

TRANSFORMATION FROM AN ADVOCATE TO A JUDGE

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I have deliberately used the word "transformation" in the heading because of the dictionary meaning of the word transformation. As per concise oxford English Dictionary, the meaning of the word "transformation" is a marked change in the nature, form or appearance.

This word aptly applies in my life when there was transition from me being an advocate to a Judge. There was a marked change in my nature, behavior but unfortunately not much in looks once I assumed the office as a Judge and that fateful day was 01-09-08 at Dehradun. At this juncture, it will be worthwhile to mention here that before being appointed as a Judge (took charge at Dehradun on 01-09-2008). I was an advocate practicing at Delhi, since 1995. My field of practice was criminal law. I was out and out Criminal lawyer and knew nothing about Civil Law or C.P.C. This part of law was alien to me. I had studied civil law only for the purpose of examination or competitions. Had only bookish knowledge of civil law. But I had no regret as I was doing quite well as criminal lawyer.

The life of lawyer can be best understood only by a person who himself or herself has been practicing lawyer. They have their own way good financial stability. These are two dots/ points for which every practicing lawyer strives in his life.

It will not be fair on my part or I will not able to justify my article, if I don't point out grey aspect of this profession or the hard realities. The greatest drawback of this profession is instability and uncertainty, which seldom refrain people from joining this profession. These two aspects continue to live with an advocate until one is really able to establish himself or herself as a lawyer after initial teething problems. But it is also hard reality that some lawyers/advocates even after overcoming the initial teething problems are not able to achieve or are as successful lawyer as

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others. The professional instability and uncertainly continues to haunt a lawyer through out his/her life. As a result sometime not sometime but many a times it makes them feel why they joined this profession.

I am of the firm view (though some people might not agree on this aspect) that in order to excel in this profession besides hard work one needs strong luck also. To some extent they go hand in hand. Believe me the life of a busy lawyer starts early in the morning and ends up till midnight or beyond midnight, sometimes. Attending Court for the senior Advocates etc. But mind you successful lawyer is not made in a day as Rome was not built in a day. It takes years and years of midnight lamp burning to become a successful lawyer.

Being an advocate, I also had initial teething problems as I was first generation practicing lawyer in my family. As a lawyer initially, even I suffered my share of frustration of this profession. But I was ready to work hard and hard work paid but no doubt my luck also supported me. With the passage of time, my profession as a lawyer started picking up. I practiced as an advocate from the year 1995 till March 2008. As a lawyer, I was a free bird, answerable to none except my consciousness. Free to go anywhere, meet anybody and sit with anybody at any point of time. No restrictions in life except the compulsory restrictions as imposed by my better half i.e. my wife from time to time, which were often floated.

Being for so many years in this profession almost 14 years, I had imbibed all the personality traits of lawyer. Had learned all the tricks and nuisances of this profession and had started enjoying this profession. However notwithstanding the lawyers' foibles and weaknesses, ordinary people do respect lawyers and this is true in India as well. So as a lawyer, I was getting that respect from the people, who came across me.

But it is always said that grass is greener on the other side. This aspect and the fact that I myself wanted to join judiciary tempted me to appear for Judiciary. After initial failures in the judicial exam, I finally cleared Uttarakhand H. J. S. - 2008 exam. The day I got my final result (o.e. 9th July, 2008) I was on the top of the world as I had become Judge. I was second generation Judge in the family as my father Late Sh. Bhola Dutt was a Judge in District & Sessions Court, Delhi.

After initial formalities, our batch was asked to join Uttarakhand Judicial & Legal Academy (UJALA) at Bhowali, which is located in the nature's lap. We had 3 months training. These three months never gave me the feeling that I had become a Judge.

After completing the training at UJALA, on the first day when I excitement but bit nervous and tensed also. Excitement and happiness was of the fact that I will be holding Court as a Judge and will be dispensing Justice to the people and tension and nervousness was how I am going to cope up with judicial work in the court. For few days, the lawyers of District Dehradun bar tested me with few minor applications and their disposal before they could actually go for contested matters. Heart of heart, I was also happy that contested matters are not being argued.

Before I proceed further, I like to mention one incident. After sitting in dias for few days, one day in the evening my friend (who happens to be a lawyer) called me and asked me how I am feeling as a Judge. Can you imagine what was my prompt answer, I told him “Yaar Vakeel kitna boltey hain ek hi baat ko kitney baar repeat karte hain.” Hearing this, my friend started laughing and said, “Bhai, lagta hai tu bhool gaya hai, kal tak tu bhi vakeel tha”. After he kept phone, I kept on thinking on this aspect and I realized that as a lawyer even I might be repeating so many things before the Hon’ble Court and today being a Judge, I am finding it so funny or irritating. I think, this was the stage when there was a Judge in me started growing. I had started enjoying paraphernalia attached to this office, red beacon light car, police officials saluting etc. and on the top of that, the pumping done by the lawyers. Their word of praises and adjectives used by them had made manner judicial officials feel that they are the best Judge in the entire judicial system. This is the reason Lord Goff (one of the senior most Law Lords in England) said that the differences between Germany and England was that in Germany ‘the professor is God’, but in England ‘the Judge is God’. In India too, the Judge is God! Certain Judicial officers start believing that, but mind you that’s fatal.

As a judicial officer with my best ability and sincerity I was giving my best performance in the Dias. Even I had issues and tense moments which occur between a Judge and the advocates in the Dias. They rattled

me but one has to cope with that situation as it is part & parcel of this profession. Certain times I too was carried away by the word of praises shown by the lawyers, but thankfully by the grace of God, I was not swept away by the word of praises. For this aspect i.e. not getting carried away, I am thankful to certain seniors in the profession whom I cannot name. They were really guiding factors in shaping me as a judicial officer. They guided me in a right manner and right spirit for profession one is lucky if he gets the guidance from right seniors, it really helps.

After becoming a Judge, my life had changed. Now I was being governed by rules - in Dias by general rules - civil or criminal along with Cr.P.C. and C.P.C. and out of court I was governed by Government Servant Conduct Rules. The freedom which I was enjoying as a lawyer vanished away from life once I became a Judge. After court hours my destination used to be straight towards home. Being a lawyer you have a long list of friends and acquaintance. This list was curtailed. It confined to only few friends who were really close and stood by you in your thick and thins. Refrained myself from meeting people, if somebody wished to meet or came to meet me, my thought process would start running and many questions would start running in my mind such as why he has come, what purpose, what motive etc. This aspect does bother you in initial stage of your carrier. I started avoiding social gatherings. The phone (specially the mobile) which is life line for any advocate and used to be life line for me also as an advocate lost its importance. I started picking those numbers which were of family members. My phone bill as an advocate used to be in thousands but now it's in hundreds only.

Friends or family members. Circle was confined to judicial fraternity either in State of Uttarakhand or any other State judicial officers whom I met during various conferences attended by me. Other change which came in my life was that now I was spending more time with my family, which was rare as an advocate.

It is almost going to 5 years as a Judicial officer but honestly speaking, the changes which have come in my life I have no qualms or regrets about it. The way I enjoyed the profession of an advocate, the same way I am enjoying being a Judge and performing duties with all sincerity and humility. The things learnt as an advocate to some extent

are really helping me in performing my Judicial functions today, the reason being that I have seen both sides of the Judicial system i.e. the Bar and the Bench. Despite being a Judge, I have not forgotten one thing that before being a Judge, I am a human being and hope that this aspect remains in me till the time I am in service.

It is just a beginning for me as a Judicial and I have to go long way and still have to learn many things of being a Judicial officer. So before ending this article, I will like to quote from the book 'Life of Abraham Lincoln' which says-

No we don't need judges who behave like 'Emperors'. What we do need are those

Whom the lust of office does not kill;

Whom the spoils of office cannot buy;

Who possess opinions and a will;

Who have honour; and will not lie;

Who can stand before a demagogue;

And damn his treacherous flatteries without winking

Tall Men (and women), sun-crowned, who live above the fog In public duty and in private thinking...
