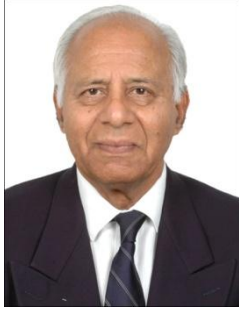


Judge Saheb – Judicial Administration in UP



Anand Sarup

Born in Lahore on 5th January 1930 to Savitri Devi and Shanti Sarup. Brought up in an open environment, chiefly under the influence of a learned and iconoclastic grandfather who had, after much study and reflection, decided against denominational commitment. Anand Sarup developed a deep commitment to democracy and freedom because his family participated actively in the freedom struggle. In 1947, together with his family he went through the trauma of losing all, and then assumed an active role in rebuilding a new status and identity for the family. He joined the IAS in 1954 and held many unusual assignments including the Vice Chancellorship of the G.B. Pant University of Agriculture and Technology, which, in gratitude to his bailing it out of a system breakdown, conferred a D.Sc. (Honoris Causa) upon him. He retired in 1988 as Education Secretary, Government of India. Later, he became Chairman, National Book Trust. Also co-authored, with Sulabha Brahme, *Planning for the Millions*.

Editor's note: This is one of several stories about district administration and officials in Uttar Pradesh in the 1940s-1960s.

Introduction

It was February 1968. The wind was cold, and the chill was accentuated by the isolation of the place the five men were stuck in. The road between Ranikhet and Kathgodam had been blocked near the iron bridge leading to *Garam Pani*, Bhowali, the famous sanatorium. They were the personal staff members of senior officers returning to Kathgodam from a conference in Ranikhet. The senior officers had managed to get escape the blockade by walking across the bridge, leaving their heavy luggage and bulky papers with their staff, who would bring it later when the blockade was lifted.

The staff, powerful in their own jurisdictions, were somewhat at a loss in this remote place. Till the blockade was cleared, they had to somehow manage their lives with locally available provisions and accommodation. They had got hold of whatever was available with a Forest guard. It was not much - just some bug-infested charpoys, a table lamp and a lantern. And there was someone who could light a fire, cook them a frugal meal, and do odds and ends.

During the day, these five men could while their time by playing cards or keep looking out for news about the lifting of the blockage. But, by 6.00 o'clock, darkness enveloped everything. The meals were served in rough metal plates by the 'host' who was anxiously awaiting their departure. He was a doleful character. Not cheerful company.

On top of it, he advised every body to stay indoors at night. His stories about leopards and tigers, which infested the area, scared the five men. They were unwilling to venture outside more than ten yards from his doorstep. There was an oppressive feeling of being under duress.

Fortunately for this group, a grey haired old man, Ram Singh Bisht, turned up with a gun in one hand and a whiskey bottle in the other. He too was feeling stymied by the blockade, and wanted some company. He could not go even to nearby Bhowali for his newspaper and his daily provisions. He told the visitors that he decided to bring a bottle of whiskey because it wasn't any use to him without them because he never drank alone. The five men greeted this with enthusiasm because now there was a welcome diversion from doing nothing and just waiting uncertainly for deliverance.

Their joy was greatly enhanced when Bisht told them that he had retired as a stenographer to the District Judge of Nainital in 1955. Since most of the visitors were also civil servants, Bisht was a person of their kind, with whom communication would not be a problem.

Judge Saheb

Soon, Bishtji opened up with his stories about his favourite District Judge, who was unusually strict and honest but was also a little peculiar in his daily life. This gentleman was very particular about the fact that his life had two facets, which he wanted to keep separate. Visitors who came to see the Judge at his residence were always asked whom they had come to see. If answer was “Judge Saheb,” the Judge would meet the visitor in a formal Western suit. But, if the answer was “Shri Sant Rao Trivedi,” the Judge would change into Dhoti and Kurta, meet the visitor in the living quarters, and offer the visitor something to eat and drink.

The Judge Saheb was a great believer in discipline. He followed a strict routine himself and ensured that nothing was wasted by him or his children. He had put docket boards on a wall in the house into which he himself, his wife and children would put slips of paper about what they wanted from the market or what they wanted to eat the next day. Every day at 9.00 AM sharp, the information in the docket boards was put together and brought to Judge Saheb for final approval. Then a servant was given a list of errands. The cook too got his orders. And that was that. Unless there was a question of life and death, nobody was allowed to add anything to the lists or ask the servant to go to the market again.

The Judge Saheb was very particular about his walk and his health. Every morning, wearing his shorts, he went on a walk on two-foot high stilts all through the Court Compound to oversee how the plants and the grass of the lawn were coming up. On his two stilts, the Judge Saheb could look over the hedge. One day, the Judge startled the gardener, who thought he was being watched by an eight-foot tall superhuman creature.

The Judge Saheb believed that, unless proven otherwise, every one, particularly the feudal leaders and civil servants were guilty. He was convinced that government engineers took an illegal commission for every official purchase they made, or every cheque payment made by their offices. An easy way of making money is to make a cheque with some spelling mistake or an unauthenticated marking, which has to be corrected. This forces the payee to come back, which provides a good opportunity for asking for a bribe.

Ram Singh thought that the Judge Saheb was positively soft in the head: he did not make a penny out of a case between the parties that had made Pandit Motilal Nehru rich. At his daughter’s wedding, the Judge did something weird. He climbed up a tree and threw pamphlets as a Hanuman *Bhakta* (devotee) on the *baraaties* (groom’s wedding party), explaining the benefits of wearing a *kopeen*, a loincloth, Hanuman style. Another thing unusual thing he did was to give steel boxes filled with the dowry for his daughter, with wheels to roll them without having to hire any porters. In spite of these idiosyncrasies, everyone respected Judge Saheb because he was transparently honest.

It did not surprise anyone when he became friendly with Mr Frank Fanthome, an equally strange member of the Provincial Civil Service. Mr Fanthome lived in just one room, cooked his own meals and never allowed anyone to enter his home without an appointment. He had the most unusual collection of Latin and Hebrew literature. It was well known that if your car was giving you trouble or you were planning a garden, you could go to him for his help and advice. When Fanthome had to go on tour, he just tied what he would need on the back of his bicycle and went merrily pedalling to his destination.

Judge Saheb had also observed that Fanthome had almost no cases that had been pending for more than six months. The moment a case crossed the limit of four months, he started hearing it on a daily basis, imposing heavy penalty on any counsel wanting an adjournment. He could do this because he

studied every case file thoroughly before starting the trial. This enabled him to stop the counsels bringing in irrelevant facts on the case file.

Judge Saheb came to know of Fanthome in an unusual way. One day, the Judge received an order signed by Fanthome demanding that the Sessions court be searched to recover a file he required to decide a Revenue Case: repeated summons for it had failed to yield any results. Puzzled by this order, Judge Saheb he decided to inspect Fanthome's court, and was pleasantly surprised to find that there were almost no old cases in his court.

Fanthome was loved by those who were diligent and honest and feared by the lazy or dishonest. Though a Christian, Fanthome had free access to Judge Sahib's house, even though the Judge was a Kanyakubj Brahmin who would normally not have allowed a Christian to enter his home. The Judge considered Fanthome to be a Brahmin by Karma - the highest status a person could achieve.

At this point, one of the group asked Bishtji, the narrator of the story, whether he had come across any dishonest judges. This had him in splits. Of course, most of the Judges were as dishonest as the bureaucrats. After all, there was no tradition of court inspections. They could invoke the 'contempt of court' for anyone saying anything disrespectful about them. This made them like the rulers of princely states who could do whatever they liked without the fear of being questioned. Not every body could go in appeal because of the high cost of litigation. Anyway, most district judges kept the High Court Judges well oiled with monthly gifts and hefty presents during the festival seasons.

Bishtji had observed the effects of an unholy alliance between judges and lawyers, which gave both of them ample opportunities to do what they pleased. The long established traditions of court craft ensured that the judge did not allow the litigants to speak for themselves – the litigants had to hire lawyers. The judges, as well as the well-heeled lawyers, had more cases than they could handle expeditiously. This provided the justification for the frequent and long adjournments, which accounted for interminable delays in the disposal of cases. Of course, every adjournment allowed the lawyers to rake in more money and the court staff also to add to their earnings.

When Bishtji joined as a court clerk in 1940, the judicial officers kept aloof from the public and also the lawyers. Nevertheless, bribe money came in through the court clerks who openly took money from the litigants. There were variable fees for every step in the court procedure. If you wanted a copy of the order sheet, or a copy of the pleadings, the cross examination, the written arguments filed by the opposite parties or a preview of the notes prepared by the presiding judge, you had to pay a different amount and if you wanted anything immediately, you had to pay an enormous sum to the court clerk. Then, for really difficult things like unobtrusive introduction of a paper in the case file or the removal of an important record, the court staff had to tell the Judge, before any money changed hands for doing this risky job.

There were some judges who took money for favouring one client against the other. But there were some who took money from both parties and made a refund to whoever lost the case. In all these transactions, counsels were the intermediaries and there were always some lawyers who apparently did not have many cases but managed to survive because of their popularity with the court staff and the judges. Anyone could see that the work of the courts and also their questionable activities were made possible through the support of the counsels. Even in poor districts like Badaun or Fatehpur, almost every lawyer ended up with a respectable house and enough money to finance his children's higher education and grand marriages of his daughters.

Most presiding judges followed the practice of non-interference with what the court staff did so long they received part the money made by these people.

After hearing about the Judges, Radha Krishna Gupta, P.A to a Superintending Engineer, a wizened old man who always wore a silk shirt, came up to describe the way things were done in his office. ❖

Editor's note: Radha Krishna Gupta's story is presented in [Engineering Administration in UP](#).

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