

# Chief Justice of India is serpent without fangs: Karnataka HC judge

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Karnataka High Court judge D V Shylendra Kumar has fired another salvo at the top judiciary on the efficacy of its "moral authority" in ensuring that erring judges fall in place.

He also doubted the effectiveness of the impeachment proceedings in the present [system](#) against judges of the superior courts.

Justice Kumar in an article on "Judicial Accountability" in the souvenir of the Karnataka State Advocates Conference, being held in Hubli on Sunday, and which has been posted on his blog, says, "Judicial accountability is a phrase, which sounds incongruous and can convey conflicting messages.

"The phrase has assumed importance in the wake of the improper, irregular and incorrect manner of functioning of judicial officers even amongst the judges in the superior courts," he noted in an apparent reference to the land-grabbing charges being faced by Karnataka Chief Justice P D Dinakaran.

Justice Kumar has been critical of Justice Dinakaran continuing to discharge administrative functions after staying away from the bench.

Questioning the moral authority of Chief Justice of [India](#) against the backdrop of developments in the Justice Dinakaran issue, he said, "The concept that the Chief Justice of India, being the head of judiciary in the country, and therefore, can [exercise](#) his moral authority to ensure that erring judges fall in place and behave themselves, is a misnomer and misconception."

"The mere moral authority of the Chief Justice of India, is of no value or significance, unless it can have some binding effect, which is not provided under the Constitution," Justice Kumar wrote.

"The Chief Justice of India, in so far as the relative position for such purpose is concerned, is more like a serpent without fangs, who can only hiss, but not bite, which will be an open secret in no time and the serpent will not be feared by anyone, however menacing it may look, however loud it may hiss! Unfortunately, that is the reality.

"I say so, for the reason that an errant judge is a person who has breached the moral code of conduct, is a brazen person on whom no moral authority binds, nor does he respect moral authority and, therefore, the so-called moral authority of the Chief Justice of India as

the figure-head of the judicial family, has virtually no effect on such errant judges."

Referring to the impeachment motion moved against Justice Dinakaran in the Rajya Sabha, Justice Kumar is of the view that for the present there is no other mechanism to discipline an errant judge of a superior court.

He said, "If the past experience is any indication, the impeachment procedure does not [work](#) in reality and practice, more so in the present political system in the country with fragmented political [parties](#) and views".

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