

**RAJYA SABHA**  
**NOTICE OF AMENDMENTS**  
**THE JUDICIAL STANDARDS AND ACCOUNTABILITY BILL, 2012**  
**(As passed by Lok Sabha)**  
**[To be moved at a sitting of the Rajya Sabha]**

**ENACTING FORMULA**

**BY SHRI KAPIL SIBAL:**

1. That at page 1, line 1, *for* the word “Sixty-third”, the word “Sixty-fourth” be *substituted*.

**CLAUSE 1**

**BY SHRI KAPIL SIBAL:**

2. That at page 1, line 4, *for* the figure “2012”, the figure “2013” be *substituted*.

**CLAUSE 3**

**BY SHRI KAPIL SIBAL:**

3. That at page 3, *for* lines 16 and 17, the following be *substituted*, namely:-  
“3.(1) Every Judge shall practice Judicial Standards and Restatement of values of Judicial life as specified in the Schedule to this Act”.
4. That at page 3, lines 20 to 48, be *deleted*.
5. That at page 4, lines 1 to 10, be *deleted*.
6. That at page 4, line 11, *for* the bracket and alphabet “(n)”, the bracket and alphabet “(a)” be *substituted*.
7. That at page 4, line 13, *for* the bracket and alphabet “(o)”, the bracket and alphabet “(b)” be *substituted*.
8. That at page 4, lines 15 to 22, be *deleted*.
9. That at page 4, *after* line 22, the following be *inserted*, namely:-  
“(3) Clause (8) of Part II of the Schedule shall not apply to –  
(i) the views expressed by a Judge in his individual capacity on issues of public interest (other than as a Judge) during discussion in private forum or academic forum so as not to affect his functioning as a Judge;  
(ii) the views expressed by a Judge relating to administration of court or its efficient functioning”.

## CLAUSE 34

### **BY SHRI KAPIL SIBAL:**

10. That at page 9, lines 39 and 40, *for* the words “it may, by order, issue advisories or warnings”, the words “it may recommend to the concerned Chief Justice to issue advisories which will be binding on the concerned Chief Justice” be *substituted*.

## THE SCHEDULE

### **BY SHRI KAPIL SIBAL:**

11. That at page 16, *after* line 2, the word and roman numeral “Part I” be *inserted*.
12. That at page 16, line 8, *after* the words and figure “held in 1999”, the words and roman numeral “as specified in Part II” be *inserted*.
13. That at page 16, *for* lines 10 to 15, the following be *substituted*, namely:-  
“2. Not to make unwarranted comments and observations against Constitutional or Statutory Authorities or any person in the course of judicial determination”.
14. That at page 16, *after* line 15, the following be *inserted*, namely:-

### “PART II

### RESTATEMENT OF VALUES OF JUDICIAL LIFE

(1) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people’s faith in the impartiality of the judiciary. No Judge of the Supreme Court or a High Court, whether in official or personal capacity, shall act in a manner which erodes the credibility of this perception.

(2) A Judge shall not contest the election to any office of a club, society or other association; further he shall not hold such elective office except in a society or association connected with the law or any Court.

(3) A Judge shall not have close association or close social interaction with individual members of the Bar, particularly those who practice in the same court in which he is a Judge.

(4) A Judge shall not permit any member of his immediate family, such as 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 even be associated in any manner with a cause to be dealt with by him.

(5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities provided to the Judge for professional work of such member.

(6) A Judge shall practise a degree of aloofness consistent with the dignity of his office.

(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.

- (8) A 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.
- (9) A Judge is expected to let his judgment speak for themselves. He shall not give interview to the media in relation to any of his judgement delivered, or order made, or direction issued by him in any case adjudicated by him.
- (10) A Judge shall not accept gifts or hospitality except from his relatives.
- (11) A Judge shall not hear and decide a matter in which a company or society or trust in which he holds or any member of his family holds shares or interest unless he has disclosed his such holdings or interest and no objection to his hearing and deciding the matter is raised.
- (12) A Judge shall not speculate in shares, stocks or the like;
- (13) A Judge shall not engage directly or indirectly in trade or business, either by himself or in association with any other person (publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).
- (14) A Judge shall not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.
- (15) A Judge shall not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available or admissible.
- (16) Every Judge shall at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of a high office he occupies and the public esteem in which that office is held.

*Explanation.* – For the purposes of this Schedule, “relative” means –

- (i) Spouse of the Judge;
- (ii) brother or sister of the Judge;
- (iii) brother or sister of the spouse of the Judge;
- (iv) brother or sister of either of the parents of the Judge;
- (v) any lineal ascendant or descendant of the Judge;
- (vi) any lineal ascendant or descendant of the spouse of the Judge;
- (vii) spouse of the person referred to in clauses (ii) to (vi).”.

**New Delhi;  
August 2, 2013.**

**SHUMSHER K. SHERIFF  
SECRETARY-GENERAL**