conduct rules



JUDICIAL INDEPENDENCE



FROM INTERNAL PREJUDICES

“If you would swim on the bosom of the ocean of truth you must reduce yourself to zero.” - Mahatma Gandhi

- Follow the principle of justices free from fear and favour and ill will
- Free yourself from your own biases and prejudices , religious and political views .
- Be firm and reasoned in your decisions



INDEPENDENCE FROM INTERNAL INFLUENCES

- From your seniors, your colleagues,
- From your friends , from your relatives
- Be not afraid of losing or weakening relations
- For independence you have to pay price
- Never be a careerist judge



COLLECTIVE INDEPENDENCE

- It is needed mostly for administrative independence, most often one man is likely to err owing to his own prejudices etc. full court decisions , collegiums decisions. Purchase committee , appointment committees decisions and the like prevent from individuals errors.
- Judicially full bench , division bench decisions but I agree syndrome is a great menace



“WE ARE SLAVES OF LAW SO THAT WE CAN BE FREE” - Salmond

- Independence from executive (seven judges constitution bench judgment S.P Gupta's case).
- Judicial officers protection Act - no court can take cognizance excepting the appointing authorities
- I.P.C public servant . No prosecution without sanction .
- Cases veera swamy vs U.O.I Ravinder verma case, Delhi judicial service vs State of Gujarat.



ACCOUNTABILITY

“Accountability is vanishing point of jurisprudence - Justice Aiyre

- Accountability to your own conscience
- You hold the office as a trustee
- Opposition to accountability
 1. courts are open
 2. They pass reasoned orders which are reported
 3. Appellate authorities are scrutinizing
 4. media surveillance



INDEPENENCE VS ACCOUNTIBILTY

- Independence cannot be compromised .
- Accountability is there in many administrative forms like: submissions of various reports of disposal delays pendency reasons therefore .
- Administrative judges , vigilance system in high courts , some applications of R.T.I Act
- but more than it weakens the self confidence to work independently it is like up rooting the plant daily to watch if the roots are working and growing properly which also involves external influence
- Accountability through court inspection.
- With legal awareness this demand of accountability is increased
- Accountability and transparency are related matters.



THANK YOU

