

Judicial Discipline Vital to Justice

By

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JUDICIAL Discipline is self-discipline. The responsibility is self-responsibility.

Judicial discipline is inbuilt mechanism inherent in the system itself. Because of the position that judges occupy and the enormous power they wield no other authority can impose a discipline on them. All the reasons judges exercise self-discipline of a high standard. A judge's character is being tested by the power he wields. Abraham Lincoln once said: "Nearly all men can stand adversity, but if you want to test a man's character give him power".

The justice delivery system like any other system in every walk of life will fall and crumble down in the absence of integrity. Like any other organ of the state, the judiciary is also manned by human beings, but the function of the judiciary is different from other state organs in the sense its function is divine. Today, the judiciary is the repository of public faith, is the trustee of the people, it is their last hope. It commands the respect of every citizen. Because of the power he wields, a judge is being judged more strictly than others. Integrity is the hallmark of judicial discipline, apart from others. It is time the judiciary took utmost care to ensure the institution does not crack from inside, or else the justice delivery system will result in failure of the public confidence in the system.

Every human being has his own ambition in life. To have an ambition is virtue, but if the ambition to achieve is likely to compromise with his judicial duty, better not to pursue it. A judge has no personal life. All his action must be transparent since he is watched by society. His personal action, his family life and his behaviour with every living creature must be judicious, upright and above board. A judge has a duty and responsibility to maintain judicial propriety. The judge must realise that he performs a special and solemn function in society and, therefore, his standard of behaviour needs to be high. Even outside the court room, the behaviour of a judge should be impeccable and as far as possible, they should keep their social activities within accepted parameters. An exemplary conduct to sustain the faith in the judiciary is pivotal to the system. The public should have an unshakeable faith that their decisions are not influenced by extraneous considerations. This is not to say that one should become recluse. Judges, however, need to consider their position to avoid undesirable social contract. A judge should not act or work to be a populist judge. He should resist from clamouring for his personal propaganda or to build up his personal image in society beyond the sphere of duties.

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