

MAKING OF A JUDGE

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Nothing more can undermine the certainty of justice than lack of impartiality. Thus the integrity in the administration of justice has been elevated as an ideal. Moreover the insistence has been upon a superior degree of integrity in judiciary as compared with other branches of administration. Judicial administration is surrounded by special safeguards. A judicial scandal is considered especially deplorable. The slightest hint of irregularity or impropriety in the courts is a cause for great anxiety and alarm. A legislator or an administrator may be found guilty of corruption without apparently endangering the foundations of the State, but a judge must keep himself absolutely above suspicion. *To speak of “the independence, impartiality and integrity of the judges and administration of justice has become always a fetish”*. The courts/ judges have now to realize that its sacrosanct nature, its high pedestal, its power of contempt will not save it if they are not fair, impartial and honest. The modern trend is that the right to criticize judges is considered to be one of the safeguards to ensure very high standards of performance. The Hon’ble Supreme Court has observed in one of the cases: “Wise Judges never forget that the best way to sustain the dignity and status of their office is to deserve respect from the public at large by the quality of their judgments, the force, fairness and objectivity of their approach and by the restraint, dignity and decorum with which they observe their judicial conduct.”

Judges are supposed to be free from bias and are themselves to be subjected to rule of law and ethical conduct much above that intended for common men. We know each of the judges have different mindsets, value systems and prior backgrounds naturally developed in different attitudes. Attitudes lacking objective sensitization affect the interests of litigants. Cultivating such a professional attitudes among judges is like an education which is defined as systematic instructions to develop capacities for rational thinking, acceptable behaviour and moral decision making.

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Changing and cultivating of attitudes is obviously a difficult task but not impossible. Maintenance of integrity and faith is the utmost requirement as far as the litigants are concerned. Litigants have their own perceptions and notions of judges going by their name, surname, family background, place of birth, institutions of education, language and more frankly creed, caste and community etc. All subjective ones, but what is sought from judges is to judge freely and impartially. It is told that a judge must have thorough knowledge of procedural laws and should have good knowledge of substantive laws. Beside that to understand the litigants and the offenders for reaching at just decision, the principles enshrined in Constitution must be taken as torch bearers. The role of constitutional values and Directive Principles on the concepts of justice and judges is of great importance. Do democracy and republicanism make a difference in the matter of judging disputes between individuals and between individual and State? How does the value of equality of status and of opportunity impact the judicial processes particularly in a society steeped in inequality and discrimination based on status, income, caste, religion and gender? What is the affects of secularism and minority rights on judicial proceedings particularly in religious disputes? Gender issues in patriarchal system of society, illiteracy, malnutrition, poverty, unemployment, over population, environmental and wildlife issues etc. could only be understood by knowing India through Constitution.

The function of a judge is described by former Chief Justice of India, Hon'ble Justice Mr. J. S. Verma as "reading the law so as to achieve justice". According to him, "Law + x = Justice", where 'x' is input of the judge. In a thought provoking note a former Director of the National Judicial Academy observed that in gathering appropriate inputs, the judge may be helped by the following:

- i. knowledge about the normative vision, values, standards, rights and duties;
- ii. how to concretise concepts of quality and responsive justice in specific circumstances;
- iii. analyse acquisition of capacity to the social context in which issues need to be considered, the policy goals underlying the laws and the social impact of alternative choices available to courts;

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- iv. binding judicial precedents;
- v. skills of judicial reasoning including approaches to appreciation of different type of evidence and interpretation of statutes;
- vi. method of enhance fairness and efficiency in managing court procedures; and
- vii. ways to make courts more user-friendly and accessible.

Thus acquiring of aforesaid inputs is essential to convert facts and law into justice for us; otherwise we will be questioned. For, as India Today has described the situation as thus: “Judges today are a community under siege. They are being divested of the single virtue that has been their armour and sword- credibility. It is not the tragedy of just a few hundred individuals that their ability and intentions are being brought into question. When these individuals happen to the guardians of our liberty and property, it becomes a national catastrophe. It affects and stultifies each one of us.”

REFERENCES & EXCERPTS BORROWED FROM:

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