Courage on the Bench

Judicial Integrity Under Threat

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Symbolic illustration with fictional adults; not a reconstruction of a reported event.

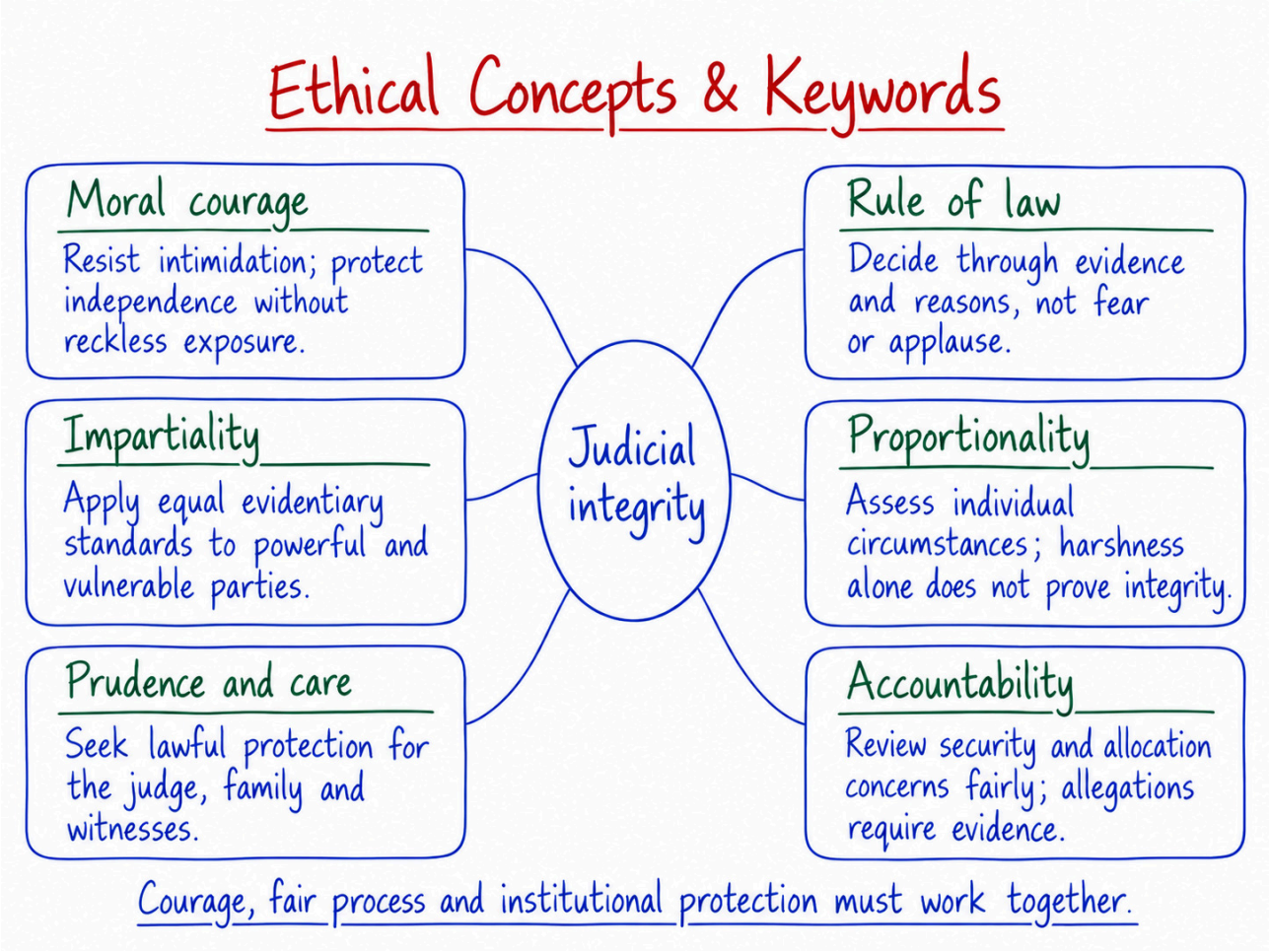
01 Gist of the Issue

A September 2026 press report describes observations made by Muzaffarnagar Additional District and Sessions Judge Ravi Kumar Diwakar in a sentencing order dated 7 September. The court convicted Nadeem of murdering his wife Shahzadi in 2018 and imposed a death sentence. The judge also alleged threats to himself and his family, inadequate security, and improper influence behind the removal of serious criminal cases from his court. The archive article presents these disclosures as a question of judicial courage. They also raise questions about institutional protection, judicial restraint and fair sentencing. [1]

Keep the distinctions clear: allegations recorded by a judge about threats or administrative motives are not automatically independently established findings against the officials concerned. Recalling or transferring a case from one court does not itself terminate the prosecution. A death sentence imposed by a Sessions Court requires High Court confirmation before it can be executed; no later confirmation or final outcome in this particular case is asserted here. [2-3]

The ethical question: How can a judge resist intimidation while protecting family and witnesses, respecting institutional procedures, and safeguarding the rights of every party? Integrity is demonstrated by independent, fair and reasoned adjudication, rather than the number or severity of sentences.

02 Ethical Concepts & Keywords



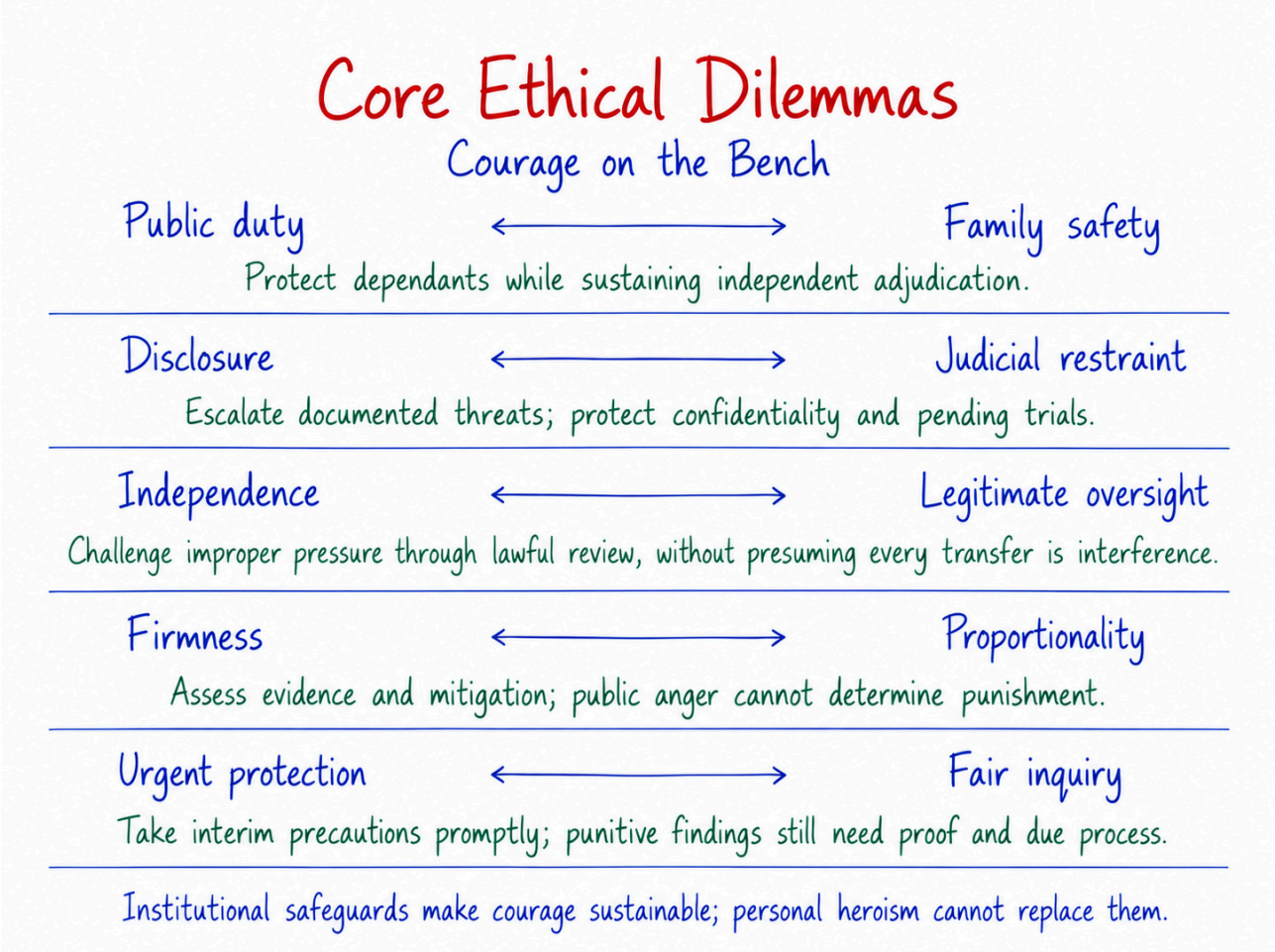
Judicial integrity: concepts into practice • Handwritten revision aid

Value / concept	Application to this issue
Moral courage	Resist improper pressure and report threats without turning personal defiance into the purpose of a trial.
Integrity and impartiality	Apply the same evidentiary and procedural standards to powerful accused persons and vulnerable complainants.
Prudence	Reduce avoidable danger, preserve evidence and choose effective lawful channels. Seeking protection is compatible with courage.
Rule of law	Make decisions through authority, evidence and reasons. Neither intimidation nor public applause should determine guilt or sentence.
Proportionality	Match protection to risk and punishment to applicable law and individual circumstances.
Empathy and care	Recognise fear experienced by the judge's family, witnesses and bereaved relatives; preserve their agency and privacy.

Value / concept	Application to this issue
Institutional accountability	Review security decisions and case-allocation concerns without assuming misconduct before an inquiry.
Judicial independence	Protect decisional freedom alongside legitimate appellate review and administrative oversight.
Judicial restraint	Keep personal grievances, public communications and pending adjudication appropriately separated.

Anchor concepts: moral courage, impartiality and institutional responsibility. An effective response needs all three.

03 Core Ethical Dilemmas

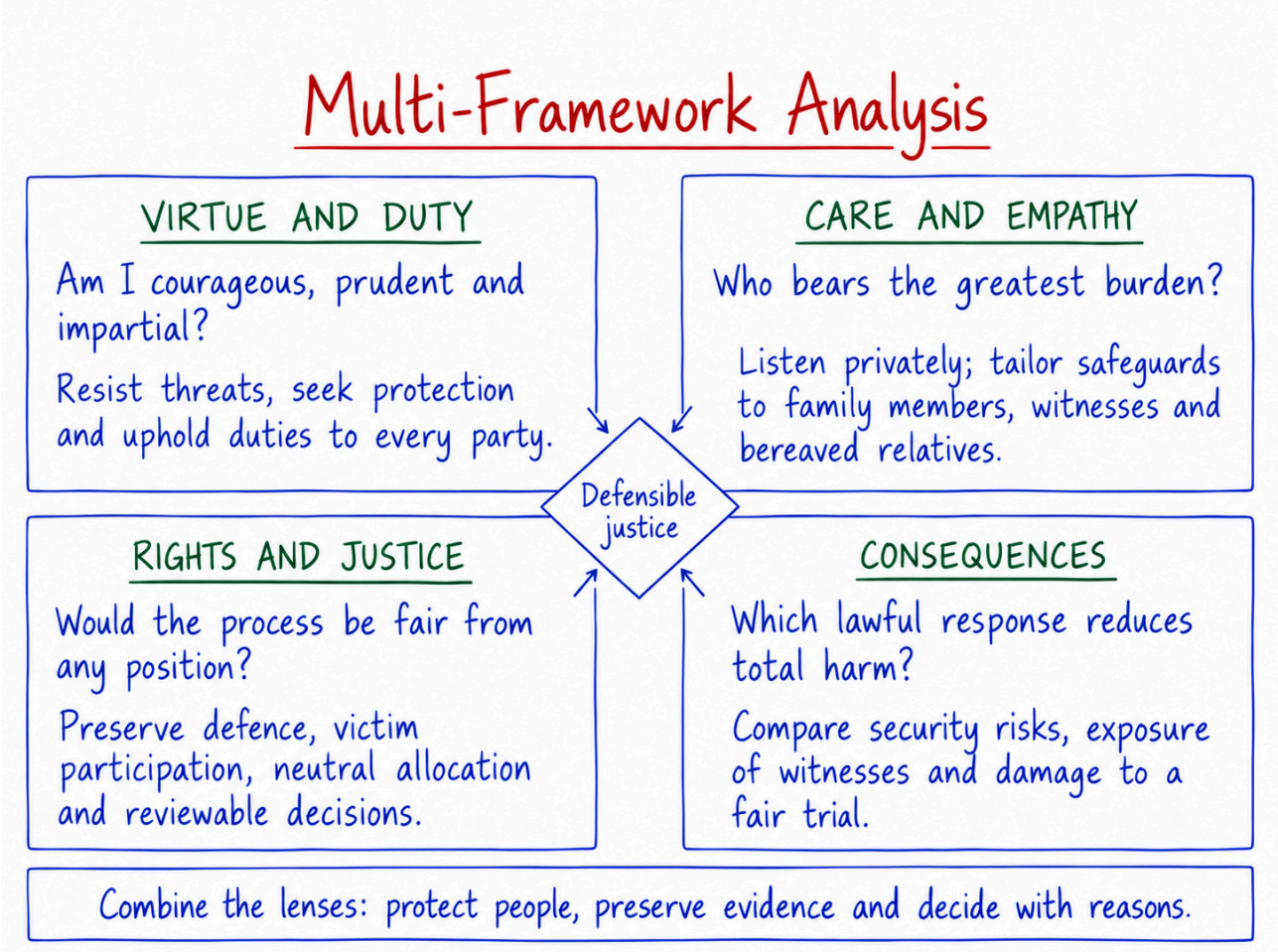


Five tensions for judicial courage • Handwritten revision aid

- Duty and family safety: A judge must discharge public responsibilities, yet dependants should not bear avoidable danger as the price of personal heroism. Protection makes sustained independence possible.

- Disclosure and judicial restraint: Reporting threats can trigger protection and accountability. Public accusations about pending matters can prejudice proceedings, expose witnesses or undermine perceived neutrality.
- Independence and legitimate oversight: A judge may challenge an allegedly improper administrative decision through lawful channels, while recognising that case allocation and review are not inherently attacks on independence.
- Firmness and proportionality: Public anger about violent crime does not relieve a court of its obligation to assess reliable evidence, mitigating circumstances and the lawful range of punishment.
- Urgent protection and fair inquiry: Interim precautions may be justified before allegations are finally proved. Punitive findings against alleged intimidators or negligent officials still require evidence and due process.
- Individual conscience and institutional capacity: Personal resolve matters, but a system dependent on exceptional bravery leaves ordinary conscientious officers exposed.

04 Multi-Framework Analysis



Ethical lenses applied to judicial integrity • Handwritten revision aid

Virtue ethics: courage guided by practical wisdom

Aristotle distinguishes courage from both cowardice and rashness. Applied here, virtue requires steadfastness, sound judgement and self-control. Refusing a corrupt approach is courageous; disregarding a credible threat or treating harsh punishment as proof of bravery can be imprudent. A judge's character is tested equally by protecting an unpopular accused person's procedural rights. [6]

Deontology: duties that survive pressure

A judge owes duties to the law, truthfulness and every person appearing before the court. A rule permitting decisions to change whenever a powerful group threatens the adjudicator cannot support an impartial institution. Kant's respect-for-persons approach also prevents using an accused person as a vehicle for displaying courage, or a victim's family as a symbol in an institutional dispute. [7]

Consequentialism: evaluate the complete risk picture

Yielding to intimidation can encourage further interference and destroy confidence. Uncontrolled disclosure can also escalate violence, expose protected information and damage a fair trial. The strongest response is likely to combine prompt risk reduction, documented escalation and reliable adjudication. Its expected benefits should be tested, rather than assuming publicity always produces accountability.

Rights-based reasoning: independence serves everyone

The judge's security and the litigants' fair-trial interests reinforce one another. Equality and protection of life and liberty provide a constitutional foundation. Victims deserve dignity and lawful participation; accused persons retain defence and review rights. A threat allegation against one actor cannot erase the rights of another. [2]

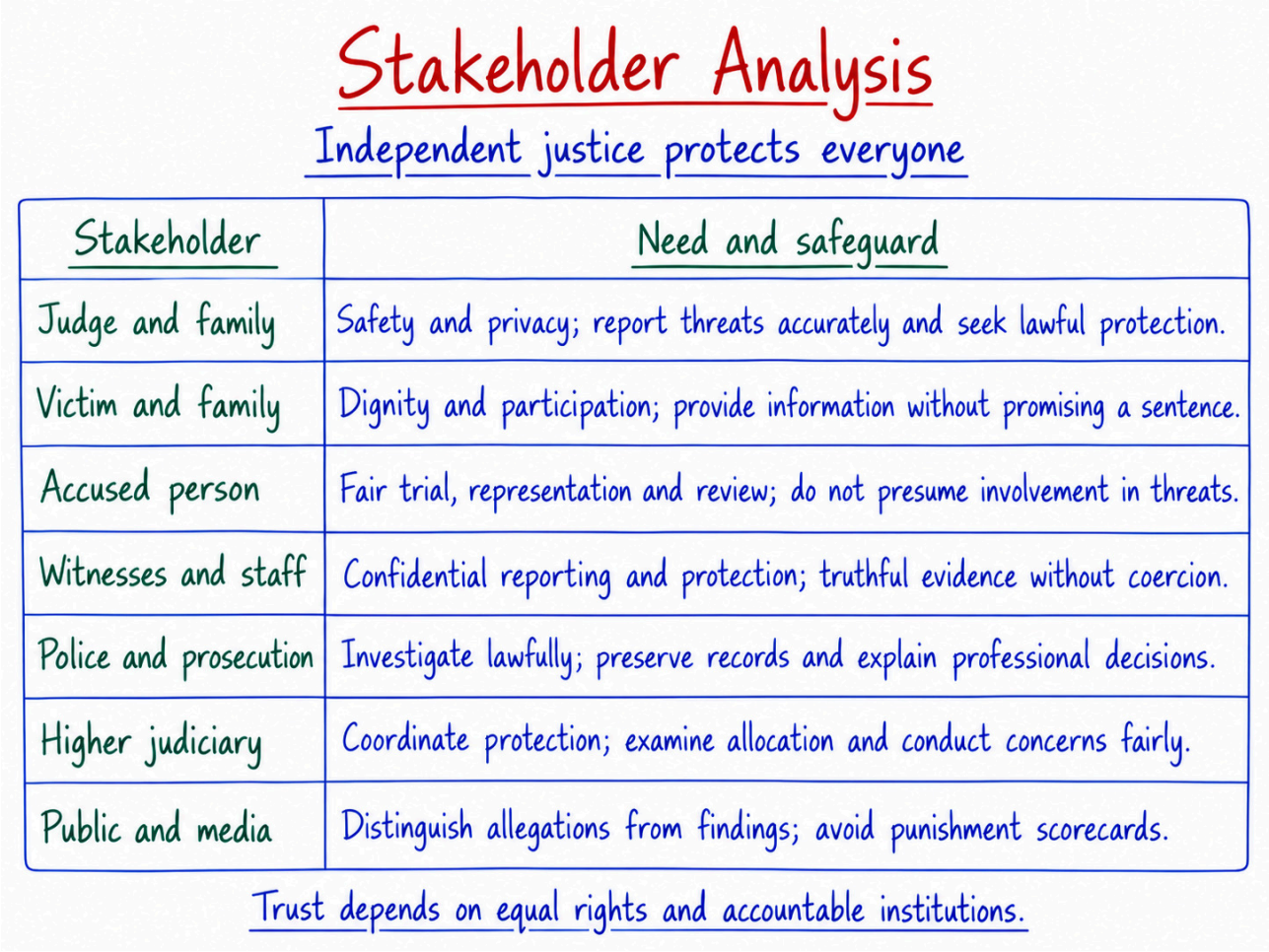
Care ethics: attend to unequal burdens

A family under surveillance, a witness dependent on the local economy and an impoverished bereaved household may experience danger differently. Private listening, clear explanations and tailored safeguards matter. Care also means avoiding coercive demands that a frightened witness prove bravery before receiving help.

Justice and institutional design

Design the system as though you do not know whether you will be the judge, a witness, a victim or a wrongly accused person. You would want secure courts, neutral case allocation, reviewable decisions and access to remedies. That perspective shifts attention from celebrating one personality to creating dependable protection for all.

05 Stakeholder Analysis

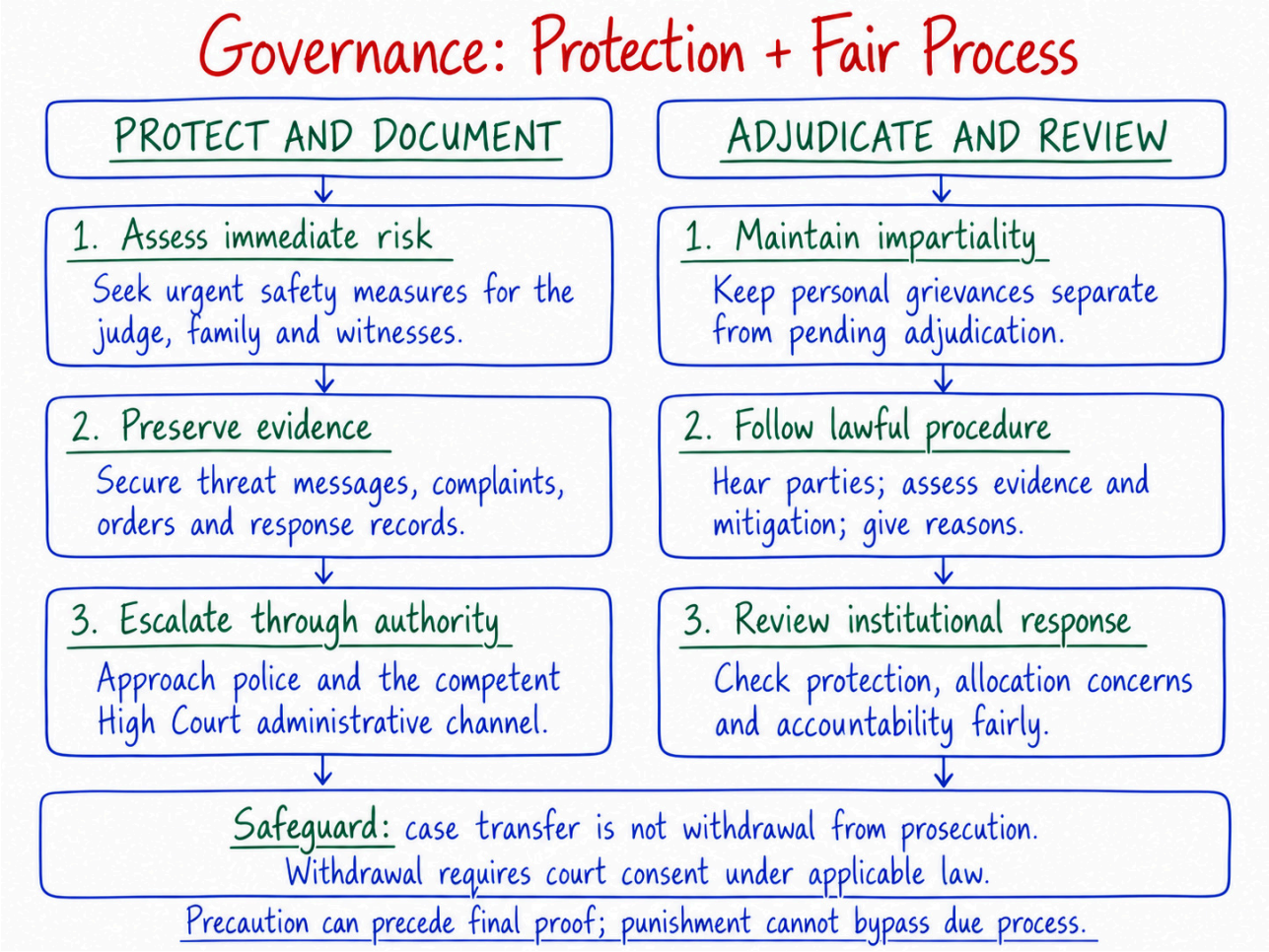


Rights and responsibilities of each stakeholder • Handwritten revision aid

Stakeholder	Interest / vulnerability	Ethical responsibility or safeguard
Judge and family	Physical safety, privacy and decisional independence	Report risks accurately; seek protection; preserve impartial adjudication. Family members should not be treated as expendable.
Victim and family	Dignity, reliable adjudication and meaningful participation	Provide lawful assistance and information without promising a conviction or a particular punishment.
Accused / convicted person	Fair trial, representation, proportionate sentence and review	Maintain legal protections even when public sentiment is hostile; distinguish allegations from proved involvement in threats.

Stakeholder	Interest / vulnerability	Ethical responsibility or safeguard
Witnesses and court staff	Safety and freedom to give truthful evidence	Offer accessible confidential reporting and protection; do not equate changed testimony automatically with intimidation.
Police and prosecution	Public safety and effective, lawful proceedings	Investigate threats, preserve records and explain decisions; prosecution must exercise independent professional judgement.
District and higher judiciary	Continuity, proper administration and public confidence	Examine complaints fairly, coordinate protection and review allocation or conduct concerns through competent channels.
Public and media	Open justice and institutional trust	Distinguish reports, allegations and final findings; avoid treating severity of punishment as a performance score.

06 Administrative & Governance Angle



Protection and fair process in parallel • Handwritten revision aid

Separate three processes

Process	What it means	Safeguard
Case recall / transfer	A change in which court handles a matter; it does not itself end the prosecution.	Verify the order, power, procedural stage and competent review route; do not presume a corrupt motive.
Withdrawal from prosecution	A prosecutor seeks to discontinue prosecution under the applicable procedural law.	Court consent is required. Under BNSS section 360 the victim must have an opportunity to be heard. Saved older proceedings may continue under CrPC. [3-4]
Security reassessment	An administrative response to assessed risk, including deployment decisions.	Urgent precaution, recorded reasons, confidential review and a remedy if protection is inadequate.

Judicial hierarchy and protection

Article 235 vests control over district and subordinate courts in the High Court. A practical escalation should identify the actual Registrar General, administrative or inspecting judge, and Chief Justice's administrative channel under the applicable rules. Do not assume a generic "State Judicial Council" is the established reporting body. Police protection and criminal investigation should proceed alongside judicial-administrative escalation when risk is urgent. [2]

Witness protection and evidence quality

The Witness Protection Scheme, 2018 provides for threat assessment, confidentiality and protection measures, including interim protection in urgent cases. Use the competent authority and applicable state arrangements. Its availability does not establish that protection was actually provided in the reported incident, and it is not a blanket security entitlement for every judicial officer. [5]

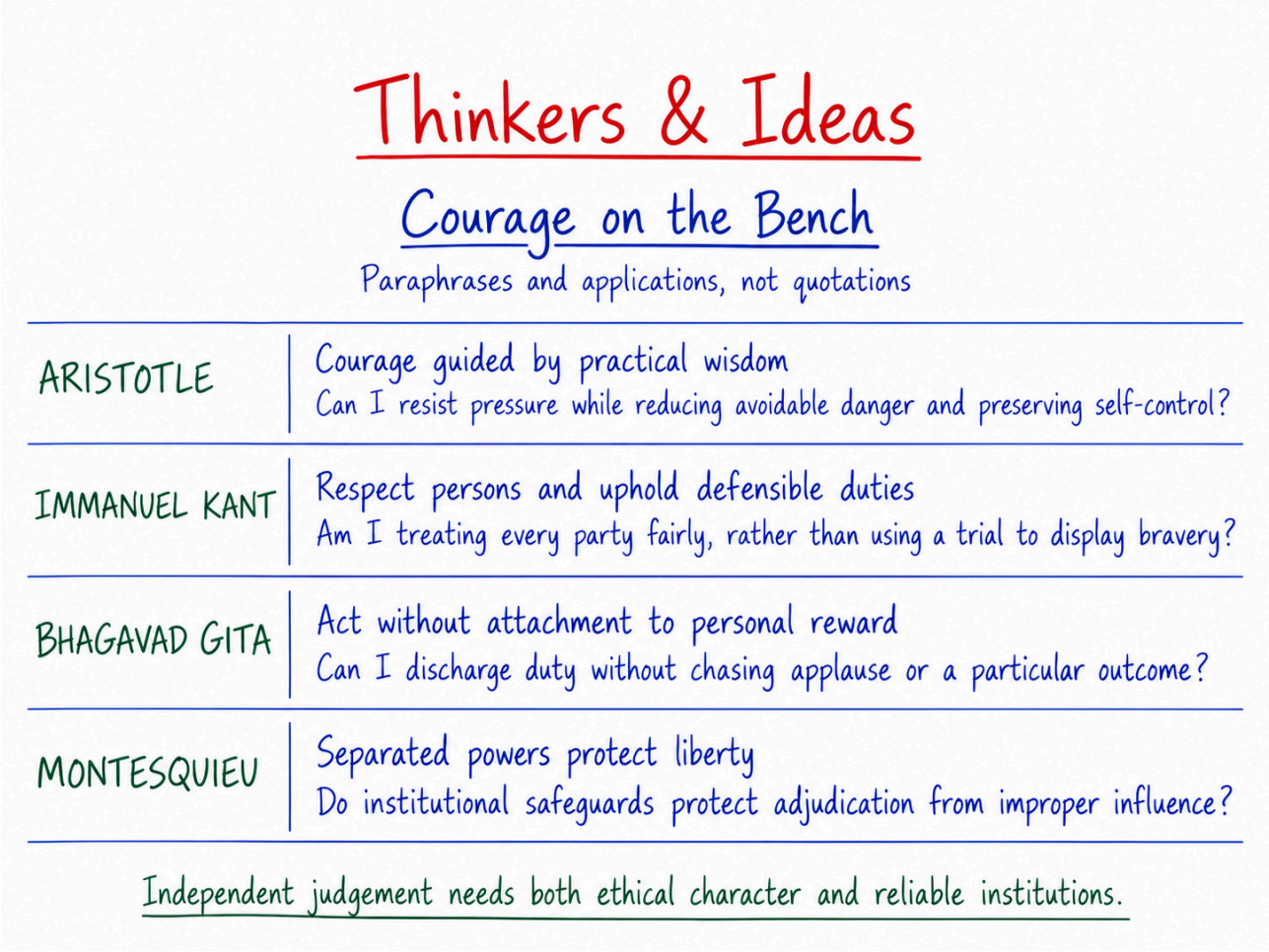
Capital sentencing and independent review

Indian capital-sentencing jurisprudence treats death as exceptional. Individualised reasons, a meaningful sentencing opportunity and consideration of mitigation matter. The Supreme Court's 19 September 2022 reference order explains these safeguards and the need for a consistent framework. A tally of death sentences proves neither integrity nor illegality: legality must be evaluated case by case through competent review. [3, 9]

Reforms worth pursuing

A High Court-coordinated threat response, confidential incident tracking, reviewed security changes, transparent allocation criteria and trained court-security personnel would reduce dependence on personal courage. Audits should identify warning patterns while preserving the independence of individual adjudication. These are policy recommendations, not claims that every listed mechanism is absent today.

07 Thinkers & Ideas



Thinkers applied to judicial independence • Handwritten revision aid

The ideas below are paraphrases and ethical applications, not verbatim quotations or claims about the personal beliefs of the judge in the news report.

Thinker / text	Idea	Application
Aristotle, Nicomachean Ethics	Courage requires appropriate judgement about fear, confidence and action.	Stand firm against coercion while seeking protection and choosing proportionate means. [6]
Immanuel Kant, Groundwork	Respect persons as ends; test principles for universal application.	Do not instrumentalise the accused, victims or family members to demonstrate personal resolve. [7]
Bhagavad Gita 2.47	Act without attachment to the fruits of action, and avoid attachment to inaction.	Perform lawful duty without craving applause or a record of convictions. This does not remove responsibility for foreseeable harm. [8]

Thinker / text	Idea	Application
Montesquieu, The Spirit of Laws, Book XI	Liberty requires protection against concentrated power and separation of judicial power.	Support judicial independence through institutional checks rather than unreviewable personal authority. [10]

Answer-writing value: explain one thinker accurately and connect the idea to a concrete decision. A short, relevant application is more useful than an unattributed quotation.

08 Fictional Case Study

Sessions Judge Arvind Sehgal has been posted in a western district for eight months. He is hearing serious criminal cases, some involving a locally influential syndicate. Several witnesses have changed their earlier accounts; he does not yet know whether this reflects intimidation, unreliable investigation or other causes. Prosecutors in four cases have sought adjournments or permission to withdraw prosecution. Separately, an administrative order recalls several part-heard cases from his court.

Arvind receives two anonymous threatening calls, and his family reports being photographed outside their home. He sends written complaints to the Superintendent of Police and the District Judge. A week later, his two-person security detail is reduced to one constable, with "redeployment" cited. An informal message through an administrative liaison advises him to avoid public statements and allow the matter to settle. He fears continued interference but also understands that his personal suspicions cannot decide pending cases.

This is a fictional learning scenario. Its invented actors, chronology and administrative responses are not further factual claims about the reported case.

- (a) Identify Arvind's options and evaluate their merits and risks.
- (b) Explain the ethical dilemmas and competing stakeholder claims.
- (c) Recommend a reasoned course of action, including immediate and later steps.
- (d) Suggest policy measures that protect judicial independence without weakening accountability.

09 Model Answer

Introduction

Judicial courage is the ability to decide fairly despite pressure. In this case, it must be joined with prudence, respect for rights and institutional responsibility. Arvind should neither normalise intimidation nor turn the trial process into a personal contest with alleged intimidators. His objective is a safe and credible process in which victims, witnesses and accused persons can exercise their lawful rights.

(a) Options and their assessment

Option	Potential value	Risk / assessment
Remain quiet and continue without escalation	Avoids an immediate public controversy and preserves routine work.	Leaves reported danger and institutional concerns unresolved; unsuitable as the complete response.
Document and formally escalate within the judiciary	Creates an accountable record and uses the competent administrative structure.	May be slow; requires tracked requests, deadlines appropriate to risk and escalation beyond conflicted recipients.
Seek urgent police protection and investigation in parallel	Addresses immediate danger and creates a separate evidentiary trail.	Local conflicts or delay may require senior police intervention and lawful remedies; protection is not a finding of guilt.
Request lawful protective arrangements for work or family	Can preserve safety and continuity through secure accommodation, transport or temporary arrangements.	Must be risk-based and authorised; transfer or leave must not become a routine reward for intimidation.
Make a public allegation or release case material	May draw attention when institutional responses are inadequate.	Can expose witnesses and security details, prejudice cases and breach conduct duties; not an automatic next step or preferred first response.

The best approach combines formal judicial escalation with immediate safety measures and proper police action. These routes should run concurrently when danger is urgent. Seeking a transfer or recusal may be necessary in particular circumstances, but should be reasoned and handled by the competent authority rather than assumed either cowardly or always desirable.

(b) Ethical dilemmas

First, public duty coexists with a serious duty of care to family and staff. Their safety cannot be casually traded for a heroic reputation. Second, loyalty to the institution requires helping it correct failures; it does not require concealing credible threats. Third, transparency must be balanced with confidentiality, impartiality and the rights of people who have not been found responsible for intimidation. Fourth, decisional independence exists alongside lawful administrative control and appellate correction. Finally, support for victims must not slide into prejudgment of guilt or a commitment to the harshest possible sentence.

Changed witness accounts and several withdrawal applications are warning signs, not conclusive proof of a syndicate conspiracy. Equally, uncertainty about the culprit does not justify leaving credible risks unattended. The distinction between precaution and punishment allows Arvind to act promptly without abandoning evidentiary discipline.

(c) Recommended course: protect, record, escalate and adjudicate

- 1. Address immediate danger. Contact the designated police authority promptly; request a fresh, written threat assessment and interim arrangements proportionate to the risk to the home, travel and courtroom. Ensure the family knows emergency contacts and follows professional safety advice. Do not publish routes, deployment details or addresses.
- 2. Preserve an accurate record. Retain threatening communications, call details, contemporaneous notes, the family's account, previous representations and the security-reduction order through approved secure channels. Distinguish direct evidence, reported information and inference. Obtain acknowledgement and track who must respond.
- 3. Escalate through the actual judicial structure. Send a concise confidential representation through the applicable High Court administrative channel, including the Registrar General and the relevant administrative or inspecting judge as appropriate. Ask for an urgent review of protection, a designated contact and a reasoned response to the case-allocation concern. If a recipient is implicated, use an authorised higher channel rather than routing the entire complaint only through that person.
- 4. Pursue police action without waiting for the administrative complaint to finish. Seek registration and investigation according to the nature of the alleged offence and applicable procedure. Escalate documented inaction to senior police authorities and obtain independent legal advice on available remedies. Arvind should not use his own courtroom to adjudicate his personal complaint against an alleged intimidator.
- 5. Protect the evidence process. Where threats to witnesses are reported, facilitate applications through the competent witness-protection route and seek appropriate interim safeguards. Hear witnesses respectfully and assess their actual testimony and admissible evidence. Do not punish a changed account merely because it frustrates the prosecution.
- 6. Examine each procedural request on its own merits. Require recorded grounds for adjournments and withdrawal applications, hear the relevant parties and apply the governing procedural regime. Review the recall order separately through the competent mechanism; do not confuse it with termination of prosecution or simply refuse compliance because it feels unfair.
- 7. Preserve neutrality in pending cases. Continue work where safe and legally appropriate, without fast-tracking punishment to signal defiance. If circumstances create an actual conflict or a reasonable concern about impartiality, seek properly reasoned directions, recusal or transfer as required. Threats should not be allowed to dictate the outcome, but impartiality concerns also cannot be dismissed as weakness.

- 8. Review the response and communicate carefully. Follow up at intervals matched to urgency. If protection remains inadequate, seek further formal intervention or lawful judicial remedies with advice. Any external communication should be accurate, necessary, appropriately authorised and consistent with conduct rules; use an institutional spokesperson where suitable. Failure of an internal route does not automatically authorise disclosure of confidential case material.

This approach is ethically stronger because it protects life while preserving impartiality. It gives institutions an opportunity and responsibility to act, creates reviewable evidence and limits foreseeable harm. It also avoids two errors: mistaking silence for loyalty and mistaking publicity or severity for courage.

(d) Policy measures

- Create a clearly identified High Court-coordinated security contact, with emergency access and confidential escalation beyond a locally conflicted chain.
- Require documented threat assessments, periodic review and recorded reasons for material security reductions. Urgent interim protection should not depend on proving the entire criminal allegation first.
- Strengthen witness-protection capacity, safe testimony arrangements and protected reporting for court staff, with adequate resources and confidentiality controls.
- Use transparent, reviewable case-allocation and transfer criteria. Examine suspected retaliation fairly, while preserving lawful oversight and avoiding automatic immunity from legitimate administrative action.
- Provide training in threat documentation, digital security, emotional self-regulation, judicial ethics and communication. Psychological support should be available without stigma.
- Audit warning patterns and response times rather than rewarding conviction or death-sentence counts. Review proven negligence or misconduct through due process, with proportionate consequences.

Value addition: a five-question decision test

Before choosing a step, ask: Is it lawful? Does it reduce a specific risk? Does it preserve impartiality? Can its reasons and evidence be reviewed? Does it protect vulnerable people without prejudging others? An answer that satisfies all five is more defensible than one based solely on courage or institutional image.

Conclusion

An independent judiciary needs judges willing to resist pressure and institutions willing to protect them. The appropriate response is courageous, careful and accountable: secure people, preserve evidence, use lawful escalation and decide every case on its merits. Justice becomes durable when integrity is supported by reliable procedures rather than left to exceptional personal sacrifice.

10 Practice Questions

- What is moral courage in public service? Distinguish it from rashness, stubbornness and a desire for public approval. Illustrate with a judicial or administrative example.
- "The security of a judicial officer and the fair-trial rights of an accused person are complementary." Discuss with reference to institutional independence and accountability.
- A cluster of hostile witnesses and withdrawn prosecutions can indicate intimidation, but it can also have other explanations. How should a public institution respond ethically to such warning patterns?
- Explain the distinction between case transfer, withdrawal from prosecution and acquittal. Why does precise language matter in ethical analysis?
- How can family, education and professional culture cultivate courage without glorifying avoidable personal danger?
- Design a protection-and-accountability framework for officials who face threats from powerful local interests. Include safeguards against misuse of the framework.

GS-IV connections: integrity, impartiality, objectivity, dedication to public service, empathy, accountability, ethical governance, moral thinkers and case-study reasoning.

11 Sources & Reading Notes

News context: September 2026. Study reviewed: 9 October 2026. The original 38-page sentencing judgment and any later appellate disposition were not independently authenticated for this study. The factual opening is therefore attributed to reporting; the legal framework is supported separately by primary legal sources. The fictional case and recommended reforms should not be read as additional facts about the real incident.

1. News context: source clipping by Ishita Mishra supplied in the archive DOCX (compiled 9 September 2026); cross-checked against contemporary reporting. Reports describe the judge's allegations, not independent findings of administrative guilt.
https://www.livelaw.in/news-updates/up-judge-ravi-kumar-diwakar-cases-withdrawn-mafia-criminals-548996

2. Constitution of India, Articles 14, 21 and 235. Official Legislative Department edition; Article 235 anchors the High Court administrative route.
https://www.legislative.gov.in/static/uploads/2025/08/7af1daa22d65f9d04c00ae9b9aa5a799.pdf

3. Code of Criminal Procedure, 1973, sections 321 and 366-371. Withdrawal needs court consent; a Sessions death sentence requires High Court confirmation. Check applicable state amendments and transitional law.
https://upload.indiacode.nic.in/showfile?actid=AC_CEN_5_23_000010_197402_1517807320555&filename=a1974-02.pdf&type=actfile

4. Bharatiya Nagarik Suraksha Sanhita, 2023, sections 360, 398 and 531. The new regime includes a victim-hearing safeguard for prosecution withdrawal; section 531 preserves specified pending proceedings under CrPC.
https://www.mha.gov.in/sites/default/files/2024-04/250884_2_english_01042024.pdf

5. Ministry of Home Affairs: Witness Protection Scheme, 2018 and Mahender Chawla v. Union of India materials. Protection measures are threat-based; urgent interim protection is contemplated. https://www.mha.gov.in/sites/default/files/CSDiv_WPS_12122019.pdf

6. Aristotle, Nicomachean Ethics, Book III, discussion of courage; ethical application is paraphrased. https://classics.mit.edu/Aristotle/nicomachaen.3.iii.html

7. Immanuel Kant, Groundwork of the Metaphysics of Morals, chapter 2: universalisation and respect for persons. The linked text is a modernised presentation; no exact quotation is used. https://www.earlymoderntexts.com/assets/pdfs/kant1785_chapter2.pdf

8. Bhagavad Gita 2.47, IIT Kanpur Gita Supersite, translations by Swami Gambirananda and Swami Sivananda. The application here is an ethical interpretation. https://www.gitasupersite.iitk.ac.in/srimad?choose=1&etgb=1&etsiva=1&field_chapter_value=2&field_nsutra_value=47&language=dv

9. Supreme Court, In Re: Framing Guidelines Regarding Potential Mitigating Circumstances to be Considered While Imposing Death Sentences, 19 September 2022. Read particularly paragraphs 3-6 and 21-24. This reference order is not described as a later final resolution of every sentencing issue. https://api.sci.gov.in/supremecourt/2022/10730/10730_2022_1_1502_38349_Judgement_19-Sep-2022.pdf

10. Montesquieu, The Spirit of Laws, Book XI, chapter 6: primary-text extract on liberty and separation of powers, Online Library of Liberty. https://oll.libertyfund.org/quotes/montesquieu-was-fascinated-by-the-liberty-which-was-enjoyed-in-england-which-he-attributed-to-security-of-person-and-the-rule-of-law-1748