



Qualities, Attitude & Skills for Effective Judging

by Justice S.G. GOKANI





"Four things belong to a Judge:

to hear courteously,
to proceed wisely,
to consider soberly and
to decide impartially."

- Socrates



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- ▶ A Judge's duty is to render justice which means:
 - ❖ speedy, effective and competent adjudication of disputes and complaints in a fair and impartial manner, in accordance with law, and
 - ❖ tempered by equity, equality and compassion wherever required and permissible, after due hearing.



➤ A Judge,

❖ by his conduct,

❖ by his fairness in hearing and,

❖ by his just and equitable decisions

should earn for himself and the judiciary, the trust and respect of the public and the members of the Bar.



Judicial skills



**Thorough
knowledge of
procedures**

**Broad
acquaintance
with
substantive
laws**


**Art of giving
proper
hearing**

**Marshalling
facts &
writing good
judgments**

**Handling
interim prayers
& requests for
adjournments**




Thorough knowledge of procedures

- ▶ The judge should have a thorough knowledge of the procedural laws, which enable to have control over the trial and avoid procedural irregularities.
 - ▶ Most of the appeals and revisions against interim orders, relate to errors in procedure. When a judge have mastery over procedure, cases also get decided quickly and effectively.
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Broad acquaintance with substantive laws

- ▶ Each provision of law has its own nuances which will be able to appreciate and understand in the context of specific cases, when issues relating to such laws are argued before and the lawyers analyze and interpret them in the context of the particular case.
 - ▶ If procedural laws helps to control the conduct of the trial, knowledge of substantive laws helps to render proper and just decisions and prevent injustice.
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Art of giving proper hearing

- ▶ The judge have to develop the skill of giving a due hearing by giving effect to the first principle of natural justice :

Audi alteram partem (“hear both sides” or “no one should be condemned unheard”).



➤ Due hearing is due opportunity to put forth one's case. It involves hearing the parties and considering their,

- grievances
- Complaints
- Pleas
- Defences
- Facts
- Legal contentions

and thereafter reaching a decision, all with an open mind.
This is in fact the main function of a Judge.



Marshalling facts & writing good judgments

- ▶ The judge have to learn the skill of :

Marshalling facts

arriving at proper findings



applying the law to those factual findings

putting the facts, reasons and conclusions in a lucid, logical, precise and coherent manner in the form of an order/judgment



Handling interim prayers & requests for adjournments

- ▶ The judge have to acquire the skills of considering and disposing of interim prayers, interlocutory applications and requests for adjournments, effectively and firmly.
- ▶ The notorious “delays” associated with Indian judicial system is, to a large extent, on account of ineffective and inefficient handling of these matters.

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- ▶ They should keep under check, any unwarranted sympathy while considering requests for adjournments and prayers for interim relief.
 - ▶ The shorter the pendency of a case, lesser the number of interlocutory applications. The stricter in granting adjournments, the lesser will be the requests for adjournments.



Administrative skills



**Time
Management**

**Board
Management**

**Registry
Management**

**Bar
Management**

**Self-
Management**