

+++

CONSTITUTIONAL ETHOS AND JUDGING

There is something in human nature which glories in the fact of being the first—the first to discover, the first to invent, the first to climb and so on.... Society fetes them and history records them. The persons who are the first to do anything therefore are, and should feel extremely proud of attaining that privileged place. All this is said to give you, My Lord the Acting Chief Justice, a sense of the extreme pleasure, privilege and honour that you have conferred on me today by asking me to deliver the first lecture at the inauguration of this Academy. The pleasure is in no way diminished by the fact that it is only a new building and that the Academy has in fact been functioning for sometime but it did so in “borrowed” premises. It has now come into its own.

This is not to say that the Academy has not been doing excellent work till now. That it has is reflected in the excellent District Judiciary that the State enjoys-keeping up a tradition of commitment and integrity of which at least I have often boasted whenever I have had the opportunity. I remember spending sometime as a guest at the Chandigarh Judicial Academy some years ago. The building was massive and had as far as I remember a swimming pool. I wished then that this State would have an equally beautiful Academy that other visiting judges would admire. That wish has been more than fulfilled

today thanks in large measure to all the Chief Justices of this High Court past and present.

I have been asked-more correctly-it was suggested -that I should speak on the Constitutional ethos and its relevance to judging. I have a habit of defining words before using them in a speech so that the hearers understand the sense in which I have understood them. Forgive me if I stick to that habit. The word "ethos" can mean "tradition" or "atmosphere" and the Constitutional ethos is perhaps summed up in its Preamble. I do not need to summarize the contents of the Preamble for this audience but only indicate that I have chosen a part of one of the objectives mentioned in the Preamble to consider as being apt for the occasion and that is "Fraternity assuring the dignity of the individual". For today I use the word "judging" not to mean an assessment of fact and decision making but "behaving like a judge". That I think is the basis of a good judge. Fraternity is relevant to behaving like a judge whether in relation to other judges wherever in the judicial hierarchy, or with lawyers and litigants "assuring the dignity of the individual". So the topic for today is-the relevance of tradition or an atmosphere of fraternity in behaving like a judge.

With colleagues

The fraternity of judges is a phrase which is often used. Judges refer to each other as "Brother" or "Sister" as the case maybe. Nevertheless the

