

The Bangalore Principles of Judicial Conduct

Value 1: Independence

- ▶ Principle: Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.
- ▶ 1.1 Independent exercise of Judicial function – how exercised? – only on the conscientious understanding of the law – without extraneous influence, inducement (not merely the ability to resist temptation of financial inducement but more importantly, resist the weakness induced by ambition)

- ▶ 1.2 Independence – not to be influenced by the society (as in preponderant social opinion) or by parties to a dispute.
- ▶ 1.3 Avoid inappropriate connections – as from the executive or legislature.
- ▶ 1.4 Resist influence from sister/brother judges on the bench
- ▶ 1.5 Uphold safeguards to maintain operational and institutional independence (as in not influencing the District Judiciary)
- ▶ 1.6 Promote high standards of judicial conduct to reinforce public confidence (case value and not face value)

Value 2: Impartiality

- ▶ Principle: Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.
- ▶ 2.1 to perform without favour bias or prejudice.
- ▶ 2.2 Conduct at all times to inspire public confidence.
- ▶ 2.3 Conduct to be such that occasion to recuse be minimal.
- ▶ 2.4 discretion to be exercised in voicing opinion which may not be part of the order.
- ▶ 2.5 Recuse where you suspect conflict of interest.


Value 3: Integrity



- ▶ 3.1 Should be like Caesar's wife.
- ▶ 3.2 Behaviour and conduct must inspire public confidence and faith in the integrity of the judiciary.

Value 4: Propriety

- ▶ Principle: Propriety and the appearance of propriety, are essential to the performance of all the activities of a judge.
- ▶ 4.1 Avoid impropriety and its appearance at all times.
- ▶ 4.2 Judges live one of “denial” on a daily basis.
- ▶ 4.3 Avoid closeness with members of the bar.
- ▶ 4.4 Recuse from cases of personal interest.
- ▶ 4.5 Residence not to be used for purposes legal practice of any relation.

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- ▶ 4.6 freedom of expression, belief and association to be exercised with circumspection bearing in mind the dignity of office and public faith in impartiality and independence of the judiciary.
 - ▶ 4.7 to remain informed of personal financial interest and that of the family members.
 - ▶ 4.8 “denial” by family members of certain associations and actions which may affect the judge.
 - ▶ 4.9 Judicial office not to be used to advance private interest.
 - ▶ 4.10 Confidential information acquired in “judicial capacity not to be disclosed.