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The Real Courtroom struggle: Breaking the Stereotype

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In India, Judiciary holds as one of the most powerful organs of the government. Despite being a powerful institution; the ground reality of our judicial system is full of flaws and imperfections blemishing its portrayal as a protector of our rights. The roller-coaster ride toward justice is not easy in a modern-day court proceeding. However, this article aims to bring out the veracity of struggles faced by judicial officers at the district level in their routine courtroom work. Courts at the district level are the first doorstep for the general public to seek justice and it's intriguing to know that the life of a Judicial Officer working at the District Level is a blend of an easy street with somewhat between a rock and a hard place. The following article has been derived after a conversation with Judges working at Ludhiana District and Session Court sharing their experiences about their Work, Proceeding, and challenges faced by them in their day-to-day work life.

Keywords: court, struggle, judiciary.

INTRODUCTION

Both Parties know the truth. It's the Judge who's on trial.- ¹These were the words uttered by former Delhi High Court Justice J.R. Midha while giving his farewell speech. It is strongly

¹ Sofi Ahsan, 'Short of sleep for last 13 years: Justice Midha, who passed several key judgments, retires from Delhi High Court' (*The Indian Express*, 07 July 2021) <<https://indianexpress.com/article/cities/delhi/justice-midha-delhi-high-court-retires-7392020/>> accessed 09 February 2023

believed, that the general public in Indian society is excessively opinionated about the life of a Judge. People firmly assume that once you become a Judge in India your life becomes a bed of roses. However, it's an illusionary opinion as to what their lifestyle look like from outside is very challenging, burdensome, and sometimes onerous from the inside. With all those Amenities and perks they also hold wide range of powers and extensive amount of responsibility to render justice to General Public. They are regarded as the protector of law and Justice and therefore, it is justified to say that their life is like a burning candle at both ends.

A BATTLE OF LAW AND ETHICS

As mentioned by one of the Judicial Officers of Ludhiana District and Session Court that "it's not easy to deal with Human Life here. We have to be extra cautious" this is of utmost importance as what we all perceive while looking at Judicial Officer's lifestyle is rather; surprisingly full of enigma trapped with the riddle of cases in their respective courts. As a general public, what we receive and observe about their problems is just the tip of the iceberg. There is always a case where almost every judge found themselves in an uncomfortable position. Every day they face a long-lasting battle of Law and ethics while pronouncing their Judgment, Decree, and Orders. Their oath as a Judge is to uphold the laws of the nation and the state. They can't go beyond the law. However, there may come a situation where their conscience and sense of justice may compel them to think outside the law to render justice. Sometimes, judges already know the reality of the case and therefore at that time, they get stuck in following the road of either law or doing something which is ethically and morally correct. Law asks them to do something else although it's their conscience that holds them back to pass judgment in favor of the person who is guilty of an offense. They can't be a party to injustice. Their life is an arduous journey where while interpreting any criminal or civil law their mind conflict while applying their personal, philosophical, and moral beliefs. It is important to note that they are judges of law and not a judge of moral and philosophical policy. Therefore, they can't pronounce any judgment based on their personal and philosophical leaning.

But the question is, despite so many hardships why do people choose to become a judicial officers? The answer to this question as mentioned by another female Civil Judge junior Division

posted at Ludhiana said, “We do not enjoy many benefits in the form of salaries as a Junior Division. But what holds us back is a sense of fulfillment that how our decision can bring a positive change in someone’s life. If there is an increase in a criminal suits then that’s a matter of concern. However, if there is an increase in civil suits then that’s something positive as people are getting aware of their rights and we as a judge have to decide their suits without being biased and when justice is being done in the manner it is to be done then that’s the driving force that gives us the motivation to go to work every day.”

STRUGGLE TO CONSERVE JUDICIAL BELIEF IN THE MIND OF THE GENERAL PUBLIC

It is rightly said that “Justice delayed is justice denied” and this legal maxim is very evident in the courts at every level. With the sheer number of suits that judges need to decide leads to pendency and delay of cases. As said by an Honourable JMIC at Ludhiana district and session court that “As per rules of Punjab and Haryana High Court every Judge at district level needs to deal with only 500 cases. However, currently, almost every judge here is dealing with 1,500 to 2,000 cases and this results in the pendency of cases. Secondly, most of the General Public who come to District and Session Court stick to the instant gratification of their cases. Therefore, as a Judge, it’s not easy for us to satisfy everyone.”

The failure to deliver speedy justice has proved that today General Public’s belief is fading from our courts and as a consequence of which people are taking the law into their hands. According to one of the Civil Judges (Junior Division), she firmly expressed that- “Today, the law is being misused. 50% of the cases that are filed here turned out to be frivolous. Furthermore, it’s not only the Judges but also the advocates who ask for an extension and we have to consider their extension based on reasonability which also delays the case proceedings.” It is one of the hardest and yet most crucial responsibilities of Judges to conserve Judicial belief in the minds of the general public, therefore, the gap that judges have with society needs to be cut out and their interaction with the general public should be more frequent.

MANAGEMENT AND INFRASTRUCTURE PROBLEM

One of the most underrated problems that Judges face at the district level is of management and infrastructure. Judicial Officers at Ludhiana (old courts) also expressed how they struggle and need to manage a poor infrastructure. A glance around their retiring rooms at the old courts of Ludhiana completely reveals the inevitable reality of judicial institutions. In the year 2021, an incident of a bomb blast at this vary court is in itself a harsh truth that how secure our General Public and Judicial Officers are inside the court premises. Moreover, the lack of a courtroom is a big scar that adds up to infrastructural problems. Secondly, there are some courtrooms that even lack proper lighting which causes a problem for both litigants and judges. One can easily notice how there is a lack of stenographers, Readers, Naib courts, and other staff members creating an obstacle in the management of court work. We as a society believe that how judges at the District level work in a lavishing environment can easily get a reality check once they visit old courts which were built years ago and till now has not been properly renovated. It's bitter truth how justice is being served in such a pathetic condition due to infrastructural crisis at lower courts.

COPING UP WITH ADVOCATES

As Judges are considered to be the most respectable and reputed Human Beings in our society and therefore, they are also expected to be on their best behavior. We know that Judges hold immense power in comparison to any other functionary. Along with a wide range of power, our Judicial Officers also have a Duty to behave in a certain way, especially with Advocates. It's a popular opinion that Judges have absolute freedom of speech and expression in their respective courtrooms as a result of which they can say whatever they wish to express without any interference. Contrary to the above statement, it's crucial to note that there should be no casting of derogatory remarks by any judges towards anyone. In coping with advocates on daily basis almost every judge has faced a quarrel with the litigants. Judges are also bound to maintain a code of conduct towards the advocates. As mentioned by Judicial Officer regarding copying up with advocates, he said, "As a Judge, we do have a great responsibility about our behavior towards Advocates. No doubt we have inherent power to act freely but most of the time we are

under constant pressure because sometimes we do have to listen to the advocates for example when they ask for an extension and adjournment and we can't refuse until it's necessary otherwise they directly go to Session Judge with a list of complaints. In addition to this, many times we face negative comments from litigants but still we maintain our dignity and we have to be very careful about what we say because we are also answerable to the Judges of the High Court during their visits to the lower courts. That's why both Judges and Advocates need to be respectful towards each other." Therefore, Judges need to be courteous while dealing with everyone especially litigants coming into their courtrooms.

JUDICIAL INDEPENDENCE AT THE DISTRICT LEVEL

'A Judge has no gender. We do not get affected or influenced by anyone while giving our judgments and that's the best part about being a Judge at the district level we are completely independent in our decision-making. We do make mistakes and that's why the Public has the Right to Appeal as well'. These were the remarks given by an ADJ from Ludhiana while commenting on the Independence of the Judiciary at the District level. Judges have to be fearless and unbiased while pronouncing their decision and they should only get influenced by the law. Their freedom and Sovereignty of decision is the ultimate tool that they enjoy the most. The quality of their judgments should not be compromised at any cost which can cause distrust in their work. While explaining the meaning of Independence of the Judiciary at the district level a Judge Rightly said that "Independence of the judiciary also means using our discretionary power for the right purpose when it's necessary. It's our decision to admit a piece of evidence in our court or not or to close a shred of evidence by order. Other than that we have the power to condone the limitation period or not and we also exercise other powers like declaring a suit ex-parte ²or DID³ without any pressure or influence and that's how we are completely independent as a Judge if working honestly unless there is a case of bribery."

² Code of Civil Procedure 1908, Or 9 r 6

³ Code of Civil Procedure 1908, Or 9 r 8

CONCLUSION

In a nutshell, we can say that being a judge is not everybody's cup of tea. Judges although independent also have to draw some principles while discharging their judicial functions. Their life is a blend of both i.e. Respect in society, Security in the job, and a lot more pressure to render justice in a faithful manner. They play a dual role to be rigid and flexible in their workings and court proceedings. They face a number of hurdles while executing their powers and yet the public and society as a whole can't imagine what they go through on an everyday basis. Their life is restricted and burdensome. The highest pressure today they are facing is to possess a calm temper and repress irritability and maintain the dignity of the court. Being judges they are familiar with many loopholes in this system due to which there were mixed opinions of the judicial officers of Ludhiana while suggesting their ideologies for youth to come up in this profession. Lastly, while concluding, a Judicial Officer stated a positive note: 'There is no substitute for hard work, consistency, and perseverance. You'll certainly succeed in any field you choose.'