

MY JOURNEY WITH LAW AND JUSTICE by Balram K Gupta. Law and Justice Publishing Co., Delhi (2022). Pp xxii & 330. Price Rs. 795/-.

“You know you have read a good book when you turn the last page and feel a little as if you have lost a friend”¹

THAT’S EXACTLY what happened after finishing reading of the book under review.² There was a feeling of emptiness for sometime; the fragrance and fervor, however, remains.

The book is divided into four parts A, B, C and D; each part is prefaced with a few introductory words which give an insight into the substantive matter of the respective part. In part A “My Journey with Law and Justice” the author takes us through his distinguished journey beginning with his days as a student of law till he reached the highest echelons of juristic scholarship. From a student to a teacher, to a judicial educator, the journey has been long and awesome, he has won laurels by way of delivering lectures in India and abroad, leading foreign delegations, working with distinguished Indian and foreign jurists, studying the working of the Institution of Ombudsman in commonwealth countries, the list is endless. The author is a unique blend of knowledge, learning, scholarship and experience which he has laid bare in the book for the benefit of readers, in an extremely interesting and simple way. There is no dimension of law which has remained unattended. And the best part is that even issues which are less interesting (this is subjective though) are laced with interesting anecdotes and humour.

The chapter “Humour in Black Robes”³ is full of humorous anecdotes, the likes of which are difficult to read anywhere. “Often tense situations arise in court; they need to be laced with lighter touch. It is the lighter moments in courts which help in filtering difficult situations.”⁴ It is difficult to pick up any one example but I would take the liberty of referring to one of them. An English Judge (in a London Court) used to bring pet dog; he would just sit aside without disturbing the court proceedings. During the process of the arguments the judge suddenly started looking at the dog with great focus. The barrister thereupon stopped his arguments. When the judge asked him why he had stopped? Pat came the reply, “I thought my lord was in consultation.”

Emphasizing on the important role of the judicial academy, the author points out that law schools and legal education alone do not equip the law minds for the judicial

1 Paul Sweeney, a Scottish Parliamentarian.

2 Balram K Gupta, *My Journey with Law and Justice* (Law and Justice Publishing Co., Delhi, 2022). Hereinafter *Book*.

3 *Id.* at 53-60.

4 *Id.* at 60.

career. The scope of legal education is different from judicial education. Judicial academies have to play a significant role in the process of change from students of law to judges, the judicial academies must provide the nuts and bolts.⁵ In fact, the author equates judicial service with military service. Both services require making of sacrifices. The Indian Military Academy produces cadet officers; the judicial academies shape judicial officers. They both are required to perform.⁶ As Director of the Chandigarh Judicial Academy, he made rich contribution by way of organizing seminars, lectures and publications which have been richly acclaimed by judges both in India and abroad.

The author has also shared his experiences as a Rotarian for 44 years.⁷ His contributions in this capacity are as immense as they have been as a teacher and a lawyer. He narrates how the basic structure of Rotary and Judiciary is common; it is founded on service. Judges are not engines of power, they are engines of service. They render best kind of service. They do justice in different and difficult situations. Judges render service by removing the sense of 'injustice'. Bearing injustice is the worst kind of torture. It is agonizing. Judges liberate you from this and much more.... It is their way of life. It is their culture. So is true of Rotarians. The basic structure is founded on 'service'. Service to community. To humanity. To mankind".⁸

Part B of the *Book* "Shaping the Judges" contains a group of chapters which enumerate the qualities and traits of the judges, qualities that help them in effective delivery of justice. It is imperative that the conduct and behavior of our judges should be such which would go a long way in maintaining the trust and confidence of the people. "They are social engineers and architects. They innovate new tools and techniques to make 3 dimensional justice – social, economic and political practically viable." A judge should never be arrogant, never lose temper, never be sarcastic, never be revengeful and always be cool and balanced. "An angry mind is the antithesis of justice. Temper is something, when kept under control, serves you the best," as aptly stated by the author.⁹

Balram Gupta is all support of the open court system. "It ensures that judicial process is subject to public scrutiny. Public scrutiny is crucial to maintaining the transparency and accountability... The open court system ensures that judges act in accordance with the law and probity."¹⁰

5 *Id.* at 107.

6 *Id.* at 154.

7 *Id.* at 91-102.

8 *Id.* at 93.

9 *Id.* at 111.

10 *Id.* at 120.

The most important and significant role of a judge is writing judgments. Though the author has never donned the hat of a judgment writer but as a teacher of judges and consumer of innumerable Indian and foreign judgments for about half a Century, he has delved on the issue of good judgment writings because of his voracious reading and long teaching experience. The language of a good judgment must be easy; it should be “easily communicable, understandable and digestible”.¹¹

A very significant aspect of justice pointed out by the author is that justice according to law may be good but it is not the best recipe. Nothing could be nearer the truth than this. All law is not justice and all justice may not necessarily be law. Too much of legalese, in fact, has the potential to defeat the cause of justice.

Another important issue that needs to be addressed in the context of justice delivery is whether or not to place judges outside the realm of any scrutiny or keep them outside the purview of any audit or inquiry. After enumerating the position in other countries as also pros and cons of scrutiny versus absolute independence issue, the author has taken a balanced view. He observed “independence of judiciary does not necessarily mean that judges should be free from responsibility or criticism. It is necessary that justice must be allowed to suffer scrutiny... It is certainly not healthy to pretend that judges can do no wrong... It is necessary to appreciate that supervision is not meant to be used as a tool to overawe the judges”. In fact, it serves double purpose; expose the wrong doer as also protect the one who is subjected to unfounded criticism.¹²

Investigative/supervisory procedures and mechanisms in other countries have been analyzed, the unsatisfactory state of affairs in this regard in our country has been pointed out and a suggestion has been made to consider the role of Ombudsman who will hear the parties in camera and give a report to the judicial body. This will not come in the way of independence of the judiciary but would rather strengthen it, in the opinion of the author reports of the ombudsman will be useful in two ways; in case where the judge is found to be innocent the report will vouchsafe for that and enhance the prestige of the judiciary and in cases where the report is not very clear the report will act as a deterrent. “Ultimately, the Ombudsman will prove not as an invigilator of judicial conduct but as one in-aid of judiciary”.¹³

Part C of the *Book* “Leaves from their Lives” are short personal and professional biographies of great legendary jurists, judges, professionals, scholars and bureaucrats. They are extremely motivating and enthralling and while reading them you virtually enter their space. You seem to have seen, met and interacted with personalities you wish you had met; the *Book* made this virtual meeting a possibility.

11 *Id.* at 158.

12 *Id.* at 180.

13 *Id.* at 186.

The *Book* is a complete encyclopedia on law, legal education and judicial decorum; no dimension has been left untouched. The writing style and language is superb and very simple and interesting; short crisp sentences, at many places just one word sentence. Every chapter is full of anecdotes which add to the pleasure of reading. It is blended with “intellectual feast and treat”. In his last chapter Balram Gupta writes on “Blending Law with Literature”. Admittedly, each legal writing would not qualify as a good legal literature but there are excellent pieces of literature too. The *Book* would hopefully find a place in that category soon. It is full of recipes which make for a sumptuous feast and a must possess and read by a student of law, teacher, lawyer, researcher, judge and anyone who has a taste for good reading.

While the substantive content of the *Book* is uniquely scholarly and interesting, the optics are equally fascinating. The cover, format print and the entire lay out is very attractive. The author and the readers owe this to the publishers. Manish Arora with his scholarly background and professional experience has done a wonderful job. No wonder it is said that “a good author makes a good Book but a good publisher makes a Book good”.

*Kusum**

* Former Research Professor, Indian Law Institute. This is the last academic contribution of Kusum before she left for her heavenly abode. She used to be a regular contributor to *JILI* and *ASIL*. Her scholarly contribution, especially in the area of Family Law, will continue to inspire and guide both the students and scholars alike for years to come. May her noble soul rest in eternal peace.