

HIGH COURT OF MADHYA PRADESH : JABALPUR

(T.K. KAUSHAL)
PRINCIPAL REGISTRAR (I & V)

D.O. No. 562-Vij

Jabalpur, dtd. 21.10.2009

SUBJECT – VIGILANCE ON THE JUDICIAL OFFICERS.

Dear Shri Supt. ji,

During deliberations in meetings held at Gwalior, Indore, Bhopal and Jabalpur with Judicial Officers of the State, Hon'ble the Chief Justice has come to learn that Judicial Officers are, very often, not passing judicial orders warranted by the law and facts of the cases because of the fear of the vigilance actions.

This may be because of the vigilance enquiring into the complaints against the Judicial Officers and submitting reports against them even in matters which do not require enquiry from the vigilance angle.

I am directed to inform you that, all complaints received by the Principal Registrar (Inspection & Vigilance) are processed and placed before Hon'ble the Chief Justice but only on those complaints comments are called for, where the complaints *prima facie* disclose lack of devotion to duty or lack of integrity on the part of the Judicial Officers.

However, with a view to ensure that Judicial Officers carry on their judicial work without fear or favour, Hon'ble the Chief Justice of the Madhya Pradesh High Court, as Head of the State Judiciary, has issued instructions to the Cell that henceforth, cases in which orders have been passed by the Judicial Officers, taking a view which was possible on the law and facts of the case, will not be subject to vigilance enquiry. Accordingly, only in the cases where Judicial Officers have passed the orders taking a view either on the

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law and the facts of the case, which is not at all possible, Vigilance Cell will enquire into and submit a report.

Where, however, there are clear materials to show that while passing the orders a Judicial Officer was actually influenced by the litigants and/ or by the Advocates, a report ought to be submitted by the vigilance cell showing the manner in which the influence was exerted on the Judicial Officer, irrespective of the fact that order was legally correct.

Any patent illegality is found in the orders passed by the subordinate courts, which needs corrections, action could be initiated on the basis of proposals submitted by Vigilance Cell before Hon'ble the Chief Justice for taking suo moto actions under Article 227 of the Constitution of India, u/S 115 Civil Procedure Code and 397/401 Criminal Procedure Code, on judicial side.

These instructions will apply not only to the final orders, but also to the interlocutory orders like bails and injunctions etc. Instances of violation of Conduct Rules will continue to be processed and reported to Hon'ble the Chief Justice as in the past.

You are further informed that wherever, a DE is initiated by the High Court, the enquiry will be completed as expeditiously as possible to ensure that the Judicial Officers are not harassed for long and final decision is taken as early as possible.

Kindly ensure that copy of this DO is made available to each and every Judicial Officer working under you and acknowledgements of receipt obtained from them, be sent to this Cell at the earliest.

Regards

Yours Sincerely,

T.K. Kaushal
(T.K. KAUSHAL)

To,

Shri N.K. Gupta,
Principal Secretary,
Law & Legislative Affairs Department,
Govt. of M.P., Vindiyachal Bhawan, **BHOPAL.**