

Legal Spirituality

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Spirituality literally means the quality or fact of being spiritual. **Spiritual** is related to the spirit or soul but not related to physical nature or matter and finally **spirit** is the principle of conscious life or say the incorporeal of human life¹.

Spirituality refers to the superpower that is unseen, but it unites the humanity with all kind of differences within². Literal meaning of spirituality is broader and it differs from religion. My Guru says, “spirituality begins where the religion ends”. Thus, we are going beyond religion when we are talking about spirituality. It is a practice, that a human being should begin to imbibe within him as much of Godly attributes as possible³.

The path of realisation is to attain the highest level of perfection. **Karma yoga**, the way of selfless action is one of the most suitable and understandable path in today's world. In Bhagwad Gita, Lord Krishna urges all to do their duty sincerely, as per existing laws and without attachment or expectation of results.

The '**app**' of **imitation** was installed by the **almighty** in each human. The word **imitation** is generated from latin word '*imitatio*', which means an individual observes and replicates another's behavior. Imitation is also a form of 'social learning' that leads to development of traditions and culture⁴. In **Srimad Bhagwad Gita**, one of the verse:-

*“whatever a great man does others also copy;
that which he accepts as authority,
people only follow”*⁵.

People around us observe our actions and it originates a reaction in them. Thus, a conduct of any human being gives an impression to others that the man/woman is spiritual or not. As a judicial officer, we exercise the

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1. www.dictionary.com

2. *Law and spirituality* by James Kimmel, Jr.

3. *Reality at dawn* by Shri Ram Chandra Mission.

4. <https://en.wikipedia.org/wiki/Imitation>

5. *verse 21 of chapter III 'the way of action'*

sovereign judicial power of the State as prime dispensers of justice. Owing to which the respect that society bestows on the office of a Judge and his judgments is determined by the manner in which a Judge conducts himself in his public and private life.⁶

The quest of mankind is to unravel the mysteries behind the outward appearances and to grasp the fundamental truth. The quest of judiciary sounds to be the same, in order to deliver justice it has to unravel the facts before it and reach the ultimate truth.

During four years of my judicial life I realised that I am in a ***spiritual service***, and doing judicial work is like practicing spirituality. Dispensation of justice is an attribute of God.⁷ This is the reason that common man considers the Courts as second place where God resides. Therefore, while delivering justice, we need to justify '***Justice***'. Lord Chief Justice Hewart in ***R vs Sussex*** Justices, in 1924 said, "*It is not merely of some importance, but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done*".

The perception of people matters, as it helps to build the confidence of the people in the system. Perception of the people depends upon the conduct of the stakeholders of the system. Therefore, judicial officer has to imbibe such attribute that will uphold the dignity and decorum of the system.

In ***Lanka Venkateswarlu (D) By Lrs. vs State Of A.P. & Ors.***⁸ on 24 February 2011 Hon'ble Supreme Court held that, "*...Judges at all levels in this country subscribe to an oath when entering upon office of Judgeship, to do justice without fear or favour, ill will or malice. This commitment in form of a solemn oath is to ensure that Judges base their opinions on objectivity and impartiality. The first casualty of prejudice is objectivity and impartiality. It is also well known that anger deprives a human being of his ability to reason. Judges being human are not immune to such disability. It is of utmost importance that in expressing their opinions, Judges and Magistrates be guided only by the considerations of doing justice.*"

The idea of fairness and hope of justice in the system also depends upon the reputation of a presiding officer. The word "justice" itself, which

6. Article by Hon'ble Justice P. Sathasivam in SCC 2014 (1)

7. Valedictory address by Hon'ble Justice R.C. Lahoti in 2002

8. (2011) 4 SCC 363

means equity and fairness (the manifest state of oneness, or spirituality). Therefore, it can also be said that law & spirituality go side by side.

Spirituality demands a person's conduct to be full of values, integrity, honesty and a sense of doing what is right. In *Daya Shankar vs. High Court of Allahabad*,⁹ the Supreme Court held that: “*Judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy.*” They should be able to carry the conduct beyond the four walls of Courtroom.

Honesty and integrity are often used interchangeably, though they are different in meaning, but both are prime values for humans. Honesty is being truthful and upfront, while integrity is doing what is right without worrying about the consequences.¹⁰ We need to follow the path of self realisation to attain the goal of life. The behaviour and conduct of a Judge must reaffirm the people's faith in the integrity of the judiciary.¹¹ Similarly, to maintain the faith in the system, *legal spirituality* should be imbibed by every law abiding citizen.

9. (1987) 3 SCC 1

10. *Is your child ready to face the world* by Anupam Sibal

11. *The Bangalore Principles of Judicial conduct* 2002.