



Restatement of Values of Judicial Life

For Prelims: [Chief Justice of India](#), [Supreme Court](#), [Bangalore Principles of Judicial Conduct](#), UN Basic Principles on the Independence of the Judiciary, [United Nations Convention against Corruption](#)

For Mains: Ethical Frameworks for Judiciary, Global Standards for Independence of the Judiciary

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Why in News?

The recent visit of the Prime Minister of India to [Chief Justice of India \(CJI\)](#) residence has sparked controversy, particularly in the context of the "**Restatement of Values of Judicial Life**" adopted by the **Supreme Court in 1997**.

Note:

Socio-religious (personal) and administrative/judicial life of a public servant are distinct. The CJI (or any other public servant) cannot be questioned on personal life, **as personal relationships fall outside the scope of judicial scrutiny**. However, the judiciary must remain independent and free from undue influence, upholding the [constitutional principle of separation of powers](#).

What is Restatement of Values of Judicial Life?

- The '**Restatement of Values of Judicial Life**' is a code of judicial ethics adopted by the [Supreme Court](#), serving as a guide for an **independent and fair judiciary, ensuring the impartial administration of justice**.
- **The Code Comprises 16 Points:**
 - Justice must not merely be done but it must also be seen to be done. Judges **must avoid any actions that erode public confidence in impartiality of the judiciary**.
 - Accordingly, **any act of a judge** of the Supreme Court or a high court, whether **in official or personal capacity**, which erodes the credibility of this perception, **has to be avoided**.
 - A **judge should not contest the election to any office** of a club, society or other association, except in a society or association connected with the law.
 - Close association with **individual members of the bar**, particularly those who practise in the same court, shall be avoided.
 - A judge should not allow any member of their immediate family or a close relative who is a member of the Bar to appear before them or be involved in a case that they are handling.
 - No member of a judge's family who is a **member of the Bar** shall be permitted to use the judge's residence or other facilities for professional work.
 - A judge should **practise a degree of aloofness (being distant)** 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 engage in **public debate or express political views** on matters pending or likely to arise for judicial determination.
 - A judge should let his judgments speak for themselves and not give **media interviews**.
 - A judge shall **not accept gifts or hospitality except from 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**.
 - Judges should not engage in trade or business, directly or indirectly, but publishing legal work or hobby activities are exceptions.
 - A judge should not solicit, accept, or associate with fundraising for any purpose.
 - A judge should **not seek any financial benefit** in the form of a perquisite or privilege attached to his office unless it is clearly available. **Any doubt on this behalf must be resolved and clarified through the Chief Justice.**
 - Judges must always be aware they are under public scrutiny and avoid any act or omission **unbecoming of their high office**.

Bangalore Principles of Judicial Conduct

- In July 2006, the **United Nations Economic and Social Council (ECOSOC)** adopted a resolution recognizing the **Bangalore Principles of Judicial Conduct** as an important advancement and complement to the **1985 United Nations Basic Principles on the Independence of the Judiciary**.
- The Bangalore Principles of Judicial Conduct aim to set ethical standards for judges, providing a framework for regulating judicial behaviour and offering guidance on maintaining judicial ethics.
 - The Principles recognize six core values: **independence, impartiality, integrity, propriety, equality, and competence and diligence**, which define the expected conduct for judges to effectively practise each value.

1985 UN Basic Principles on the Independence of the Judiciary

- It was adopted at the **Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders**, 1985 and endorsed by General Assembly resolutions 40/32 and 40/146.
 - These principles aim to bridge the gap between ideal judicial independence and real-world practices, ensuring justice is maintained, human rights are protected, and the judiciary operates free from discrimination.
 - Key aspects include guaranteed **independence, impartial decision-making, exclusive jurisdiction, non-interference, and the right to a fair trial**.

What are the Other Major Concerns About Judicial Integrity in India?

- **Political Ambitions of Judges:** Judges publicly resigning from their positions to enter politics has raised concerns about their **commitment to the Constitution of India** and the **impartiality of their judicial decisions**.
 - Former **Supreme Court judges accepting lucrative political positions or government roles** immediately after retirement has led to allegations of **favouritism and quid pro quo**.
 - Instances where judges deliver decisions that **benefit the ruling party and later receive high-profile government positions**, suggesting potential *quid pro quo* arrangements.
- **Transparency Issues:** The opaque nature of how information is handled in significant cases compromises public confidence in the judicial process.

- **Conflict of Interest:** Judges are expected to avoid conflicts of interest and maintain the integrity of the judicial process.
 - Judges' involvement in political activities, particularly after making controversial statements and rulings while on the bench, raises concerns about potential conflicts of interest.
- **Public Trust and Confidence:** The judiciary relies on public trust and confidence to fulfil its role. Judges' actions that undermine the perception of judicial integrity and **impartiality erode public trust in the judicial system.**

Way Forward

- **Reinforce the adherence to the 'Restatement of Values of Judicial Life' and the Bangalore Principles of Judicial Conduct.** This can be done through mandatory training and regular refresher courses for judges.
 - Establish independent bodies to periodically audit and review judicial conduct and adherence to ethical standards.
- Leverage the **Global Judicial Integrity Network** which aims to assist judiciaries in strengthening judicial integrity and preventing corruption in the justice sector, in line with the [United Nations Convention against Corruption](#).
- Foster public engagement by **organising forums or discussions where citizens can interact with the judiciary** to understand its functions and decisions better.
- Strengthen norms to ensure that judges who wish to enter politics must **adhere to a cooling-off period** and fully disclose any past judicial decisions that might be relevant.
- Establish clear **guidelines for judges taking up post-retirement roles**, ensuring they do not compromise the integrity of their judicial decisions or suggest favouritism.

Drishti Mains Question:

Discuss the 'Restatement of Values of Judicial Life' adopted by the Supreme Court of India. How does it aim to maintain the integrity and independence of the judiciary?

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