

**Q. 3 Read the following passage carefully and answer the questions that follow.**

**(20)**

The role of the courts in society is determined not only by the judges' perception of their function but also, and perhaps to a greater extent, by the expectations of the public, the executive and the legislature of the courts. Often there is a gap between the judge's perception and others' expectations. Indeed, there is a division of opinion among the judges on the concept of judicial function and there are differences in others' expectations of the nature of the judicial role.

Furthermore, the judicial self-perceptions of their role and others' expectations of the courts are swayed by changing conditions and conceptions. Hence the role of the courts in society is not static, but constantly changing and dynamic. Its scope and boundaries are not determined by the judiciary alone but by other political and social institutions, as well, in a continuous process.

Some of the public criticisms have been instigated by controversial cases in which the judgments of the courts and comments made by judges were out of tune with popular feelings or were insensitive to certain segments of the public. These cases are often charged with emotional, ideological, social or political elements, which always transform a routine legal matter into a controversial case which lies in the eye of a public storm and turns an ordinary case into a household word.

But criticism of judges does not take place only as a result of certain judicial rulings and statements. Judges have often been generally criticized for a host of blames, vices, failures and negative attributes. Usually the academic and profession critics of the courts phrase their criticism in restrained terms. The judiciary, they say, has been timid, unimaginative, not active, not creative, orthodox, conventional, or conservative in its law-making functions and that it has over-practiced judicial self-restraint. Sometimes they go further and bestow upon a judge the title of "socially reactionary" or "the high priest of rigid stare decisis and the limited role for the judiciary," both titles conferred on Viscount Simonds.

**Questions:**

- Q1. What factors determine the role of the courts in society?
- Q2. How do changing conditions and conceptions influence the role of the courts?
- Q3. What are some reasons the public might criticize the judiciary, according to the text?



Q1 What factors determine the role of courts in society?

The role of courts in society is determined by various factors. These factors include judges' understanding of their judicial role and the presumption of public regarding role of courts in society. The interests of different political groups, social organizations and ruling elite also influence the function of courts in society. Moreover, political ideologies which gain momentum in public also shape the role of courts in society.

Q2 How do changing conditions and conceptions influence the role of courts?

The fickle political interests constantly influence the beliefs of public in society. These demagogues transform a legal matter into controversial matter. These circumstances aggravate the clash between judges' understanding of their judicial function and expectations of public regarding judicial responsibilities. This difference of opinion between judicial institution and public directly impacts the role of courts in society.



Q3 What are some reasons the public might criticize the judiciary, according to the text?

~~The criticism of public on judiciary is caused by the prevalence of exploitation of public by the politicians.~~

The discontentment of public with the courts is deep-rooted within the emotional impact of political ideologies on social institutions. The public criticize judiciary due to diversion of judges' verdict from the expectations of public in controversial cases. Sometimes, public criticize judiciary for its decisions which are either against the opinion of majority of population or target particular stratum of society. Public also criticize judiciary for its failure to uphold integrity in its decisions.

Q4 How do academic and professional critics typically describe the judiciary, and what titles have they sometimes bestowed upon judges?

Academic and professional critics describe judiciary as a tremulous institution of society.

They criticize judiciary for abstaining itself from remaining resolute at its verdict despite facing opposition from the politicians and social institutions. Judges <sup>are criticized as they</sup> lack courage to implement

modern approaches in legislative framework. They are also critiqued for being staunch advocates for strictly adhering to legal precedents and posing strong resistance against progressive changes in judiciary. That is why they have been bestowed by the titles of "socially reactionary" and "the high priest of rigid stare decisis and the limited role for judiciary."

Q5 Why might certain judicial rulings become controversial? Give your opinion.

Certain judicial rulings might become controversial due to intervention of political and social groups within judicial proceedings. They might also become controversial when the judicial rulings turned against the popular public opinion. Another reason due to which judicial rulings become controversial is the lack of confidence of public in judiciary. Because the judiciary might be accused of corruption and lack of integrity.