

**BOOK III**  
**ILLUSION AND REALITY**

BLANK

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## UNDERSTANDING THE IMAGERIES AT THE SUPREME COURT OF INDIA

### (i) Introduction

Shortly after my retirement in March 1998, I joined the Bar at the Supreme Court. I joined the Bar without having cultivated contacts on whom I could bank on for help. I joined the Bar because I could think of no other pursuit for which I could go. I joined it with the words of Seneca in my mind, which I have already quoted in the chapter on 'My Retirement': "The service of a good citizen is never useless".

The lawyers I met there in the campus were not much different from those who had been portrayed by Chaucer in his *The Canterbury Tales*, written in the 14th century. The variety in the specimens of the *homo sapiens* as we see in *The Canterbury Tales* couldn't be found in that medley of *homo juridicus* in the campus of the Court. Now the lawyers seemed to me as a monochromatic community of the *homo economicus*. They seemed to me the latest versions, or editions, of the Man of Law whose mirthful portrait Geoffrey Chaucer had drawn up in the Prologue to *The Canterbury Tales*. Like their fourteenth century counterpart, my learned friends, to say in Chaucer's words, "rood but hoomly in a medled coote", and were busy overmuch believing, as that Man of Law had believed, it was easier to find lost cattle than lost time.

I felt lonely in the crowd, but I found a lot of things of much interest. I spent some time in the Library 1. I found many learned friends either busy breaking the wings of butterflies on the Catherine wheel of logic, or criticizing (or admiring) the idols they were accustomed to worship (I mean, the Honourable Judges), or just talking, without rhyme or reason, about kings and cabbages. Finding not much interest in all that they did, I loitered to see if there was anything else to draw my interest. I recalled the days of my adolescence when I had seen many 'brief-less lawyers' in the Darbhanga district court responding to the cuckoos on the trees. I felt none could develop this expertise in Delhi as cuckoos had already deserted Delhi! It was in course of my quest in vacant mood that I reflected on the imageries with which the campus abounded. In this Chapter of my Memoir, I intend to dwell on them as a token of my gratefulness to their makers, and also towards those who added poetry to otherwise dull prose that our forensic process is.

The imageries I saw at the Supreme Court led me to reflect on the possibilities of studying them reflectively. I had plenty of time to stand and stare at things which invited me. I had opportunities to see, in my changing moods, those images in shifting light and shade producing charming chiaroscuro effects. I know it is difficult to portray with fidelity what I had felt seeing them for the first time. I saw the images before my mind's eye, and I responded to them with my total self believing in what T.S. Eliot said:

Time present and time past  
Are both perhaps present in time future,  
And time future contained in time past.

**(ii) The imageries are metaphors; the visuals make poetic statements**

Imageries express ideas with precision and concreteness. They communicate with directness. They work on the mind of the observers at times as stimuli, at times as catalytic agents, and also at times to provide a sky in which mind can explore things which enrich and enlighten. They deepen insight, and enable us to see things at several levels.

The title to this Chapter of my Memoir harks back, in my mind, to my fragrant years when as a Post-Graduate student I had studied Caroline Spurgeon's *Shakespeare's Imagery and what it tells us*. What had impressed me most was the way Spurgeon had widened the province of 'imagery'. 'Image', for her, was much more than visual representation: it was for her a kind of imaginative expression of emotions and feelings with metaphorical or analogical references. Whilst Professor Mahendra Pratap concentrated more on the evocative impact of Shakespearean imagery, my another teacher, Prof. Sri Krishna Mishra<sup>1</sup>, stressed more on what he called the *sphota* ('the explosion') coming from the imageries. This word of Sanskrit poetics is difficult to be translated into English. It suggests the 'eruption' of meaning from a word, or an image, with its full effulgence and resonance suggesting a province of the evocative experience the confines of which are determined only by the reader's own imaginative and intellectual reach.

Discursive exposition narrates facts but imagery stimulates and evokes. Ezra Pound perceptively said: "...the image is more than an idea. It is a vortex or cluster of fused ideas and is endowed with energy". It seems the imageries at the Supreme Court constitute a 'concrete verse' that expresses the collective consciousness of our Constitution. What our Constitution says through its myriad provisions, the imageries suggest poetically and profoundly through traditionally conceived cultural and visual metaphors. In this Chapter, I focus on certain imageries at the Supreme Court. I have seen them in my light which was often dim, often bright, and often blurred.

**(iii) The impression we get from the architecture of the Supreme Court**

When in April 1998, I visited for the first time the campus of the Supreme Court of India, my memory leaped back into my dim past when I had to keep a vigil on the weighman, weighing paddy (punctuating each counting uttering '*Ramahiji Ram*'). Whilst the weighman kept weighing paddy, or wheat, ceaselessly for hours, I kept observing with utmost concentration that nothing wrong

was done by him through the sleight of hand, or any other variant of that craft. Later, whilst at school, I went every morning to the vegetable market, called Gudari at Laheriasarai, to buy vegetables for our kitchen. I had seen the tricks galore which the vendors practised often unnoticed and uncaught. Now we see that craft brought to perfection under this *Pax Mercatus* where the *entente cordiale* of fraud and collusion rules the roost under the guidance of the economic experts! (More of this later in this Memoir). Those experiences of my childhood and adolescence hibernated all along in my mind; buried, but not dead, in my mind's deep well. I got carried, in my mind, back to the years when every evening I sat on a straw-mat in the light of an earthen lamp, and my mother told me stories of birds and beasts, of ghosts and gnomes, of crooks and knaves, of saints and sinners, and of this or that. One of such stories related to the Tuladhar of Varanasi illustrating the cultural and spiritual qualities which the holders of the scales must possess. This story leaped into my consciousness on seeing the architecture of the Supreme Court. I would tell you about this story later, and I am sure you would be able to understand my logic of analogy between the said architecture and the story.

Any visitor at the Supreme Court is charmed first by the classic grandeur of the architecture of the building. Even its exteriors delight. How accurate was Goethe in calling architecture frozen music. The mural and other images reveal poetry in pictures. The French painter Charles Alphonse Du Fresnoy said in his *De Arte Graphica*<sup>2</sup>:

“A poem is like a picture; so a picture ought to try to be like a poem.... a picture is often called silent poetry; and poetry speaking picture.”

The building of the Supreme Court is majestic and gorgeous, but what makes it a living poetry is, besides its other features, its structure cast in the balance with two prolongations at its extremes suggesting the scales. The Judges of the courts dot the balance to hold (uphold) it even. [It is true that certain court rooms create asymmetric pageantry, but the broad imagery of the Judges at work in the courts, balancing the scales of Justice, remains a dominant impression.] I felt that the metaphor, which the exteriors of the building unfolded, got illuminative reinforcement through the imagery inside the court room. The Judges sat on the elevated dais projecting a vibrant imagery of the balance. The room lay-out resembled the two extremes of the balance metaphorically suggesting the two pans on which the rival litigants placed their contentions for the Hon'ble Judges to weigh them, and play Daniel. I was thrilled by the gestalt effects of what I saw. This rich extended imagery can never go unnoticed: though I am not sure that lawyers, except perhaps the briefless ones, have time to stand and stare to appreciate the sonority and subtle cadence of the beauty and music of the images, whether taken in isolation or in synergy.

The architecture of our Supreme Court was designed on an epic scale in tune with the importance and dignity of the Court. Its massive tall colonnade, with well wrought ornate capital supporting its majestic structure with a surmounting dome, suggests the paramountcy of law and justice in our society. Its massive rounded columns united the best features of the Corinthian and the Doric styles of architecture. Its entablature, with its classical simplicity, and its frieze with rich elegant imagery, kept mind preoccupied for hours while I warmed up at the outer

veranda. What drew my mind most was the aura, and the moral tone exuded by the architecture of our Supreme Court. Architect Cass Gilbert and his friends, who were charged by Chief Justice Taft and Chief Justice Hughes to design the building of the Supreme Court of the United States, succeeded well in yoking together art and philosophy expressing the vision of that nation. Our Supreme Court too is an excellent piece of art illustrating exquisitely the sensuous shining forth of ideas which our Constitution's heart treasures, and into which its value system is firmly anchored.

**(iv) The Mural<sup>3</sup> that evokes and suggests**

“Beauty in things exists in the mind which contemplates them.”

David Hume's Essays, 'Of Tragedy'

Justice Jagannadha Rao has accurately drawn up the word-picture of the mural on the coloured marble tiles constituting a rectangle between the two doors to the Chief Justice's Court room from the Judge's wing. The mural's graphic portraits have been drawn up with utmost fidelity and perspicacity:

“... there is in the centre a rectangle in marble tiles with its length vertical, with six small lotuses on the smaller horizontal top and six on the corresponding horizontal bottom side. There are sixteen small tiles of peacocks on each of the two longer vertical sides. Between the Mahatma on the left and the Goddess of Justice on the right we have the rectangle. At the centre of the rectangle there is *dharmachakra* (wheel of justice) with twenty-four spokes and with an inscription below in Sanskrit which reads 'Satyamevoddharmyam' which means 'Truth alone I uphold'.”

The said mural is drawn at a place where the imageries can never go unnoticed by the Judges, but what they draw from the symbolic representations on the mural largely depends on what they themselves are. We can see the exquisite photographs of the said suggestive images at pages 42-43 of *The Supreme Court of India: Sentinel of Freedom* published by our Supreme Court. The images on the mural seem to constitute an extended metaphor of high juristic ideas dear to our nation's 'We, the People'.

The mural on the tiles between the two entrances from the Judges' wing to the Chief Justice's Court display lotuses in full bloom on the top and at the bottom of the rectangle at the centre of which the *Dharmachakra* is portrayed. The lotuses tell our Hon'ble Judges what constitutes the very basic ideas of the Administration of Justice. A lotus grows above water, with its tendrils inside water and mud, teaching how to live and work with detachment. This quality of the art of life has been expressed in the *Bhagavad-Gita* through the profoundly suggestive expression: 'पद्मपत्रमिवाभ्रसा' in a *shloka* (Ch. V.10) which has been thus rendered in English:

'Offering actions to Brahman,  
Having abandoned attachment,  
He acts untainted by evil  
As lotus leaf is not wetted'.<sup>4</sup>

The judicial process requires that our Judges must not be indifferent to what our jurists and logicians called *Jal Pankaj Nyaya* (the logical relationship between water and lotus).

The 16 peacocks on each of the two vertical sides of the rectangle of the said mural remind us of our cultural variegation, and of our country as a multi-colored dome of a rich ancient civilization. The beauty and joy that the birds exude invite us to reflect both on our pursuits and expectations in life in our constant collective efforts to achieve beauty and joy. These birds dance to give us delight, and through their amorous idioms they pray to Lord Indra for rain. Besides, they remind us of Krishna too whose 16 *kalas* are suggested by the 16 peacocks, the pointers to the infinitude and plenitude of Krishna one of whose incarnations was Buddha Himself (‘केशव धृतबुद्धशरीर जय जगदीश हरे’) whose *dharmachakra* is also drawn up in the mural.

Gandhi, in the said mural, is in his *Dandi March* posture, agile, forward-looking, commanding, on his grand journey forward on the ridge of history. His gait and demeanour revealed his obedience to an inner call to march ahead towards his great mission. The verve that the image exudes recalls the Gandhi leading the Civil Disobedience Movement in our Struggle for Freedom. The agile rhythm of his fast advancing steps; the virility, simplicity, and the firmness of his body; the forward-looking visage amply revealing a mind concentrated on the objective of his pursuit; the length and strength of his lathi, have a powerful effect on mind. On seeing this image of Gandhi, one is reminded of the *Bhagavad-Gita* (Ch. II.47), which tells us that our right is only to act, not to its fruits.

Below Gandhi’s image, the mural has two images of the spinning wheel. On seeing them my mind went back six decades when I was regularly spinning on this wheel we called *arbarachakra* (a portable variant of the spinning-wheel). Every week we had in those days spinning-wheel class at my school, M. L. Academy at Laheriasarai. With remarkable inner pride I carried to my school my *arbarachakra*. We were taught that the spinning wheel represented a creative matrix in every household. It was integral to the economic model dear to Gandhi which, over years, would have led our country to set up many mini-economic ventures in our rural society. Besides, the spinning wheels could have provided jobs to the most marginalized amongst our people, and would have saved many from worthless and foppish distractions. Gandhi would have preferred the image of the spinning wheel at the heart of our national flag as an edict of *karmayoga*, and as a pointer to the direction of Indian economy. Many amongst our young friends might not have even seen how the spinning wheel looks like. But the spinning wheel is of great value as a potent synecdochic metaphor. It is an irony of our nation that despite all these, we have allowed ourselves to become converts to neo-liberal capitalism by assiduously building up what I call our ‘Taj Mahal Economy’ about which I would write something<sup>5</sup> more later in this Memoir.

At the heart of the said mural is the *Dharmachakra* with 24 spokes (as in the Sarnath lion capital). The path of salvation, the Buddha said, required obedience to the Noble Eightfold Path symbolized through the *Dharmachakra* showing 8 spokes in the wheel. It seems that by Ashokan time the virtues of the Noble Eightfold Path were spelt into 24 virtues represented metaphorically by the 24 spokes. Whatever the Buddhist ethnologists may say, I see in the *Dharmachakra* only the grammar of action (*karma*) that was stated with beauty and profundity

in the *Bhagavad-Gita*. I would touch this point again later, when I reflect on Sri Krishna. Over years, my reflections on the imagery have led me to believe that the '24' spokes represent the eight paths towards enlightenment which can be pursued by people with *sattwik*, *rajasik* and *tamsik* traits (eight multiplied by 3) to which the *Bhagavad-Gita* refers as the natural track for growth towards salvation open to all. I need not indulge into metaphysical speculations. I simply highlight the symbolic value of the imagery. I pray to God that our Hon'ble Judges see the images every day, and realize their wholesome import to save our millions, to the extent their creatively expanded role under our Constitution permits, from the agony of the Wheel of Fire on which most of our brothers and sisters are bound.

**'Satyamevoddharmyam' & 'Satyameva Jayate'**

'*Satyamevoddharmyam*' means "Truth alone I uphold"; and '*Satyameva Jayate*' means "Truth Alone Triumphs". Both the expressions stress, in effect, on the sovereignty of 'Truth'. Writing about the *Mundaka Upanishad* (in which the mantra *Satyam eva jayate, nanritam*<sup>6</sup> occurs), Eknath Easwaran has aptly stated: '...the pregnant concept *sat*, or *satya*, means "truth", "the Real", and "the Good"'.<sup>7</sup> It is interesting to find that our country has valued Truth so much that it has conceived God Himself as Satya Narayan (the Lord of Truth).

I feel the best way to comprehend the *Bhagavad-Gita* is to read its text in the context of Krishna's own life. The imageries on the murals deserve to be kept in mind whilst interpreting our Constitution, and administering justice. This pursuit would combine tradition and individual talent. It will also help us to evaluate the propriety of our decisions made day to day, and will help us avoid critical traps obstructing right comprehension. It would have been better if the replica of the mural would have been provided also on the front wall of the Supreme Court for the lawyers and litigants to ponder over. Besides, I would suggest to the Supreme Court to place the images of the mural in the public domain through its website, marked with excellence that characterizes the website of<sup>8</sup> the Illinois Supreme Court Courtroom. The murals there have audio-visual effects. One thing I must point out that whilst the murals in the Illinois Supreme Court Courtroom reveal an individual<sup>9</sup> artist's comprehension of justice, the murals in our Supreme Court are from varied cultural sources spreading over time from Krishna and the Buddha to Mahatma Gandhi: a mind boggling span of years. Before I move to reflect on the Goddess of Justice, I would quote myself on my view of the cosmic flux in which all deeds, good or bad, take place:

संसार की गति सर्पिल सर्वदा  
चलती अहिर्निश प्रवाहित पुष्प सी

[The ways of the world are serpentine. The world moves on time as do the flowers when offered ritualistically into a river flowing fast].

**(v) The Goddess of Justice**

तौलती हो तुम तुला सबको मगर  
तुलित होती हो सदा अदृष्टि से  
झुक न जाना कभी निज कर्म में  
पर छद्म में, भ्रममें, त्रिमोह-प्रभाव में



[The balance that weighs gets itself weighed by destiny. O Scales!  
never tilt through sleight of hands on being trapped by deception,  
illusion, or lust.]

Now on the image of the Goddess of Justice holding a balance with scales. On the right side of the rectangle stands Goddess Justice, whereas on the left is seen Gandhi on march. The eyes of the goddess are not blindfolded. On seeing her, a lot of ideas welled up in my mind. The Goddess is a conflate of several noble ideas from different civilizations. In the ancient Hellenic world, she was 'Themis' representing the cosmic moral order whose commandments were administered by her daughter, *Dike* (the Instrument of Justice) who carried scales to weigh the acts and deeds of the humans. The great tragedies of Aeschylus, and Sophocles, of Shakespeare and Racine, all demonstrate through the tragic ends of their protagonists the triumph of the moral order (which is 'Themis' or 'Justice'). In her early icons, Themis was not shown blindfolded, nor did she carry a sword. How could Justice be blind? In the tragic dramas of Aeschylus and Sophocles, she administers her even-handed justice weighing pros and cons with remarkable agility and unfaltering certainty. Her Roman version was Lady Justice, a brilliant anthropomorphic representation of Justice. But she was not shown blind-folded. Rome had become hegemonic but its moral decline reached its worst. The system of justice stood degraded in alarming measure during the Herodian establishment: it had executed Jesus. That Lady Justice couldn't see why and how Pontius Pilate, the judge, went wrong at the trial of Jesus. It is understandable why in such situations. Goddess Justice was portrayed blind. We realize that Justice can never be blind. Lord Denning aptly said in *Jones v. National Coalbord*<sup>10</sup> :

'It is all very well to paint justice blind, but she does better without a bandage round her eyes. She should be blind indeed to favour or prejudice, but clear to see which way lies truth: and the less dust there is about the better.'

It is believed that the Goddess, with a blindfold, suggests the detachment without which administration of Justice is impossible. Justice must see realities of our society to respond to the deeds of Adam Smith's 'Invisible Hand' of the Market, and also the misdeeds of the economic gladiators of our days. But the Goddess without a blindfold may not always be just. The eyes have a limited role in perceiving things to decide issues. Often one sees only what one's mind wants to see. Problems and realities provide external stimuli which our neurons carry to mind which shape our response conditioned by our 'pre-conceived notions, concealed references, cultural orientations, and various noble or ignoble extraneous factors'. When all is said, the most needed pre-requisite for justice is the judicial sensibility of the judges. Justice Cardozo explained how the best judges worked "informed by tradition, methodized by analogy, (and) disciplined by system". Yet in life's frustrating criss-cross, the image of the Goddess assures us with some soothing vernal breeze. More she reigns with majesty, higher we ascend in culture and civilization.

Now I would tell you the story of Tuladhar of Varanasi, which I had heard from my mother. It deserves to be read by all those who weigh things, the judges included. The story carries some message for us in this Market-ruled world. The *Mahabharata* (in its 'Shantiparva') tells us this interesting story. Jazali was a great sage who underwent a most rigorous penance to acquire supreme wisdom. A

moment came in his life when he felt that he had acquired the highest bliss of wisdom. He grew egocentric. Whilst he enjoyed such inflated notions about himself, he heard a voice from the sky: "O Jazali, never think this way. You have not achieved the distinction that Tuladhar of Varanasi has achieved. But even he does not harbour such notions about himself." Jazal grew eager to meet Tuladhar. After much roaming, he reached Varanasi, and called on Tuladhar. Jazali found Tuladhar at work as a trader selling wares. For Tuladhar, trade was the means of livelihood. After the exchange of pleasantries they discussed issues pertaining to *Dharma*. Jazali sought at the outset a clarification: "Tuladhar, You are a trader selling wares for your livelihood. How could you acquire deep and true insight into *Dharma*?" The trader told him that he never economized with truth, never swindled anyone in course of his vocation, never transgressed the norms of propriety and good conduct. Holding his scales even, Tuladhar told Jazali : (to quote from the *Mahabharata* itself) :

"Neither I endeavour to gratify anyone, nor I nurse any grouse against anybody. I see all the living beings equably and without discrimination.

See, O Jazali, this is my steadfast conviction and the norm of conduct.

O Saint, see that the scales I hold are the same for all, my balance weighs wares for all with the same fairness."

I have not heard any story so expressive as the story of Tuladhar. It tells us about certain fundamentals of the administration of justice. Our Judges and the lawyers must reflect on the metaphorical implications of this story.

### **On being weighed in the balances**

This preoccupation of jurisprudence, ancient and modern alike, with the imagery of the scales suggests the profound principle that all the players in the litigious process are weighed, in their distinctly characteristic ways, on the scales; and there is a standing risk that derelictions would invite verdict of the sort given by Daniel "You have been weighed in the balances and found wanting." In his *The Closing Chapter* at p. 277. Lord Denning explains with remarkable felicity: "Why does justice carry a balance in her hand with lifted scales? This is plain. It needs no justification. The balances have always been the symbol of even-handed justice." He refers to this metaphor of balancing the scales in *Jones v. National Coalbord* where he said:

'Let the advocates one after the other put the weights into the scales — the 'nicely calculated less or more' — but the judge at the end decides which way the balance tilts, be it ever so slightly.'

Even the Hon'ble Judges are weighed by the omnipotent brooding Justice to which all are subject. The Judges dot the balance but get weighed nevertheless. If they through design or carelessness, even care-freeness, tilt the balance unfairly, they invite on themselves, as a matter of course, Daniel's Judgment. The round majestic dome is the veritable fulcrum of the imperious Old Court building. It is *Dharma* that upholds and sustains the fulcrum of the balance of the judicial scales. I often remember the pregnant words of Lord Akin in his dissenting Judgment in *Liversidge's Case* in which he had appealed to the "the brooding spirit of the law". We all together must try to tread on the straight-line

which Ernest Barker described to Albert Einstein: “If at your command, the straight lines have been banished from the universe, there is yet one straight line that will always remain –the straight line of right and justice.”

As a student of law, literature and philosophy for over six decades I have felt that Justice often dithers, or is often betrayed even without realizing. A most widely noticed fault has been highlighted by C. K. Allen in his *Law and Orders* 3rd ed. p. 297:

“In *Liversidge v. Anderson* the majority of the Lords felt the same confidence in the wisdom and moderation of executive officials; there is, apparently, something in the tranquil atmosphere of the House of Lords which stimulates faith in human nature. The fact, is, however, that nobody on earth can be trusted with power without restraint. It is ‘of an encroaching nature’, and its encroachments, more often than not, are for the sake of what are sincerely believed to be good, and indeed necessary, objects.”

The holding and upholding the balance of Justice is to tread on the razor’s edge, an image of profound depth found in the *Katha-Upanishad*. Somerset Maugham used its English rendering as the title of his famous novel *The Razor’s Edge*. Of all the paths in the Noble Eightfold Path of the Buddha (Right Views, Right Aspirations, Right Speech, Right Conduct, Right Livelihood, Right Effort, Right Mindedness, and Right Contemplation)<sup>11</sup>, the Right Contemplation (needing right comprehension) is the most important as without it one cannot decide what is really good. But this topic makes my mind to leap back to the years when Prof. Pratap, who had studied for his English Tripos at Cambridge University in the thirties of the last century, had taught us practical criticism. We read how psychological road-blocs and inner disposition shaped one’s comprehension. The great British tax-lawyer Hubert Monroe has aptly said: “...that obscurity and absurdity too, may sometimes rest in the eye of the beholder”. But I must not pursue this point here.

#### (vi) Kaliyugi administration of Justice

This context takes my mind to what is called ‘the *Kaliyugi* administration of Justice’. An insightful reflection on the administration of justice in our degraded times is given in the most celebrated 10th century *Srimad Bhagavad-Mahapurana* (XII.2.). It tells us in two of its mellifluous *shlokas* about what ails the administration of justice in our times:

वित्तमेव कलौ नृणा जन्माचारगुणोदयः ।  
 धर्मन्यायव्यवस्थायां कारणं बलमेव हि ॥  
 लिंगमेवाश्रमख्याताबन्योन्यापत्तिकारणम् ।  
 अवृत्त्या न्यायदौर्बल्यं पाण्डित्ये चापलं बचः ॥

I render the above Sanskrit *shloka* into English.

“In *Kaliyuga*, the wielders of power would succeed in tilting the scales of Justice in their favour. Those, who cannot bribe, may not expect Justice in the courts. Those, who excel in legal sophistry and logomachy, would alone be considered pundits (the lawyers?) scaling height in proportion to their attainments in such crafts.”

We quite often see how justice is hurried to get buried, and how justice is delayed to the point where it stands denied. Obtaining justice is most often becoming costly and bothersome. New versions of Charles Dickens *Bleak House* (where the litigants lost in expenditure all that he had expected to gain from the litigation) keep coming to the mind. To most of the common Indians, the judicial exposition, with all its technical abracadabra and western borrowings, seem commandments from some other world (reminding one of the trial, at the Red Fort, of the helpless and hapless last Mughal Emperor who didn't understand anything of the pleadings made ferociously against him in English).

The biggest problem in the administration of justice is how to keep the scales of justice even. The apprehension of corruptions polluting the stream of justice is now widely shared though effective ways to correct them are seldom seen to have been taken. Forensic skill is seen to find its climax in the craft of just winning a point at all costs. The *Bhagavad-Mahapurana* had said precisely what Karl Marx stressed later that the economic sub-structure shapes socio-political and jural superstructure of a given society. Didn't Bhartrihari say *sarve gunah kanchanmasrtanti* (All the good qualities reside in gold alone)? I felt how accurately the 10th century *Srimad Bhagavad-Mahapurana* (XII.2. shlokas 2, and 4), quoted above, reflected on the conditions to which we feel we stand betrayed:

A reflection on this critique of our legal system in the *Mahapurana* may help our friends in black robes to have the right perception of their duty in the administration of justice. To say the obvious, a pre-condition for this pursuit is a coherent value system with a steadfast commitment to promote public weal. Many great judges have treaded this path well. One such judge was Lord Denning. Analyzing his judicial approach, Prof. Schmitthoff observed:

“He thinks of the result before he considers the legal reasoning on which it has to be founded. If the result to which established legal doctrine leads is obviously unfair or out of touch with what ordinary people would expect to be the law, he will examine first principles in order to ascertain whether they really compel an unjust solution and often this method will enable him to arrive at an answer which is more adequate to modern needs.”

I would end this segment with a few lines from the epic *Kurukshetra* of Ramdhari Singh 'Dinkar':

न्याय शांति का प्रथम न्यास है जबतक न्याय न आता,  
जैसा भी हो, महल शांति का सुदृढ़ नहीं रह पाता<sup>12</sup>

[Justice is the prime condition for peace. Till justice does not prevail, the castle of peace cannot survive.]

### (vii) The Emblem of the Supreme Court

On ascending the stairs of the massive and sprawling platform to the Supreme Court building, I was charmed by what appeared to me, from a distance, a vermilion-mark on the forehead of this Lady of Justice, at the spot where under our Tantra we find the *Ajnachakra* on which the yogis concentrate while meditating. I learnt that it was the emblem of the Supreme Court. It exists on the wall just above the entrance to the Chief Justice's Court (Court No. 1).

I felt that a full treasure of evocative ideas had been delightfully emblemized in light saffron images etched in the plaster of Paris relief. The base seemed to show how two snakes, coming from two opposite directions, curve to dip their heads in a coil alluding the source of human power and creativity known as the *kundalini* in our *Yoga* and *Tantra*. Above it, in the semi-circular stretch of a strip, is inscribed the immortal dictum of the profoundest truth: *Yato Dharma-stato jayah*.<sup>13</sup> One is enraptured by the ravishing, well modulated, realistic lions in their most majestic but placid mood taken straight from the capital of the ancient Sarnath Ashokan pillar which Ashoka had erected at the place where the Buddha had proclaimed his *Dharma* revealing the very grammar of human life. Through the imagery of the lions, standing back to back facing the four directions, it was announced to all the triumph of *Dharma* in all the quarters of the universe. The Sarnath Ashokan lion capital surmounts an inverted lotus, often called the Persopolitan Bell. On it the Persian impact is obvious. We know that we had come in close contact with Persia and Macedonia during the days of Chandragupta Maurya. The inverted lotus brings to mind the image of the *samsarbrikchha* (the cosmic tree) with roots above and branches luxuriating down (described with high poetic precision in Chapter 15 of the *Bhagavad-Gita*). But the bell was excluded from our national emblem, perhaps for aesthetic compactness; and also because it was more appropriate to let the whole superstructure have its subjacent foundation on *Satyameva Jayate* ("Truth Alone Triumphs"), a *mantra* from the *Mundaka Upanishad*. What struck me most was the wise creativity emerging assertively in the emblem of the Supreme Court. It showed a beautifully carved *Dharmachakra* placed above the lions, its width suggesting its comprehensive dominance over all mortal powers. Even this Sarnath pillar had a wheel above its crest representing the universal triumph of *Dharma*. It is said that this wheel was destroyed during the Turkish invasion. How this might have looked before its destruction can be imagined by looking at the image of the Ashokan lion capital at Wat U Mong near Chiang Mai, Thailand, with well-wrought *Dharmachakra* at the crest of the lions. The Chakra suggests the subservience of all powers to the discipline of *Dharma*. The crest of *Dharmachakra* above the lions in the emblem of the Supreme Court, exfoliates the immanent presence of *Dharma*. And *Dharma* is the most powerful and accurate measuring-rod to measure all acts: it is also the most potent catalytic agent in the universe to ensure the unfaltering operation of the infallible Justice. The abacus of the capital bears a frieze with the images of an elephant, a horse in motion, a full-grown bull, and an imperious lion marching in languid rhythm each separated by a chariot wheel (the *Dharmachakra*). The wheels in motion suggested *Dharmachakra* which suggests to us that the universe is just *kriya* (action), and human life mere *karmasamigri* (instrument of action). The upward thrust of the conjoint images of the emblem of the Supreme Court, and their synergic effects bring to one's mind an *augustpradeep* (an earthen lamp) the flame which sheds light, *tamso ma jyotirgamaya* (lead us from darkness to Light). It can also be said that the imagery is choreographed with upward rhythm of a lotus in bloom to suggest that the *kundalini* at the base (in *muladhar*) is rising towards the *Dharmachakra* which is no different from the *Sahasrachakra* of our *Tantra*. The overall thrust in the pattern of the images would invite the Judges, the litigants and all others who see it, to strive to be, what the Buddha had

asked people to be in words of immortal poetry: 'App dipo bhavah' (Be thy own Light).

In England, the Superior Courts are answerable, as Holdsworth says, "only to God and the King". Under the Constitution of India, the King or the Queen is non-existent, and God is not relevant to the polity or governance: at least this is what they say. Then to whom are our superior courts answerable? Our Constitution, which we have given to ourselves, contemplates no Grand Mughals. Our superior courts are answerable to the high institution of Judiciary itself: Justice being its sole guiding star. Hence, in India miscarriage of justice can be remedied only under a system of institutional accountability. Our Superior Court is answerable to itself as an *institution*, and ultimately to *Dharma*.

### (viii) On the Chakra

The adoption of the image of Chakra at the centre of, at the heart of the flag, illustrates the profound insight of those who selected that image. I have always felt that this 'Chakra' on the flag is to be understood in a frame of reference wider than that conceived by the Buddhists.

I feel like conceptualizing three Chakras, though all these tend to become one in divine dispensation. First I conceive the *Kaalchakra* (the wheel of time). The great poet Bhartrihari has beautifully portrayed its inexorable working in his lines which I have quoted in Chapter 8 of this Memoir. It is within this domain where, to say in the words of Shakespeare, "wasteful Time debateth with Decay". The cycles of life and death go on caught in the *Kaalchakra* (the Wheel of Time). This point is stated with precision in the *Hitopdesha* which says: चक्रवत्परिवर्तन्ते दुःखानि च सुखानि च (life keeps changing through sorrows and happiness). One is bound to act incessantly on this wheel. The *Srimad Bhagavad Mahapurana* tells us that 'action' alone can be one's teacher and God (कर्मैव गुरुरिष्टरह). But all that happens on the *Kaalcharaa* are judged and controlled by the *Dharmachakra*. Gandhari illustrates the sovereignty of the *Dharmachakra* by pronouncing to Duryodhana that it is *Dharma* alone that ultimately triumphs. When, in bad times, the operation of *Dharma* gets obstructed, the *Kaalchakra* invokes God to let His *Sudarshanachakra* operate. Nowhere in the world you can find the supreme power of destruction called 'sudarshana' (beautiful to look at). Our poets have called this wheel 'sudarshana' because it restores harmony in the universe by destroying what is against *Dharma*.

### (ix) On Dharma

The words of Gandhari, *Yato Dharmahstato Jayah* ('Where dharma is victory is surely there only'), are inscribed in Devanagari script on the semi circular strip on the Supreme Court's emblem.<sup>14</sup> I wonder at the wisdom of the person who chose this expression for being inscribed on that. This supreme law ('*Yato Yato Dharmahstato Jayah*') has been referred at several places in the *Mahabharata* by persons like Krishna, Sanjaya, Vidura, Vyasa and Gandhari. Before going to the battle field, Duryodhana went to his mother Gandhari for her blessings to achieve victory. She blessed him telling: "victory would go where *dharma* resides". We all know that he fought bravely, but was defeated and killed.

When the devastating war of the Mahabharata was over, the Pandavas, with their supreme mentor Krishna, went to meet Gandhari. So sore was that pious lady that she decided to curse them for having destroyed her sons and many others most venerated by all. The great Vyasa could see through his inner eyes that the Pandavas would be cursed, and would have to reap the consequences of her wrath. He ran to Gandhari to dissuade her from doing what she had contemplated to do. He told her that what had happened was the command of *Dharma*, and accorded well with her own verdict. Listening to this, she gave up the idea of cursing the Pandavas.

#### (x) The Flag

From afar, the tricolour flag of our nation can be seen atop the portico, resting on massive solid round pillars with decorated frieze on the capital. The verandah is most often crowded by the lawyers in black coats, coming out and going into the court rooms with alacrity and pace as if the doomsday is just round the corner. Our nation's flag is an epic, a veritable reflecting-mirror of the values of our culture. We cannot be indifferent to this symbol of our nation. I was not much interested to know why and how the colours for our flag were chosen. What matters is the imagery it provides, and idioms in which it communicates. Its saffron top stresses not only the most admirable quality of detachment, but also it brings to mind the flag of Arjuna in the Mahabharata War, and also the great *Bhagwa* flag of our Shivaji the Great. The green down the flag represents the nation's commitment to agriculture, and our obligations not to pollute nature and environment. The central band of our flag bears the image of *achakra* (wheel) with 24 spokes. It symbolizes the famous Buddhist *Dharmachakra* suggesting our commitment to peace and spiritual values so important in our world of fast changing technology but stagnant, if not decadent, morality. I remember what decades back my father, himself a freedom-fighter, had told me that the *Dharmachakra* can turn into the *Sudarshanchakra* of Krishna, if *dharma* is ignored on account of the tainting factors like greed, lust, anger and fear. I enjoyed the great poetry expressed through the possibilities of the transformation of the *Dharmachakra* into the *Sudarshanchakra* to undo injustice. I always salute the flag once a day when I enter the campus of the Court. I wish the Hon'ble Judges and the lawyers should also pay a daily homage to our flag.

#### (xi) Musings on the Mahatma at the Supreme Court

क्यों दुखी और नतमस्तक, प्रस्तर बन बैठे हो ?  
समझ रहा हूँ दर्द तुम्हारे संवेदित मानस का  
अपनों से इतना विरक्त हो आत्म कष्ट सहने का  
आज देश तेरी बातों को भूल गया है जड़ से  
स्वार्थलीन भोगवादी बन इतराते हैं भ्रम से  
कहाँ खड़े हो फरियादी बन आज नजर नीची कर  
कौन सुनेगा जहाँ खड़े हो, किसको अब फुरसत है  
भीड़-भाड़ में एकाकी बन क्या चिंतन करते हो ?  
राष्ट्र नहीं है, पिता चिता में, सब कुछ तो बिकता है

[Why are you drooping with sad and stony face? It is easy to understand what gnaws in your sensitive mind that makes you sad, and so indifferent. The country has forgotten your instructions, and is fast turning hedonistic. Why should you be there as a humble suppliant with a downcast look? Who would listen to you, who has time left for that? Why are you thinking alone in the crowd? Where is our 'nation' now? Fathers have fallen, and everything is commoditized for sale.]

Two images, which drew me most to intense reflections, were the emblem of the Court with Gandhari's words inscribed on it, and the image of the Father of the Nation strategically placed on a pedestal perhaps to observe round the clock how the progeny of the Freedom Fighters manage the affairs of the State. I felt deeply drawn towards Gandhi's bust both for its symbolic value and aesthetic qualities. This bust of Gandhi is outside the Court's main building. It is in front of the Chief Justice's Court. Here he, with his down-cast visage and drooping eyes, seems to be experiencing pangs. The pangs of seeing the Father of the Nation thus downcast got enhanced on seeing his image on the high-value currency notes where he is shown bubbling with joy. I felt it was a sacrilege on the part of our Reserve Bank to select the image of vivacious and over-jubilant Gandhi for the currency notes! But Gandhi is not the first, nor will he be the last, to be damned this way. It was beyond me to comprehend why the Father of the Nation was so much downcast and morose. Is he so morose because he found that the *talisman*<sup>15</sup> he had given to our decision-makers of the free India, was quoted at the zero price on the Stock Exchange! I could have asked Freda Brilliant Marshall, who sculpted the bust of Gandhi, or Dr. L. M. Singhvi, Senior Advocate, who had presented the bust to the Supreme Court<sup>16</sup>, to know what it was that had anguished Gandhiji. I hope persons abler than me would make that discovery someday. To assuage his sufferings; I intoned the following two lines from the end of the *Mahabharata* (in the 'Swargarohanparva') where the great Vyasa says: (translated from Sanskrit):

'By raising my both the hands, I shout to say (what is good for all) but none listens to me. Why do people not resort to *dharma* that gives wealth, power and energy all at once?'

### (xii) Conclusion

The imageries at the Supreme Court impressed me. So I have reflected on them. My labour of love would be amply rewarded if my short and sketchy account makes minds abler than mine to reflect on them.



### NOTES AND REFERENCES

- 1 He had taught me for 4 years at C.M. College at Darbhanga during 1954-58..
- 2 Wimsatt & Brooks, *Literary Criticism, A Short History* P. 264
- 3 As Justice Jagannadha Rao describes the mural in his article on 'Goddess of Justice: The Constitution and the Supreme Court' in *Supreme but not infallible* (Oxford). You can see its photograph at page 86 of the book.
- 4 [http://www.atmajyoti.org/gi\\_bhagavad\\_gita\\_ch5.asp](http://www.atmajyoti.org/gi_bhagavad_gita_ch5.asp)
- 5 Chapter 25 of this *Memoir*.
- 6 "Truth alone prevails, not unreality"
- 7 Eknath Easwaran, *The Upanishads* (Jaco) p. 181
- 8 <http://www.state.il.us/court/SupremeCourt/Historical/Artwork.asp> [accessed on Feb. 3, 2011]
- 9 Albert Henry Krehbiel (1873 - 1945)
- 10 [1957] 2 QB 55, 64
- 11 As translated in *Advanced History of India* by Majumdar, Roychaudhuri and Datta
- 12 Ramdhari Singh 'Dinkar' in *Kurukshetra*.
- 13 'Where there is Righteousness, there shall be Victory'
- 14 You may read the Sanskrit text, as in the *Mahabharata* (Striparva Chapt. 14. *shlokas* 1-13) ; and its English rendering, on my website [http://shivakantjha.org/openfile.php?filename=pil/indo\\_mauritius\\_dtaa\\_pil.htm](http://shivakantjha.org/openfile.php?filename=pil/indo_mauritius_dtaa_pil.htm)
- 15 Mahatma Gandhi had said (as displayed in Gandhi Smriti, Birla House, New Delhi):  
"I will give you a talisman. Whenever you are in doubt or when the self becomes too much with you, apply the following test:  
Recall the face of the poorest and weakest man whom you have seen and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions?  
Then you will find your doubts and yourself melting away."
- 16 Similar busts of Mahatma Gandhi were installed at Tavistock Square in London [visit [http://en.wikipedia.org/wiki/Tavistock\\_Square](http://en.wikipedia.org/wiki/Tavistock_Square)  
<http://en.wikipedia.org/wiki/File:DSCN1997TavistockSqGandhi.jpg>  
"Those who cannot go to London to see the most admired work of Fredda Brilliant may see the bust of Mahatma, a replica of the face and the chest of the statue at Tavistock, at the State Museum complex in Shimla. Its clone adorns the Supreme Court campus. The words of Shiv Kant Jha, an advocate in the SC and a descendent from the freedom fighters' family, reflects the feelings of many who see the bust in Shimla, "It was beyond me to comprehend why the Father of the Nation was so much down-cast. While it is not unlikely in these locust-eaten years for most fathers to be sad on seeing the deeds of their progeny, Gandhi's drooping face indicated some deeper pang, some iron in his soul. Is he so morose because he has really noticed that the talisman he had given to the decision-makers of the free India is now quoted at the lowest price on the stock exchange?"' Shrinivas Joshi in the *Tribune* [HTTP://WWW.TRIBUNEINDIA.COM/2008/20081008/HIMPLUS1.HTM](http://WWW.TRIBUNEINDIA.COM/2008/20081008/HIMPLUS1.HTM)