

Bill No. 171 of 2022

THE JUDICIAL STANDARDS AND ACCOUNTABILITY
BILL, 2022

By

DR. SANJEEV KUMAR SINGARI, M.P.

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BILL

*to lay down judicial standards and provide for accountability of Judges
and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Judicial Standards and Accountability Act, 2022.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “assets” includes immovable and movable property;

Explanation.—For the purposes of this clause,—

(i) “immovable property” includes the land and any building or other structure attached to the land or permanently fastened to anything which is attached to the land, and tenancies, lease holds or any other interest in immovable property; and 5

(ii) “movable property” includes any other property which is not immovable property as also corporeal and incorporeal property of every description and household goods and personal effects of the value of each item of more than fifty thousand rupees; 10

(b) “competent authority” means in relation to,—

(i) a Judge of the High Court, the Chief Justice of that High Court;

(ii) the Chief Justice of the High Court, the Chief Justice of India;

(iii) a Judge of the Supreme Court, the Chief Justice of India; and

(iv) the Chief Justice of India, the President of India; 15

(c) “judge” means a Judge of the Supreme Court or of a High Court and includes the Chief Justice of India and the Chief Justice of a High Court;

(d) “judicial standards” means the values of judicial life specified under section 3 and the Schedule;

(e) “liabilities” includes financial guarantees given and all loans raised from any bank, financial institution or any other source; and 20

(f) “prescribed” means prescribed by rules made under this Act.

Judicial standards.

3. (1) Every judge shall continue to practice universally accepted values of judicial life as specified in the Schedule to this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, a Judge shall— 25

(a) not contest the election to any office of a club, society or other association or hold such elective office except in a society or association connected with the law or any court;

(b) furnish the information relating to assets of which he, his spouse and his children are, jointly or severally, owners or beneficiaries; and 30

(c) furnish the information relating to his liabilities and that of his spouse and children.

(3) A Judge holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in clause (b) 35

and (c) of sub-section (2) to the competent authority within thirty days of the coming into force of this Act.

(4) Every Judge shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in clause (b) and (c) of sub-section (2), as on the 31st March of that year.

(5) The information under clause (b) and (c) of sub-section (2) and annual return under sub-section (4) shall be furnished in such form and in such manner, as may be prescribed.

4. The competent authority shall exhibit in such manner as may be prescribed the document or information in relation to a declaration of assets and liabilities of Judges under clause (b) and (c) of sub-section (2) of section 3,—

Competent Authority to exhibit assets and liabilities of Judges.

(a) in the case of judges and Chief Justices of the High Courts, on the website of the High Court in which such Judges and Chief Justice are serving;

(b) in the case of Judges of the Supreme Court and Chief Justice of India, on the website of the Supreme Court.

5. The Central Government shall have the right to call for and refer to any declaration of assets and liabilities made under this Act and such information shall also be made available to any citizen under the provisions of the Right to Information Act, 2005.

Information regarding assets and liabilities of Judges under Right to Information Act, 2005.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, after consultation with the Chief Justice of India, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject.

Act to have overriding effect.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 3(1)]

JUDICIAL STANDARDS

1. Norms, including punctuality and commitment to work, guidelines and conventions essential for the conduct and behaviour of Judges, being pre-requisite for an independent, strong and respected judiciary, having integrity and detachment and impartial administration of justice as reflected in the Restatement of Values already adopted by the Conference of Chief Justices held in 1999 shall be practised by every Judge.

2. All times be conscious that he is under the public gaze and 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.

3. A degree of aloofness consistent with the dignity of his office shall be practised by every Judge.

4. Judgments shall speak for themselves.

5. A judge shall not intentionally give factually wrong or illegitimate reasons of distinguish a binding precedent.

6. A judge shall not decide an issue not raised by the parties expressly or by implication and impose his own views.

7. A judge shall refer to all the points raised by counsel in the arguments.

8. The judge shall correctly record on the docket what transpires in a proceeding on any given day.

9. If anyone attempts to communicate with a judge regarding the merits of any matter that is pending before him when the court is not in session, the judge shall curtail such attempt promptly.

STATEMENT OF OBJECTS AND REASONS

The Full Court meeting of Supreme Court of India on 7 May, 1997 had adopted “the Restatement of Values of Judicial Life”. The above Restatement lays down certain judicial standards which are to be followed by the Judges of the Supreme Court and the High Courts. However, after several years, these values still do not have any legal authority and are still unenforceable.

A Government Bill, namely, “The Judicial Standards and Accountability Bill, 2010” as passed by Lok Sabha, sought to lay judicial standards and provide for accountability of judges, and, establish credible and expedient mechanism for investigating into individual complaints for misbehavior or incapacity of a Judge of the Supreme Court or of a High Court. However, the Bill could not be taken up for discussion in the Rajya Sabha and thus, failed to see the light of day.

Thus, there is a need to provide legal sanction to lay down judicial standards and accountability standards for judges of the Supreme Court and the High Courts.

Hence this Bill.

NEW DELHI;
4 July, 2022.

SANJEEV KUMAR SINGARI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Sanjeev Kumar Singari, M.P.)