

the important priorities of the Governments. administration and good governance should be the motto and movement of modern India. The gap between expectations and achievements should narrow down. Clean India.

JUDICIARY AND THE ROLE OF THE JUDGE IN THE NEW MELLIENNIUM

By

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One of the strongest pillars and finest institution of the socialist, secular, democratic country is the judiciary. The greatest asset and the strongest weapon in the armoury of the judiciary is the confidence it commands and faith. It inspires in the minds of the people in its capacity to do even handed justice and scales in balance in any dispute. The people have always considered the judiciary has the ultimate guardian of their rights and liberties and this institution has amply stood the test of time . Judiciary is playing very important role in resolving the socio-economic political problems, especially in resolving sensitive and burning issues like adoption of uniform civil code, communal violence, reservations, empowerment of woman, protection of weaker sections, mandir - masjid issue in Ayodhya, interstate water disputes, protection of fundamental rights of people which are enshrined in Part III of the Indian Constitution and conflict between Judiciary and Legislature and *etc.*, In this matters the role played by the judiciary is very much commendable and it is the matter of pride for every citizen of India.

But in recent years ugly incidents showed that judiciary has been under constant attacks external as well as internal and people are losing their faith in this finest institution. Recently the extraordinary incident and unbelievable story of the Metropolitan Magistrate in Ahmedabad, who in return for an inducement reported to be Rs.40,000/- issued bailable warrants against great dignitaries like President of India, the Chief Justice of

India, sitting Judge of the Supreme Court and the Former President of the Supreme Court Bar Association. And the Karnataka, Rajasthan, Punjab and Delhi scandals and going on the massive leave by the 25 Judges of the Punjab and Haryana High Court, created an unprecedented outcry in the judiciary as well as in the public. Further non-judiciary activities of Judges like making public speeches on highly controversial matters, discussing with others pending decisions, going to receive or see of big political bosses at the air port or seeking favour from politicians and mounting of arrears of cases in the Courts and pending cases in the Courts for the past 10 to 20 years without disposal, competence of the Judges to handle socio-economic, political, complexed problems and *etc.*, are aggravating factors and these factors really threatening the independence of the judiciary and undermining the confidence of the public in the system of justice itself without which no society can survive. Retired Chief Justice of India Lordship JUSTICE J.S. VERMA has said that “judiciary today suffered with three ‘C’s caste, cost and corruption and fear of contempt of Court action prevented people from speaking about it. He further expressed that we cannot lose any more time and must use social sanctions which are more powerful than legal steps. If outside agency has to enforce this it would be sad day for judiciary”. One of the criticisms against Judges is that after elevating to the Bench Judge feel that he is supreme

and forgetting that he is rendering justice at the cost of the people. Judge must think that he is not the supreme but law is the supreme in the words of **Thomus fuller “Be you ever so high, the law is above you”, William Shakespeare also said that “ How would you be, if He, which is the top of the judgment, should, But Judge as you are”.**

The role of Judge in the new millennium is very significant and assumes much importance. The fundamental duty of the Judge is not only uphold the dignity and decorum of judiciary but also to see that **justice should not only be done but should manifestly and undoubtedly be seen to be done.** Judge should not biased with compassion to the poor or favour to the rich in point of justice. Judge should think that let justice should be done though heaven should fall. Years ago *Harlod Laski* in his tribute to Justice *Holmes* described the hallmarks of a great Judge. A great Judge, he said, must be a great man. He must have a full sense of the seamless web of life, a grasp of the endless tradition from which we cannot escape. He must be capable of stern logic, and yet refuse to sacrifice to logic the hopes and fears and wants of men. He must be able to catch a glimpse of the ultimate in the immediate, of the universal in the particular. He must be statesman as well as jurist, thinker as well as lawyer. He must know the hearts of men, and yet ask to be judged from the conscience of their minds. He must have a constant sense of essential power, and yet be capable of humility in its exercise. He must be the servant of justice and not of its master, the conscience of the community and not of its dominant interests. He has to be in the great world and yet aloof from it to observe and examine without seeking to influence. A political system which produces great Judges can feel some real assurance about its future.

Since the independence of judiciary is very much essential for successful democratic

Government, for the independence in the judiciary the Judge must be unbiased, free from corruption and he must play very creative role thereby people should have immense confidence in the judiciary. The Judge should not be in ivory towers and he must ensure and see that justice should be at the common man doors. The Judges who are elevated to the bench must maintain moral, social, ethical values in preserving the dignity and decorum of the judiciary. The Hon'ble Chief Justice of India Lordship *R.C.LAHOTI* rightly said about the role of modern Judge, that “the modern Judge must play the role of social reformer and contribute to shaping and strengthening the social and economic policies of the nation in the age of globalisation and liberalisation the judiciary must shed its traditional style of living ivory towers. Instead of confining him to being an interpreter of law and adjudicator of disputes. The modern Judge must create law. India was yet to be free from shackles of ignorance, injustice and inequalities, we cannot be said to have achieved freedom unless we have achieved goal of social, economic, political justice for every person in the country”. The Lordship described judiciary as the trustee of people's confidence in democratic values. More than 2000 years ago Manu said that “If you want preserve and protect our country, we must preserve and protect our system of justice”. To succeed in the 21st century we must ensure that the standards of judiciary aspires to attain are the very best we as a society can hope to be. Otherwise as the ancient sage warned us, justice destroyed could destroy us all. Therefore all citizens especially legal luminaries, social workers and national leaders should take appropriate steps and play very creative role for the independence of the judiciary thereby pave the way for creating the welfare State by following the concept of **“DHARMO RAKSHITHA RAKSHITHAHA” i.e., “Protect Justice, Justice will protect us”.**