

**FAREWELL ADDRESS TO HON'BLE SRI JUSTICE VAMAN RAO  
BY ADVOCATE-GENERAL AND THE REPLY GIVEN BY LEARNED JUDGE**

My Lord the Chief Justice, Justice Vaman Rao, My Lords, ladies and gentlemen,

We have assembled here to bid farewell to Sri Justice *Vaman Rao*, on the occasion of his Lordship's demitting the Office as a Judge of this Honourable Court on retirement.

Your Lordship was born on 9th May, 1939 in Adilabad District. You obtained degree in B.Sc., (Agriculture) from A.P. Agricultural University, Hyderabad and L.L.B., from Osmania University, Hyderabad. Your Lordship enrolled as an advocate in July, 1962 and practised on Civil as well as Criminal side for 11 years at Adilabad. You joined as District Munsif on 5-11-1973 and promoted as Subordinate Judge in January, 1978. You were promoted as District Judge, Grade II in March, 1983. Your Lordship also worked for a brief period as Faculty Member, Law Academy at Hyderabad. Your Lordship worked in various capacities as Additional District Judge, Nalgonda, Member, Tribunal for Disciplinary Proceedings, Registrar of Lokayuktha, District Judge, Kurnool, Registrar, Special Court under A.P Land Grabbing (Prohibition) Act and as Principal District Judge, Visakhapatnam. You also worked as Registrar (Judicial), Registrar (Administration) and Registrar General of High Court of A.P., Hyderabad. Subsequently Your Lordship worked as Chief Judge, City Civil Courts, Hyderabad. Your Lordship was elevated as an Additional Judge of the A.P. High Court on 27-4-1998 and as a Judge with effect from 20-4-2000 and earned approbation and respect of the members of the Bar by your sober approach to the members of the bar.

Your Lordship was very courteous, polite and pleasant on the Bench and never made any unguarded observation, which hurt or ruffled the feelings of the advocates who appeared before you. Your Lordship

had no predilections and kept invariably an open mind and decided the cases strictly according to merit. Your Lordship was unassuming and maintained dignity of the high Constitutional Office. All of us will be missing Your Lordship very much.

Your Lordship's judgments are always characterised by lucidity, marked by incisive analysis of facts and a firm grasp of basic principles of law. Your Lordship's conclusions were rarely reversed by the Higher Court.

Your Lordship who is retiring today can well be satisfied that you discharged your duties to the best of your ability, with due regard to the obligations of the high Constitutional Office and the Bar is appreciative of your conduct and services to the rule of law. Your Lordship has a high sense of duty and a sound legal knowledge.

Your Lordship delivered number of memorable judgments which reflected your learning and also the depth of your knowledge. On your Lordship's retirement, the Bench has lost a distinguished occupant.

On behalf of the members of the Bar, I wish to convey our good wishes to Your Lordship and your family for a happy and peaceful post retirement life.

*D. Prakash Reddy*

Additional Advocate-General

Mr. Additional Advocate-General,

Thank you for the nice words of appreciation about my work and conduct as a Judge. I am aware of my humble origin from the level of District Munsif and of my short tenure as a Judge of this great High Court. I think it is your magnanimity and generosity that impelled you to pay some

glowing tributes to me. You might have magnified and exaggerated my good traits out of courtesy and affection for me. I hope that atleast a fraction of what you said is based on real perception and evaluation by the members of the Bar here and if so it would be a great source of solace and satisfaction for me.

For almost 28 years, I have been judging the matters that came up before my Court as a Judicial Officer in the District Judiciary and as a Judge of this Court. But, this is the day on which it is your prerogative to pronounce judgment on me as a judgment because while Judges render judgments about matters in dispute, it is the members of the Bar who pronounce final judgment on a Judge.

In fact, initially considering my origin and background, I was apprehensive whether you would accept me mentally as a person fit to adorn the Bench of this great High Court. But, after these three years, irrespective of merits of my judgments, I know that you have graciously accepted me as a part of this great institution and if you found something in my work as a Judge which deserves to be mentioned appreciatively, it is an additional bonus for me. I convey my sincere thanks to the members of the Bar for this.

Mr. Additional Advocate-General, you have referred to certain aspects of my attitude and work as a Judge. In retrospect, I feel if there is anything good and desirable expected in a Judge is found by you in me atleast in a small measure, I cannot really take 100% credit for it. I did not cultivate those qualities meticulously, assiduously or with perseverance but they became part of my mental make up very early in my life. I hail, if I may say so, from a family of Lawyers, my senior uncle was a leading Lawyer practising at Nirmal in Adilabad District in nineteen forties and in earlier 1950s. My father has been a successful

legal practitioner and my senior uncle's son was an eminent advocate. I had the good fortune of being trained under him as a junior for two years after I was enrolled. Very often, my father, uncle and my cousin and other elders used to sit on a pial in front of our house and discuss all sorts of things including the matters relating to Court and Judicial Officers. I used to hear some names of Munsiffs being very frequently mentioned long after they were transferred from that place, and as an young person, I used to stand in a corner and hear them. The qualities which are desirable in a Judicial Officer were presumably found in those officers and these things got imprinted on my mind. I had the good fortune of being trained under two very eminent seniors who day in and day out used to din into years as to how a good Judge should be. If I have any of those desirable qualities of a Judge in me in a small measure, these early impressions of an ideal Judicial Officer helped me a lot. I always believe that even if a Judge has certain desirable qualities of a Judge in him, that in itself would not necessarily make him a good Judge. But, a good Judge is always shaped by the attitude and inputs of the members of the Bar. I had the good fortune of working as a member of the District Judiciary in various places where the members of the Bar expected a Judicial Officer to conduct himself in accordance with certain ideals and helped me in maintaining those standards. By the time, I was elevated to the High Court, the response and interaction with the Members of the Bar came to be significant input in shaping me as a Judge.

As I said, on my elevation to the High Court, I started with an apprehension but it is your colleagues at the Bar, Mr. Additional Advocate-General, who have supported me and did their best to bring out what is good and desirable in me as a Judge. Your co-operation, your appreciation and some times your criticism has helped me a great deal in maintaining my balance and composure and

enabled me to do my best as a Judge. The credit goes to a great extent to the Members of Bar and I am thankful to you and I thank you for the same.

As is the case with the Members of the Bar, I had the good fortune of having been accepted favourably by my colleague Judges and various Chief Justices with whom I had worked here. As I said, inspite of my humble beginning, and a short tenure, my brother Judges and Chief Justices showed me such affection and understanding that I felt that I was the member of this large family. My Lord the Chief Justice, Mr. *Satya Bratha Sinha*ji who combines in himself the qualities of a learned Judge and eminent academician and good administrator was generous and kind enough to treat me literally and figuratively as his brother in all respects. When I prepared this small speech, I wanted to add a sentence that I did not have the good fortune of sitting in a Division Bench with any Chief Justice. I did not know whether it was communication by telepathy with the Chief Justice *S.B.Sinha*ji as he erased such deficiency during my tenure and was good enough to enable me to sit with him in the Division Bench this afternoon. Of course, I had the good fortune to sit on the Division Bench along with my senior brother Judge Sri *B.Subhashan Reddy* for a long time. I was astonished with his command over case law, particularly the judgments of the Supreme Court on various, branches of law. I saw that he was universally respected by the Members of the Bar. He was good enough to ask me to write quite a few judgments on important matters under the writ jurisdiction which he approved and appreciated and saw to it that they were reported. I had also the good fortune to sit in Division Benches along with Sri Justice *N.Y. Hanumanthappa*, Dr. Justice *Motilal B.Naik*, Ms. Justice *S.V. Maruthi* and Sri Justice *P.Ramakrishnam Raju* for some time, I am thankful to them for treating me with great courtesy.

On such formal and solemn occasion, I do not want to make any profound statement in respect of administration of justice. But, I am tempted to give an expression to certain aspect of working of our system which I perceived while I was sitting on the Bench in this High Court. I was sitting for quite some time on admissions in criminal side in respect of petitions under Section 482 of Cr.PC and also on bails. I had a feeling that the trend, which is common among bureaucrats and administrative wing of the Government, has started infecting our Judicial Officers also. I refer to the ego or arrogance. I felt that many orders, blatantly smacked of attitude on the part of the concerned Judicial Officers as if to say that it was their absolute discretion, which they would exercise in any manner they liked. In my humble opinion, the exercising of powers by a Judge is really only performing a duty as contemplated under the relevant statutory provisions. The concept of power is merely another name for performance of the duty by exercising the jurisdiction vested in a Judge. I hope this Court would take notice of the undesirable attitude in the functioning of our judicial system.

It is not my intention to add an unpleasant note on such pleasant and formal occasion but I thought that I could make a small mention of what I felt.

I am thankful to the Registrars for their unstinted co-operation and assistance to me in my functioning as a Judge. I would like to record my gratitude and thanks to my Court Officers Sri *N. Kasi*, Smt *Laxmi Kameswari* and Smt *Prabha Kaligkar*, whose ready assistance helped me a lot in discharging my duties and I am particularly thankful to my Personal Secretary Mr. *M. Hari Narayana* who almost went out of his way to render assistance to me in matters pertaining to the Court and matters pertaining to my personal life. I am also thankful to all the members of the staff in various branches of the Registry like Sri *K. Satyanarayana*, Joint Registrar, Sri

*P. Sayyaji Rao* and *Sri Sreemannarayana* of Protocol Section, *Sri Ramakrishna*, *Sri P.S. Somayajulu*, Section Officers of J. Special Section and *Sri V.C.Kantha Reddy* and *Sri P.Vijaya Bhaskar* of J. Special Section, *Sri Sivanarayana*, Overseer and *Sri Sreeramulu*, Assistant Overseer. I am also thankful to my personal attenders deputed at my bungalow *Sri D. Santosh Kumar*, *Sri Karunakar*, *Sri Devi Ram*, *Sri Umakanth Dash* and *Smt. Krupavathi* and the attenders of my chambers *Sri B. Mallesh* and *Mr.Baig* and *Mr. Rama Rao*, I am also

thankful to *Mr.Sabeer*, former driver and *Mr. M. Nazeeruddin*, present driver who never hesitated to attend on me even at odd hours. Once again, I thank you to the Members of the Bar for their unstinted co-operation and affection showered on me as a Judge.

Thanking you,

Justice *Vaman Rao*

Date: 27-4-2001

### REMINISCENCE OF A JUDICIAL OFFICER

By

—**K.M. NAGABHUSHAN RAO,**

Principal District and Sessions Judge,  
Rajahmundry, East Godavari Dist.

Long long ago Greek Goddess of Justice described the Court as that incorruptible, majestic and the protector of the land. This majesty is added with the divinity as per the recent decision of our Supreme Court in “All India Judges Case” wherein it was held that the Judges are discharging divine functions.

This was the same sentiment that was expressed by *Thomus Aquinas* when he said more than 100 years ago that law is nothing but dictate of God. This postulation was then criticized as orthodoxical and fundamentalistic by liberal jurists. But the concept can be traced to the days of monarchical system when the king was considered as God — “*Na Vishnu Prithvipathi*” leading to the maxim “*Nullum Tempes Rege*” and we have the popular saying that king can do no wrong. Thus divinity not only then but also now is inbuilt in the judicial institutions.

Then came *Dr.Hens Kelsen* who propounded that law is the power of the

people and the people giving this power to be discharged by certain persons called Judges. Though he was criticised by Benthamites as radical and extreme, are we far away from him when we look into the preamble of our Constitution? It is “we the people” who gave ourselves the Constitution under which we are ruled.

When the concept of law was shuttling between the orthodox and modern interpretations *Dr. Hart* came on to the scene and postulated that law is nothing but judicious umpiring of a fair game between parties.

Yes, most of our recent decisions on fundamental rights especially Article 14, 19 and by now the omnipotent Article 21 stipulating equal and reasonable opportunities, principle of natural justice, fair play *etc.* stand testimony to the postulations of *Dr. Hart*.

In the present day democratic systems the umpiring has become more indispensable than what *Dr.Hart* would have contemplated,