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White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

BOOK REVIEW: THE BENCH, THE BAR AND THE BIZARRE

AUTHORED BY - RAHUL PC

The Bench, the Bar and Bizarre written by the incumbent Solicitor General of India, Tushar Mehta is a thought-provoking and unconventional read which dives through the current institutional infirmities and the moral rot that happened to the judiciary over the years, from deification of the courtroom since antiquity to the age of advanced artificial intelligence (AI), judicial bullying to tectonic shifts in technology.

In exordium, Mehta deals with the so-called “Divinity Virus”, which emphatically portrays the fallacies, judicial intemperament, improprieties and the lack of moral integrity among those who occupy the Bench. This chapter shows the vestiges of the dark and tainted past of those judges in the US as well as the horrific circumstances that were endured and experienced by the individuals, groups and the general populace. But it is not about all of these systemic issues which were prevalent from time immemorial in the legal profession, that plagued and siphoned off the trust in the judiciary. The enigma that Mehta tries to address is much more complex and is very relevant to this day and age, whether the judges should be publicly censured? Or should be removed or suspended from profession when he/she goes beyond what is considered normal in terms of moral civility? A judge can be very angry and very wrong, but their service and sacrifice to administer justice to the society should not be overlooked. Harper Lee's “To kill a mocking bird” beautifully captures this essence

“But there's one way in this country in which all men are created equal- there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of Einstein and the ignorant man the equal of any college president. That institution, gentlemen, is a court.”¹

From the judges who received public censure or suspension to those ‘learned’ judges who were removed from office and even imprisoned, Mehta implicitly conveys what the judicial system lacks, in a country like India, entrusted with protecting the rights of 1.4 billion citizens: a well-

¹ Harper Lee, *To Kill a Mockingbird* 217–18 (J.B. Lippincott & Co. 1960).

defined framework for regulating judicial conduct and addressing the judicial misconduct, particularly the instances of judicial bullying that goes undetected in the lower as well as higher echelons of the legal system. It also dives into the systemic racism and the elitism that have historically permeated the annals of history of the judiciary, providing real life examples of harassment faced by co-workers, counsel, as well as litigants. Here, Mehta cogently weaves technical legal literature into the everyday hurdles a layman faces when dealing with the judiciary. Mehta delves into the question of established courtroom etiquette of calling the judge as 'your Honor' or 'your Lordship'. He questions the necessity of such forms of address and asks why judges cannot simply be addressed as 'Judge', 'Sir' or 'The Court'? However, he does not examine these shortcomings through the lens of the judges who interpret law under the world's largest written constitution. Instead, he cites instances involving the judges of the United States, using them as a visage through which he cleverly communicates the admonition or praise that reinforces his contempt for, or contentment with, the judiciary. Through the lenses of the foreign jurisdiction, Mehta analyses the issues of deification of judges, the constant apologies rendered by advocates owing to the power imbalances, 'judge is always right' doctrine, the success of bar depending on being sycophants of the 'deified learned judge', and the systemic racism and gender bias prevalent in the legal profession. The public's faith in the judiciary as the temple of justice, should not be desecrated by the intemperance, incivility and indecorous conduct of the robed terrors on the bench. It is apt to rely on the wisdom of justice Thurgood Marshall;

*"We must never forget that the only real source of power that we as judges can tap is the respect of the people"*²

Even though Mehta in the book's preface states the obvious that he wants to further continue his profession gleefully within the Indian courts, he often becomes indignant of the judiciary when citing instances from foreign jurisdictions that too masking his critique behind them. Leaving the man on the clapham omnibus to ponder and linger over what is unfair and unjust. The preface itself sets the very tone to expect what lies ahead; a set of very niche and never heard of stories from the legal realm where it amazes the reader very much positively so as to contemplate and deliberate on the laxities that plagues the profession.

The book sets its face against the use of technology and more accurately the mobile phones-

² Thurgood Marshall, quoted in *Chicago Trib.*, Aug. 15, 1981.

the misuse of which lead persons to the gaol. The use of mobile phones from the conception to their destruction in the court laced with even the judges being part of the puzzle. Mehta explicitly dealt with profanity, posting of explicit posts on social media, publicly castigating and promoting political candidates, racism, body shaming and hate speech endorsed by the judges outside their courtroom. The book reaffirms the fact that the judge, even in his private and public state of affairs, should adhere to the decorum and conduct worthy of their noble profession. How the book portrays such events of judicial misconduct is very vivid to the point where it becomes incredulous. One of the cases was the judge befriending the defense lawyer on Facebook, posted about his inclination to favour them and not surprisingly the lawyer comments on the post praising the judge. This raises the need for the judiciary to be vigilant in social media, a universal requirement irrespective of jurisdiction and the possible impact it would have against the trust in the system. He also warns the judge's inclination to remain in limelight, especially in social media where the need to create a public persona and to be a reflection of the public sentiment influences the outcome of sensational cases.

In the chapter, aptly titled as judicial rebels, Mehta examines the right to dissent and why it matters. The text used in the dissenting judgments vary in style, form and the mode of delivering it. As Justice Charles Evans Hughes, Former Chief Justice of the United States, presciently remarked "*A dissent, is an appeal to the brooding spirit of the law, to the intelligence of a future day when a later decision may possibly correct the error into which the dissenting justice believes the court to have been betrayed*"³. The dissenting judgments encompass poems, flowery prose, detective novels, cookbooks, superman and even children's books. It is inevitable to talk about dissents in the United States Supreme Court without mentioning the great Justice Antonin Scalia, whose vivid, witty and clever judgements made their way through the texts of this book. From the *Dred Scott*⁴ case which shook the very foundation of American jurisprudence to *Jehovah's witness's*⁵ case, Mehta stresses the importance of dissent and why it should be the vehicle of the voices unheard, the potential nidus of truth and a medium of humanist *weltanschauung*. But sometimes the dissenting judgments might also be a way to show the superior intellect of the dissenter rather than concurring with the majority view. A dissent for the sake of dissent does not necessarily carry

³ Charles Evans Hughes, *The Supreme Court of the United States: Its Foundation, Methods and Achievements: An Interpretation* 68 (Columbia Univ. Press 1928).

⁴ *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857).

⁵ *Minersville Sch. Dist. v. Gobotis*, 310 U.S. 586 (1940).

weight; yet through dissent, ideas that were once considered taboo, can become common currency, enabling the law to evolve and society to change for posterity. The dissenting judgments of today may become the law of tomorrow.

One of the chapters titled 'Law beyond the Living', is by far the most interesting and transfixing part of the book, through a litany of cases, Mehta guides the reader through the paranormal depths in judicial interpretations. The reader gets accustomed to séances, Ouija board, planchettes, and suits against God or the Devil. The cases ranging from civil rights actions to intellectual property claims involving ghosts offer a compelling read throughout for the sheer volume of research that has been converted into the words having context by the author. The case of Betty Penrose, a particularly unforgettable woman, who was the legal secretary of a practicing lawyer, sued God for his alleged negligence in failing to protect them from the lightning that struck their house. To recover these losses, their argument was that "*God is responsible for the maintenance and operation of the universe including the weather*"⁶. Such cases not only stretch the conventional boundaries of judicial interpretation but also demonstrates Mehta's ability to uncover the remarkably unusual questions that have, at one point or another, found their way into the legal system. This chapter, in particular, commands rapt attention. Segueing from the mundane to the paranormal, it transfixes the reader while delivering frequent jolts of laughter.

Mehta paints a vivid picture of how the generative artificial intelligence (AI) has become a throbbing pain to the judicial system of governance. The use of AI is not condemned outright as long as it doesn't dethrone the purpose of law or cause irreparable injury and miscarriage of justice. Mehta pinpoints the issue of confabulation or hallucination that is innate in AI when it comes to the swathes of law, which can disrupt the administration of justice. It is evident that the use of AI, in its current form can at best serve as a tool to aid the lawyers rather than be their master. Through a catena of cases, from fictitious citations to fake cases and facts, Mehta tries to address the concerns of over reliance on AI paving way to the intellectual bankruptcy of lawyers. He warns the reader of undesirable consequences of solely relying on AI to draft and the harmful effect of '*outsourcing of judicial adjudication*' as a reality. As the former Chief Justice of India, D.Y Chandrachud rightly pointed out that "*the suppression of intellect is the*

⁶ Tushar Mehta, *The Bench, the Bar, and the Bizarre: The Unfamiliar, the Curious, and the Extraordinary in Law* 157 (Rupa 2026).

*suppression of the conscience of the nation*⁷.

Mehta also delves into the historical evolution of the judicial robes, neckbands and the black and white attire along with a lawyer's right to attire in a courtroom. He provides insight into why the first⁸ and fourteenth⁹ amendments to the United States Constitution are invoked always for protecting the right to attire of the 'second oldest profession in the world'¹⁰. These chapters explore the importance of having a uniform structure of attire from clothes to bodily teguments. The right to attire also is a symbolic connection to the freedom of expression and is used to express one's ideas, whether political, ideological or social. The underlying rationale is that whether poor or rich, amateur or expert, a uniform dress code ensures that everyone at least on the periphery is indistinguishable and therefore equal in the court of law. The history of the robe and neckband offers a compelling read and communicates the impact and gravitas of the judiciary in the annals of history.

As the book races to its upbeat, glissando-like conclusion, it segues into the territory of judiciary's moral putrefaction-from somnolence to selling and using cocaine; the list goes on forever. This chapter guides the reader through the inertia that exists in the bench and the following incertitude that causes irreparable injury to those who seek justice in the court. These instances include dozing and nodding off, alcoholism, being under the influence of drugs, whether it be counsel, judge or juror. The chapter is replete with the same oddities as Mehta examines the grey areas of judicial impropriety and makes for a gripping, humorous, and thought-provoking read. The final chapter explores the double standards applied to lawyers versus judges when it comes to somnolence, alcoholism and drugs. It exposes how the judiciary invokes the "*demonstrable prejudice*" and "*actual prejudice*" doctrine to excuse the bench's own incivility and indecorous conduct.

Coming to the conclusion, *The Bench, the Bar and Bizarre* is an out of the box, humorous, fact-filled non-fiction law book which happens to be also accessible and engaging even for a lay reader. The book doesn't burden readers with insurmountable jurisprudence or dense, content

⁷ D.Y. Chandrachud, *Why the Constitution Matters: Selected Speeches* (Vintage Books, Penguin Random House India 2025).

⁸ U.S. Const. amend. I.

⁹ U.S. Const. amend. XIV, § 1.

¹⁰ Tushar Mehta, *The Bench, the Bar, and the Bizarre: The Unfamiliar, the Curious, and the Extraordinary in Law* (Rupa 2026).

heavy legal analyses; rather it takes an entirely opposite approach. It is largely devoid of flowery prose, excessive legalese and unnecessary jargon without sacrificing its core elements. It is neither far too extreme nor mild; it navigates between the middle of that nebulous no man's land. It is a balanced book that is easily readable, humorous and thought provoking.

