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22nd September, 2024

The Executive Committee of the Bar Association of India has passed the following statement by circulation on 22.09.2024:

STATEMENT

THE BAR ASSOCIATION OF INDIA CONDEMNS THE RECENT REMARKS MADE BY KARNATAKA HIGH COURT JUDGE

The Bar Association of India condemns the recent remarks made by a High Court judge, the videos of which have been recently circulated on social media.¹ The Hon'ble Supreme Court has taken *suo moto* cognizance of these remarks and the concerned judge has issued a statement expressing regret.²

The videos, which are for two separate incidents, show the same judge making remarks that are against the minimum standards of conduct expected from a member of the judiciary.

In the first of the two videos, the judge can be seen referring to an area in Bengaluru as 'Pakistan'.³ In the second video, when a woman lawyer responds to a question directed at the male lawyer representing the opposite side in the case, the judge in question is heard to remark that [she] seemed to know everything about [him] and may even reveal the colour of his undergarments if asked tomorrow.⁴

Judges are expected to conduct themselves in a manner that preserves the dignity, impartiality and integrity of the judiciary. Statements such as the ones made by the judge in question, have no place in a court of law. Such statements diminish the high office of a High Court judge and bring the entire judiciary to disrepute.

¹ <https://theprint.in/judiciary/karnataka-judges-remarks-have-riled-legal-community-hc-live-proceedings-now-come-with-disclaimer/2276704/>

² <https://www.livelaw.in/top-stories/breaking-supreme-court-takes-suo-motu-cognizance-of-controversial-remarks-of-karnataka-hc-judge-seeks-report-270112>; <https://www.thehindu.com/news/national/karnataka/observations-quoted-out-of-context-on-social-media-says-justice-srishananda-of-karnataka-high-court/article68667166.ece>

³ <https://www.barandbench.com/news/karnataka-high-court-judge-refers-to-a-bengaluru-locality-as-pakistan-sparks-outrage>

⁴ <https://www.thehindu.com/news/national/cji-lead-five-judge-bench-takes-suo-motu-notice-of-a-video-showing-karnataka-hc-judges-sexist-remarks-in-court/article68662927.ece>

In this context, it is important to highlight the Bangalore Principles of Judicial Conduct, 2002⁵, which state:

“1.6 A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary which is fundamental to the maintenance of judicial independence.

2.2 A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

2.4 A judge shall not knowingly, while a proceeding is before, or could come before, the judge, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.

3.1 A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.

3.2 The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

6.6 A judge shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. The judge shall require similar conduct of legal representatives, court staff and others subject to the judge's influence, direction or control.”

Similarly, the Global Code of Judicial Conduct, 2015,⁶ *inter alia*, emphasize:

“3.5 A judge should always behave in such a manner as to preserve the dignity of the office and the impartiality, integrity and independence of the Judiciary.

4.6.4 Impartiality: a judge shall treat the parties equally, shall neither be partial to the poor nor defer to the rich and powerful, shall not be gracious to one party and ungracious to another, and shall judge with an open mind, with no prejudice or partiality.

5.1.1 A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.

⁵ https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

⁶ <https://www.icj.org/wp-content/uploads/2016/02/Bologna-and-Milan-Global-Code-of-Judicial-Ethics.pdf>

5.1.2 The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

5.2 Propriety: Propriety and the appearance of propriety are essential to the performance of all of the activities of a judge.

5.2.1 A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

5.3.2 A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

6.1 Conduct of hearings: It is important for judges to maintain a standard of behaviour in court that is consistent with the status of judicial office and does not diminish the confidence of litigants in particular, and the public in general, in the ability, the integrity, the impartiality and the independence of the judge.”

Judicial proceedings in India are held in courts that are open to the public. Open justice fosters public confidence and transparency. Live streaming of court proceedings is a new dimension of open justice, enhancing public access and judicial credibility. Any effort to withhold from the public⁷ communal and misogynistic comments, erodes further public confidence in the administration of justice.

The Bar Association of India condemns the statements by the judge and emphasizes the need for sensitization of the members of the judiciary as well as members of the Bar.



PRASHANT KUMAR
President

⁷ <https://www.barandbench.com/news/litigation/advocates-association-halt-live-streaming-karnataka-high-court-judge-videos>