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ROLE OF JUDICIAL OFFICERS IN ADMINISTRATION OF JUSTICE

By

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Sterling character, moral uprightness, mental equilibrium, unruffled deportment, reserve or reticence in social behaviour, vivid imagination, vivacious spirit of co-operation, indomitable courage of conviction and innate desire and ardent zeal to render justice are all considered to be the “treasure trove” or hidden wealth of an honest, efficient and conscientious judicial officer. The lowest member of the judiciary is the torchbearer of our society and he is specially charged with the responsibility to uphold moral values and display a life of restraint and rectitude, at the same time tempered with feelings of sympathy and consideration for the poor and the down-trodden. The spirit of justice and fairness must pervade his personality at all times.

2. The work of judicial officers is very exacting and they have to be alert on the Bench punctiliously following the arguments and coming to close grips of the case. They must see that they work objectively and approach the problem in a spirit of justice and with equal facility to both sides. They should not weigh the scale against one side or the other, but should hold it even, so that both the litigants before the Court - the one who wins and the one who loses — should feel that what Presiding Judicial Officer could do has been done and has been done without any fear or favour. The ability and integrity of the judicial officers assume paramount importance if real justice is to be done between the

contesting parties. The judicial officers ought to be men of virtue with abiding faith in truth and fearless dispensation of justice. Any of them exhibiting such qualities in action must be specially rewarded.

3. Judgment-Writing is also an art. The judgment, in the ultimate analysis, must be a manifestation of masterly details, exceptional diligence and deep insight or discernment. Marshalling of facts, sifting or scanning of evidence on record with more than ordinary care and caution, application of mind to the provisions of law on the subject in issue, elucidation or lucid expression of the legal position and the decision taken thereon must be reflected in the judgments so as to leave an indelible imprint in the minds of the Honourable Judges. If this is done, it will enhance the prestige of the judicial officers in respect of their integrity and impartiality and satisfy the aggrieved parties. A well-reasoned, well-considered and well-written judgment, unswayed or uninfluenced by any extraneous or irrelevant considerations not germane to the facts of the case is always entitled, in law, to great weight. A judgment, which is incompatible with all canons and cardinal principles of jurisprudence and bristled with improbabilities, surmises and conjectures, is a damp-squib and cannot be considered to be a judgment in the eye of law.

4. The judicial officers can, of course, help indirectly by seeing that litigation does

not prolong beyond a particular time. Every case, if it is properly appraised before hand, should be made to finish within a stipulated time. There is no need to hurry. There is no need to hustle. But, at any rate the judicial officers must be quite clear, when they are approaching the case, how much of judicial time it should really require and should not allow it to degenerate into prolonged litigation. Therefore, justice, which is quickly done, will be the justice, which will be appreciated. Justice must not only be done but seem to be done. Justice delayed is justice denied. Justice hurried is justice buried.

5. There is a certain amount of criticism always levelled against the judicial

officers and their conduct. But well-balanced and well-sentenced criticism is a matter for anyone to take note of. They must take the criticism in the right spirit. In fact, the more they ignore these things, the better it is for the administration of justice. The judicial officers should, by their behaviour, by their conduct, by their treatment of cases and the members of the Bar, increase respect for themselves. In order to prove themselves to be worthy and successful judicial officers, they must put in devout, indefatigable and incessant efforts and unstinted industry in the discharge of their judicial functions and maintain the highest judicial traditions in dispensation of justice.

WHY DELAY IN ADMINISTRATION OF JUSTICE ?

By

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In the present circumstances, the subject assumes very much importance as the role played by the Judges and the advocates in Administration of justice is being criticised by the public due to enormous arrears mounted in Subordinate Courts, Higher Courts. The litigent public have to wait for longer periods for getting disposal of their cases. There are various reasons for the delay of dispensation of justice.

The saying of “Justice delayed is justice denied” is visualised in every Court these days whether it is Supreme Court, High Court or District Court or lower Court. The said saying is also criticized by different jurists on various occasions. In the words of :

(1) The former Chief Justice *P.N.Bhagawati* in his address on 26th November, 1985, on the occasion of Law day, expressed his grief and anguish saying

“I am pained to observe that the judicial system is almost on the verge of collapse. These strong words I am using, but it is with considerable anguish I say so.”

(2) On the other occasion former Chief Justice *M.N.Venkatachallaiah* (Now Chairman of National Human Rights Commission) admitted at a seminar in March, 1994 that:

“Criminal justice system had failed to provide the desired result.”

(3) Even prior to these statements Chief Justice *Y.V.Chandra Chud*, has spoken on the eve of his retirement;