**[Becoming a judge](https://www.dawn.com/news/1809042/becoming-a-judge)**

[Basil Nabi Malik](https://www.dawn.com/authors/1164/basil-nabi-malik) Published January 27, 2024 Updated 2 days ago

WHAT makes a good judge is an age-old question. Some would have us believe that anyone who ‘wants’ to be a judge is not fit to be one, whereas those who do not want anything to do with it, are in fact the ideal candidates. It seems a bit counter-intuitive, but there is a rationale to it.

The debate centres around the sense of duty involved and whether someone who is seeking the post is truly in a position to appreciate the burdens involved. In a nutshell, is he in it for the benefits or because he actually understands the inherent sense of purpose and obligation?

To illustrate this point, let us take a stroll down memory lane. There was a brief period during Justice Mansoor Ali Shah’s tenure as chief justice in Punjab when applications were invited for becoming a judge. Many justified the move on the touchstone of transparency.

The idea was that the selection or nomination of judges by the chief justice in exercise of his personal discretion went against the concept of fairness. It was argued that this somewhat arbitrary nomination process disregarded competent individuals who were perfect for the post but had never had the reach or connections to be noticed by the senior judges.

On the other hand, others argued that the chief justice, as well as other senior judges, were most suitable to nominate lawyers in light of the fact that they encountered them on a daily basis, were well aware of their competencies and weaknesses, and were generally better attuned to their reputation both in the bar and bench.

Effectively, as these judges had first-hand knowledge of those who were regularly practising in their courts, any lawyer worth his salt would be noticed, and the rest, well, never deserved to be noticed in any case.

Why is a judge’s role considered so onerous? For a number of reasons

Why, you may ask? Well, simply because a lawyer unnoticed is one who is not present, and a lawyer not present is someone who is not regularly practising in the courts. Someone who is not regularly practising can’t be expected to wear the law on his sleeve, and someone who does not know the law certainly cannot be a judge. To them, the logic is flawless.

The other rationale for avoiding an application-based process was etched in the unease of calling to the bench those who, in fact, weren’t being called at all, but were knocking at its very door. The concern was that becoming a judge wasn’t something to look forward to, but a duty one assumes for the sake of the greater good, and in that sense, ‘wanting’ to be a judge was inconsistent with the selflessness and sense of sacrifice essential to becoming a judge, and a good one at that.

In other words, if you actually knew how onerous, cumbersome, isolating, and burdensome this ‘call to the bench’ was, you would never want to do it, and the fact that you do indicates that you are doing it for all the wrong reasons.

But why is a judge’s role considered so onerous? For a number of reasons. Firstly, the sheer number of cases to be heard would be enough to discourage a potential aspirant. For example, in the Sindh High Court in Karachi alone, a single judge can expect on average a daily cause list of around 40-50 cases, if not more. As such, going by a rough figure, a judge could be expected to dispose of a case or application every 6.75 minutes, that too if only 40 cases were fixed in a day.

Secondly, the mental strength and fortitude required to sit in a courtroom daily and listen to legal and non-legal, factual and non-factual, and serious and non-serious arguments is immense. Patience is certainly a virtue, and in this case, a prerequisite. After all, a judge does not merely have a duty to hear all parties fairly, but also has to walk a tightrope when it comes to time allocation and balancing the hearing of one case vis-à-vis the multiple cases yet to be heard.

Thirdly, becoming a judge also brings with it a degree of self-censorship. People, typically, love to talk or provide their opinions — expert or otherwise — on an array of issues. Judges, on the other hand, and especially in social settings, cannot afford the same luxuries. They are required to be more measured, less vocal, and always on guard. It is as though they are being watched, and going by recent happenings, they probably are. Such levels of self-restraint are perhaps tolerable when limited to the workplace and during working hours, but when it has to be a way of life, the sheer enormity of it all may be overwhelming.

Fourthly, being a judge isn’t merely all about what has been written above; it is also about handling the internal and external pressures that often come with being one.

In such scenarios, the burdens of the office demand an unflinching resolve to remain uninfluenced, unmoved, and undeterred in the face of adversity, irrespective of how uncomfortable, costly, or personally damaging such resolve can be. If recent events are anything to go by, that is easier said than done.

As such, whatever one’s motivations in becoming a judge may be, the enormity of the responsibilities involved, the gravity of decision-making, and the impact of such decisions on the lives of ordinary citizens, should weigh heavily on one’s conscience before even considering the same. Perhaps, as some argue, if we did so, we wouldn’t want to be a judge in the first place.

*The writer is a lawyer*
basil.nabi@gmail.com

*Published in Dawn, January 27th, 2024*