

**RAJASTHAN STATE HUMAN RIGHTS COMMISSION, JAIPUR**  
**Projects by Law Students**



**Under the guidance of**

**Chairperson ,  
Justice N.K. Jain  
(Former Chief Justice  
High Court of Madras & Karnataka)**

**With best Compliments  
RSHRC**

# RAJASTHAN STATE HUMAN RIGHTS COMMISSION



**Under the guidance  
of Hon'ble Mr.  
Justice N.K. Jain.**  
(Former Chief justice of  
Madras and Karnataka  
High Court)  
Chairperson, RSHRC

**Prepared by:-  
Internship students of  
various law  
university and  
colleges.**

**“for a judge, ethics, not only constitutional morality but even ethical morality, should be the base.”**

**-Hon'ble Mr. Justice S.H. Kapadia , Chief Justice of India**

*In the field of law one of the evolving questions is regarding the judicial morals and ethics...*

**The question today is :**

**“WHO WILL JUDGE THE JUDGE?”**

**OR**

**IN THE WORDS OF C.J.,VERMA**

**“These days we (Judges) are telling everyone what they should do but who is to tell us?”**





**History teaches us that no justice can gain  
public respect by making it immune from  
public criticism.**

**instead public confidence is reposed on an  
institution on the basis of its performance  
and transparency of it's action**

# MORALS OF A JUDGE

## ☐ JUDICIAL DECISION MUST BE HONEST:

No judicial decision is honest unless it is decided in response to an honest opinion formed in the matrix of the judges proficient of law and fact.

A decision becomes dishonest if not decided on judicial conviction of fairness, honesty and neutrality.

In order to be a judge on whom public can repose confidence, he must be true to the judicial oath and must not allow anyone to interfere with that.



## ❑ JUDGE TRYING A CASE IS ON TRIAL HIMSELF

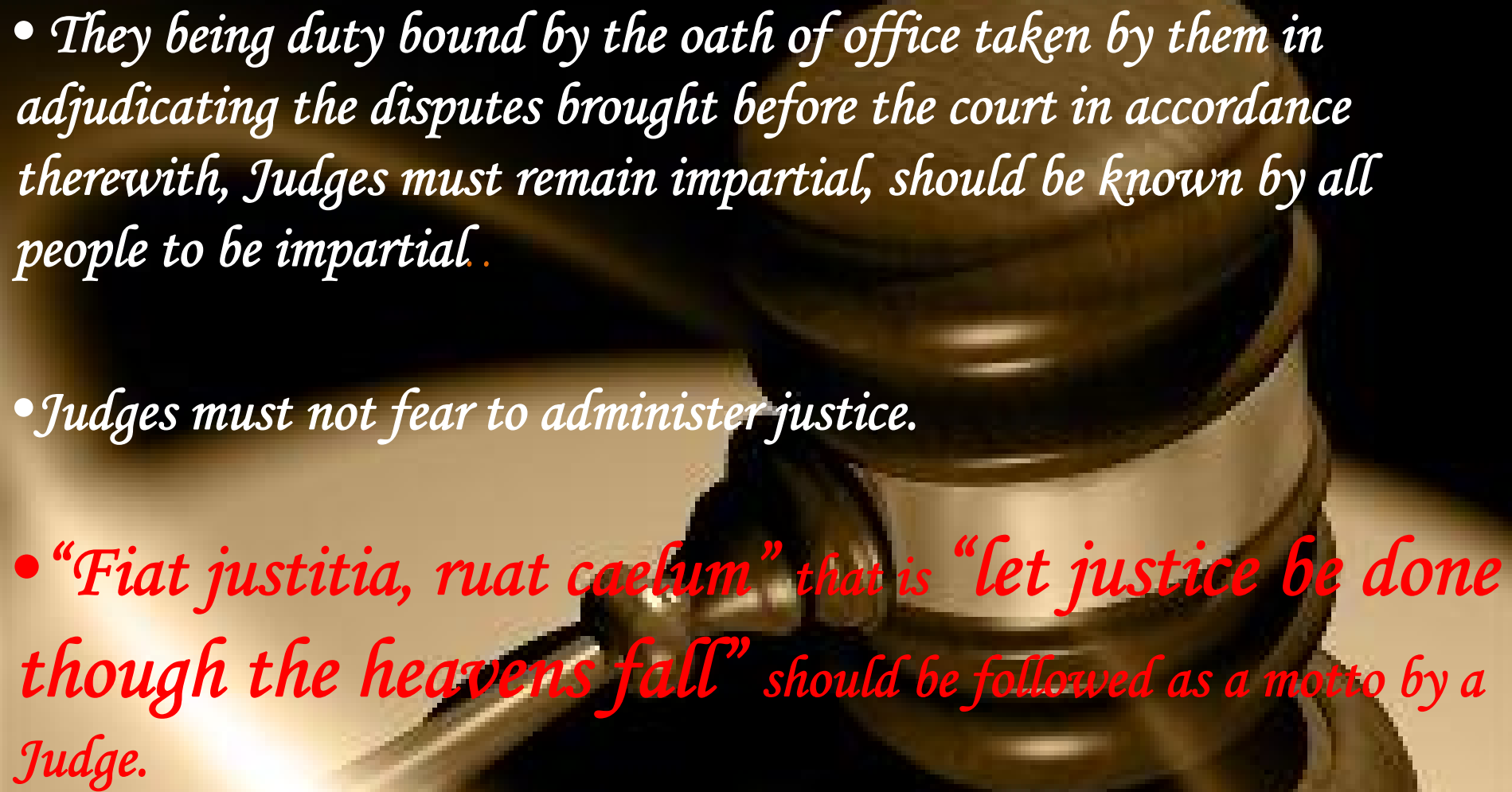
the great guarantee of justice is not law but the personality of the judge and the way he discharges his duties and functions. The warranty of appointment of a judge does not confer on him a degree of wisdom, larger than he has.

When a judge sits to try a case, he is himself on trial-before his fellow country men. It is on his behavior that they will form their opinion on our system of justice.

# CODE OF ETHICS FOR THE JUDGES

A wooden gavel with a tiered head and a smooth handle rests diagonally across the top of a thick, white book with a dark blue or black cover. The background is plain white.

- *The basic code of ethics is the principle that no man can be judge in his own cause.*
- *The principle confines not merely to the cause where the Judge is an actual party to a case, but also applies to a case in which he has interest.*
- *A Judge should not adjudicate in a case if he has got interest therein. Judge do require a degree of detachment and objectivity in judicial dispensation.*

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- *They being duty bound by the oath of office taken by them in adjudicating the disputes brought before the court in accordance therewith, Judges must remain impartial, should be known by all people to be impartial.*
  - *Judges must not fear to administer justice.*
  - *“Fiat justitia, ruat caelum” that is “let justice be done though the heavens fall” should be followed as a motto by a Judge.*

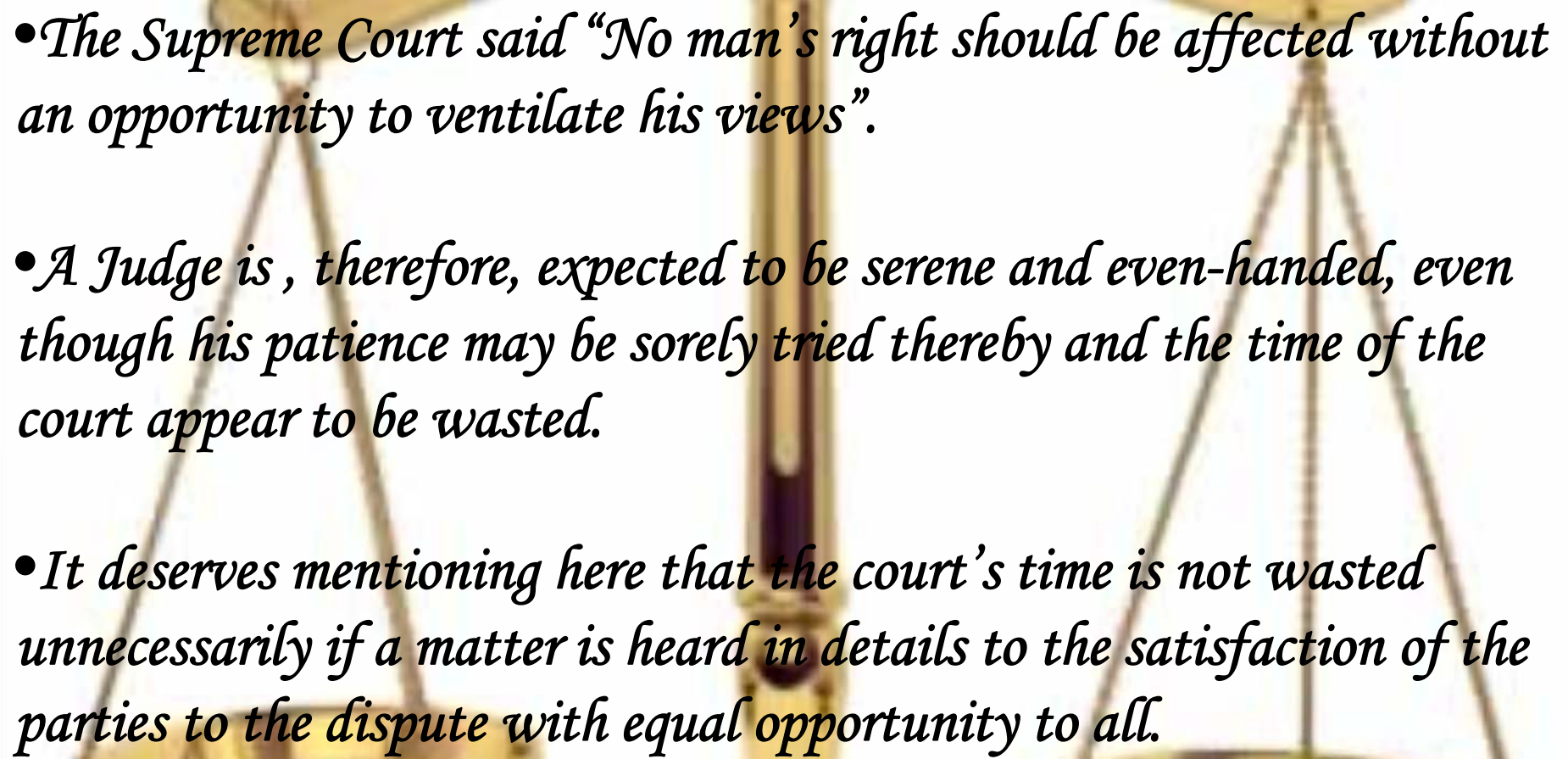




- *Parties to the dispute be treated equally and in accordance with the principles of law and equity.*

- *A judge does not belong to any person or section or division or group. He is the judge of all people.*

- *In the courts of law there cannot be double standard-one for the highly and another for the rest. A Judge should not have any concern with personalities who are parties to the case but only with merits.*

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- *The Supreme Court said “No man’s right should be affected without an opportunity to ventilate his views”.*
  - *A Judge is , therefore, expected to be serene and even-handed, even though his patience may be sorely tried thereby and the time of the court appear to be wasted.*
  - *It deserves mentioning here that the court’s time is not wasted unnecessarily if a matter is heard in details to the satisfaction of the parties to the dispute with equal opportunity to all.*



A golden statue of Lady Justice, blindfolded and holding a sword and scales, stands against a clear blue sky. The statue is the central background element for the text.

- *Justice must be felt to be just by the community if democratic legality is to animate the rule of law.*

- *The first duty of a Judge is to administer justice according to law, the law which is established by the legislative authority or the binding authority of precedent. Where the law appears clear, he can shrug his shoulders, bow to what he regards as the inevitable and apply it.*

- *A Judge may, if he has moral intellectual, social or other twinges, set out to make new law if he thinks the existing legal situation unsatisfactory.*

- *Distances may be maintained from the relations and acquaintances, parties to the dispute and their lawyers. Judges should be cautious in their outlook and approach. They should neither provide supportive stool to their sons and daughters, close relations and acquaintances in order that they may succeed in the profession nor recognize chosen ones in that sphere.*
- *Since judging is not a profession but a way of life, the judge must distance himself from the parties to the dispute and their lawyers during the conduct of the trial. One can notice now a days the growth of a new caste in legal profession who thrive not by intellectual or professional capabilities but by utilizing their close connection with the judges.*

- Too much of activity and participation in social functions be avoided.

It is often said that as a result of a very considerable amount of ordinary social activity, a Judge may become identified with people and points of view, and litigants may think they may not get fair trial. To repel that feeling, a Judge should avoid too much of social activity.

MORALS

ETHICS

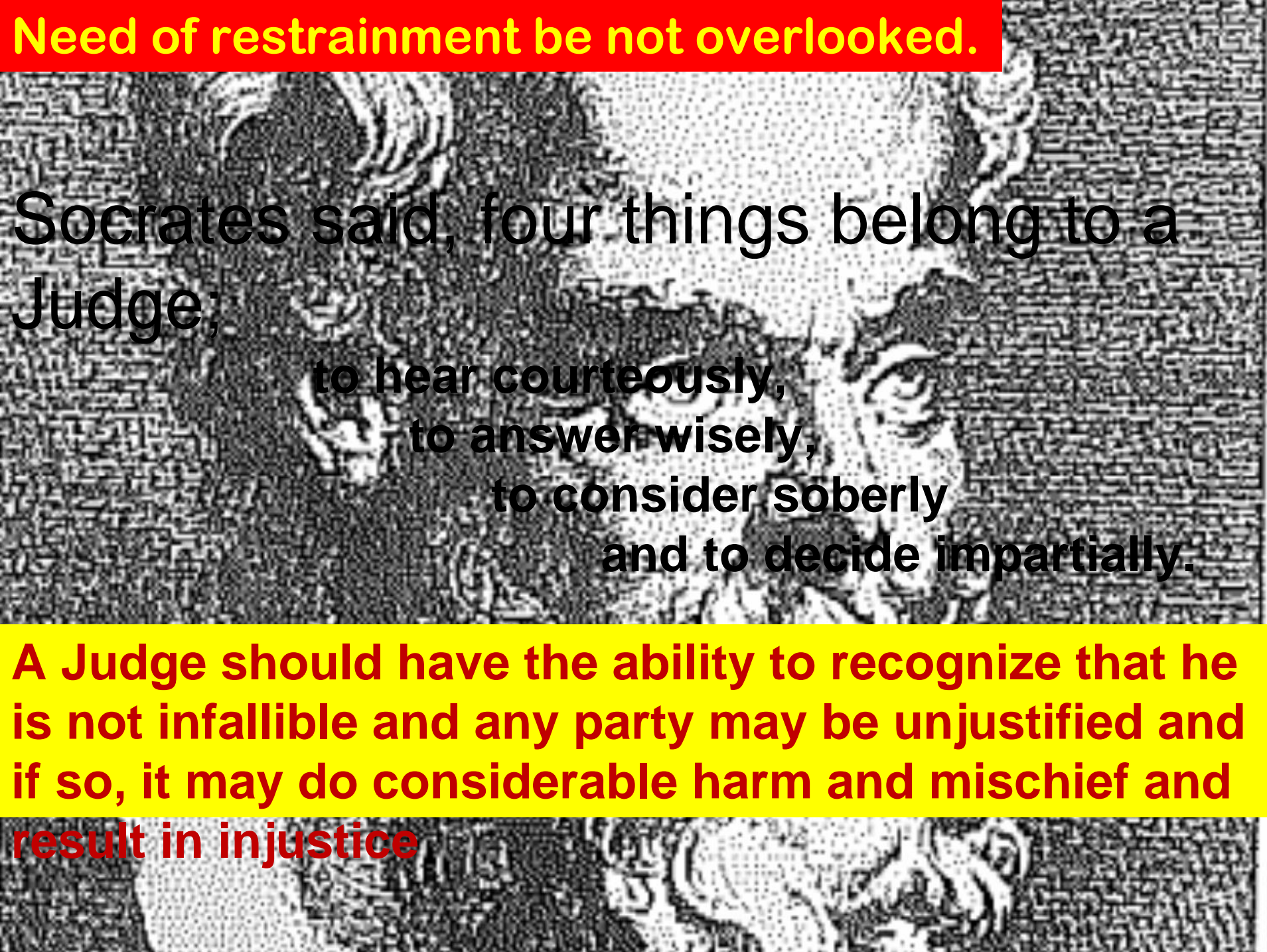


!!@@Media  
Publicity be  
avoided@@!!



As far as possible a Judge should keep off the media. He should refrain from expressing his views in media on matters either pending before him or likely to appear for judicial consideration.





**Need of restraintment be not overlooked.**

**Socrates said, four things belong to a Judge;**

**to hear courteously,  
to answer wisely,  
to consider soberly  
and to decide impartially.**

**A Judge should have the ability to recognize that he is not infallible and any party may be unjustified and if so, it may do considerable harm and mischief and result in injustice**

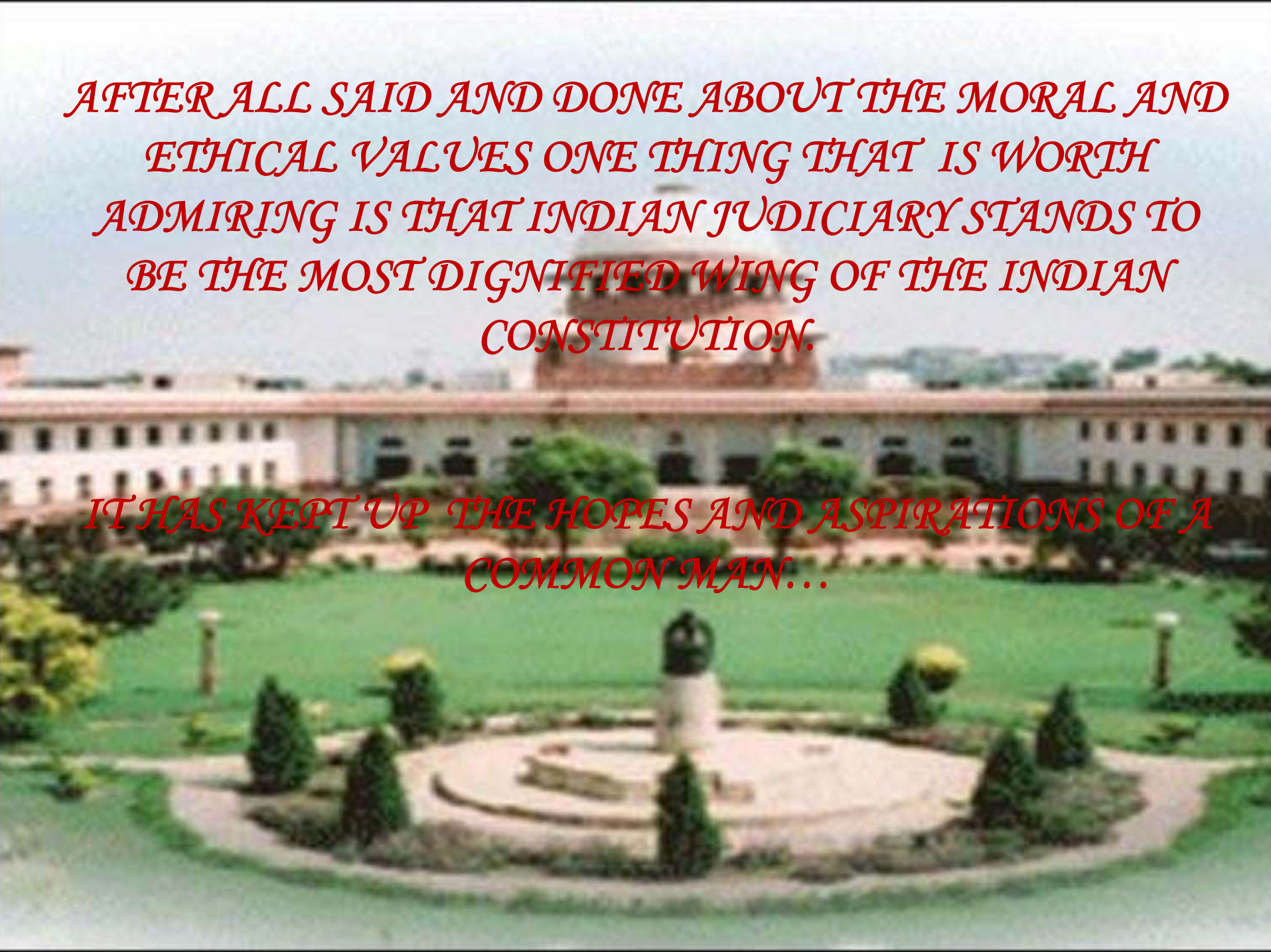
# Judges not to yield to procrastinate tactics of the lawyer:

If the Judge or the Magistrate finds that an advocate is unnecessarily taking procrastinate tactics to delay the proceedings before the Judge, it is the duty of the Judge to take proper steps so that the concerned advocate is not encouraged to use such procrastinate tactics and to delay the trial.



*AFTER ALL SAID AND DONE ABOUT THE MORAL AND  
ETHICAL VALUES ONE THING THAT IS WORTH  
ADMIRING IS THAT INDIAN JUDICIARY STANDS TO  
BE THE MOST DIGNIFIED WING OF THE INDIAN  
CONSTITUTION.*

*IT HAS KEPT UP THE HOPES AND ASPIRATIONS OF A  
COMMON MAN...*





# **TAKING INTO ACCOUNT THE “JUDICIAL ACCOUNTABILITY”**

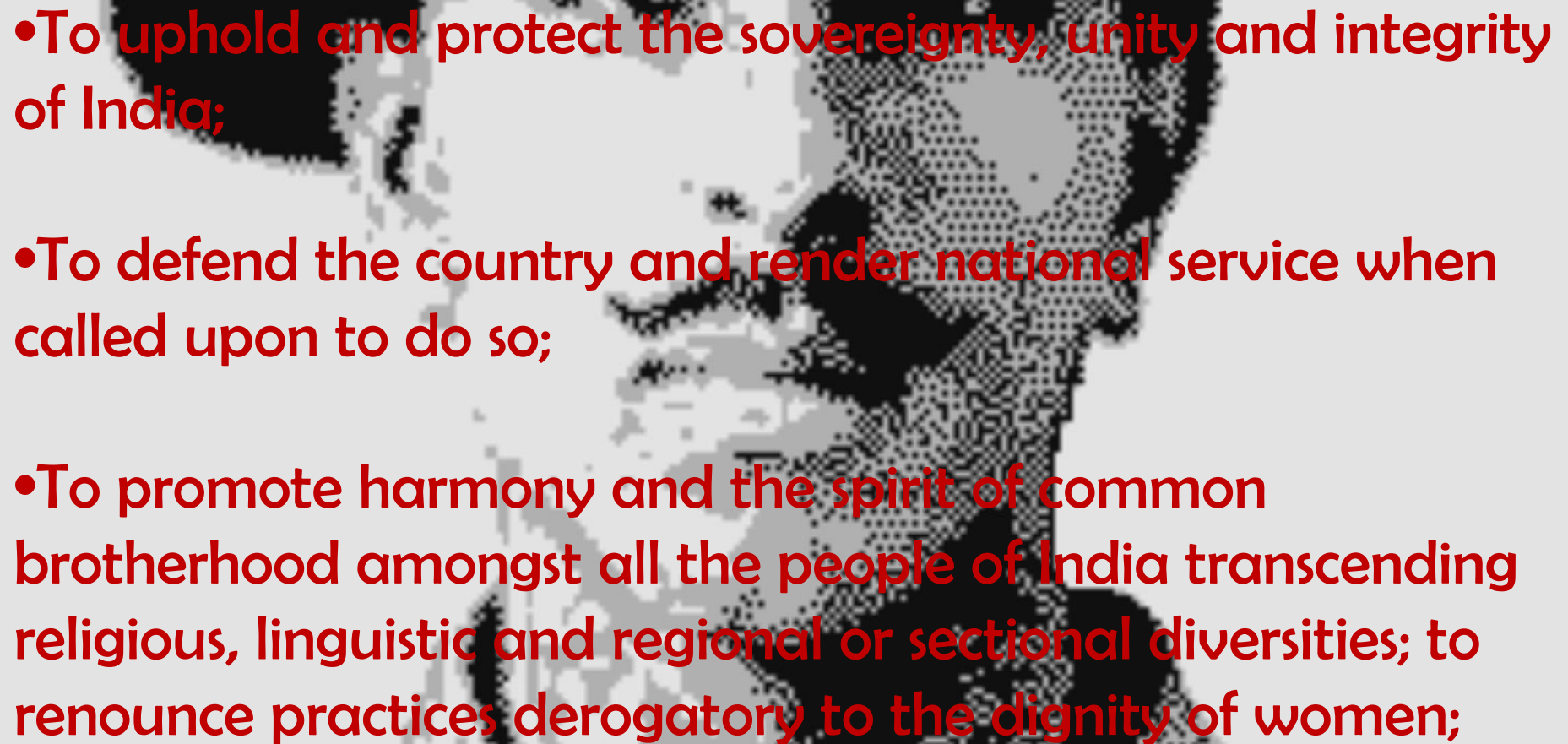
**We The citizens of India must remember the DUTIES when we  
proudly claim our rights...**

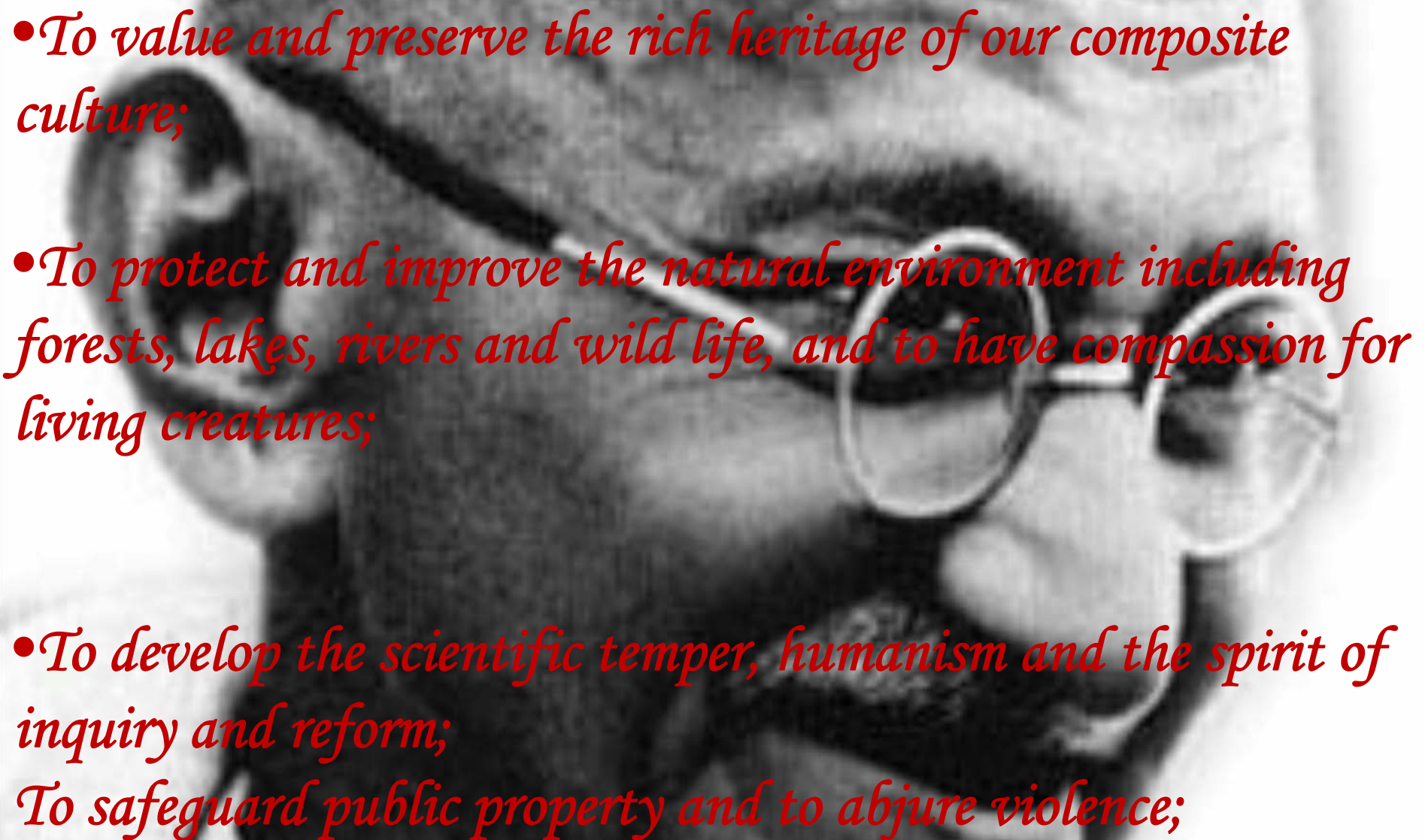
***LET'S PLEDGE...***

The background of the slide is a faded, high-resolution image of the United States Constitution. The words "We the People" are prominently visible at the top in a large, elegant cursive script. Below this, several lines of the Preamble are visible in a smaller, similar script. A white quill pen is positioned diagonally across the lower right portion of the image, its tip pointing towards the bottom right corner. The overall color palette is warm and aged, with various shades of beige and cream.

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

- To cherish and follow the noble ideals which inspired our national struggle for freedom;

- 
- To uphold and protect the sovereignty, unity and integrity of India;
  - To defend the country and render national service when called upon to do so;
  - To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

- 
- *To value and preserve the rich heritage of our composite culture;*
  - *To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;*
  - *To develop the scientific temper, humanism and the spirit of inquiry and reform;*  
*To safeguard public property and to abjure violence;*



A close-up, high-resolution photograph of an elderly woman's face. She has short, wavy white hair and is looking downwards and to her right. Her skin is wrinkled, and her expression is contemplative. The lighting is soft, highlighting the texture of her skin and hair. Overlaid on the center of her face is a block of text in a bold, black, sans-serif font.

**to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.**

**Presidential Speech**  
**By**  
**The Hon'ble Thiru Justice N. K. Jain,**  
**Chief Justice, High Court, Madras, June 2001**

Mr. President of the Association, dear Brother and Sister Judges and Judicial Officers, I am very glad to participate in this function and thank the organizers for giving me an opportunity to release the Directory of Judicial Officers compiled by Judicial Officers' Association. ....

.....  
It will not be out of place to mention on this occasion that every judicial Officer is the master of his own Court. They are functioning effectively. It is not appropriate for me to say anything as to how he should function. Yet, I will be failing in my duty, if I do not appreciate your work and also to give some advice collectively on this occasion.

There may be many reasons for delay. But, as the courts are blamed and held responsible for the delay, we should be more vigilant, and should try to find out particular reasons for the delay, and the practical difficulties, if any, and try to solve them with the cooperation of all concerned to dispose of the old cases. It has also been emphasized by the Hon'ble Chief Justice of India that top priority should be given for the disposal of old cases, and you should be alive to such a call always in mind. I am happy to note that you have responded to my constant requests on the basis of Hon'ble Chief Justice of India's anxiety in discharging your duties

with satisfaction. During the year 2000, the Judicial Officers consisting of about 650 out of 689 strength in the State have disposed of 13,40,994 cases, including 22,369 seven years old cases, both civil and criminal, and for the six months from January 2001 to June 2001, you have disposed of 6,96,896 cases including 10,722 seven years old cases. I congratulate you all and it is because of your personal efforts with the active cooperation of the advocates and staff and others, you have been able to achieve this target. Please keep it up.

It will be appropriate to bestow personal attention more to see that summons are served and warrants are executed in time. Sometimes, even after service of notice, the acknowledgements are not tagged with the respective files and some times, notices returned unserved are not brought to the notice of the Court, and thus, cases are to be adjourned in Courts either for want of service or notice returned served. It should be avoided. The cases should not be adjourned in a casual manner. Particular care should be taken to see that the witnesses should not go without being examined on the dates fixed and so you must so regulate your Court work. In the case of professional witnesses like Doctors and Investigating Officers, if they are made to wait for the whole day or to attend the court for the second time, or again and again, whatever may be the reasons, apart from the witnesses being harassed, the work to be done by those witnesses also suffer. The apex court has already given such directions.



So far as the Judicial Officers functioning in the family Courts and Motor Accidents Claims Tribunals are concerned, they should realize that the delay in disposal of those cases will have direct impact on the litigants. So also while dealing with adoption matters, the cases should be disposed of, taking into account the advice of the Indian Council for Child Welfare or other Child Welfare Agencies approved by them, at the earliest but in any case within two months, as observed by the Supreme Court of India. I may also remind that necessary instructions in this regard have already been issued to the judicial Officers.

Please also see that judgments are pronounced without delay. Once judgment is reserved, avoid reopening of the cases thereafter for further hearing. Avoid reserving orders in more numbers of cases at a time. Take care for quick disposal of cases, particularly, the old cases, as emphasized by the Hon'ble Chief Justice of India.

After disposal of a case, you should see that copy of the order or judgment is furnished without any delay. The judicial officers should monitor and concentrate on the administrative side and have periodical inspections of various sections including Record Section to speed up that matters like sending records to higher Courts, return of documents to parties, payments of compensation to litigants in Motor Accident and Land Acquisition cases, issuance of order copies etc., In criminal courts, number of matters are pending for execution of non-bailable warrants.

Regular monitoring is necessary in criminal courts for serving the NBWs. The Chief Judicial Magistrates should have periodical meetings with police officials and members of the staff and try to eliminate the cases which are pending for long, for execution of NBWs or production of witnesses, and should get reports from the superintendents of Police. In this respect, I must appreciate the action taken by the Chief Judicial Magistrate and the Principal District Judge, Madurai with the Commissioner of Police, Madurai for disposing more than 6000 cases in a short span of 4 months of the year in all 20,000 cases last year in the entire state and now 4,000 cases in six months at Madurai. All the Principal District Judges/ Chief Judicial Magistrates Should be vigilant and monitor execution of NBWs, for reducing the cases so as to avoid unnecessary harassment. ....

.....

Another important field where the Judicial Officers should bestow their attention is the legal Aid. If proper advice is given to the party or parties concerned, most of the cases can be settled at the threshold. Most of the cases pending would be out of mere prestige issue of with ego. Tamil Nadu State Legal Services Authority has published 12 small books covering important Acts and abstracts of various provisions so also where to approach for redressal. In this way, legal awareness is created among the common man, so that they can approach the concerned Taluk Committees for redressal of their of their grievances. We have made a panel of competent and efficient advocates, including ladies, on the recommendation of the respective Chairman of District and Taluk Legal Aid Committees.

..... ..

Where there are law Colleges, law students are also involved to assist legal aid advocates to give advice and redress the grievances to the downtrodden and needed persons, by conducting Lok Adalats, Legal Awareness Camps and Legal Aid Clinics so as to get the desired results and to achieve object of the Act. ....

We the judges are known for hard work and sincerity. Always think about the poor litigant. He does not come to the court because he wants to but he is before you because of compulsion. Always be kind towards the helpless litigants. As to the behavior of the Judicial Officers, you should sit in time in the morning and even after lunch, and be more courteous, and should not create any impression of any partisan attitude. The important requirement of a judge is to detach himself with respective parties, so as to avoid any criticism, as such criticism would not only affect the working of that particular judicial officer but also affect the judiciary in general. You should maintain the dignity, respect and should prove to be worthy of the confidence reposed on you by the public. ....

I once again congratulate all of you and thanks the organizers for giving me this opportunity to participate in this function and share my thoughts with Brother Judges and members of the Judiciary, the members of the family.

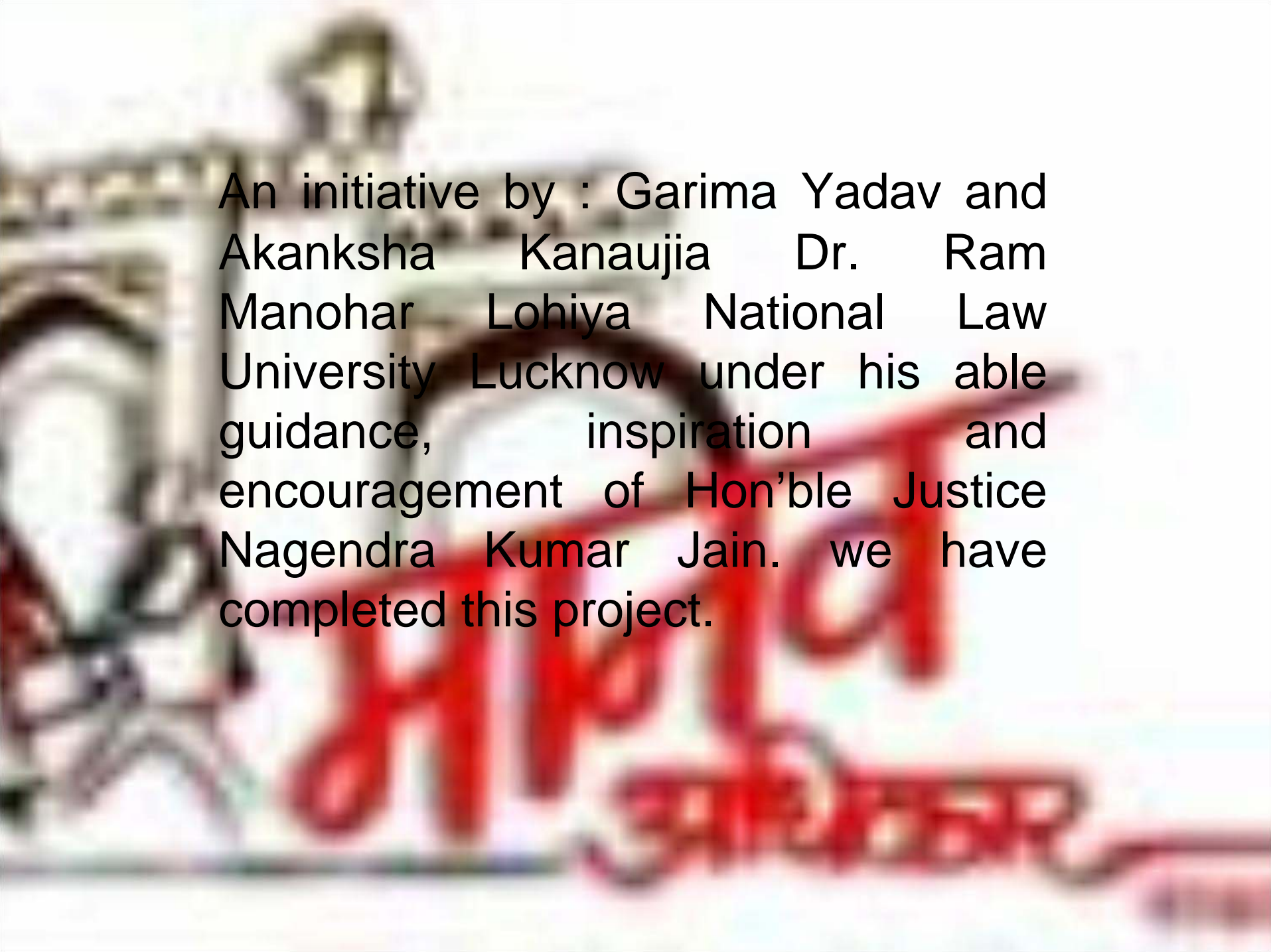
Nandri, Vanakkam.

**(Gist Source from Tamilnadu Judiciary directory June 2001)**



Former President of India, Formers CJI, Justice R. C. Lahoti, Union Law Minister Shri H. R. Bharadwaj, Chief Justice N. K. Jain, Karnataka High Court, Union Home Minister Shri Shiv Raj Patil





An initiative by : Garima Yadav and  
Akanksha Kanaujia Dr. Ram  
Manohar Lohiya National Law  
University Lucknow under his able  
guidance, inspiration and  
encouragement of Hon'ble Justice  
Nagendra Kumar Jain. we have  
completed this project.

# ACKNOWLEDGEMENT

It gives us great pleasure to express my deep sense of gratitude to all concerned person particularly Hon'ble Chairperson Justice N.K Jain. we are thankful to Rajasthan State Human Rights Commission for giving us a chance to do the internship here.

Garima Yadav and Akanksha Kanaujia

Dr. Ram Manohar Lohiya National Law University Lucknow

Thank you ...

