

Telangana Judges' Association's Conference at Hyderabad: Exchange of ideas to strengthen district judiciary at grassroot level.

by Dr Ajay Nathani

My participation in the conference held on 12th April 2025 was the surprise for the organizers as well as for me. I, however, cherish the memories of attending the conference. The invitation card informed that after the inauguration ceremony there will be three sessions, first of which was going to be chaired by honourable Chief Justice and rest of the two sessions will be chaired by honourable Judges of the High Court. The sessions were to follow Valedictory ceremony. Two honourable judges of the High Court were invited to address the ceremony. Because of so many discourses lined up together I was not expecting such a glorious outcome I am compelled to write about the conference as the thoughts expressed in the conference are helpful to members of district judiciary and district judiciary as whole to accumulate the strength to come out of slumber created by various odds and rise to new heights to discharge its noble functions.

I am preparing this write up based on some words scribbled on my pad while giving ear to the narration of the dignitaries and based on the ideas which struck up to my mind. Initially I will right about the discourses of the dignitaries and then I will try to explain what lessons the judiciary can learn from the statements of dignitaries.

Honourable Justice Narasimha Judge Supreme Court of India speaking about the required quality of a judge stated that a judge should have capability of gaining knowledge, capability to focus, capability to complete the task, capability to be restrained and capability to accept challenging work. Honourable justice propagated the thought that when an individual becomes a part of institution, he gets identity of the institution. The institutions have its ideas and visions. Being part of the institution gives him distinct recognition. One gets support, courage, and conviction from the institution. One's individual identity merges with the institutional identity. Honourable justice expressed that the judiciary as an institution which addresses various issues which are difficult to be tackled by the judges individually. We the judges are part of judiciary which is an institution having its specific identity.

Honourable justice also emphasised that the judges should interact intermittently. The interaction may not be regarding the legal issues of judicial ideas, but it may be informal interaction amongst the judges which will relieve their stress and give them strength to discharge their duties. Honourable justice also expressed that the process of justice delivery can be simplified for avoiding delay in justice delivery. Honourable justice spoke about developing standardised methods to deal with several aspects of trial of suits. Honourable justice expressed that there can be a collaboration with lawyers in preparation of judgement by getting summary of the facts from the lawyers of both the sides which will save the time of judge in preparing judgement. Honourable justice expressed that the people have faith in judiciary and therefore they express their anguish and criticize judiciary. Honourable justice also expressed the view that during dispensation of justice we come across various elements whose conduct may not be according to settled norms of judiciary. In such a situation instead of trying to correct the others the judge must regulate the task of dispensation of justice. As

expressed by honourable Justice our actions and behaviour as a judge should therefore synchronise with the ethos of judiciary.

Honourable justice Sujoy Paul, Chief Justice of the High Court for Telangana State speaking on the subject “challenges of trial court judges; Resilience through institutional support” declared that he will form a grievance committee at the High Court level which will give an audience to the members of district judiciary in Telangana to express their grievances and he will see that the grievances are addressed with appropriate solution. He also expressed that he would pursue with the state government to have a state litigation policy to improve the situation of deficiency of staff and infrastructure for the courts chaired by members of district judiciary. Honourable justice touched the issue of quick disposal of interim application like bail applications. Honourable Chief Justice stated that the interim application should be decided at fastest speed. Honourable Chief Justice also expressed his concern about shortcomings in the skill of writing judgments, and he expected that clarity should be reflected in the judgments delivered by trial court judges. He also desired that the judges of district judiciary shall refrain from following the prevalent method of protocol where the High Court judges visiting station are showered with bouquets, shawls, gifts etc. Honourable Chief Justice expressed that the judges of the trial court have their own dignity, and they shall not adopt colonial methods to please the superiors. He is of the view that the judges should focus on developing the research tools and shall be well equipped with appropriate knowledge of law and precedents. Honourable Chief Justice spoke for rational method for authoring annual confidential reports of the judges of district judiciary by their seniors. According to him the observations and rating of a judge in annual confidential report shall be mirror image of the officer whose confidential report is written. As per him the assessment should be in objective manner and the comments in annual confidential report shall lead to introspection and correction. Honourable Chief Justice stated that after speaking to stakeholders he noticed that in many cases lower rankings are mentioned in confidential report without objective assessment because the judge authoring confidential report was treated similarly by his senior. Honourable Chief Justice referred this phenomenon as mother-in-law syndrome. Honourable Chief Justice made one more welcome announcement that he will initiate the practice of appreciating the judges for disposing old, complicated, and challenging cases. Honourable Chief Justice appreciated the State Judges’ Association for making available platform for a dialogue between the High Court and district judiciary and desired that such conferences shall be held intermittently.

Honourable justice K Laxman, judge High Court for the State of Telangana, while speaking on the subject “Enhancing excellence in adjudication process: systemic reforms for better justice” spoke about the various issues dealt by him during dispensation of justice and gave a word of advice to handle tricky situations arising in day to day work of justice delivery. He shared his experiences of conducting viva voce of the judges of senior civil judge cadre for promotion to the cadre of District Judge where he found that the contestant judges were not able to answer simple questions regarding procedural law.

Honorable Mrs justice Surepalli Nanda, judge High Court for the State of Telangana, while speaking on the subject “women in district judiciary: From challenges to change” taken the audience through the difficult journey of lady judges from joining of judiciary to the stage of

excellence. Honorable justice expressed that though the number of lady judges remarkably increased in district judiciary still they face various difficulties and learned Justice expressed the need of achieving gender equality in the judiciary.

Honorable justice Nandikonda Narsing Rao, Judge High Court for the State of Telangana, was the president of Telangana Judges Association till his elevation. On elevation he resigned from the association. Honourable Justice expressed that he is always available to the judges of district judiciary to resolve their legitimate issues.

Honourable justice B Vijaysen Reddy, Judge High Court for the State of Telangana, while delivering valedictory address referred to various situations arising in the court and how such situations shall be tackled without creating a situation of conflict. Honourable justice also described how the High Court provides protection to the judges of district judiciary by ignoring their bonafide mistakes.

I am overwhelmed by the concern of their lordships regarding the problems faced by the members of district judiciary and about their concern to raise the standard of justice delivery at the grassroot level by providing all the required protection. Observation of honourable Justice K. Lakshman that the judges of the cadre of senior civil judge were not able to answer simple questions regarding procedural aspects brought to my mind reports regarding the dwindling merits of the district judiciary. As reported by live law on 9th of April 2025 Rajasthan High Court qualified forty-six senior civil judges for a written test for promotion to the cadre of District Judge by limited competitive examination. Honourable High Court notified that no Senior Civil Judge has been found suitable for promotion to the cadre of District Judge based on the results of the written examination. There are several instances of termination and suspension of judges of district judiciary by different high courts on considering quality of their judgments. One judge of district judiciary was recently removed as he pronounced the judgement when the judgment was not ready. In the era of e-governance the judges of district judiciary are provided with computers with unlimited access to Internet. My discussion with district judges working on appellate side and my own appraisal of judgements of the judges of district judiciary reveal systematic misuse of technology by some of the judges of district judiciary, who deliver similar judgements in various cases by using a formatted content. Some lift some paras from one judgment and paste it in another judgement. They even do not take care in this cut paste business and many a times discussions regarding facts of one case found pasted in the judgment of another case and their cut paste business is exposed before the appellate court and the advocates arguing the appeal. Considering this factual scenario of the district judiciary it's the time to have a thoughtful consideration as to whether we possess qualities of a judge such as capability to keep restrain, capability to acquire knowledge, capability to focus, capability to complete task and having capability to hard work as expected by honourable justice Narasimha. We must introspect and seek answer to the above issues and if our conscious accepts that improvement is required then only, we can make an improvement. Individual improvement in the members of district judiciary will develop a culture and soon the merit of the whole cadre will be uplifted.

Introspection - As I said earlier only on introspection and asking the question to our conscious, we will create a possibility of damage control. You will say the courts are functioning, most of

the appeals against the orders and judgement passed by you are dismissed, advocates and litigants are not raising grievances about your judicial work so why you should doubt about your capabilities. If we consider these aspects minutely, we will find that most of the litigants and advocates accept the verdict of the judge without openly expressing any feelings. The appeals preferred are dismissed on various grounds and that does not mean that the appellate court upheld the merits of the judgement or order. At a time, you may have correct point of view, but these may not be the criteria quite sufficient to evaluate oneself. Even if your work is satisfactory there are possibilities to uplift it to the level of excellence. For this purpose, you must compare your judgements with the judgements delivered by appellate courts, or the judgments delivered by those of your seniors, who are remembered about qualitative work by the judges and advocates. After this exercise If your conscious answers that you possess all the qualities and need no improvements, the further part of the article is not for you. If your conscious answers that there is a need, desire and urge to achieve improvement then subsequent part of the article may help you.

Devoting time - In the Bombay High Court there is a practice that all the cases listed on the next day are sent to the residence of every High Court Judge in the evening. Honourable judges after returning home devote at least 2 hours or more for going through the dockets of the next day so that they should go prepared for hearing on the next day. This practice I think is followed in all the high courts. Previously this practice was prevalent in the district judiciary however now the judges of district judiciary are rarely seen devoting their time beyond court hours for preparation. I am told by some of the principal district judges that the judges of district judiciary hardly show inclination to give their 100% even during the court hours. It is necessary to devote some extra hours to the court work and then only the bar members will take you seriously and meritorious advocates will appear before you and qualitative arguments will be advanced before you which will enhance your merit and that will be reflected in your judgments and orders.

Board management - Considering the quantity of pending cases it becomes necessary to have on cause list number of cases which may not be touched on the given day. Further the uncertainty created by the practice of seeking frequent adjournments by the advocates make it necessary to place more cases on the cause list than the number of cases which may be taken up for hearing or recording evidence. These factors bring number of litigants before the court every day. It is impractical to keep the number of litigants waiting till the end of the day and then giving them the next date. The best solution is to call all the cases on cause list at 11:00 am, keep the cases which can be effectively heard during the day and adjourn rest of the cases at the beginning of the day and let the litigants utilise rest of the hours of the day for their assignments. This practice will also relieve your stress as you will be relieved from the blame game by the advocates and litigants for adjourning their cases after making them wait throughout the day.

Docket management and time management - Court hours Shall be fractioned, and specific time should be resolute for defined tasks. While doing so, everyday sometime should be given in criminal courts for framing charges and in civil courts for framing issues. Separate time should be kept for recording evidence and some hours of the day shall be resolute for hearing

and deciding interim and ad interim applications. This practice will maintain the ratio of ready and unready cases and you will be able to have continuous flow of trial of the cases and complete the quota of disposal.

Expeditious disposal ad-interim and interim applications - The Indian judiciary is constitutionally mandated to protect fundamental rights of the people which include right to liberty and right to life which is defined to include right to live with dignity, have a decent environment and being able to pursue a livelihood. The judiciary plays a crucial role in upholding the Constitution, protecting fundamental rights, and resolving disputes. Principle of separation of power makes the judiciary independent of other branches of governance. Every Indian is bestowed with fundamental rights and it is the duty of the judiciary to protect fundamental rights of the people against any high handed action on the part of anyone including the government and the institutions created under the statute for the execution of the function of governance for example various departments of the government, municipal corporation etc. Every court including the court of civil judges and magistrates must discharge these duties. Their role is more important because the people with limited resources, which unfortunately are in abundance in India, are at the most able to claim relief in the court of civil judge or magistrate. They wait for getting the relief for several years and have no choice to accept it whether it has resolved their dispute or not. Recently in the case of **Sangram Vs State of Maharashtra** honourable Supreme Court Observed that bail is rule and jail is exception. As reported in live law in the case of **Abdul Majid v. State of Gujarat** honourable justice Oka, Judge Supreme Court of India, remarked in the open court,

“Very unfortunate that now people are not getting bail even in magistrate triable cases and people have to come to the Supreme Court for this.”

As Reported by live law honourable justice Oka while speaking on criminal justice system stated,

“Twenty-five years back, I do not know if the Supreme Court ever said why no reasons given for granting bail. Of course, new laws have come, and courts are required to record reasons and the consequence is, we judges face criticism. They say people are not getting bail in deserving cases. Personally speaking, I cannot deny that there is an element of truth in this allegation,”

Similar is the situation in case of granting interim injunctions. People facing threats of arbitrary demolition from the Municipal bodies, local bodies and even police authorities rush to the court to get interim order of prohibition. The Civil Procedure code provides for issuance of an ad-interim injunction to deal with such situations. The aggrieved persons are however not getting any orders of injunction, and the structures are demolished high handedly ignoring their civil rights. In some other cases the powerful people start to construct buildings by defeating civilian property rights of the people and ignoring all the civic laws. It has been noticed that in such cases also no prohibitory orders are issued and such unauthorised constructions come in existence and then it becomes hard to demolish such structures. Right of the people to protect

their liberty, property and livelihood is thus crushed because of either denial or delay in granting interim reliefs by the judges while working on civil or criminal side by the judges at grassroot level. We all must introspect and rectify the practices of denial to grant interim relief and delay in grant of interim relief in the deserving cases. If you think that relief claimed in interim application cannot be granted even, then decide the application so that the aggrieved party can proceed to the appellate court and try to establish his right to get interim order. We must tell ourselves that we are here for the service of the people and everyone including a person who cannot afford a lawyer or file a petition before the court is also entitled for a fair and expeditious justice.

Dictating and pronouncing judgment on the Dias – Apart from this, judgments involving complex issues of facts and laws all other judgments and interim orders can be dictated in the open court. It is often seen that the judges of the trial court are shy of dictating the orders in the open court. For dictating the orders on the open court, one should have read the facts of the cases before hearing the case, have command to appreciate the facts instantaneously and spontaneous knowledge of law and precedents. As I consider it is not necessary that first you inculcate these qualities and then start dictating the orders in open court. Start dictating the orders in the open court and you will inculcate these properties automatically. Once you start adopting this practice respect of the bar for you will increase. When you are passing the orders immediately after hearing the matter there will not be any opportunity to anyone of making allegations against you.

Careful while making comments on the dais of the dais – Few incidents in the past grossly affected the credibility of the judiciary. The world has become media oriented, and every comment of a judge is taken up for discussion by the media. Besides this, repercussions of every comment of a judge in respect of litigant, advocate, litigation will bring retaliation, anxiety, anxiousness for you. Better to restrain from making any comment and every conversation on the dais shall be concerning to the case in hand and every conversation of the dais shall be formal. I know it is difficult, but I have seen that the judges achieving success always keep formal relations and never overindulge in anyone. This formula brings success and peace to life.

Conclusion - Hard work, endurance, and pursuance of all the office bearers of Telangana Judges association for district judiciary made the conference a success. Participation and expressions of honourable justice Narasimha, honourable Chief Justice and other honourable judges of the High Court of Telangana State must have boosted the confidence of the judges of district judiciary of Telangana. The participation will also encourage the judges of district judiciary Telangana to discharge the function of justice delivery more efficiently and with a positive note that they have the support of the High Court to discharge their function fearlessly. I have mentioned some judicial routines which I have practiced throughout my judicial career. These practices and ideas will certainly help every member of judicial fraternity to discharge their constitutional duties more efficiently.