

Idealism' A Supreme Necessity

**Hon'ble Mr. Justice M. Rama Jois,
Former Chief Justice of Punjab and Haryana High
Court.**

I am extremely happy to hear about the Golden Jubilee Celebrations of Punjab and Haryana High Court. I am proud of being the Chief Justice of this prestigious High Court having jurisdiction over two States and a Union Territory, though for a short period. The love, affection and the cooperation which I received from, all the brother Judges of the High Court, in particular the two senior most Judges namely Justice S.S. Sodhi and Justice M.S. Liberian, is evergreen in my memory. The three brother judges with whom I had the opportunity of sitting in a Division Bench were Justice Ashok Bhan, Justice Jawaharlal Gupta and Justice R.S. Mongia, Justice Ashok Bhan later became the judge of my parent High Court of Karnataka and from there he was elevated to the

Supreme Court, where he is a sitting judge. The other two became Chief Justices of High Court of Kerala and Assam, respectively, and retired.

On the occasion of Golden Jubilee of the High Court, the only point to which I consider it appropriate to invite the attention of all the judges of the High Court is that they should always keep before themselves the ideals placed before the judges from time immemorial in Bharatiya Judicial System.

It is true that the constitution confers enormous powers on the judges and has provided security of tenure to them so as to enable them to discharge their functions and deliver judgments without fear or favour, as is expected of them in terms of the oath they are required to take before assuming office as a Judge. But in the ultimate analysis, the strength of the judiciary and the public confidence in the judiciary depends upon the character, integrity of individual judges and their commitment to these ideals while discharging their functions. In order to enable the judges to remain true to their position, the guide lines

given to judges throughout the ages are very valuable.

Yajnavalkya Smriti-II-I:

"The cases should be decide according to law, uninfluenced by agreed or anger".

Five causes which give raise to charge of partiality against judges have been specified in Sukraniti Ch. IV-5-14-15.

There are five causes which give rise to the charge of partially (against the judge). They are: (i) Raga (affection in favour of a party), (ii) Lobha (greed), (iii) Bhaya (fear), (iv) Dvesha (ill-will against a party), and (v) Vadoscha Rahashruthithi (the judge meeting and hearing a party to a case secretly).

It is interesting to note that these verses of Shukra Niti composed several centuries ago, indicate the appropriate code of conduct of judges by the fact that these very words are incorporated in the oath to be taken by the Judges of the High Courts and the Supreme Court, under Third Schedule to the

Constitution.

Therefore, in order to avoid the five causes which undermine the confidence of the people in the judiciary, the judges should be extremely careful in their talk and conduct both inside and outside the Courts and should avoid those causes.

Mere air conditioned court halls, well equipped library, computer, good residence and perquisites to the judges, and the high status the judges enjoy, do not make a court in the true sense of its term unless the person who sits as a judge in the court is one who is endowed with all the necessary good qualities required of a judge.

It is unfortunate that in recent years, conduct of a few judges has been responsible to bring bad name to the judiciary. Therefore, it is necessary that every judge should decide for himself that he will not do anything derogatory to the position and prestige of the sacred institution of Courts and to do everything in accordance with the ideals, and thereby enhance the prestige of the Courts and the public confidence in

them.