

**DR. JUSTICE VINEET
KOTHARI**

Judge Rajasthan High Court
Jodhpur, India

IATJ CONGRESS, LUCERNE 2015

◎ JUDICIAL ETHICS REQUIREMENTS

LARRY BIRD(TWITTER) WITH HEADGEAR OF A JUDGE - “JUDGE OF HIS OWN CAUSE”



INDIA

- ◉ No codified statutory law for Judicial Ethics in INDIA.
- ◉ Judicial Ethics so far governed by the Judge made law.

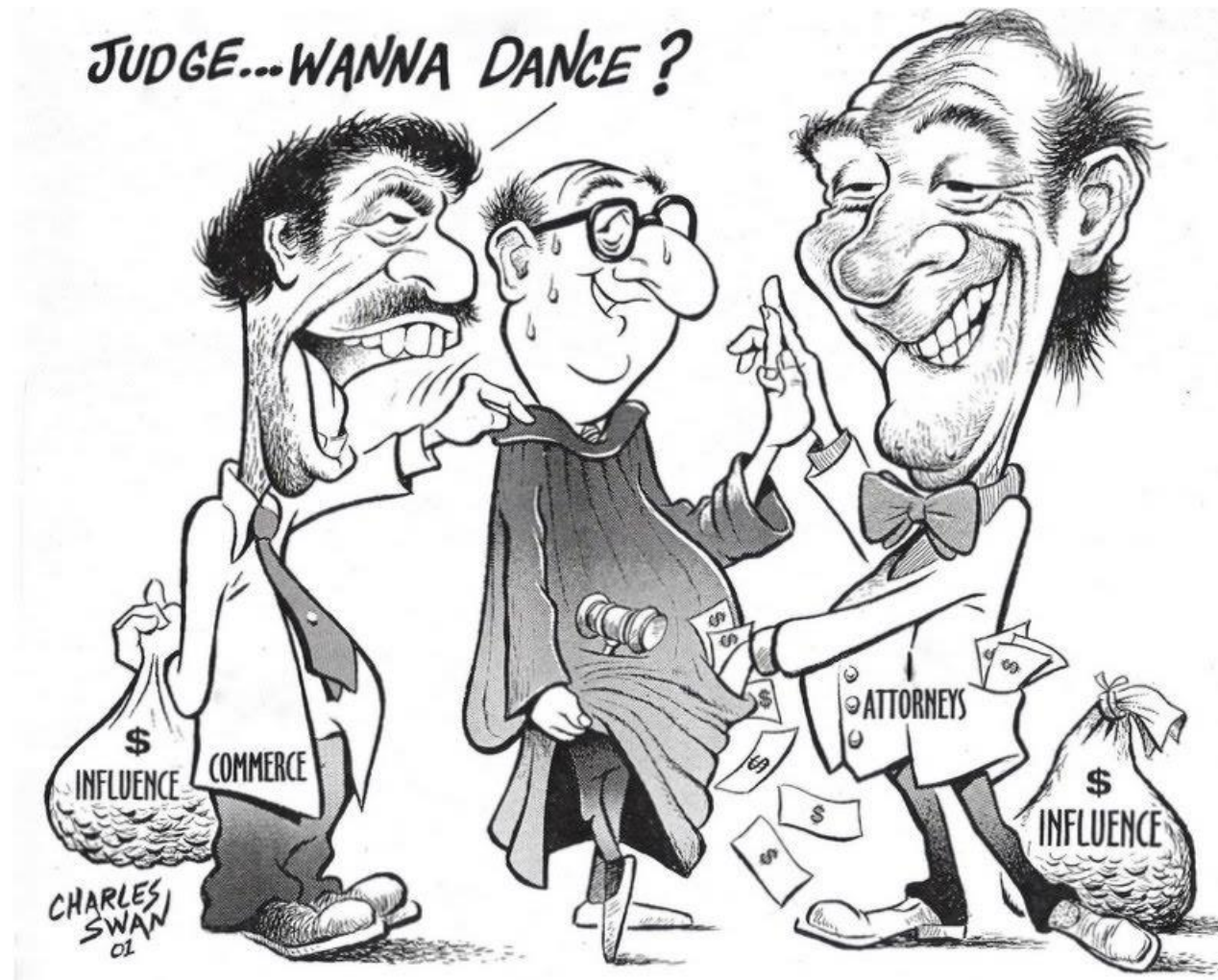
- On **7th May 1997**, the Supreme Court Of India adopted a Charter called “**Restatement of Values of Judicial Life**”, which was ratified & adopted by Indian Judiciary in the Chief Justices Conferences in 1999.
- All High Courts of the country have also adopted the same in their respective Full Court Meetings.

- ⦿ **The Judicial Standards & Accountability Bill, 2012** is pending before Parliament for consideration which is broadly based on the aforesaid “Restatement of the Values” adopted by the **Conference of Chief Justices** held in 1999.

HIGHLIGHTS OF “RESTATEMENT OF VALUES”

- ⦿ A degree of **aloofness** shall be practiced by every Judge.
- ⦿ The Judge should at all times be conscious that he is under the **public gaze** and he should not do any act or omission, **which is unbecoming of the high office**, he occupies and the public esteem in which that office is held.

“DON’T DANCE TO THEIR TUNES”



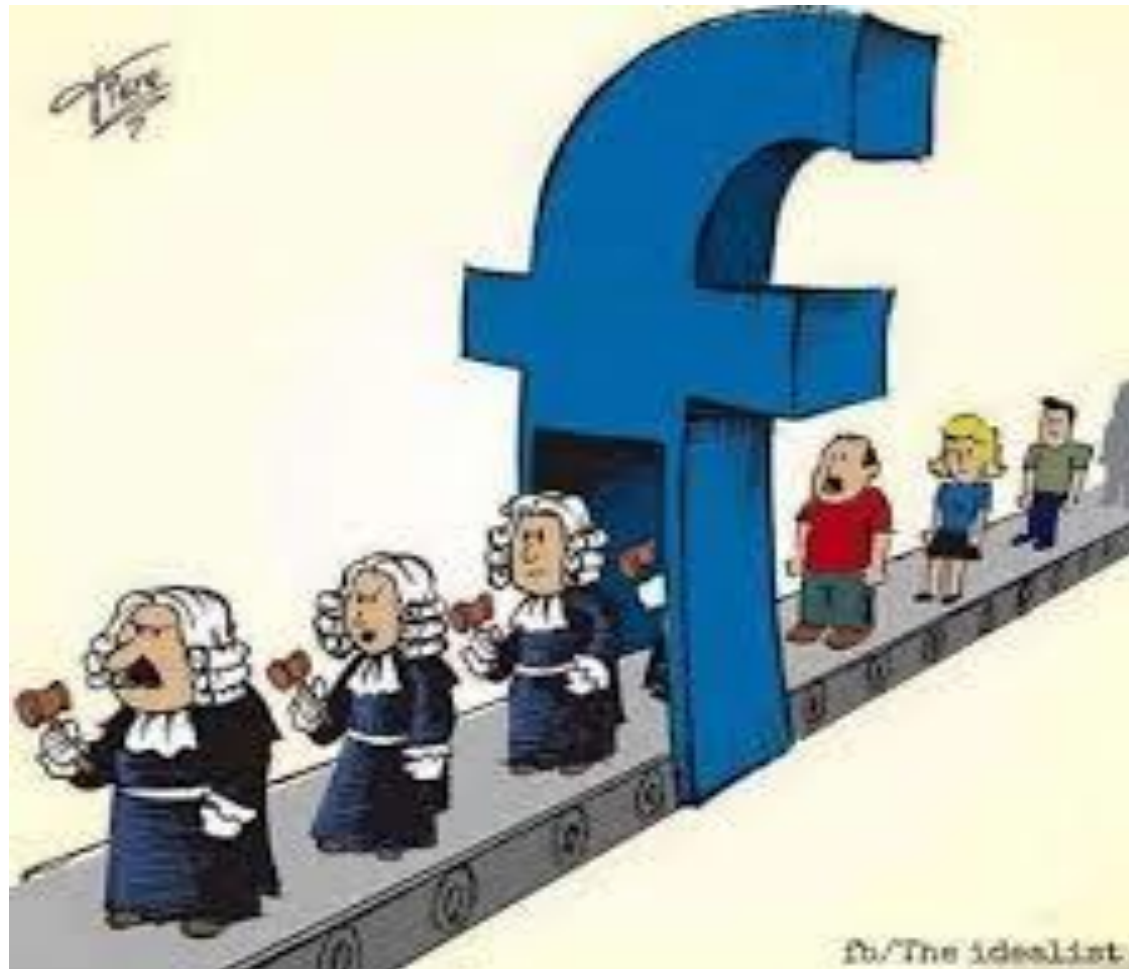
- Section 3 of the Judicial Standard & Accountability Bill prohibits a Judge from having any close association or social interaction with individual members of the Bar, particularly with those who practice in the same court in which he is a Judge.

- ⦿ The Judge shall not permit any member of his immediate family including **spouse, son, daughter, son-in-law or daughter-in-law or any other close relative**, who is a member of the Bar, **to appear before him** or associated in any manner with the cause to be dealt with by him.

- ⦿ **The Judge shall not enter into public debate or express his views in public on political matters or on matters which are pending or are likely to arise for judicial determination by him. However, in private or academic forums the Judge can express his views in his individual capacity.**

- **The Judge shall not give any interview to the media in relation to any of his judgments delivered or order made or direction issued in any case adjudicated by him.**

THROUGH THE DOORS OF FACEBOOK



- Barring the aforesaid general restrictions, no specific law is so far made for prohibiting or restricting the use of **social networks like Face Book, Twitter, Whats App etc.** in India.
- But a conservative & balanced approach to SNS by the judges is expected & desirable.

“PERIPHERY OF RESTRICTIONS ON JUDGES, KEEP THEM AWAY”

HONESTY
TRANSPARENCY PRESIDENT OBAMA
PAY FREEZE
FREEDOM OF INFORMATION
ETHICS
GOVERNMENT
OPEN
RULE OF LAW
ACCOUNTABILITY
GIFT
TRUTH
NEW TONE
LOBBYING RESTRICTIONS
BAN
FULL DISCLOSURE
RESPONSIBILITY
CHANGE
REFORM



MATCO I

WOW! ARGUMENTS @FB WALL - NOT IN COURT ROOM



**“ORDER - ORDER”
LARRY BIRD IS THE JUDGE**

