

JUDICIAL APPROACHES SHAPED BY PERSONAL BIAS: AN ANALYTICAL PERSPECTIVE

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ABSTRACT

How will you come to know that the judges from different backgrounds might be prejudiced, can you accept the verdicts? Now will analyze substantial literature on judicial decision making in detail and explain how the demographic factors and ideologies of judges can influence or structure their decision making. It is evident that sometimes race, nationality, caste and gender might affect judicial decision making. On the basis of these mentioned personal biases, the decision-making role was played by a numerous cases like *R. vs. Sunderland*, *Manak Lal vs. Prem Chand*, *Meenglass Tea Estate vs. Workmen*, *S. Parthasarathi vs. State of Andhra Pradesh*, *State of Uttar Pradesh vs. Mohd. Nooh*, *A.K. Kraipak vs. Union of India*, *Mineral Development Ltd. vs. State of Bihar*, *A.P. State Road Transport Corporation, Hyderabad vs. Satya Narain Transport Ltd.*, *Kirti Deshmankar vs. Union of India*, *S.L. Kapoor vs. State of Himachal Pradesh* and *Tata Cellular vs. Union of India*. The more important is that it suggests the literature deems such characteristics as far less important in shaping or predicting outcomes compared to ideology or partisanship-associated closely with gender, race, and ethnicity. This leads us to conclude that assuming judges from different backgrounds are biased because they rule differently is questionable. So, that the application of the law rarely offers few objectively correct answer to the issue, it is a serious thing to note by anybody that judges decisions vary according to their personal backgrounds and most importantly, according to their ideologies.

This article therefore examines the effects of personal biases on judicial decision-making and looks at how individual experiences, ideologies, and implicit preferences shape the direction of legal outcomes. While it is expected that judges must apply the law with being complete impartiality, personal prejudices at conscious and unconscious levels which can affect the fact interpretation, with prior to legal precedents consideration and sentence of punishments. The essay examines a range of judicial systems; the particular historical and modern cases have been considered in terms of potential bias in judgment formation. By using the points of cognitive and legal theories, it explores how a judge's political affiliation, (his/her) gender, racial biases, and social background may each operate to influence their own decisions. Significantly, it considers inside structures to the judiciary that exist to defuse partiality and to ensure that justice is enacted. My opinion would attempt to create awareness and advocate deeper changes in the institutional level by way of minimizing the subjective bias impacts upon our judiciary.

Keywords: Judicial Decision-Making, Personal Bias, Natural Justice, Case Law.

I. Introduction

The principle of Natural Justice holds a very crucial standing in any analysis of the judicial system in rendering justice. Fairness, impartiality, and the rule of law form the

structuring of efficient construction of the judiciary. Judges are bound to interpret the statutory procedures and apply those laws in an unbiased manner or uninfluenced by coercion like by other political influences as

such or dictation from other models or the fanciful wishes of a particular individual. These are not proper embodied rules. They are not fixed in any of the codes in the statutes. They are just judges-made principles and it is also regarded as the counterpart of the American procedural due process of law. These codes or procedures have been developed to secure justice and prevent miscarriage of justice. But in the practical world it is hard to achieve with any judicial decision-making process, complete impartiality. Like all jurists, Judges also become with their kinds of stuff of experiences, or own opinions and the society in which they are living, thus making decisions as to unconscious and conscious effects of personal bias in nature. The Supreme Court has stated that it is incapable of attempting the definition of natural justice. **Union of India vs. P.K Roy**²²³ Where, Roy, the appellate court has observed that the application of this doctrine depends upon the nature of the jurisdiction conferred on the judicial authority, upon the character of the persons rights affected, the rules and policies of the statute and other relevant circumstances mentioned in the particular cases.

Personal bias in the judiciary is a complex matter to reveal its real face in prior to a few kind of legal interpretations, the habits toward a certain demographic group, or judgments with influence of political ideologies. Those biases are determined by upbringing into the view of all, education, social environment, professional background and even more to the moral and ethical principles. Though judicial pauses are highlighted in most legal matters, it cannot be fully wiped off from the impact of personal biases but only for some circumstances. By looking at the historical cases in which the decisions have taken place, the study will point out where personal bias might have really takes place in on the legal decisions. It also discusses the present safeguards within the judicial systems for balancing bias regarding ethical guidelines or moral principles and appeals, and

their effectiveness in ensuring fairness of justice. Here, focuses on one aspect: the cognitive biases that, as not strong or strictly but they are the vital components of personal bias, which manifest in legal judgments.

II. Gap Between held and hold

- ❖ The lack of empirical analysis, where only the explicit like case law and precedents are analyzed but not the implicit like the unconscious biased minds of judges.
- ❖ Lack of detailed cross jurisdictional analysis that may give idea about to handle judicial bias.
- ❖ The tests only focus on legal perspectives but not on the other perspectives of enough research from psychology, neuroscience or any behavioral science to understand the psychological mechanisms behind judicial bias.

By addressing these gaps, future studies can elaborate much more covering of contexts and from an interdisciplinary perspective on how personal bias influences judicial decision-making and the effectiveness of current interventions of legal principles.

III. Analysis to the personalized biases of judicial approaches

Personal Bias means, a partiality in a dispute of friendship or enmity. If a factory manager investigates workmen who are alleged to have assaulted him, his biased decisions are likely to be invalidated because of the serious nature of personal bias, and there might be a chance of biased.

Personal bias contains two tests:

- Possibility and
- Real suspicion.

The court of law do not like to delve into the state of mind of a judicial officer, instead they concern themselves with actual bias. But not all kind of bias can spoil an act, a rational priority which is without personal interest or financial

²²³ Union of India and Anr vs. P.K. Roy and Ors, AIR 1968 SC 850.

interest is valid to the extent. The praise by a senior officer about a junior is not a point to bias because in a confidential report nor does that prevent the officer from serving on the Promotion Committee. No actual bias need be shown to affect the order because it suffices if there is a real possibility of bias. A real possibility of bias will indicate certain like nature of bias.

In **R. v. Sunderland**, the court views at the point of view of a proper businessperson because in the past days it was held to the extent, whereas in **R. v. Sussex Justices**, bias is to have occurred because a suspicion of bias has been raised, not because of the actual conduct of the mannerism shows bias. Halsbury's Law of England, states that the real likeness of bias is considered in the view angle of a reasonable man holding the circumstances. De Smith explains, "The disinterested possibility is what well-informed which reasonable men considered in landmark cases, where justice must appear to be done." Justice must seem to be fair. **Metropolitan Properties Ltd. v. Lannon**, in this case the Chairman of the Rent Assistant Committee set the fair rent of the particular flat below the claim paid by the tenant. The tenant had lived in a flat, let to the landlord by the father of the tenant who was tied to the property's owners. The Chairperson represented his father and other tenants against the landlord in situations relating to the determination of fair rent against these possible personal biases on the part of the Chairman against the landlord. So in this case, the court held to set aside the fair rent determination order as no actual bias was alleged to be happened and the suspicion of bias set aside the order. There was no bias or malice was a reasonable man would show suspicion of bias in the Chairman's mindset. It was held by the Supreme Court of India in the case of **Manak Lal v. Dr. Prem Chand**²²⁴, wherein Prem Chand made a complaint against advocate Manak Lal. The Bar Council, therefore, constituted a

Tribunal to give a view into the complaint. The plaintiff, Prem Chand, was represented before the Tribunal by Chairman. Though the court did not find any relevance of bias, so the Chairman was held disqualified because not only "Justice be done but it must also be seen to be done". Bias was may or may not probable in this situation and thus should have held disqualified. Reasonable suspicion against the Manak Lal, the court removed the Chairman as the chances of personal biases inferior to the extent.

In **Meenglass Tea Estate v. Its Workmen**²²⁵, the manager enquired into a worker accused of assault. The dismissal of the worker was not justified. This made the court to dissolve the Manager. The appellate court in India held that "the test is not whether a bias affected the judgment, but whether the litigant fear that a bias from a tribunal member influenced the final decision" The requirement is that it has to be stressed that not only justice be done but it must also be seen to be done.

In **Rattan Lal Sharma v. Managing Committee**²²⁶ the school principal was suspended by the managing committee, one of the charges was misutilization of unaccounted money. The school organized a three member inquiry committee, comprising Mr. M. Ram, who attended the inquiry as a witness for the administration of work. The appellant but raised an objection on the constitution of the Inquiry Committee based on the issue of bias, and it had been rejected as Mr. M. Ram was a representative of teachers on the Managing Committee. The findings by the Inquiry Committee, proved him guilty on some charges. On these findings, the proposal for dismissal by the Managing Committee has been upheld in the court.

The Court detailed in **Kumaon Mandal Vikas Nigam Ltd. v. Girja Shanker Pant** that the test is whether there is mere apprehension of bias or

²²⁴ Manak Lal vs. Dr. Prem Chand, AIR 1957 SC 425.

²²⁵ Meenglas Tea Estate vs. Its Workmen, AIR 1963 SC 1719.

²²⁶ Rattan Lal Sharma vs. Managing Committee, Dr. Hari Ram, AIR 1993 SC 2155.

real danger of bias. Where there could be an element of bias, the administrative action cannot stand. If the allegations of bias appear simply to avoid a particular court, then the question about the unbearable holdings won't arise.

It wants clear proof for the Supreme Court, while deciding the case of Rattan Lal Sharma v. Managing Committee, Dr. Hari Ram, and Co-education Higher Secondary School has held that test is real likelihood of bias. Because he was one of the witnesses against the principal and may have given biased opinion in the inquiry committee. In the case, **State of U.P. v. Mohd.**,²²⁷ were in a departmental inquiry, a witness gave evidence against an employee and afterwards completed the inquiry based on which the employee was dismissed. The dismissal was held quashed on the ground of personal bias.

In **A.K. Kraipak v. Union of India**²²⁷, Naquishbund was included by the selection board in the list of candidates selected for the Indian Forest Service (IFS). The person was not on the Board when mentioned. He was on the list at the Board and was selected. His appointment was set aside for failing to observe the rules of natural justice. The court held that there was a real possibility of bias as he was a member of that particular Board.

In **Mineral Development Ltd. v. State of Bihar**²²⁸, a company owned by Raja Kamakshya Narain Singh was granted a mining license for 99 years. Exercising powers their basis under the Bihar Mica Act, the license was cancelled by the Minister of Revenue. Raja Kamakshya Narain Singh, the owner of the company, stood against the Minister in the 1952, General Election and a criminal case under Section 500 of the Indian Penal Code²²⁹ was also charged against him. The Bihar High Court moved the case to Delhi over political disputes aroused between the minister and Raja Kamakshya Narain Singh. The cancellation order was reversed due to

personal bias. Because of the personal vengeance of the owner's company dispute it is held to be invalid.

In **Andhra Pradesh State Road Transport Corporation v. Satya Narain Transport Ltd.**, the order of nationalization was challenged on the ground that the Minister threatened the petitioner that unless he gave a promise to secure Congress party votes, the petitioner would not be granted the permit for his favor and objections to be filed by private bus owners were heard by the same entrenched Minister. The road transport nationalization order was set aside on the ground of personal bias by the court of law.

In **Kirti Deshmankar v. Union of India**²³⁰, an applicant's daughter-in-law admission to Medical College generated fantastic publicity. The mother-in-law was a member of the Council and had attended the meeting of the Council. It held the student's admission to the Medical College defective, held that proof of bias was not required; a real likelihood of bias was enough to influence the selection process. In **Tata Cellular v. Union of India**, a Government officer favored a tender with a company that employed his son. No bias was established on the tender, however, because he was not a decision-maker and his participation in the process was required under Section 3(6) of the Telegraph Act²³¹.

IV. Findings

These case analyses of the judicial approaches reflects that of personal biases highlights a key factors concerning how courts handle claims of unfairness and their perception towards fairness in litigation.

A. Partiality:

It usually arising from friendship or enmity or other any other subjective ground that may lead to a lack of objectivity in the process of judicial decisions is referred to as personal bias.

²²⁷ A.K. Kraipak vs. Union of India, AIR 1970 SC 150.

²²⁸ Mineral Development Ltd. v. State of Bihar, AIR 1960 SC 468.

²²⁹ Indian Penal Code, 1860, § 500, Acts of Parliament, 1860 (India).

²³⁰ Dr. Kirti Deshmankar vs. Union of India and Ors, 1990 SCR (1) 355 SCC (1) 104.

²³¹ Telegraph Act, 1885, § 3(6), Acts of Parliament, 1885 (India).

Courts often void acts of the judges whenever there is a reasonable suspicion of bias even if actual bias has not been proved. *R v. Sunderland* and *R v. Sussex*, the jury reiterated that suspicion can contaminate court acts hence; there is no need for proof of real bias.

B. Reasonable suspicion:

Manak Lal v. Dr Prem Chand clearly show that courts do set aside decisions not on actual bias in itself but on the possibility side of bias, the Indian judiciary thinks along these lines such that mere perception of bias itself will ensure to nullify judicial decisions without necessitating proof beyond reasonable doubt. In cases like **Meenglass Tea Estate v Their Workmen** and **State of Uttar Pradesh v Mohammed Nooh**. Explains justice is meant for everyone, thus satisfying opinion by a reasonable observer should be considered instead fairness alone. It is understood by showing prejudice may not necessary but if there raises a need then a reasonable apprehension, a reasonable suspicion must exist.

V. Limitations

There are few limitations which may not suitable for all circumstances,

- It mainly focuses on the secondary data like case laws, scholarly articles, etc. which may not give appropriate view for judicial contemporary over different regional variations in holding personal bias.
- The research doesn't show the empirical data as such as interviews with judges how personal biased they are while making judicial decisions.

VI. Conclusion

The courts have repeatedly held that "Justice must not only be done but must also be seen to be done". It stresses the necessities of perspectives of the general public to maintain the trust in legal system. Case like *R. v. Sussex*, Justice explains the courts perception of prioritizing of fairness to maintain the trust in

judicial process. Furthermore, the Supreme Court of India has frequently emphasizes the reasonable person perceiving bias is enough to vitiate judgments when on the absence of direct evidences if personal bias.

In conclusion, the judicial system has achieved a considerable ways in identifying and handling personal bias, through the legal tests and doctrines which has the potential to public perceptions. At the upcoming days, it is important to define new methods to resolve the bias and strengthen public confidence in the legal system and uphold the main objective as that the justice must be both done and seen to be done.

References:

1. Administrative Law, Dr. Kailash Rai, NINETH EDITION.
2. Allison P. Harris and Maya Sen, *Bias and Judging*, Harvard University, 2018, <https://scholar.harvard.edu/msen/bias-judging-arps>.
3. <https://main.sci.gov.in/jonew/judis/677.pdf>
4. <https://www.casemine.com/judgement/uk/5a8ff87960d03e7f57ec112b>
5. <https://www.legalauthority.in/judgement/dr-mrs-kirti-deshmankar-vs-union-of-india-29135>
6. <https://blog.ipleaders.in/a-k-kraipak-v-union-of-india-1970/>