

In Re: Remarks By High Court Judge During Court Proceedings

(Suo Motu Writ (Civil) No. 9 of 2024)

25 September 2024

[Dr Dhananjaya Y Chandrachud,* CJI, Sanjiv Khanna, B.R. Gavai, Surya Kant and Hrishikesh Roy, JJ.]

Issue for Consideration

Certain misogynistic remarks as well as comments prejudicial to a particular community were made by a Judge of the High Court of Karnataka in the course of the judicial proceedings. *Suo motu* case taken up by the Supreme Court.

Headnotes[†]

Judicial Discipline – Misogynistic comments to a woman lawyer and casual observations against a particular community at large made by the Judge during judicial proceedings – *Suo motu* proceedings taken up by the Supreme Court however, notice was not issued to the Judge to maintain the institutional dignity of the High Courts and the Judges:

Held: The report submitted by the Registrar General of the High Court of Karnataka showed that the observations made were unrelated to the course of the proceedings – They should have been eschewed – Serious concern expressed about the reference to gender and to a segment of the community, deprecated – Accepting the apology tendered by the Judge in the open court proceedings, in the interest of preserving the dignity of the institution, proceedings not pursued further. [Paras 17, 13]

Administration of Justice – Access to justice – Live reporting of court proceedings – Casual observations, impact – Responsibility of judges, lawyers and other stake holders, discussed.

List of Acts

Karnataka Rules on Live Streaming and Recording of Court Proceedings 2021; Rules for Video Conferencing for Courts 2020 by High Court of Karnataka.

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In Re: Remarks By High Court Judge During Court Proceedings**List of Keywords**

Remarks by High Court Judge; Casual observations during judicial proceedings; Misogynistic comments; Comments prejudicial to a segment of the society; Judicial discipline; Judicial conduct; *Suo motu* proceedings; Administration of Justice; Live reporting of court proceedings; Apology by the Judge.

Case Arising From

CIVIL ORIGINAL JURISDICTION: Suo Motu Writ (Civil) No. 9 of 2024

(Under Article 32 of The Constitution of India)

Appearances for Parties

By Courts Motion.

Mr. R. Venkataramani, Attorney General, Tushar Mehta, Solicitor General, Advs. for the Respondent.

Judgment / Order of the Supreme Court**Judgment****Dr Dhananjaya Y Chandrachud, CJI**

1. The Court was apprised of reports circulating in the media pertaining to comments attributed to Justice V Krishnappa, a Judge of the High Court of Karnataka, during the conduct of judicial proceedings.
2. In this backdrop, a *suo motu* proceeding has been registered.
3. On 20 September 2024, the Registrar General of the High Court of Karnataka was requested to submit a report after seeking administrative directions of the Chief Justice of the High Court of Karnataka in regard to the subject matter of the *suo motu* proceedings.
4. A report dated 23 September 2024 has been submitted by Mr K S Bharath Kumar, Registrar General of the High Court of Karnataka, in pursuance of the above directions.
5. The report deals with two proceedings before the Judge, the first of which took place on 6 June 2024 and the second on 28 August 2024. The Registrar General has submitted a transcript, duly translated as

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a part of his report, bearing in mind the fact that some part of the dialogue in the Court had taken place in Kannada. The report, insofar as the proceedings of 6 June 2024 are concerned, is set out below:

“The Proceedings on 6th June 2024,

3. On the aforesaid date, in Court Hall No.26, in the court presided over by Hon’ble Shri Justice Vedavyasachar Srishananda, the proceedings of Criminal Revision Petition No.634 of 2021 filed under Section 397 read with Section 401 of Code of Criminal Procedure 1973 in M.V. Krishnappa v. M. Srinivas were conducted. Therein the petitioner had prayed to set aside the judgment and order dated 15th February 2021 passed by learned Principal District and Sessions Judge, Bengaluru Rural District in Criminal Application No.26 of 2020 confirming the judgment and order of conviction and sentence dated 25th February 2020 by the Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru in Criminal Case No.8381 of 2018 convicting the petitioner-accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and imposing sentence of six months simple imprisonment to the accused and in default to pay Rs.25,10,000/- towards fine.

3.1 The proceedings of the court were being live-streamed. During the aforesaid proceedings, part of the submissions, conversation and comments were as under, which is the part got widely circulated in the social media through YouTube clips,

Hon’ble Judge:

Do you understand that...

Learned Advocate for the Respondent:

It is admitted My Lords...

Hon’ble Judge:

Do you understand?

Learned Advocate for the Respondent:

I understand that concept.

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Hon'ble Judge:

Where is the books of Accounts. Give us. Are you an Income Tax Assessee?

Learned Advocate for the Petitioner:

Yes, he is an Income Tax Assessee

Hon'ble Judge:

Wait amma

Learned Advocate for the Petitioner:

Sorry sir, sorry sorry sorry, sir sorry

Hon'ble Judge:

Why you are telling, you know everything about the opponent.

At this point, the learned Advocate for the Respondent tries to intervene, Hon'ble Judge continues...

If you are asked tomorrow morning, you will tell everything and you will also tell the color of the undergarment he wears.

Learned Advocate for the Respondent:

Both are friends and it is a story of a carpenter...

[The above submissions, conversations and comments in the video clipping is available from 7.27 to 7.53 minutes]

3.2 The above conversation and comments are available through virtual access in the form of recorded video clipping. The part of the conversation took place in vernacular-Kannada language, which part is submitted with true translation. The text of the conversation is submitted in exact form.

3.3 It may be stated that the clipping submitted herewith to the Hon'ble Court contains portion of previous part as well as portion of subsequent part also to ensure the link and in order to put forth the total.”

(emphasis supplied)

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6. The report indicates that one of parties to the proceedings was represented by a lawyer who is a woman. The report also contains a narration of the proceedings which took place on 28 August 2024 and is reproduced below:

“The proceedings on 28th August 2024,

4. On this day, in the court presided by the same Hon’ble Judge of the High Court of Karnataka, proceedings of House Rent Revision Petition No.28 of 2021 filed under Section 115 of the Code of Civil Procedure, 1908 in Miss Rina Vitha D Souza Vs. Mr. A M Alwyn Pinto and another were underway. The Revision was against judgment dated 20th March 2021 delivered in Rent Revision Petition No.7 of 2019 on the file of learned Principal District and Sessions Judge, Dakshina Kannada-Mangaluru dismissing the petition and confirming the order dated 6th December 2018 passed in House Rent Case No.22 of 2013 by learned Principal Civil Judge, Dakshina Kannada-Mangaluru dismissing the petition filed, under Section 27(2)(a) (c)(r) and (o) read with Section 5 of the Karnataka Rent Act.
- 4.1 In the aforesaid proceedings in the Court, the Hon’ble Judge made the following observations and the remarks,

“Hon’ble Judge: Even after that incident that happened where that van got upsided...capsized and then fell down and 3 small children died, no action, police is tally inactive. When something like this happens, one would stand for two days and blow whistle and say stop that, stop this.

They are into lobby. Majority of the school are run by the so and so and so and so, so they manage. You don’t look into. Go to Mysuru Road flyover, every auto rickshaw has got 10 people, every auto rickshaw, it is not applicable because the Mysore Road flyover, till up to the market from Gori Palya is in Pakistan, not in India. This is the reality, this is the reality.

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If you put any strict officer in that area, let me see who would catch such person, no channel will see it.

This is the problem you know, 9 people 10 people in an auto rickshaw two beside the driver.

Every two minutes, you will find one auto rickshaw dropping the people there in soon after city market, no Rule is applicable. That is the problem. So, it is all there. People are also of that nature.

[The above submissions, conversations and comments in the video clipping is available from 18.37 to 20.05 minutes]

- 4.2 The reproduction of the observations is in exact words as were made in the vernacular-Kannada language, with true translation in English of the part spoken in Kannada language.
- 4.3 The above conversation and comments are available through virtual access in the form of recorded video clipping. The part of the conversation took place in vernacular-Kannada language, which part is submitted with true translation. The text of the conversation is mentioned in the same form.”

(emphasis supplied)

7. The High Court of Karnataka has notified the Karnataka Rules on Live Streaming and Recording of Court Proceedings 2021 with effect from 1 January 2022. The report of the Registrar General states that live streaming of the court proceedings is conducted in accordance with the Rules and is transmitted through the official YouTube channel of the High Court of Karnataka. As of date, it has a subscription of 1,38,000 subscribers. The High Court of Karnataka has also notified Rules for Video Conferencing for Courts 2020 with effect from 25 June 2020 to regulate the conduct of court proceedings through the video conferencing mode. Video recordings in relation to the court proceedings on 6 June 2024 and 28 August 2024 are a part of the video recordings officially maintained by the High Court of Karnataka.
8. The Court presided over by Justice V Srishananda assembled on 21 September 2024 after this Court had taken *suo motu* notice of

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the above events on 20 September 2024,. During the course of the post-lunch session, Justice Srishananda proceeded to read out an address in the presence of the members of the Bar, including the President, Secretary and other office bearers of the Bengaluru Advocates Association.

9. The report of the Registrar General reproduced the text of what was stated by the Judge in the course of the proceedings on 21 September 2024, thus:

“Sir, this is through the Bar Association to all in general. Few observations made by the court during the course of judicial proceedings are being quoted out of context in social media. Those observations of this Court are totally unintentional and not to hurt the feelings of any sections of the society at large or any individual in particular. However, if any of the section of the society or individual has been directly or indirectly hurt by the observations of this Court, with all sincerity I regret the same. Convey it to the concerned.”

10. As in the case of the earlier two proceedings, the video clip containing the above part forms a part of the official video recordings maintained by the High Court of Karnataka. The video recordings have been submitted to this Court in a pen drive.
11. The proceedings which took place before the Court of Justice V Srishananda on 21 September 2024 indicate that the Judge has indicated that:
 - (i) Certain observations made by him have been quoted out of context in social media;
 - (ii) The observations made by him in the course of court proceedings were unintentional and were not intended to hurt the feelings of any section of society or any individual, in particular; and
 - (iii) An apology was tendered by him, if any section of society or any individual “has been directly or indirectly hurt by the observations” (made on 6 June 2024 and 28 August 2024).
12. We have consciously desisted from issuing notice to the Judge of the High Court of Karnataka in the interest of maintaining the institutional dignity of the High Courts and the Judges who occupy those offices.

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13. Bearing in mind the apology which has been tendered by the Judge of the High Court in the course of open court proceedings on 21 September 2024, we consider it in the interest of preserving the dignity of the institution to not pursue these proceedings further. However, before concluding the proceedings, it would be necessary for this Court to make some observations having a bearing on what has transpired..
14. The prevalence and reach of social media encompasses the live reporting of court proceedings. Most High Courts in the country have adopted rules for live streaming and for the extension of video conferencing facilities for hearing of cases. While it emerged as a necessity in the course of the Covid-19 pandemic, video conferencing, together with live streaming of proceedings, has emerged as an important outreach facility for courts to promote access to justice. Live-streaming has provided fresh sunlight. The answer to sunlight is to provide more sunlight. All stake holders in the judicial system, including judges, lawyers and parties in person, have to be conscious of the fact that the reach of judicial proceedings extends beyond those who are physically present. The reach of judicial hearings extends to audiences well beyond the physical precincts of the court. This places an added responsibility on judges and lawyers as well as litigants who appear in person to conduct the proceedings conscious of the wide and immediate impact of casual observations on the community at large.
15. Judges need to be conscious of the fact that each individual bears a certain degree of accumulated predispositions, based on their experiences of life. Some may be early experiences. Others are gained later. Every Judge should be aware of those predispositions. The heart and soul of judging lies in the need to be impartial and fair. Intrinsic to that process is the need for every Judge to be aware of their own predispositions. Awareness of these predispositions is the first step in excluding them in the decision making process. It is on the basis of that awareness that a judge can be faithful to the fundamental obligation to render objective and fair justice. Every stake holder in the administration of justice has to understand that the only values which must guide decision making are those which are enshrined in the Constitution of India.
16. Casual observations often reflect individual bias, particularly, when they are likely to be perceived as being directed against a particular

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gender or community. Courts, therefore, have to be careful not to make comments in the course of judicial proceedings which may be construed as being misogynistic or, for that matter, prejudicial to any segment of our society.

17. The report which has been submitted by the Registrar General would amply indicate that the observations which were made in the course of the proceedings before the High Court of Karnataka were unrelated to the course of the proceedings. They should have been eschewed. The perception of justice to every segment of society is as important as the rendition of justice as an objective fact.
18. Since the Judge of the High Court of Karnataka is not a party to these proceedings, we desist from making any further observations, save and except to express our serious concern about both the reference to gender and to a segment of the community. Such observations are liable to be construed in a negative light thereby impacting not only the court of the Judge who expressed them, but the judicial system as well.
19. We have made these observations in the hope and expectation that the demands which have been placed on all stake holders in the judicial system in the electronic age would elicit an appropriate modulation of behaviour both on the part of the Bar and the Bench in the future.
20. The proceedings shall stand concluded with these observations.
21. Pending application, if any, stands disposed of.

Result of the Case: Proceedings concluded.

[†]*Headnotes prepared by:* Divya Pandey