Restorative Justice, Judicial Dignity, and the Ethics of Creative Punishment

Court order: 1 September 2026

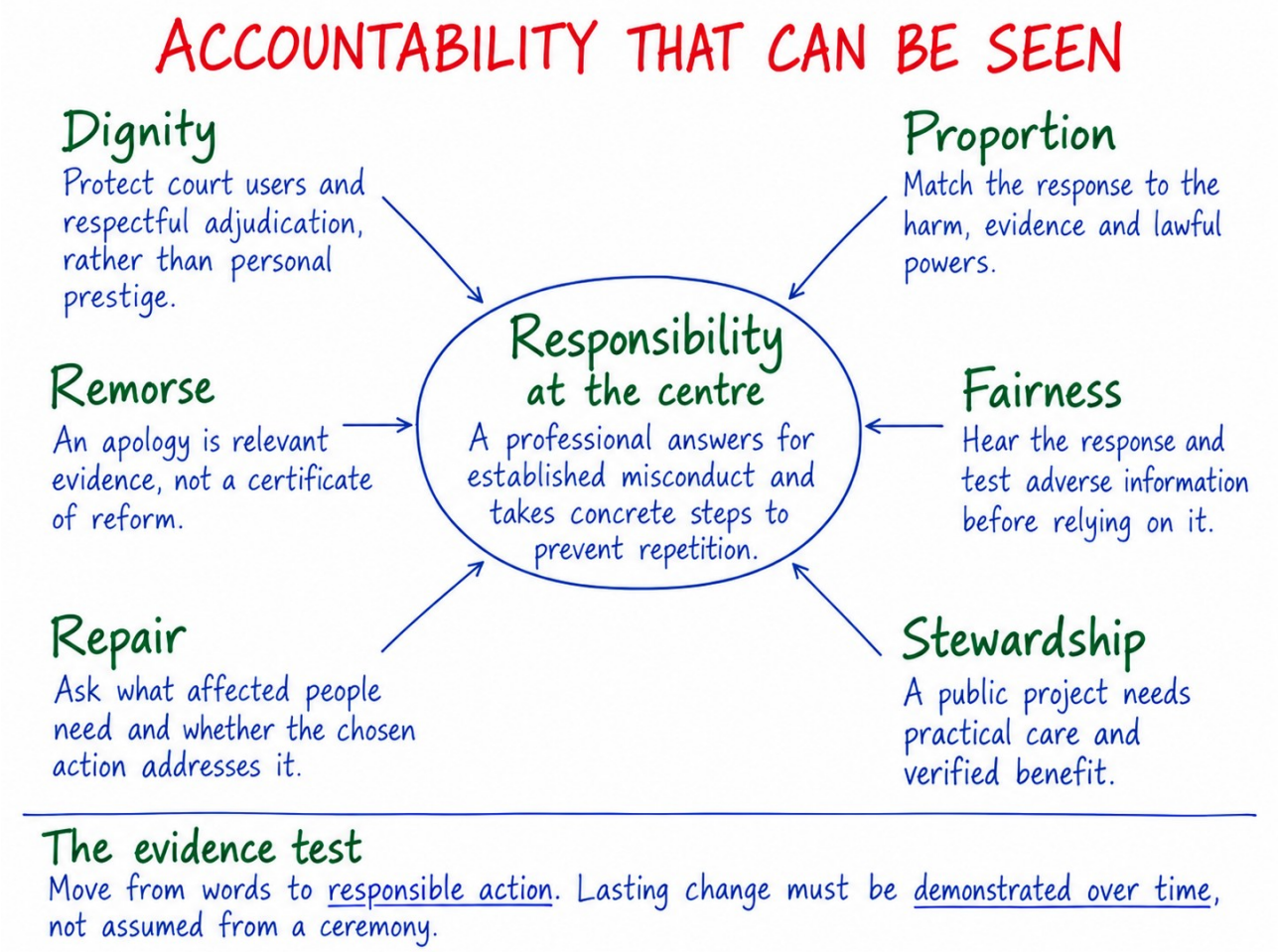
Gist of the Issue

On 1 September 2026, the Karnataka High Court accepted advocate S. Rangaswamy's apology in proceedings concerning courtroom misconduct. It recalled three earlier directions initiating contempt, Bar Council action and criminal proceedings, while retaining the other observations and findings. The revised order required a ₹1,000 payment to the District Legal Services Authority, Ballary, and planting and maintaining 1,000 fruit-bearing saplings on government land or school/college premises. A compliance affidavit was due on 31 October 2026. These are directions in the order, not proof of completed planting or lasting reform. [1]

The ethical question: Can a response combine mercy, meaningful accountability and public benefit without making professional influence a route to preferential treatment? The environmental condition creates a useful teaching example, but its existence alone does not establish a complete restorative-justice process.

How to read this study: The opening describes a real order. The decision case below is wholly fictional and changes the actors, submissions and procedural setting. Its recommended course is ethical reasoning within lawful powers, not a claim about what the Karnataka court did.

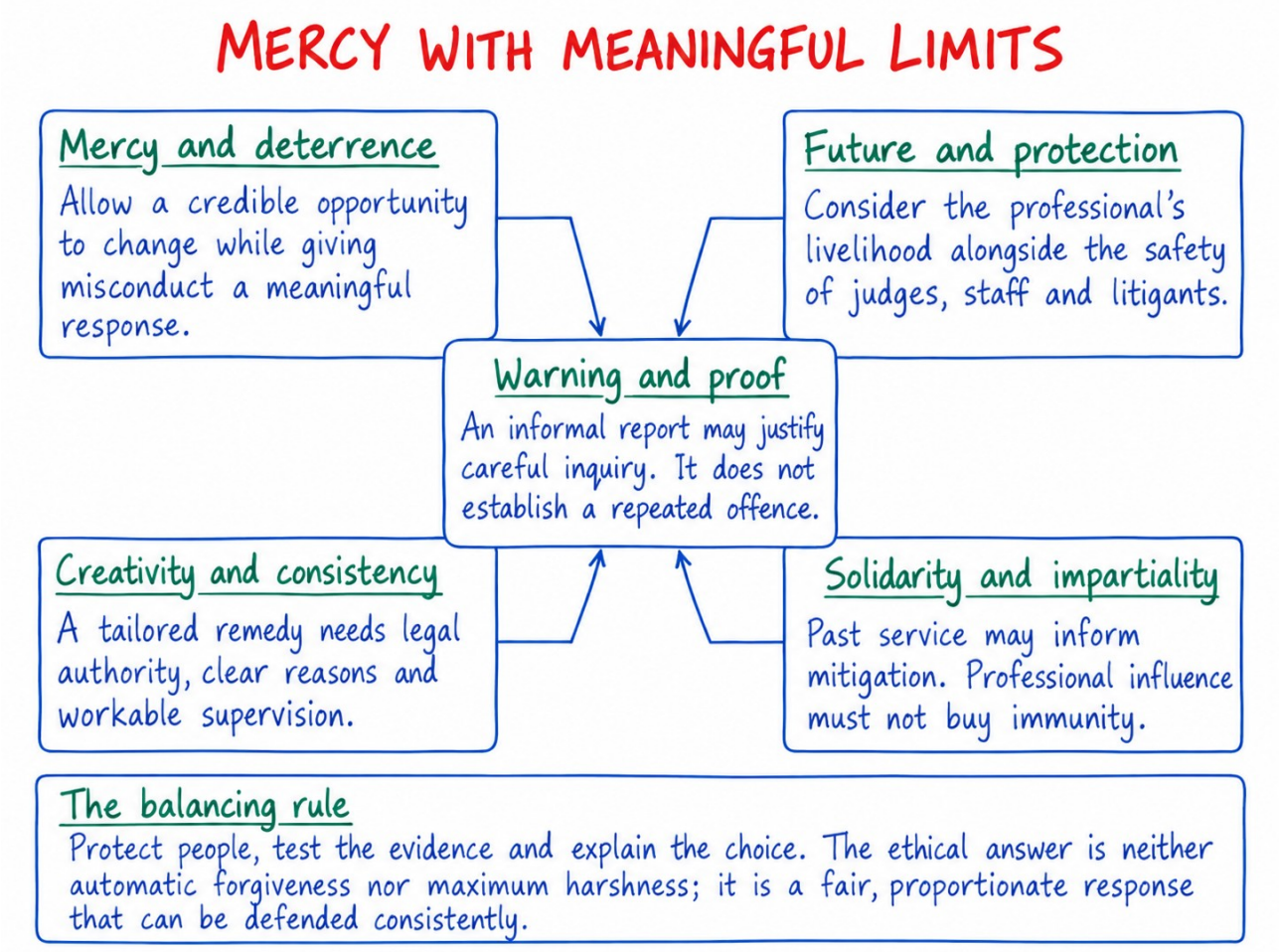
Ethical Concepts & Keywords



Value or concept	Applied meaning
Accountability	A professional must answer for established misconduct, explain the harm and meet a proportionate, enforceable response. An apology can begin accountability; it cannot by itself demonstrate repair.
Institutional dignity	The court's authority protects impartial adjudication and the people who depend on it. Defending that authority should not become protection of personal prestige from all criticism.
Professional ethics	An advocate's responsibility includes dignified conduct and respect for the court. The Bar Council of India also recognises the right and duty to raise a properly grounded complaint against a judicial officer through appropriate authorities. [2]
Proportionality	Examine seriousness, actual harm, credible risk, mitigation and available lawful responses. Neither maximum punishment nor minimum inconvenience is automatically just.
Remorse and reformation	Remorse concerns acknowledgment and changed intent; reformation requires sustained conduct. Timing, specificity, corrective effort and later behaviour matter more than polished words.

Value or concept	Applied meaning
Restorative justice	A restorative approach asks who was harmed, what they need and how responsibility and repair can be supported. Participatory restorative processes require attention to safety and voluntary, informed engagement; public service alone does not establish those features. [3]
Environmental stewardship	Planting has public value only if location, suitability, maintenance and survival are taken seriously. A photograph of an activity is weaker evidence than a verified, lasting benefit.
Fair process and equality	Test adverse information through a fair procedure. Apply relevant criteria consistently to prominent and less influential professionals; neither status nor public anger supplies proof.

Core Ethical Dilemmas

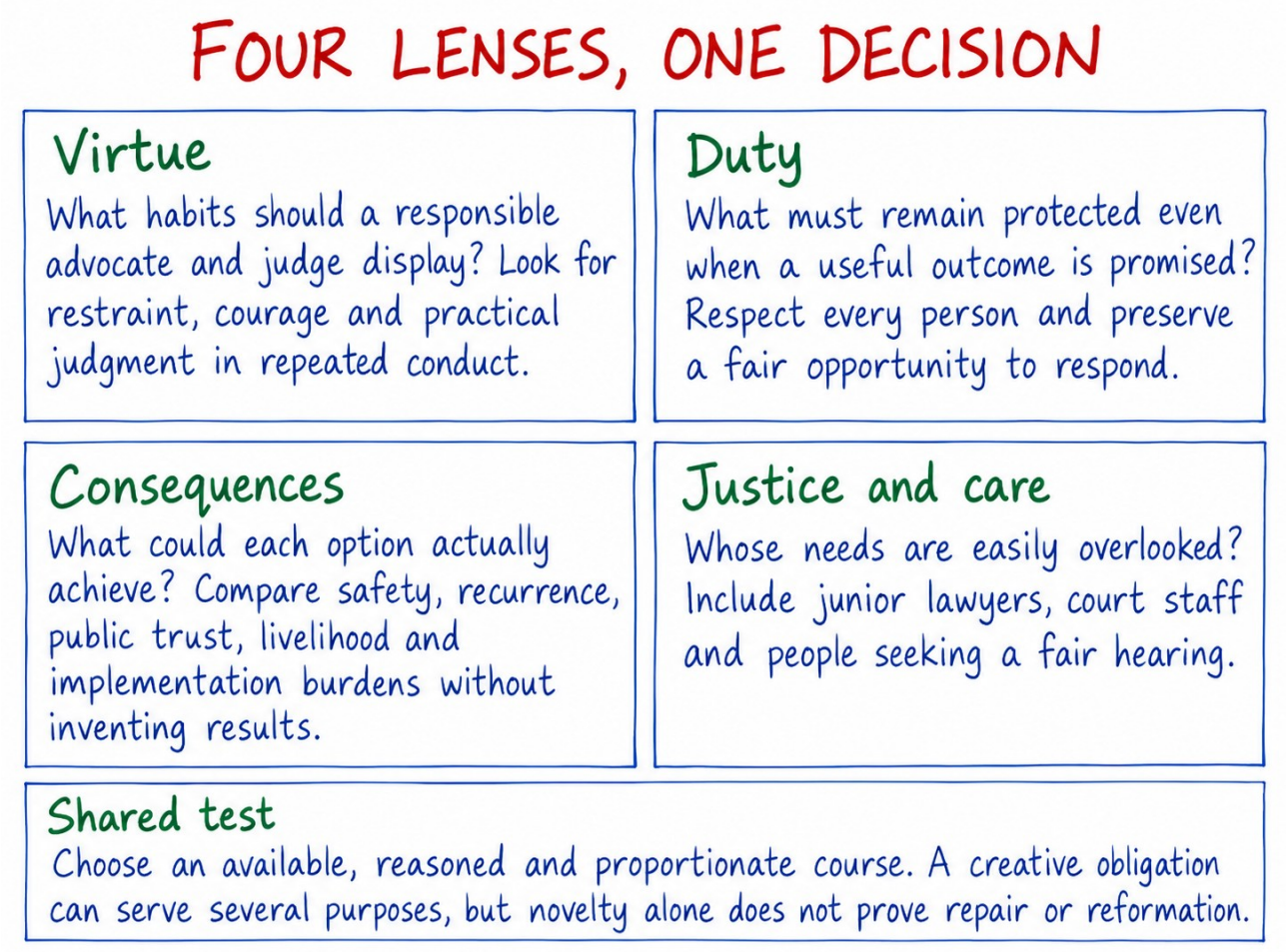


- **Mercy versus deterrence:** A chance to reform can be humane, yet an undemanding response may tell powerful professionals that remorse is merely a low-cost exit. Ask what will credibly prevent recurrence without demanding needless suffering.
- **Individual future versus institutional protection:** The advocate's livelihood matters, as do the judge's safety, junior lawyers' confidence and litigants' access to an independent hearing. Compassion must reach everyone affected.

- **Creative remedy versus predictable law:** Tailored obligations can achieve more than a routine penalty. They also risk unequal treatment or burdens unrelated to the wrong. Creativity needs a lawful basis, reasons and feasible supervision.
- **Professional solidarity versus impartial scrutiny:** A plea for leniency may offer genuine mitigation. It becomes ethically troubling if reputation, networks or past charity displace examination of the conduct.
- **Early warning versus evidentiary fairness:** Informal reports may reveal a pattern that deserves inquiry. Treating those reports as already proved harms fairness; suppressing them leaves possible risks unexamined.

Answer-writing move: State both legitimate interests before choosing a course. The strongest answer explains the safeguards that make a balanced decision workable, rather than placing "mercy" and "justice" on opposite sides as if they cannot coexist.

Multi-Framework Analysis



Virtue ethics: character visible through conduct

An advocate needs self-restraint, courage and practical judgment: forceful representation without intimidation. A judge needs firmness without vindictiveness and compassion without favouritism. A corrective obligation may provide an opportunity to practise responsibility, but no isolated act certifies a virtuous character. Look for subsequent respectful conduct and willingness to repair harm. Aristotle's emphasis on acquiring dispositions through repeated

action helps explain this difference between a performance of remorse and a habit of responsibility. [5]

Deontology: duties are not cancelled by useful outcomes

Threatening conduct, if established, cannot be justified simply because the advocate is talented or serves clients without charge. Equally, authorities must respect the accused professional's opportunity to answer the case. A Kantian application asks whether every affected person is treated as someone whose dignity counts, rather than as a convenient instrument for institutional publicity or deterrence. A beneficial project does not itself erase a breach of duty. [6]

Consequentialism: compare credible outcomes, not attractive headlines

Compare the likely effects of the available responses on safety, recurrence, public trust, livelihood and administrative effort. Meaningful service could benefit the community while preserving a path back to responsible practice. A poorly designed condition could produce token compliance, shift costs to public staff or weaken deterrence. These are possible consequences to investigate, not measured results already demonstrated by this case. Include indirect effects on junior professionals and vulnerable litigants.

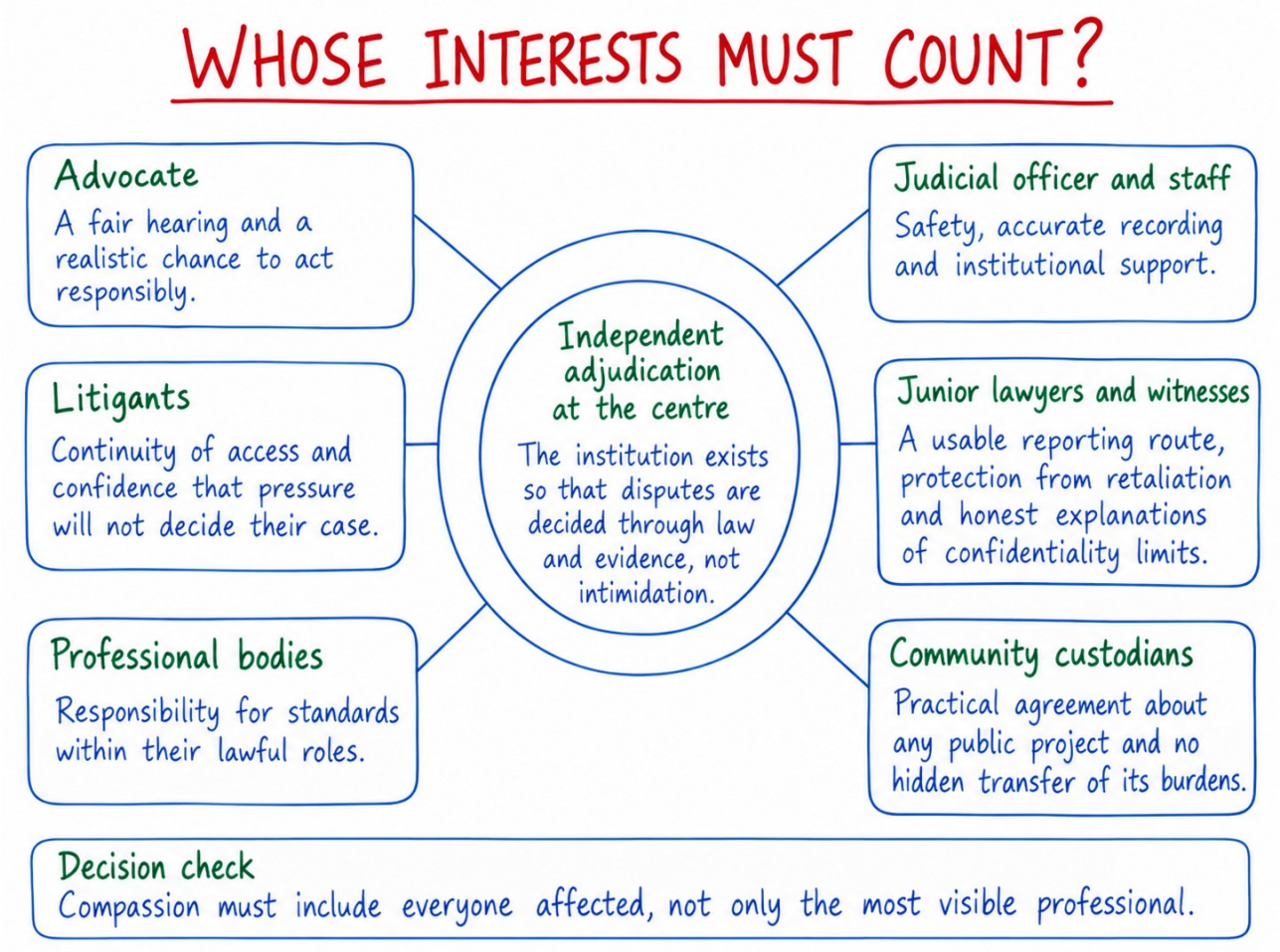
Justice and care: widen the circle of concern

A fair response should not depend on who has the strongest professional network. Attention to context helps identify genuine mitigating circumstances without excusing intimidation. Care also requires listening to people who felt threatened and considering continuing risk. Any opportunity for dialogue must be safe and willing; no person should be pressured to forgive to make an institutional success story.

A necessary distinction

Punishment may express condemnation; deterrence seeks to prevent future misconduct; rehabilitation supports change; restitution or repair addresses harm. A single response may pursue several purposes. Describe a community-benefit condition precisely before calling it fully restorative. The ethical test is its connection with responsibility, affected people's needs and prevention of further harm, not novelty alone.

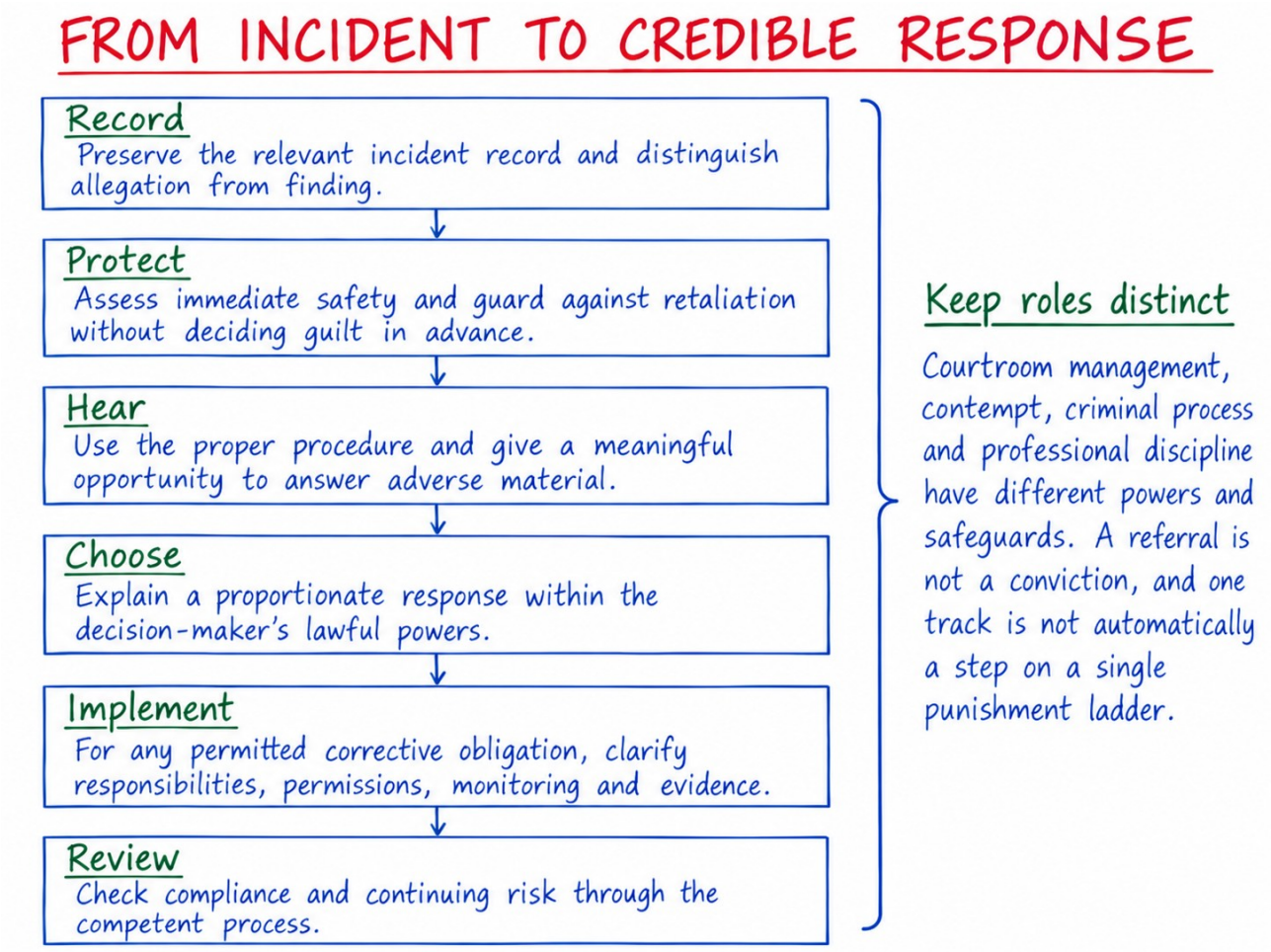
Stakeholder Analysis



Stakeholder	Legitimate interest	Responsibility or safeguard
Advocate concerned	Fair treatment, reputation, livelihood and an opportunity to reform	Respond honestly, avoid retaliation and fulfil lawful obligations; mitigation must be examined rather than presumed.
Judicial officer and court staff	Safety, dignity and freedom from intimidation	Record the incident accurately, use institutional channels and preserve a distinction between misconduct and legitimate disagreement.
Litigants and the public	Hearings decided on law and evidence, not pressure	Their interests should guide institutional protection; they should not bear avoidable disruption or become instruments of the dispute.
Court deciding the matter	Independent adjudication and public confidence	Give a reasoned, proportionate decision through the correct procedure; check that any condition is lawful and practical.

Stakeholder	Legitimate interest	Responsibility or safeguard
Bar Council and professional bodies	Professional standards and fair regulation	Exercise the role assigned by law and applicable orders; do not turn a request for leniency into immunity or assume a referral survives its recall.
Junior lawyers and witnesses	A safe way to report concerns without career retaliation	Offer an appropriate reporting route and explain confidentiality limits; test relevant material fairly before adverse reliance.
Community and environmental custodians	A useful, sustainable public benefit	If asked to host or maintain a project, their practical consent, capacity and responsibilities should be clarified; do not silently transfer the offender's burden.

Administrative & Governance Angle



Separate the decision-makers and legal tracks. Courtroom management, contempt jurisdiction, criminal process and professional discipline are not one interchangeable punishment ladder. The competent authority, threshold and safeguards differ. Section 35 of the Advocates Act provides a disciplinary process through the relevant Bar Council

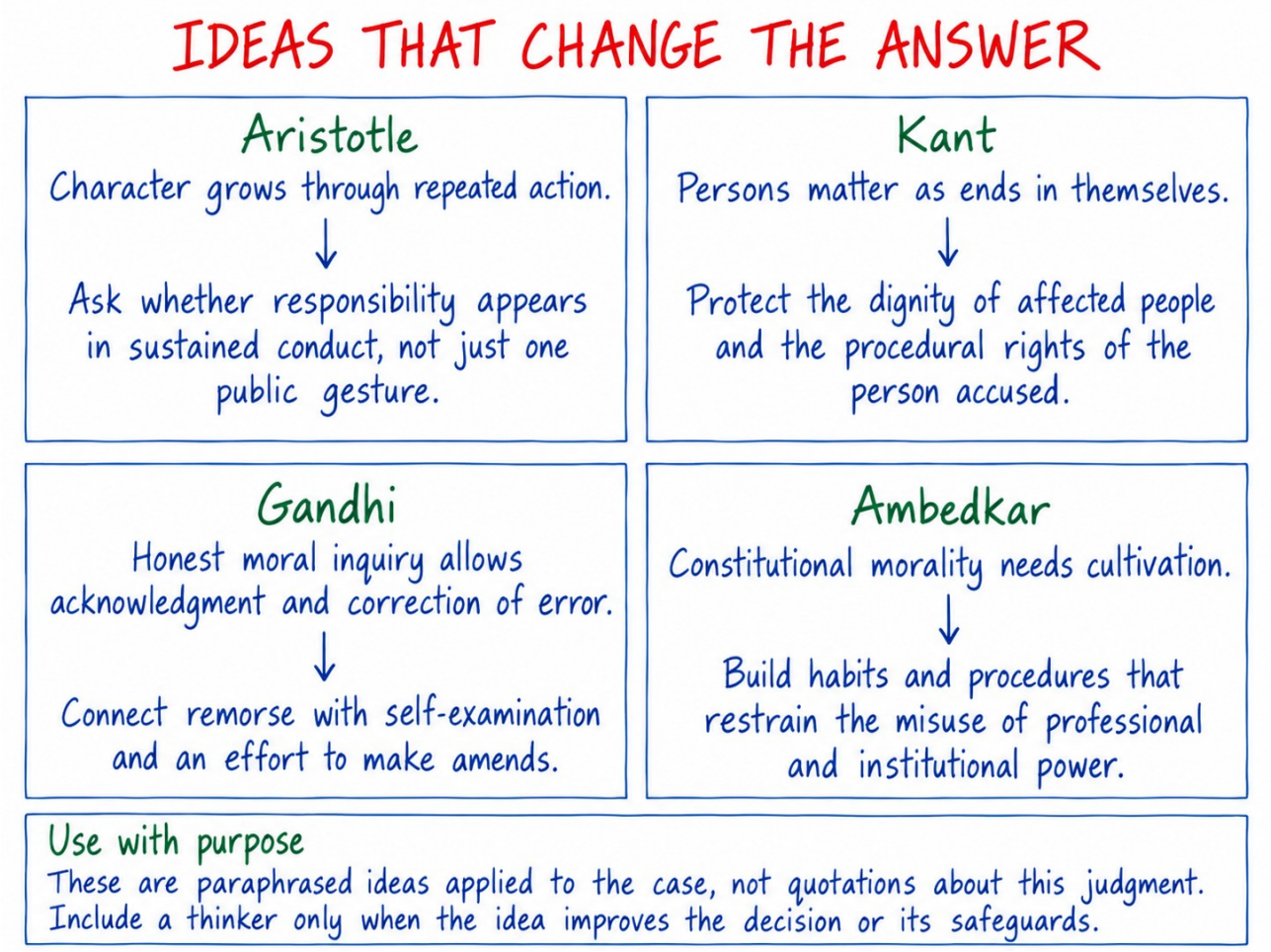
committee, including notice and hearing, with specified outcomes. A teaching recommendation cannot create a new sanctioning power or disregard a binding order. [4]

Read the operative order before prescribing a parallel process. In the reported matter, the specified Bar Council direction was among those recalled. This study therefore does not claim that the same referral continued. For a new fictional problem, determine what proceedings legally remain available before recommending them.

- **Build a reliable incident record:** Preserve the relevant court record and available evidence. Distinguish the allegation, the response and the finding. A contemporaneous record can aid accountability without requiring every disagreement to become a contempt case.
- **Make implementation credible:** Where a public-service condition is legally available, identify responsibility, location permissions, realistic supervision and evidence of completion. Clarify how non-compliance will be considered under the applicable process, rather than inventing an automatic extra penalty.
- **Protect people who report:** Provide a clear route for junior lawyers and staff, guard against retaliation and restrict unnecessary disclosure. Do not promise secrecy that would defeat procedural fairness or prevent a meaningful response.
- **Explain consistency:** Record why the response fits this conduct and these circumstances. Seniority and charity may be relevant contextual information, but they should not purchase an exemption unavailable to others.
- **Evaluate rather than celebrate:** Review compliance, recurrence and the burden on public institutions. Avoid asserting that creative sanctions reliably reform professionals unless credible evidence supports the claim.

Reform proposals, not statements of existing law: clearer recording guidance, accessible complaint routes, professional-ethics development and transparent compliance protocols could improve the system. Altering disciplinary structures or powers would require action by the competent rule-making or legislative authority.

Thinkers & Ideas



The following are applications of ideas, not verbatim quotations or claims that these thinkers endorsed this particular order.

Thinker	Idea used	Application
Aristotle	Character develops through repeated action and practical judgment. [5]	Judge the professional's reformation through sustained behaviour, not a single ceremonial act.
Immanuel Kant	Persons must be treated as ends, never merely as means. [6]	Respect the dignity of the threatened person and the procedural rights of the person accused.
Mahatma Gandhi	In the introduction to his autobiography, Gandhi frames moral inquiry as experiments open to error and correction. [7]	Acknowledging a wrong should lead to honest self-examination and corrective effort; claiming perfection is less useful than practising responsibility.

Thinker	Idea used	Application
B. R. Ambedkar	Constitutional morality must be cultivated rather than assumed to arise naturally. [8]	Institutions need habits and procedures that discipline the use of power, including power within a respected profession.

Value addition: A thinker earns space in an answer only when the idea changes the decision or its safeguards. One accurate application is stronger than several impressive names or an unverified quotation.

Fictional Case Study

Adapted teaching case: All named people and the events in this section are fictional. Do not identify them with the advocate, court or submissions in the reported matter.

Justice Meenakshi Raghavan receives a record alleging that senior advocate Krishnaswamy threatened a civil court judge during a hearing. A contempt notice has been issued through the applicable procedure. Krishnaswamy submits a written apology and asks the court to consider professional pressure and his past service. His remorse has to be assessed; the judge has not yet concluded that it is genuine.

The Bar Association asks for leniency, pointing to his pro bono work. Counsel assisting the court argues that threats require a meaningful response. Priya, a junior lawyer in his chamber, privately tells the Registrar that she recalls earlier intimidating incidents. Her account is unverified, and she fears professional retaliation. The file contains no finding about those alleged incidents.

Justice Raghavan must consider the established record, the advocate's response, the affected judicial officer's safety and the wider effect on access to justice. A community-benefit obligation has been suggested. Its lawful availability and suitability require examination; neither apology nor public service automatically disposes of every possible legal issue.

- **(a)** What options are available to Justice Raghavan, subject to the governing law and procedure?
- **(b)** What ethical issues arise for the advocate, the court and the profession?
- **(c)** Which competing values and evidentiary dilemmas must she resolve?
- **(d)** What course would you recommend, with reasons and safeguards?
- **(e)** What institutional measures could help prevent and fairly address similar misconduct?

Expanded Model Reasoning

Introduction

The task is to protect independent adjudication while treating every person fairly. The allegation warrants serious scrutiny; the apology deserves consideration without being treated as conclusive proof of reform. My recommendation begins with the evidence and lawful authority, then tests which response best combines accountability, prevention and a realistic opportunity to change.

(a) Available options

Option	Potential merit	Limitation or condition
Accept the apology and close the relevant proceeding	May be proportionate where the evidence, seriousness and genuine mitigation justify closure.	Requires reasons; professional stature or convenience alone is insufficient. Closure of one proceeding does not automatically decide a different matter.
Consider a lawful corrective or community-benefit condition	May connect acknowledgment with concrete responsibility and future-oriented repair.	The court must establish legal availability, proportionality, feasibility and supervision. Do not assume that any desirable service can be imposed.
Continue the applicable adjudicatory process	Allows contested facts and seriousness to be examined before deciding consequences.	Preserve notice, opportunity to respond and impartial evaluation; continuation is not a declaration of guilt.
Refer credible professional-conduct concerns through the proper channel, where legally available	Enables the authority responsible for professional standards to consider the material.	Referral is not conviction. Check jurisdiction and existing orders; do not indefinitely hold one process hostage to another.

These routes need not be treated as a mechanical sequence or an unrestricted menu. Some may be unavailable or incompatible in the actual procedural setting. No response should be selected merely for a dramatic headline.

(b) Ethical issues

- **Power used responsibly:** Advocacy permits vigorous disagreement; it does not make intimidation ethically acceptable. The court's own power likewise requires restraint and reasons.
- **Equality before institutional standards:** Past public service is relevant context, not a transferable credit that cancels harm. Compare the response with what a less prominent professional would receive.
- **Truthfulness and evidence:** Separate proved conduct from allegation, contextual explanation and unsupported inference. Do not describe Krishnaswamy as a repeat offender on Priya's account alone.
- **Responsibility beyond the individual:** Consider whether staff or junior lawyers lack usable reporting routes. Their silence may reflect vulnerability; it should not automatically be read as acceptance.
- **Repair without coercive reconciliation:** A person who felt threatened need not forgive, meet the advocate or participate in a public ceremony. Safety and agency remain central.

(c) Dilemmas requiring judgment

Mercy and deterrence pull in different directions if mitigation is genuine but the harm serious. A public-service condition may preserve a future for the advocate yet appear purchasable by those with resources. Inquiry into Priya's report may protect others but expose her to retaliation. Prompt resolution supports confidence, while a rushed decision could miss important evidence. These tensions call for a fair process and explained thresholds, not confident assumptions about character.

(d) Recommended course

- **First, secure a fair factual basis.** Preserve relevant records, obtain the advocate's response through the proper process and assess any immediate protective needs. Ensure the matter is handled by the competent forum under applicable rules.
- **Handle Priya's information carefully.** Invite her to use an appropriate reporting route, explain how material may be used and consider safeguards against retaliation. Verify relevant allegations. If adverse material is to influence a decision, provide the procedural opportunity to answer it; do not rely on a secret accusation.
- **Assess the apology with reasons.** Examine acknowledgment of the conduct and harm, avoidance of blame-shifting, willingness to make amends and the credible evidence available. Stress may explain context without justifying intimidation. A request for leniency is not proof either of collusion or of reform.
- **Choose a proportionate, legally available outcome.** If the established facts and mitigation justify a corrective approach, consider a specific and supervised obligation within the court's powers. If seriousness, continuing risk or the evidence makes that insufficient, proceed through the applicable adjudicatory route. Do not predetermine a punishment before the hearing.
- **Address professional standards through the correct authority.** Where a referral is legally available and justified, provide relevant verified material without announcing guilt or promising a particular licensing outcome. Respect the independence, notice requirements and any controlling orders of that process.
- **Explain and review.** State why the outcome protects court users and treats the advocate fairly. Specify lawful monitoring arrangements and how concerns about compliance can be brought back to the competent authority.

Why this is preferable: It protects institutional integrity without equating justice with maximum harshness. It offers a path to reformation without declaring that reform has already occurred. Most importantly, it does not sacrifice procedural fairness to either sympathy for a senior advocate or public demand for punishment.

(e) Prevention and institutional improvement

Develop practical guidance for recording serious incidents; clear complaint and escalation channels; proportionate protective measures for reporters; and continuing professional learning on respectful advocacy, emotional regulation and ethical courage. Publish accessible procedural information and aggregate performance information where lawful. Where community-benefit conditions are used, maintain transparent criteria and realistic monitoring. Structural changes to disciplinary bodies require proper legal authority, rather than an invented external panel or an arbitrary deadline.

Conclusion

Institutional dignity is strongest when people can see principled restraint as well as credible accountability. Compassion should shape the response to a wrong; it should not remove the obligation to establish facts, protect affected people and prevent repetition.

Practice Questions

These are original practice prompts adapted from the supplied note, not labelled as UPSC previous-year questions. The model reasoning above is a teaching explanation; practise selecting and compressing its arguments for an exam answer.

- **1.** Explain restorative justice and distinguish it from retributive punishment. What safeguards are needed when a public-service obligation is used in response to misconduct? *GS4 link: laws, rules, regulations and conscience as sources of ethical guidance.*
- **2.** Identify five values that professionals holding institutional trust should uphold. Illustrate how these values guide conduct when professional loyalty conflicts with public responsibility. *GS4 link: essence, determinants and consequences of ethics in human action.*
- **3.** Can remorse and an apology achieve more than punishment alone? Critically examine the role of acknowledgment, repair and accountability. *GS4 link: emotional intelligence and its application in administration and governance.*
- **4.** How can families and educational institutions cultivate civic responsibility and respect for the rule of law without encouraging unquestioning obedience? Suggest practical measures. *GS4 link: role of family, society and educational institutions in inculcating values.*

Sources & Reading Notes

1. Karnataka High Court, 1 September 2026, 2026:KHC-D:14628, CRL.P 100680/2026. Primary order text reproduced on Indian Kanoon; operative directions in paragraphs 44–47. The official signed court PDF was not independently retrieved.
2. Bar Council of India: duties towards the court. Official professional-standards guidance; respectful conduct and proper channels for serious complaints.
3. UNODC, Handbook on Restorative Justice Programmes, second edition (2020). Original UN publication hosted by its authoring partner; introductory definition and values. A conceptual reference, not an additional Indian statutory power.
4. Advocates Act, 1961: India Code record. Section 35 is relevant to the disciplinary process. Its text was cross-checked in the linked public legislative-text mirror.
5. Aristotle, Nicomachean Ethics, Book II. Primary text in translation; habituation and virtue.
6. Kant, Groundwork, Chapter 2. Primary work in modernised translation; respect for persons.
7. Gandhi, An Autobiography: Introduction. Primary autobiographical reflection on experiments with truth and correction.
8. Constituent Assembly Debates, 4 November 1948. Ambedkar's discussion of constitutional morality; primary debate transcript.

Additional legislative-text check: Advocates Act, section 35. Sources checked on 8 October 2026. No claim is made here that the reported compliance obligation has already been completed. Legal discussion is contextual teaching analysis; particular proceedings require the applicable law and orders.