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"BEYOND JUDICIAL NEUTRALITY: NISHKAMA KARMA, COGNITIVE BIAS AND THE ETHICS OF IMPARTIAL ADJUDICATION UNDER THE INDIAN CONSTITUTION"

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ABSTRACT

Impartiality is an essential element in constitutional adjudication. Impartiality is not only about remaining independent of external influences, but it is also concerned with the objective assessment of evidence, facts, and legal arguments. The principles of natural justice, recusal, and judicial ethics have been employed in Indian constitutional jurisprudence to ensure that there is neither actual nor perceived bias on part of the judge. Nevertheless, advancements in the study of cognitive psychology suggest that decisions made by humans are also impacted by certain cognitive phenomena such as anchoring, confirmation bias, framing, and hindsight.

This paper explores the possibility of using the theory of Nishkama Karma, expounded in Bhagavad Gita, to serve as an additional ethical framework for dealing with the intra-judicial aspect of judicial impartiality. It explores the concept of duty consciousness, non-attachment, equanimity, and self-restraint in relation to Indian constitutional norms, judicial ethics, and cognitive bias in interdisciplinarity research. It is contended that judicial impartiality should be viewed not just as a lack of external influence but as a continuous exercise of ethical commitment to acknowledge and control individual interests, emotions, and predispositions. This paper offers a Nishkama Judicial Impartiality Framework (NJIF), involving duty consciousness, detachment from one's own interests, emotional balance, and ethical self-reflection. It is argued nonetheless that philosophical ethics can at best act as an addition to constitutional supremacy, legislation, procedural fairness, recusal requirements, and judicial reasonableness.

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1. Introduction

In this respect, this research paper focuses on understanding the philosophy of Nishkama Karma, described in the Bhagavad Gita, as an additional ethical approach towards building up the ideal of judicial impartiality. The philosophy of Nishkama Karma stresses the necessity to perform one's duty without any attachment to desires and gains. The ideas of Samatva (equanimity) and Sthitaprajna (wisdom of steadiness) may provide an understanding of how self-discipline, equanimity, detachment from individual likes and reasonable judgment can be achieved. As an ethical approach, these ideas may motivate judges to be aware of their inclinations and avoid individual attachments. Nevertheless, this approach should be considered within the context of the Constitution of India.

It is not claimed that the Bhagavad Gita constitutes an authentic source for law or philosophy that could possibly replace the constitutional provisions, the principles of natural justice, judicial precedent or any judicial ethics in terms of judicial practice. In fact, what is sought to be discussed here is Nishkama Karma, which may serve as an additional source for developing a judicial temperament. Therefore, this research attempts to go beyond the traditional perception of judicial neutrality by considering the connection between constitutional impartiality, unconscious cognitive bias and ethics of self-control.

Developments in the field of cognitive psychology indicate that human decision-making is not fully free of any unconscious considerations and that this phenomenon might even affect the process of judgment rendered by professionals of high intellectuality and impartiality. Cognitive biases that include but not limited to anchoring, confirmation bias, framing and hindsight bias could possibly affect the way the evidence is being evaluated and legal arguments interpreted. The empirical research called "Inside the Judicial Mind" conducted by Chris Guthrie, Jeffrey J. Rachlinski and Andrew J. Wistrich on 167 federal magistrate judges is an essential basis to understand the effect of cognitive biases on judicial decision-making. This kind of research proves that it is important to separate legally recognized bias that could lead to judicial disqualification and other consequences and ordinary cognitive susceptibility that works unconsciously in the process of decision-making. The distinction is especially vital taking into account the fact that the presence of cognitive bias does not mean at all that there is also legal partiality and shows how limited is the approach that defines impartiality just as the requirement imposed from outside and from procedures of constitution. It means that it is necessary to investigate whether ethics, self-reflection and discipline in judicial sphere can be used as additional measures in overcoming bias.[1]

Judicial impartiality is among the primary principles on which the foundation of constitutional democracy and the rule of law has been erected. The legitimacy of judicial institutions does not depend solely on the correctness of their judgments but also on the guarantee that disputes have been decided in a fair, independent and unbiased manner. The principle of judicial independence, equality before the law and natural justice in the context of the Indian Constitution constitute the bases for the duty of courts to be impartial. The principle of non-bias is among the foundations for this duty, ensuring that not only justice must be done but it must also appear to be done. As held in Ranjit Thakur v. Union of India, it is not necessary to establish that there was actually a bias in order to establish bias as per the test for bias; what is required is the presence of circumstances which would create a reasonable suspicion of bias in the mind of a reasonable man. So far, the existence of judicial bias has been considered by looking at external circumstances, which could be anything from interest in the matter being tried, previous association in the matter, relationships with the parties, pecuniary interests or prejudiced behavior. But is the elimination of such conflicts of interest alone sufficient to secure judicial impartiality or must the internal processes of judging which judges go through be taken into consideration as well?[2]

2. Philosophical Foundations: Nishkama Karma and the Ethics of Self-Discipline

[1] Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86(4) Cornell Law Review 777, 777–830.

[2] Ranjit Thakur v Union of India (1987) 4 SCC 611; Manak Lal v Dr Prem Chand Singhvi AIR 1957 SC 425.

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2.1 The Bhagavad Gita as a Source of Ethical Philosophy

Bhagavad Gita is a philosophy of the principles of duty, action, knowledge, discipline, and the moral obligations of an individual faced with an ethical dilemma. While it is one of the texts within the Mahabharata and has great religious meaning, the ideas contained in it have also been analyzed philosophically and ethically. In the context of this research, the Bhagavad Gita is not referred to as a source of law. The importance of the Bhagavad Gita in this case is that there is room to interpret certain ethical principles as those of discipline.[3]

The dichotomy between duty ethics and virtue ethics applied to understand the Gita is especially pertinent. According to Bina Gupta, there is a unity between duty and virtue in the Gita, and the latter is an important component of its ethical thought. This lends support to the idea that Nishkama Karma should not be confined to the mechanical fulfillment of assigned duties, but should involve the development of traits needed to act ethically. For a judge, the above distinction is especially important. Being a judge entails having duties imposed on him by the Constitution, the laws and rules of procedure. However, the proper fulfillment of these duties also demands certain traits, including patience, self-control, integrity and impartiality.[4]

2.2 Nishkama Karma: Action Without Selfish Attachment

Verses of Bhagavad Gita 2.47 provide the core textual basis for the concept of Nishkama Karma, which states: “Karmany evadhikaras te ma phaleshu kadachana.” This passage is generally taken to indicate the separation between doing something and being attached to the results of one’s action. One needs to be careful while interpreting this passage since it does not always imply that results do not matter or that one should ignore the results of his or her actions. Regarding the ethics of a judge, the concept can be interpreted as the commitment to perform the constitutional duties irrespective of any private gains.[5]

It is vital that a judge maintains a deep sense of the implications of the decision with regard to the rights and freedoms of the parties involved. A criminal decision will have implications for freedom; a constitutional decision will have implications for equality and dignity; and a civil decision will have implications for one's property and means of sustenance. Being detached cannot imply being unconcerned about these implications. This is the pertinent difference between being attached to a decision which one prefers on a personal basis and taking responsibility for ensuring a decision that is right according to the law and the Constitution. "Nishkama Karma," as referred to in this paper, implies the former. It does not imply that one should neglect the latter.[6]

2.3 Samatva: Equanimity in Judicial Temperament

In Bhagavad Gita 2.48, Samatva is explained as the quality of evenness or steadiness in success and failure. The concept can apply to judicial temperament as well. As judges hear many cases that are emotionally charged and often involve grave charges and vigorous arguments, the capacity to consider all these aspects objectively without being ruled by their anger, sympathy, antagonism, and self-identification is significant for their role as justices. Equanimity should not be taken for coldness. While the judge is able to see the injustice and weakness of the parties, he can also make his decision objectively. [7]

Constitutional judging must take into account the issues of rights and human dignity. The ethics of such an venture is not about eliminating any humane sensibilities but making sure that emotions do not replace logical consideration of a case. In other words, Samatva can be viewed as an approach to making judgments, which entails the ability to listen to contradicting views and evaluate evidence in an impartial manner.

2.4 Sthitaprajna: Stability of Judgment and Self-Regulation

[3] *The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) ch 2.
[4] Bina Gupta, ‘Bhagavad Gītā as Duty and Virtue Ethics: Some Reflections’ (2006) 34(3) *Journal of Religious Ethics* 373, 373–395.
[5] *The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.47.
[6] The Constitution of India 1950, arts 14 and 21.
[7] *The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.48.

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Bhagavad Gita 2.55-57 introduces the Sthitaprajna(sage of steady wisdom) as one whose mind is not shaken by adversity, who does not long for pleasure, and is free from attachment, fear, and anger.[8] From the point of view of the present study, this concept is pertinent to the connection between judicial temperament and cognitive restraint. The capacity to hold back on judging an immediate perception, question an assumption, and evaluate the counter-evidence is crucial to balanced reasoning. The concept must not be made into an impractical demand that a judge have no emotions or unconscious biases at all.[9]

2.5 Svadharma: Judicial Office as Constitutional Responsibility

In Bhagavad Gita 3.35, the term 'Svadharma' refers to one's own duties. However, the use of the term in this context must not be confused with a theological framework or a social hierarchy that prevails within the society in a traditional manner. The use of the term for the present study is restricted in nature. This is because it is considered to be the duty of a judge due to his/her office and the law attached to that office. The judge does not have the right to replace his/her individual morality, politics, or religion for that matter, with the law of the constitution.[10]

2.6 A Secular Interpretation of the Gita in Judicial Ethics

The use of the Bhagavad Gita within the context of judicial ethics has the potential to raise the question of whether religion can be brought into public adjudication. It must be clearly understood that this study does not argue in favor of any religious philosophy, nor does it seek to make religious texts the determinants of outcomes of any dispute. This study only analyzes the Gita as a philosophical treatise where some concepts can be analyzed critically through the use of the discourse of ethical responsibility. This point is crucial since the judge must never be forced to refer to any religious text during the adjudication of a case.[11]

3. Constitutional and Jurisprudential Foundations of Judicial Impartiality in India

3.1 Judicial Impartiality under the Constitution

The notion of judicial impartiality is intimately linked with the constitutional principles of equality, justice, liberty, and the supremacy of the law. While there is no specific provision in the Constitution that defines judicial impartiality in detail, certain provisions set the constitutional background of the idea. According to Article 14, "all persons are equally entitled to protection of the law." This means that it will not be easy to square a biased decision-making process with the constitutional promise of equality before the law. Article 21 of the Constitution promises the right to life and personal liberty.[12]

Articles 32 and 226 provide remedies at the constitutional level, the Supreme Court and the High Courts respectively. Article 50 obliges the State to ensure separation of the judiciary from the executive in the matters of the State's public service. Articles 124 and 217 along with other constitutional provisions provide the constitutional basis for the Supreme Court and the High Courts. Oath provisions provided under Articles 124(6) and 219 strengthen the obligation to respect the Constitution and perform the duties of judicial office in a faithful manner. These provisions must not be considered as if each article separately provides a legal test for cognitive bias.[13]

3.2 Independence and Impartiality: Related but Distinct Concepts

There is a clear relationship between judicial independence and judicial impartiality. However, these concepts cannot be regarded as being interchangeable. The concept of judicial independence relates to the independence of the judicial process and judges as individuals from any kind of undue external pressure. The undue pressure can come from the executive branch, the legislative branch, the litigants, the politicians, and many others. The concept of judicial impartiality involves the impartial

[8]Om Swami, *The Bhagavad Gita Retold* (Harper Faith, 2026) Book II verse, 2.56
[9]*The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.55–57.
[10]*ibid 3.35.*
[11]Constitution of India 1950, arts 25–28; see also *SR Bommai v Union of India* (1994) 3 SCC 1.
[12]Constitution of India 1950, arts 14, 21, 32, 50, 124(6), 136, 217 and 219.
[13]Constitution of India 1950, arts 32, 50 and 226.

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conduct of judicial functions. A judge can be independent from the institutional point of view and have a personal problem with bias. At the same time, the judge can be personally impartial but act under institutional conditions where he or she lacks independence. The reason for the distinction is that the issue of cognitive bias does not necessarily involve undue outside influence. It can be an outcome of regular human information processing activity.[14]

In the case of Supreme Court Advocates-on-Record Association v Union of India, the Supreme Court examined the constitutional status of judicial independence in light of the National Judicial Appointments Commission. While the decision is pertinent to the institutional aspect of judicial independence, it is not a precedent for issues related to cognitive bias and self-regulation of the judiciary.[15]

3.3 Natural Justice and the Rule Against Bias

The test of no bias is a cardinal aspect of the doctrine of natural justice. The test conveys the concept that a person charged with the responsibility of adjudging a controversy needs to act impartially and without undue pre-conception. Nemo judex in causa sua is a maxim that translates into no person shall be a judge in his own case. In the case of Manak Lal v Dr Prem Chand Singhvi, the Supreme Court of India considered charges of bias made against one of the members of a disciplinary board. This case is noteworthy for its discussion on the concept of reasonable apprehension of bias and waiver.[16]

In A.K. Kraipak v Union of India, the participation of the board member himself being a party to the selection procedure was the issue before the Court. This case is significant for the development of the doctrine of natural justice in administrative decision-making as well as understanding the subtle way in which the influence of the interested party may work. Another case which demonstrates the significance of the principle of objective fairness and public confidence is Ranjit Thakur v Union of India, where the Supreme Court has held that the evaluation of likelihood of bias involves the consideration of the reasonableness of the concern in the mind of the aggrieved party.[17]

3.4 The Restatement of Values of Judicial Life, 1997

The Supreme Court of India has accepted the Restatement of Values of Judicial Life during its Full Court Meeting held on 7th May 1997. The first value states that the administration of justice is not just enough; it should look like justice as well. It further demands that judicial conduct and behavior should help restore the trust of people in the impartiality of judiciary. The significance of Restatement lies in the fact that it acknowledges the fact that judicial credibility rests on conduct beyond judicial proceedings and pronouncement of judgment.[18]

However, it is important to note that there is no method provided in the Restatement on how to detect cognitive shortcuts in assessing evidence or arguments in law. It has more of an ethical and professional nature. The current study aims at filling the gap of the aforementioned discussion with the question of whether self-examination is also an ethical concept of impartiality.

3.5 The Bangalore Principles of Judicial Conduct, 2002

The Bangalore Principles of Judicial Conduct offer a globally accepted framework of judicial conduct. Six fundamental principles of judicial conduct are provided for under the Bangalore Principles: independence, impartiality, integrity, propriety, equality and competence and diligence. According to the Bangalore Principles, the principle of impartiality involves judicial officers conducting themselves in the discharge of judicial responsibilities impartially and without favor or bias. The Bangalore Principles are particularly significant because they acknowledge the fact that impartiality not only refers to the decision but

[14] *Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1.
[15] *ibid*.
[16] *Manak Lal v Dr Prem Chand Singhvi* AIR 1957 SC 425; *A K Kraipak v Union of India* (1969) 2 SCC 262.
[17] *A K Kraipak v Union of India* (1969) 2 SCC 262; *Ranjit Thakur v Union of India* (1987) 4 SCC 611.
[18] Restatement of Values of Judicial Life (adopted by the Full Court of the Supreme Court of India, 7 May 1997); *Central Public Information Officer, Supreme Court of India v Subhash Chandra Agarwal* (2020) 5 SCC 481 (noting the 1997 resolution and the 1999 Conference resolution).

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also to the process that the decision is made through. Nevertheless, the Bangalore Principles do not form a comprehensive outline of cognitive psychology. They do not provide a way of detecting anchoring, framing and confirmation biases in judicial reasoning.[19]

3.6 Recusal and the Limits of Legal Safeguards

Recusal is a very crucial tool in safeguarding the impartiality of an adjudicating procedure in the event that there is an actual conflict or a reasonable possibility of the existence of conflict by virtue of the participation of the judge in the proceedings. It is in this context that one can find jurisprudential debates on the issue of recusal. Yet, it would be a mistake to consider recusal as the universal solution to the problem of cognitive biases. Indeed, it would not be legitimate for a judge to recuse himself simply because human cognition can be influenced by anchoring or hindsight bias.[20]

4. Cognitive Bias and Judicial Decision-Making

4.1 Human Cognition and the Limits of Rational Decision-Making

Judicial decision-making can be articulated using the terms of legal reasoning, interpretation, evidence, and precedent. All these are important elements of judicial decision-making. However, judges are humans who process information under certain limitations. The field of cognitive psychology has studied how individuals apply mental shortcuts, or heuristics, in decision-making processes. Heuristics can be helpful, as they reduce complexity in the form of information. They can result in some sort of systematic mistakes at times. Inside the Judicial Mind by Guthrie, Rachlinski and Wistrich is a notable empirical work. In their experiment involving 167 federal magistrate judges, the researchers studied the concepts of anchoring, framing, hindsight bias, representative heuristic and egocentric biases. The authors found statistically significant results for the tested cognitive illusions. There are two limitations for using the study: the subjects were American federal magistrate judges, not Indian judges; experimental susceptibility doesn't imply legal bias.[21]

4.2 Anchoring Bias

Anchoring refers to a situation where an early piece of information ends up being given more weight than it should in subsequent judgments. In judging, for example, an initial claim, an early evaluation of a witness, an initial submission or an initial number can end up affecting a judgment subsequently. Just the existence of the initial information is not proof of any legal error or bias. The problem comes about where the judge attaches too much weight to the initial information without taking into consideration the whole evidentiary record. A possible solution from an ethical point of view is reevaluation of the information in an independent manner.[22]

4.3 Confirmation Bias

Confirmation bias is defined as the inclination towards giving more importance or credence to those pieces of information that support an existing belief or hypothesis, as opposed to those pieces of information that oppose such beliefs or hypotheses. When it comes to the matter of adjudication, this concept could be applicable in instances wherein an initial hypothesis of the case would affect the interpretation of the information that follows. There must be a disciplined approach to decision-making such that the decision maker will take seriously the best cases against their conclusion.[23]

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[19]Bangalore Principles of Judicial Conduct 2002, endorsed by United Nations Economic and Social Council Res 2006/23 (27 July 2006).

[20]*Ranjit Thakur v Union of India* (1987) 4 SCC 611; *Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1.

[21]Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86(4) *Cornell Law Review* 777, 784–830.

[22]Amos Tversky and Daniel Kahneman, 'Judgment under Uncertainty: Heuristics and Biases' (1974) 185(4157) *Science* 1124, 1124–1131.

[23]Raymond S Nickerson, 'Confirmation Bias: A Ubiquitous Phenomenon in Many Guises' (1998) 2(2) *Review of General Psychology* 175, 175–220.

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4.4 Framing Effect

The framing effect is the effect that the way or manner in which information is presented may have on the judgement process. The same factual scenario can be seen differently based on how it is framed. The party can be described as either a victim, perpetrator, beneficiary or wrongdoer based on the language used to describe it. The judicial process must take note of the fact that there is a difference between the factual scenario and its presentation.[24]

4.5 Hindsight Bias

Hindsight bias refers to the tendency by a person, having become aware of an outcome, to believe that the outcome was predictable. In legal proceedings, hindsight may influence how the conduct at an earlier time was evaluated. Upon occurrence of an accident, loss, or offence, the decision maker finds it easier to detect early warnings which may have not been readily visible at the time. This becomes especially important in negligence, professional negligence, or where issues of foresight or precautions arise. The right thing to do is to recreate the scene based on what existed at the time and not what became known later.[25]

4.6 Implicit Bias and Stereotypes

The concept of implicit bias pertains to stereotypes or associations that are subconscious in nature, and can affect perception and assessment. Implicit bias needs to be differentiated from cognitive bias, which includes the phenomena of anchoring and framing, even though the two might have some connection with each other. Where one's identity in society, language use, social status, gender, disabilities, occupation and other personal traits affect how one's behavior or credibility is perceived, implicit bias might become relevant. Constitutional litigation is especially important here, since equality and dignity dictate fair treatment of litigants without stereotypical assumptions. But this does not mean that any psychological explanation of implicit bias leads to illegal behavior of a certain judge.[26]

4.7 The Relationship Between Cognitive Science and Legal Standards

Just Cognition by Edmond and Martire provides a very important theoretical examination of the distinction between the legal and cognitive scientific approach towards bias. According to these authors, the legal approach to the issue is rather narrow compared to the cognitive scientific one, and the former has not taken into account a number of factors affecting human decisions.[27]

It is through legal doctrine that one can establish when a decision has been tainted legally. However, cognitive science assists one in understanding why the process of decision-making can be tainted despite the lack of any legal signs of bias in the process. The two disciplines should not be confused with each other. A cognitive effect is not necessarily a legally proven bias. However, due to its possible importance regarding judicial reasoning, one can investigate whether or not professional ethics should address the issue.[28]

5. Towards a Nishkama Judicial Impartiality Framework

5.1 The Need for an Integrated Ethical Framework

In the above analysis, there emerge three interrelated aspects of judicial impartiality. Firstly, the constitution law is responsible for creating the necessary legal and institutional framework for ensuring impartiality in adjudication. Secondly, cognitive

[24]Amos Tversky and Daniel Kahneman, 'The Framing of Decisions and the Psychology of Choice' (1981) 211(4481) *Science* 453, 453–458.

[25]Baruch Fischhoff, 'Hindsight ≠ Foresight: The Effect of Outcome Knowledge on Judgment under Uncertainty' (1975) 1(3) *Journal of Experimental Psychology: Human Perception and Performance* 288, 288–299.

26Anthony G Greenwald and Linda Hamilton Krieger, 'Implicit Bias: Scientific Foundations' (2006) 94(4) *California Law Review* 945, 945–967.

[27]Gary Edmond and Kristy A Martire, 'Just Cognition: Scientific Research on Bias and Some Implications for Legal Procedure and Decision-Making' (2019) 82(4) *Modern Law Review* 633, 633–664.

[28]*ibid.*

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psychology has established the fact that decision making can be influenced by processes that are not always consciously understood. Thirdly, philosophical ethics provides the framework within which the moral obligations of the decision maker can be examined.[29]

The constitution makes known the duties of the judge; cognitive science can highlight the potential weaknesses that may affect human judgment, whereas philosophy can provide the necessary language to discuss the duties imposed on judges. The Nishkama Judicial Impartiality Model seeks to integrate all these aspects in one framework. It does not purport to be a legal doctrine that already exists. It is an innovative normative approach aimed at complementing the theory of judicial ethics.[30]

5.2 First Dimension: Duty Consciousness — Svadharma

The first attribute is duty consciousness based on a narrow interpretation of Svadharma. The judge wields his authority publicly under the Constitution. Judicial office should not be used as an opportunity to seek recognition or advance ideology or wield personal power. Judicial office is a constitutional duty governed by law. Duty consciousness entails the understanding by the judge that the judiciary is bound by constitutional supremacy, fundamental rights, statutes, judicial precedent, natural justice and a duty to give reasons. Svadharma, in this case, does not permit judges to replace their duties with personal or religious ideas of duty.[31]

5.3 Second Dimension: Detachment from Personal Interests — Nishkama Karma

The second aspect relates to detachment from personal considerations. A judicial mind cannot be induced by considerations of gaining popularity, being criticized, personal gains, external benefits, or even egoistic self-protection. A judge must never favor any particular decision just because it is easy or popular. This view is congruent with the primary ethical preoccupation of Nishkama Karma, which refers to performing one's duty without any attachment to the fruits of that duty.[32]

It is important, however, to distinguish between personal commitment, outcome commitment, and constitutional commitment. The former two may undermine impartiality, but the latter does not indicate any impermissible attachment. This is because a judge has to be constitutionally committed. While being constitutionally committed, a judge should still be willing to recognize that the right answer might be different from what he or she initially desired.[33]

5.4 Third Dimension: Emotional Equilibrium — Samatva and Sthitaprajna

The third dimension is that of emotional balance. Judges face challenging situations such as accusations of misconduct, emotional evidence, and adversarial pleadings. These challenging situations might result in emotional reactions. The objective of Samatva is not to ensure the absence of any emotion. The idea is that unregulated emotions should not overshadow the judicial process of making a fair judgment. Sthitaprajna can also be used to gauge the importance of steady self-control. This can take the form of listening to arguments without any animosity or bias, avoiding hasty decisions, maintaining patience at all times, being able to differentiate sympathy and right, refraining from anger in judging, and considering evidence without letting emotions cloud the process.[34]

5.5 Fourth Dimension: Ethical Self-Examination — Viveka

Ethical self-examination is the fourth dimension, which comes across in Viveka or discernment. In the context of this analysis framework, Viveka would mean the ability to examine one's own reasoning and separate out assumptions and relevant from

[29]Constitution of India 1950, arts 14, 21, 50, 124 and 217; Bangalore Principles of Judicial Conduct 2002.
[30]Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86(4) *Cornell Law Review* 777; Bina Gupta, 'Bhagavad Gītā as Duty and Virtue Ethics: Some Reflections' (2006) 34(3) *Journal of Religious Ethics* 373.
[31]Constitution of India 1950, arts 124(6) and 219; Bangalore Principles of Judicial Conduct 2002, values 1–3.
[32]*The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.47; Bina Gupta, 'Bhagavad Gītā as Duty and Virtue Ethics: Some Reflections' (2006) 34(3) *Journal of Religious Ethics* 373.
[33]*Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1.
[34]*The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.48, 2.55–57.

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irrelevant considerations. The judge can ask whether the opinion was reached on the basis of an incomplete record; whether there was too much emphasis placed on the information gathered first; whether consideration was paid to the contrary evidence; whether the opinion is based on an assumption made about the party and not the evidence; whether the way facts were presented affects the evaluation process; and whether it can be explained legally or only personally. These questions are merely a suggested approach to reflective thinking. It is not meant to turn into a compulsory checklist or test.[35]

5.6 The Proposed Model

These four dimensions are interrelated. Duty consciousness refers to the responsibility of the office of justice. Nishkama Karma concerns individual interests. Samatva and Sthitaprajna deal with emotions. Viveka implies scrutiny of the reasoning process. Their joint purpose is not absolute psychological detachment, which may be a utopian ideal, but a conscientious dedication to impartial and legal adjudication.[36]

5.7 Individual and Institutional Application

The suggested framework is supposed to work on two fronts. Individual front is about self-consciousness of the judge, intellectual modesty, lack of selfish interests, emotional control and reflective assessment of evidence. Institutional front might embrace judicial education programs in order to familiarize judges with cognitive biases and possible impact they can have on judgment making; programs for structured evidence assessment and assessment of arguments; encouragement to make reasonable judgments; professional dialogue on judicial temperament and ethical self-reflection; and proper recusal and disclosure procedures where applicable. The Bhagavad Gita can be analyzed in conjunction with other philosophical doctrines. No religion should be a criterion for a judge position.[37]

6. Critical Evaluation: Constitutional Compatibility and Limitations

6.1 Constitutional Supremacy

The key limitation of the proposed model is that it cannot override the law of the Constitution. The Bhagavad Gita does not provide any form of judicial authority. There is no way a judge can use Nishkama Karma to ignore a statutory provision, a principle of stare decisis or any constitutional rights. Thus, it is obvious that the proposed framework has to submit itself to the Constitution and the prevailing legal system. It is essentially an ethical model, which will only serve as a complement to the existing legal system.[38]

6.2 Secularism and the Use of Religious Philosophy

Use of the Bhagavad Gita in an analysis of judicial ethics leads to the issue of secularism and neutrality of state institutions. The present paper does not suggest adoption of the Bhagavad Gita by the Indian Judiciary as their official religious or ethical doctrine. The paper suggests academic study of certain philosophical ideas in the same way as virtue ethics, Stoicism, Buddhist philosophy and other moral theories can be studied within the framework of legal scholarship. Constitutionally appropriate way should ensure freedom of conscience and belief, equality of judges and parties irrespective of religion, secularism of judicial process, constitutional morality and superiority of law over religious beliefs.[39]

6.3 The Problem of Defining Impartiality

[35]Gary Edmond and Kristy A Martire, 'Just Cognition: Scientific Research on Bias and Some Implications for Legal Procedure and Decision-Making' (2019) 82(4) *Modern Law Review* 633.
[36]Bangalore Principles of Judicial Conduct 2002, values 1–6; Restatement of Values of Judicial Life (Supreme Court of India, 1997).
[37]Bangalore Principles of Judicial Conduct 2002, value 6 (competence and diligence); United Nations Office on Drugs and Crime, Commentary on the Bangalore Principles of Judicial Conduct (2007).
[38]Constitution of India 1950, arts 13, 14 and 21; *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225.
[39]*SR Bommai v Union of India* (1994) 3 SCC 1; Constitution of India 1950, arts 14, 25–28.

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The concept of absolute neutrality is not one which could describe judicial decision making. The very act of interpreting a statute, considering evidence and making choices in accordance with the limits of the law will inevitably be done so by a judge using judgment, interpretation and constitutional values. The task is not, then, to suggest that it is possible for a judge to do away with all subjective perspectives. It is, rather, to understand impartiality as a discipline of making decisions without bias and of giving reasons through legal analysis.[40]

6.4 The Limits of Empirical Research

Cognitive science researches that have been found in the present paper also include relevant studies conducted on judges in countries other than India. These cannot be used as an evidence of the existence of certain biases and their impact in the context of Indian judges. The suggested research is largely doctrinal, philosophical and normative in nature. It will not be used to measure empirically any bias within the Indian judiciary system.[41]

6.5 The Danger of Turning Ethical Reflection into a New Legal Test

In the event where the lack of any specific type of self-restraint is taken as an indication of judicial bias, then the process would be rendered arbitrary. Likewise, the view of the judge that he is emotionally balanced should not supersede situations that require his recusal according to law. NJIF should never introduce another basis for judicial review of the decision.[42]

6.6 Does Nishkama Karma Mean Indifference to the Result?

Judgment can have profound implications for human freedom, dignity, property, and equality. If Nishkama Karma is construed as indifference to consequences, it will conflict with the obligations of a constitutional judge. The solution consists of drawing a distinction between attachment and responsibility. A judge may not be personally attached to producing any specific consequence for selfish reasons. Nevertheless, he needs to be entirely alert to the consequences that his judgment may produce for law and humanity. In terms of judicial ethics, Nishkama Karma must refer to lack of selfish attachment to the consequence, not to lack of responsibility for the consequences of the judgment.[43]

7. Findings and Recommendations

7.1 Principal Findings

Judicial impartiality has two components, namely institutional and personal ethics. Indian Constitution-based jurisprudence and ethics help us to avoid bias and the appearance of bias. Cognitive Psychology helps us to understand the fact that judges being humans are prone to some cognitive factors. Psychological proneness and legally recognized bias are two different things and must not be confused. Concepts of Nishkama Karma, Samatva and Sthitaprajna from the Bhagavad Gita can be analyzed as philosophical sources to understand self-discipline in public service. These philosophical concepts can at best be supplementary to the legal standards.[44]

7.2 Recommendations

First, strengthen cognitive-bias awareness in judicial education. Judicial training may include discussion of anchoring, confirmation bias, framing and hindsight bias, together with methods for evaluating evidence and competing arguments. [45]

[40] Aharon Barak, *The Judge in a Democracy* (Princeton University Press 2006) 3–8.
[41] Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86(4) *Cornell Law Review* 777, 784–830. The study concerned US federal magistrate judges; it should not be treated as empirical proof about Indian judges.
[42] *Manak Lal v Dr Prem Chand Singhvi* AIR 1957 SC 425; *Ranjit Thakur v Union of India* (1987) 4 SCC 611.
[43] *The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.47–48; Constitution of India 1950, arts 14 and 21.
[44] *A K Kraipak v Union of India* (1969) 2 SCC 262; *Ranjit Thakur v Union of India* (1987) 4 SCC 611; Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86(4) *Cornell Law Review* 777.
[45] Amos Tversky and Daniel Kahneman, 'Judgment under Uncertainty: Heuristics and Biases' (1974) 185(4157) *Science* 1124; Gary Edmond and Kristy A Martire, 'Just Cognition' (2019) 82(4) *Modern Law Review* 633.

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Secondly, encourage structured reasoning. Judicial decisions should clearly identify the relevant facts, applicable law, competing submissions and reasons for accepting or rejecting material arguments. [46]

Thirdly, promote ethical self-examination. Judicial ethics discussions may include reflective approaches to personal assumptions, emotional reactions and the influence of external expectations.

Fourthly, preserve institutional safeguards. Recusal, disclosure, natural justice and judicial accountability mechanisms must remain the primary legal safeguards where the applicable standards are satisfied. [47]

Fifthly, encourage comparative philosophical study. Judicial ethics education may examine different philosophical traditions, including the Gita's account of duty and non-attachment, without making any religious belief mandatory. [48]

Sixthly, undertake India-specific empirical research. Further research may examine the relationship between cognitive-bias awareness, judicial education and the quality of legal reasoning in the Indian context.[49]

8. Conclusion

Impartiality of the judiciary is another one of the necessary conditions for the practice of constitutional law. Impartiality presupposes the independence of the institution and the fairness of the process and the ability of the judge to assess the dispute objectively. Indian constitution has a number of guarantees related to judicial impartiality based on the natural justice rules, recusal and judicial ethics. They are still necessary but the science of cognitive psychology provides the additional consideration of the processes inside the decision-making process of judges. Studies on the anchoring effect, framing effect, and hindsight bias show that even the expertise cannot guarantee the absence of the vulnerabilities in human thinking. This should not undermine the power of the judiciary but stress the necessity of the ongoing work on the quality of the judicial reasoning. The philosophy of Nishkama Karma can become the complementary approach in assessing the internal ethical aspect of this question.[50]

The ideas of Samatva and Sthitaprajna could also be useful in an ethical discourse on emotional regulation and reflective judgment. The Nishkama Judicial Impartiality Framework aims to combine the philosophical ideas with the theory of cognitive biases and the constitutional law of India. It is not an effort to bring the religious law into the process of adjudication or suggest a new test of recusal. It is rather a step aimed at developing an additional ethical framework which would include the notions of duty-consciousness, disinterest, equilibrium of emotions and self-judgment. Impartiality in the process of adjudication is about much more than mere freedom from the influences of outside world. It is rather about constant devotion to justice, honesty and constitutional accountability. Nishkama Karma as an idea can contribute to the development of this understanding of judicial office in these limits.[51]

[46]Bangalore Principles of Judicial Conduct 2002, values 2, 4 and 6; see also *A K Kraipak v Union of India* (1969) 2 SCC 262.
[47]*Manak Lal v Dr Prem Chand Singhvi* AIR 1957 SC 425; *Ranjit Thakur v Union of India* (1987) 4 SCC 611.
[48]Bina Gupta, 'Bhagavad Gītā as Duty and Virtue Ethics: Some Reflections' (2006) 34(3) *Journal of Religious Ethics* 373.
[49]Gary Edmond and Kristy A Martire, 'Just Cognition: Scientific Research on Bias and Some Implications for Legal Procedure and Decision-Making' (2019) 82(4) *Modern Law Review* 633.
[50]*Ranjit Thakur v Union of India* (1987) 4 SCC 611; Bangalore Principles of Judicial Conduct 2002.
[51]*The Bhagavad Gita*, trans Eknath Easwaran (2nd edn, Nilgiri Press 2007) 2.47–48, 2.55–57; Bina Gupta, 'Bhagavad Gītā as Duty and Virtue Ethics: Some Reflections' (2006) 34(3) *Journal of Religious Ethics* 373.

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