

awfully important. Brothers, fortuitously you have adequate time and valor to serve the society. As well all familiar with, the institution of Judiciary is in terrible need of spirited leadership to resolve the social challenges, the challenges that had never surfaced in the recent past. Delay in disposal of cases may be one reason but not the solitary cause of alarm. Transparency in the process, cost efficiency, quality adjudication and user satisfaction are some targets before us. How to silhouette the judicial institution congregating these credentials is the core concern before us. I advocate for framing vision document for 2025 predicting the issues and schemes to fight them out. I cherish this sort of inspiration.

I am to acknowledge the precious association you have provided to me. I am pilfering the moments of great time from you to invigorate my energies, to continue my voyage. I take leave from you all by reading *Tom Petty*, Italian Philosopher.

"You and I will meet again, when we're least expecting it,

One day in some far off place, I will recognize your face,

I won't say goodbye my friend, for you and I will meet again"

Thank You.

REPLY BY HON'BLE SRI JUSTICE B. PRAKASH RAO IN THE 1ST COURT ON HIS LORDSHIP FAREWELL DAY ON 24.5.2011

My brother Judges, dead Advocate General and the esteemed members of the prestigious Bar distinguished guests.

I am elated by the farewell given to me, a farewell from the celestial chair I have occupied for more than a decade; but, I am sure it is not a farewell from the emotional seat I have taken in your hearts and thoughts. When I have preferred my calling in the profession, like many of you, I too have some aspirations to accomplish. In the beginning it was only fervor to win a case for the party; after that, gradually impulse prevailed on me that there is something more than mere success to be achieved. I started searching for the goal. The world is round and the place which may seem like the end may also be the beginning. I wanted a perfect beginning. Now I am erudite, the hard way, that some poems don't rhyme, and some stories don't have a clear beginning, middle and end. Life about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next.

This realization made me to look forward even in the moments of frustration. Thanks to the teachings and guidance given to inspire me by my Senior Shri *M.L. Ganu*, my contemporaries and more to my beloved mother Smt. *Sharadabai* who taught me values of life, and more, how to wrestle with adversities in life. I am amused when I am offered Judgeship. When finally I had the privilege of joining this Court, no longer a commercial advocate though not leaving that craft behind, my concerns were more akin to those of a caring doctor. In equity particularly, I drew upon the metaphor of a public hospital, engaged in a healing operation under a constitutional mandate. That process had to be conducted with as much compassion and individual concern as the traumatic encounter allows, necessarily with an eye to efficiency and value but not sacrificing fairness. My sustained conviction throughout my time on the Court is that a legal answer which insulted common sense or basic sprite was usually wrong, however skillfully contrived. While continuing in my

duty, I became ever more conscious of how imperative it was to explain in the clearest and simplest of language, especially to the losing party, why the Court has decided as it has. This is no less important than explaining what is important about the decision itself in legal principle. I have been especially fortunate to have served in such a cloistered Court, so well led, its members bringing a scholarly wideness, infrequently to be found in any institution.

There were incongruous influences on my life. On the one hand supreme sense of civil duty, and on the other, how to fit myself in an environment not within the painless reach of common man, who is engulfed in poverty, helplessness and is uninformed of his rights and liabilities in any given situation. I have enhanced the aptitude of harmonizing these influences while judging. I believe, it is the advice of Sir *Anthony Mason* that always leads me in proper direction. He said '*an intellectual capacity to acquire in a relatively short time the requisite professional legal skills appropriate to judicial work*'.

I felt somewhat isolated in my new professional role. I had to guard myself against showing emotion, even in the face of hearing difficult propositions of law. I had to suppress my personality and present a neutral "public face", irrespective of the events that were occurring before me and at time, behind me. This sense of isolation that Judges face is compounded further by the physical design of our Courthouses which Judges move through separate hallways from the Lawyers and the public. As a result, Judges lose the opportunity to experience the sense of community enjoyed by others in a Courthouse environment.

In the last 10 years, society has become primarily knowledge-based and its views and attitudes towards so many things have altered dramatically in this time. By way of example only, I refer to the shift in thinking

over the decade, about the indigenous population of this country, the land rights, about homosexuality and "gay rights". I refer to the change in the role of women in society and the work-place, and the approach today in dealing with complaints of sexual and physical abuse of women and children. There is new definition and added values to the concept of human rights. In the conduct of curial business, the biggest changes in decade have been the introduction of case management and alternative dispute resolution. After some initial resistance by both the Bench and the Bar, both themes are now widely accepted as a part of the litigious process designed to reduce delay and cost. Over the last ten years, the silicon chip has come to dominate every facet of our lives.

Another significant development over the last few years of my experience at the Bench is a change in the attitude to judicial education. Education for Judges is no longer seen as a threat to judicial independence. Judicial education, while new to the common law tradition, is becoming integral to the standing of the Judiciary and offers an appropriate means of providing accountability without violating independence. This change was heralded by widespread complaints of gender bias and cultural insensitivity that led to the introduction of judicial education on gender and cultural awareness. It has been a great privilege for me to have been in this Court during this time of change. I would like to recall that during my tenure as Judge having wide experience of holding portfolio of around 15 districts in the State, and also, particularly when I served as Acting Chief Justice, though for a little time, I have been able to infuse confidence in the judicial officers, making them ready to contribute to the reduction of delay and cost associated with litigation and thus improved access to the Court system. I have been fortunate enough to have been able to use my judicial office to take part in judicial reforms debates

nationally being President of A.P. Judicial Academy, and Executive Chairman of A.P. State Legal Services Authority. I have indeed, enjoyed a privileged and interesting career. Of course, I was not able to score these achievements singly. I would like to take this opportunity to thank all the officers and staff of those Institutions and of this Court who have given me unstinting support and assistance during the time I have been here. They work as a team and I am very proud of them. I would like to thank all the members of my family who have always encouraged and supported me as well as patiently listened, apparently with deep interest, while over the dinner table, I carefully explained to them such fascinating matters like the independence of Judiciary and the significance of the rule of law.

Before taking off the judicial robes, I want to be more sincere in making an earnest appeal to the Bench and Bar. As members of same order, we are mutually steadfast to the quest of justice. We do vital work in which we help people, face exhilarating intellectual challenges and have a major role in dealing with decisive issues confronting individuals and their assorted interests in our society. Likewise, the High Court having a supervisory control over the performance of subordinate Judiciary in the State, have to play the role of a parent, a guardian and a teacher, more so, as a mentor, in better shaping the trial Court institution to combat challenges posed to it.

I am not intending to paint a picture of what a balloon looks like. At the time of enjoying the dynamic role of Judgeship, I have noticed striking threats to the justice delivery system, not from any external agencies but paradoxically, from internal forces only. Most of the clients do not know when their case will be listed; if once listed, when it will be heard. Docket in each case is a fitting mirror reflecting the obstacles in the process of delivery system. Vacancies in the Bench

are not filled in time. Communication gap started occupying the field. Some elements have taken advantage of these weaknesses and ascend to proliferate rumours to create unhealthy relations. Personal wishes are given precedence over institutional interests. Plans for coordination are retreating. I believe, if these ailments are allowed to persist in the system, it will lead to a catastrophic outcome in times to come. Are we geared upto combat these evils with strong determination? It is possible only by way of confidence creation in the managers of the organization.

This confidence building can be achieved simply when the iron curtains between the Higher Judiciary and subordinate Judiciary; the Judiciary and Bar; the Judicial and legal fraternity on one hand and the Society at large on the other, are pierced and everyone looks at the other with harmony, listening to voice of others with resilience. As a whole, our institution shall build up a perception of Vision 2025, by that time, there shall be incredible changes predictable in the system. Whether these changes are for the advancement or towards recession in values will be reliant on our present day exercises in right earnest.

Commencing as a bad husband, being a busy advocate and later as a Judge, I know the ordeals which my wife Smt. *Shoba* might have undergone. But I take this opportunity to express my deep gratitude and also thanks for the unstinted support all the while.

I would like to very sincerely thank each of you here today who have with deep interest – listened to me, reminisce this morning. I thank Hon'ble the Chief Justice, Hon'ble Brother Judges, Sister Judge, the Advocate General and to all learned members at the Bar for your gracious words and presence; and so it remains only to say for the last time,

"The Court is adjourned".