

Government of Bihar
General Administration Department

Notification

Patna-15, Date ..16..6..17

No-7/Ashta.-04-14/2016GAD.....7402...../In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, as amended from time to time, the Governor of Bihar is pleased to make the following rules (which will substitute the rules notified vide notification No.-1880 dated 16.02.2017) in consultation with the High Court of Judicature Patna, Bihar to regulate the conduct of Judicial Officers, namely.

1. Short title, commencement and application- (1) These rules may be called the Bihar Judicial Officer's Conduct Rules, 2017.

(2) They shall come into force on the date of their publication in the official gazette.

(3) These rules apply to every persons appointed to a Judicial Service such as to the members of State Judicial Service or the Superior Judicial Service including on deputation or to ex-cadre posts under the Control of the High Court of Judicature Patna in connection with the affairs of the State of Bihar and who are subjected to the rules making powers of the Government.

(4) The Rules are also applicable to an employee whose services are placed at the disposal of a company, corporation, organization or Local Authority by the High Court of Judicature Patna notwithstanding that his salary is drawn from the services other than the Consolidated Fund of Bihar.

2. Definitions - In these rules unless the context otherwise requires means -

(a) "Government"

(i) in the case of a Judicial Officer whose services have been placed at the disposal of the Government of India, the Government of India;

(ii) in the case of a Judicial Officer whose service have been placed at the disposal of the Government of another State, the Government of that state;

(iii) in all other cases the Government of Bihar.

(b) High Court means the High Court of Judicature at Patna.

(c) "Judicial Officer" means any person appointed to serve as judicial officer in respect of whom the Governor of Bihar is empowered to make rules under Article 309 of the Constitution of India, whether for the time being such persons is serving in connection with the affairs of the Government of India or any State or High Court or is on leave.

(d) "Member of family" in relation to Judicial Officer includes-

- (1) The wife or husband as the case may be, of the Judicial Officer whether residing with the Judicial Officer or not but does not include a wife or husband, as the case may be, separated from the Judicial Officer by a decree/order of a competent court.
- (2) Son or daughter or step-son or step-daughter of Judicial Officer and wholly dependent on him, but does not include a child or step child who is no longer dependent on the Judicial Officer or of whose custody the Judicial Officer has been deprived by or under any law.
- (3) Any other person related, whether by blood or marriage, to the Judicial Officer's wife or husband, and wholly dependent on the Judicial Officer.

3. General - (1) Every Judicial Officer shall at all times-

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a Judicial Officer.

(2) Every Judicial Officer holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Judicial Officer for the time being under his control and authority.

(3) No Judicial Officer shall, in performance of his official duties or in the exercise of power conferred on him, or act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall; where he is acting under such direction, obtain the direction in writing wherever practicable, and where it is not practicable to obtain the direction in writing he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation- Nothing in sub-rule (3) of rule 3 shall be construed as empowering a Judicial Officer to evade his responsibilities by seeking instructions from, or approval of, superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

[(4) Prohibition of Sexual harassment-

(i) No Judicial Officer shall indulge in any act of sexual harassment of any women at her work-place.

(ii) Every government who is in charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation- For the purpose of sub-rule (4) of rule 3 sexual harassment shall include such unwelcome sexually determined behaviour (whether directly or otherwise), as-

(a) Physical contact and advances, (b) Demand or request for sexual favour, (c) Sexually coloured remarks, (d) Showing any pornography, (e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

4. Consumption of intoxicating Drink and Drugs - No Judicial Officer shall be under the influence of intoxicating drink or drugs.

Every Judicial Officer shall strictly abide by any laws relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being.

5. Employment of near relatives of Judicial Officer in private undertaking-

(1) No Judicial Officer shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking with which he has official dealing or in any other undertaking having official dealing with the government.

(2) No Judicial Officer shall, except with the previous sanction of the High Court, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealing or in any other undertaking having official dealing with the High Court or the Courts sub-ordinate to it.

Provided that where the acceptance of any employment cannot wait the prior permission of the High Court or is otherwise considered urgent the matter shall be reported to the High Court; and the employment may be accepted provisionally subject to the permission of the High Court.

(3) If a member of the family of Judicial Officer accepts any employment referred to above even after High Court have refused permission, the Judicial Officer shall make a report to that effect to the High Court and shall also intimate whether he has had any official dealings with that undertaking.

(4) (a) No Judicial Officer shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of an undertaking or any other person, if any member of his family is employed in the undertaking or under that person or if he or any member of his family is interested in such undertaking or other person in any other manner.

(b) In any case referred to in clause (a), the Judicial Officer shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

6. Taking part in politics and election -(1) No Judicial Officer shall be a member of or be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement of activity.

(2) It shall be the duty of every Judicial Officer to endeavour to prevent any member of the family for taking part in, subscribing in aid of or assisting in any other manner any movement or activity, which is or tends directly or indirectly to be, subversive of the Government as by law established and where a Judicial Officer is unable to prevent a member of his family from taking part in, or subscribing in aid of assisting in any other manner, any movement or activity, he shall make a report to that effect to High Court.

(3) If any question arises whether any movement or activity falls within the scope of sub-rule (2) the decision of the High Court thereon shall be final.

(4) No Judicial Officer shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority;

Provided that-

- (i) a Judicial Officer qualified to vote at such election may exercise his right to vote but where he does so he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Judicial Officer shall not be deemed to have contravened the provision of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation- The display by a Judicial Officer on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.