

## Everything for justice

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*The best judge will have nothing to hide and everything to discover without fear or favour.*

The Prime Minister and the Chief Justice demand more number of courts — in their thousands. This is part of the pathological arrears syndrome. The truth is: more courts, more arrears, more lazy judges, more examples of Parkinson's Law and Peter Principle. The real cause of the escalating arrears is the absence of accountability and transparency.

The correctional strategy is an effective Appointments Commission in place of the dubious collegium, a vigilant Performance Commission, and periodic collegiate updating of jurisprudence. There is also a need to sensitise judges about socio-economic and political problems, to pare down redundant dockets and prolix hierarchy, streamline procrastination and ensure better-behaved precocity. On the whole, the Victorian system of justice administration should be eliminated and a transformation should occur. There should be periodic Law Reform Commissions whose recommendations are implemented by high-power judicial committees. There should be more itinerant decentralisation, evening courts, creative realism and a critical assessment of the curial hierarchy and public debate of judgments.

For more disposals, early finality and inexpensive justice, the purposeful therapy is not the arithmetical illusion of judicial numbers but intelligent selection of the robed brethren, of result-oriented technology, and summary procedure. One capable judge with sound social philosophy is a better instrument of justice than a dozen mediocre, indolent ignoramus who will merely add to the adipose of the system.

The Bar contributes to the locomotion of the justice system. Typically, an American attorney delivers better arguments in 30 minutes than a Senior Advocate would do over three days in an inert Indian court. An efficient Bar is more promotive of the celerity of judicial disposal than an elaborate precedent — in a crowded, paper-logged, forensic, prolonged-performance system. The strategy of judicial excellence is not a play with numbers, or a game of hiding assets or delaying the delivery of judgments. The Supreme Court, which is inordinately the fifth deck of a poor system of justice, is infallible for the rich because it is final; not because it is wise, humanist and compassionate or within the reach of the poor.

The Chief Justice claimed that he had the title to represent the entire judicature, claiming an unknown power oblivious of the fundamental fact that he is only first among equals and can be overruled by just two of his brothers. It was a joy to read of the daring move of the judges together asserting the transparency principle, defying the chief and deciding to make their assets public. To hide is to arouse suspicion and suspicion is the upas tree under whose shade reason fails and justice dies.

Any judge who seeks immunity from truth under the cover of the robe robs the rights of We, the People of India, the sovereign of Bharat. Secrecy is unbecoming of the curial fraternity and shall be exposed if they justify their freedom from revelation from the People of India. The transparency of the socio-economic condition of the judges is not negotiably fundamental in any civilised system of justice. The court is an open book and if the Bench seeks an iron curtain between its economic interest and the litigant community it is violative of *glasnost*.

All's well that ends well. The huge majority of the judges of the Supreme Court had to save their reputation, dignity and integrity over the most powerful constitutional institution. The Chief Justice of India is the noblest office of justice and is ordinarily infallible, but the court as the whole is supreme and is governed by *perestroika* and *glasnost*. What a wonder that the whole court has upheld the finest doctrine of openness. Nothing to hide, everything for justice.

This is why India holds in hallowed reverence the administration of justice. Never in the field of human conflict was so much owed by so many to so few. Fundamental rights, human values, sacred duties, peace and stability are governed by the performance of the court (Article 41). The best judge has nothing to hide and everything to discover without fear or favour and do justice to everyone, be he high or humble, without affection or ill-will.

## Futile assertion

The pity of it is that the Chief Justice made a case when he vainly made a futile assertion that judicial assets are a hidden treasure. No, he made a mistake. But the full court saw the wisdom of judicial assets being responsibly disclosed to serious citizens under accountable conditions, not to frivolous busybodies. The chief may be forgiven because even the great could go wrong.

It was Emerson who wrote: "Is it so bad then to be misunderstood? Pythagoras was misunderstood, and Socrates, and Luther, and Copernicus, and Galileo, and Newton, and every pure and wise spirit that ever took flesh."

In our murky world of gloom, greed and agony, our duty is to save the country by means of a compassionate recipe *a la Vivekananda*: "Feel, my children, feel for the poor, the ignorant, the downtrodden; feel till the heart stops and the brain reels and you think you will go mad. We talk foolishly against material civilisation. The grapes are sour... Material civilisation, nay even luxury, is necessary to create work for the poor. Bread; I do not believe in a God who cannot give me bread here, giving me eternal bliss in heaven. Pooh; India is to be raised, the poor are to be fed, education is to be spread, and the evil of priestcraft is to be removed... more bread, more opportunity for everybody...."

The awakened robes have righted the absurd wrong of the chief. I salute you for overruling the jejune wrong; the jurisprudence of concealment is corruption. Corruption is the power of the rich. The robe shall not permit to be robbed by the rich.

It is better to be ultimately right than consistently wrong. To conceal the truth with regard to assets is unbecoming of *fiat justitia*, civilised justice, justices and justicing. Sorry, chief. You still can hold a kindly light amid the encircling gloom. No more darkness, but light. You are still the leader of luminous law and untainted truth, without fear or favour.

<http://www.hindu.com/2009/08/31/stories/2009083156120800.htm>