

My Lord or My Lady - How do you address a lady judge?

MARCH 03, 2021

By Vijay Kumar

RECENTLY

, the question on 'how to address Supreme Court Judges', was revisited rather extensively in the media . Though we are not required to address the judges as **"my lords"**, **"your lordship"** etc, lawyers still do and for many lawyers, the phrase **"my lord"** is a filler. When they don't know what to say, they say **"my lord"**. The Chief Justice of a High Court once asked a lawyer, **"Are you trying to get into the Guinness Book of World Records, for the number of times the words 'my lord' are used in a minute - I have already counted twenty."**

In the CESTAT, traditionally the Members are addressed as **"my lord"**, **"your lordship"** and 'lordship', at least by the lawyers. This comes naturally to the lawyers, but others find it a little odd and so they fumble before the lords. Many lawyers call even Commissioners 'my lords' when they appear in departmental adjudication proceedings and not many commissioners object to this, but if the commissioner appears before the CESTAT, he squirms to call his former colleague, the Technical Member 'my lord'. Of course, there are some very senior retired officers practising as advocates who would unhesitatingly address the Member (who would be twenty years his junior in the department) as 'my lord'.

But how do you address a lady judge in a Tribunal? This is not a new problem as the CESTAT (CEGAT as it then was) had lady members right from its inception. How I regret my lapse in not asking this question to Ms. [Rama Devi](#) (when I interviewed her), one of the earliest Members of the CESTAT.

In a CESTAT Bench presided over by a lady judge, a DR was addressing the Bench as Madam. The Hon'ble lady Member objected as it was a Bench of two judges (one of whom was a gentleman) and by no stretch of imagination can the other Member or the Bench be called Madam. Though he immediately addressed as 'the hon'ble bench', he switched over to madam again - habits die hard. Another DR had a doubt. He stood up and asked, **"what is the solution?"**

. The Lady Member did not directly reply, but said there are many other ways of addressing the Bench.

I asked a senior advocate, whether we should call the lady judge as **"my lady"**. He replied that it is not proper, at least in India. **"But the feminine version of my lord in English is my lady"**, I told him. **"Winning the case is more important than stupid English"**, he told me.

The UK Supreme Court practice directions (6.6.7) stipulate that the Justices should be addressed as 'My Lord' or 'My Lady' as the case may be.

The first lady Chief Justice in India and perhaps the second lady judge of a High Court, Ms Leila Seth faced a similar situation. She writes in her autobiography,

In court the lawyers addressed me as My Lord, just as my brother judges. I was asked whether this was acceptable. I told them this was fine by me, as I knew they used the expression not out of any great respect, but only as a breather for their thoughts. At one time, when some lawyers had objected to the term on the grounds that it smacked of colonial and feudal times, the Supreme Court gave them permission to use the expression 'Your Honour'. But most lawyers continued to punctuate their arguments with the words, 'My Lord' : it was just a matter of habit.

It was only when I sat with Justice T.P.S. Chawla, who was a barrister and a stickler for form that he insisted that I be addressed correctly. Justice Denning in England had issued practice directions and said that the court should be addressed as 'My Lord' or 'My Lady' as the case may be. Since both of us were barristers and spoke the Queen's English with a good pronunciation and were particular about decorum and integrity, we were referred to behind our backs as the English bench.

Once, when I asked a question of a lawyer in court and he started replying, 'My Lord ...', Justice Chawla interrupted him and requested him to 'address the court correctly'. The lawyer was foxed: he had no idea what to do. When Justice Chawla repeated his refrain and later explained what was expected of him, the lawyer decided to turn his face towards Justice Chawla and answer the question as if it had emanated from him. He thought that that was the easier way out: address the Lord and forget the Lady. I think it was a very rare occasion when I was addressed as My Lady.

Though in her book Subhadra* has referred to Justice Sachar and me as 'two of the most enlightened judges', when she appeared before us in court, she had somewhat feistily dismissed us both as male chauvinists. Justice Sachar had mildly responded that though he wasn't a male chauvinist, he could still, without offense to logic, be called one, being male, but that surely she could not refer to his sister judge as a male chauvinist. Subhadra had responded that she perceived judges as male and that in any case I was referred to as 'My Lord'.

***(Reference is to Subhadra Butalia, the author of the book 'The Gift Of A Daughter')**

I think Ms Subhadra had the answer to this question. Maybe we can address the lady judges also as **"my lord"** - after all we called the lady President of India as Rashtrapati only.

How do you address a judge outside the court? In one of our (TIOL) functions, the Chief Guest was a sitting judge of a High Court. One of the guests was a Chief Commissioner. This judge, while he was a lawyer, had appeared before the Chief Commissioner (a Commissioner as he then was) and the Chief Commissioner used to address the lawyer (as he then was) by his first name. When the Chief Commissioner met the judge in our function, the first question he asked was, **"should I call you my lord or by your name?"**. The judge said, **"you can call me by my name."**

Will a mother lordship her judge son?

India Today reported in 2018 about a meeting to release a book by Ms Shanti Gogoi, mother of Justice Ranjan Gogoi.

Despite the gentle poetry of the title, excitement charged the balmy evening of September 15 as Shanti Gogoi, 84, resplendent in a white and gold mekhela-chadar, released her autobiography- Huworonit Rongin Paat in Assamese-at the Garden Treat Hotel in Dibrugarh, Assam. Across the room, people nudged each other. **"There he is,"** they whispered. A man, who sat with formidable composure in the front row.

"He has come all the way for his mother's book launch"; "Just two days after becoming the Chief Justice of India"; "Northeast's first". The mother looked on proudly at the son she called **"His Lordship"**, in jest and in earnest.

The great advocate C K Daphtary called on Justice Leila Seth when she became a High Court judge. After looking her up and down, he said, **"My dear, my dear, now that you have become a judge, you are expected to broaden your mind and not your hips."**

A judge fell into a ditch and a lawyer picked him up. **"Is your honour hurt?"**, asked the lawyer. **"Stupid fellow, it is my leg that is hurt, not my honour."**, replied the hurt judge.

The eminent lawyer Fali Nariman mentions in his fascinating autobiography 'Before Memory fadesâ€'

"a city court judge and a district judge must be addressed as 'Your Honour', and (most important of all) a high court judge must always be addressed as 'Your Lordship' (believe me, the judges simply love it). Years ago, I appeared before a judge who had just been 'elevated' from the city civil court to the high court, and was particular about how he should henceforth be addressed. My opponent who had appeared before him in the adjoining building, the city civil and sessions court, imagined he was still addressing a city court judge and went on calling him 'Your Honour'. The judge grimaced at this indignity. My opponent had a good case. But he lost! Judges are human "

There are many advocates nowadays addressing Commissioners as **"my lord"** - and perhaps that helps.

Even judges call the Chief justices and judges of the Supreme Court as 'my lord' and 'your lordship' even in private conversation. And sometimes they call even the brother judge sitting in the same bench as 'his lordship'. I met a **just retired** judge who was made the President of a Tribunal. He told me that the Chief Justice of India called him up and asked him if he would take over as the President of the Tribunal. Then he said, **"if your lordship asks me to do the job, I cannot refuse."**

I used to correspond with a retired High Court judge and I used to address him 'My lord' and he used to address me 'Mr. Vijay Kumar'. I told him, 'you can call me Vijay'. He replied, 'if Vijay is in, My Lord is out'.

Until next week