

**Chapter -I Introduction and a brief family background in its historical perspective.**

It is said that life is one of the most precious gifts of the divine being, and so it should be the endeavour of every person to make it a beautiful journey worth remembering. For most people, life is only self-centred and they only live for themselves and believe in self aggrandizement. For a few, life is dedication towards a cause, towards the society and ultimately for mankind. For such people, wealth, fame and success is only secondary and their primary objective in life is to achieve their self actualisation need. Humility, sobereity and foresightedness are some of the traits which are found in such people.

The subject of this book is precisely that person, who falls in that minuscule minority, for whom, life has always been a dedicated venture towards work and society. Before I elucidate further, I begin on the premise that Justice Dilip Babasaheb Bhosale is a well known figure in the legal fraternity and his family is a prominent family in the State of Maharashtra. A seasoned lawyer in the Bombay High Court for two decades, a former chairperson of the Bar Council of India and several times member of the Bar Council of Maharashtra and Goa, who later on held judicial office for 18 years, first as a puisne Judge of the Bombay High Court for a decade, followed by a judge of the Karnataka High Court, then as acting chief justice of the Andhra Pradesh High Court, and later serving as the chief justice of the Allahabad High Court for more than two years, DB Bhosale is a man with many feathers in his hat. After retirement, he also served as one of the first judicial members of the Lokpal (Constitutional ombudsman), only to prematurely resign before the determination of his tenure. Humble by nature,

straightforward, always accessible with a benevolence approach, DB Bhosale always put high premium on integrity, hard work and discipline and relentlessly worked for the betterment of the institution and over jealously served the cause of justice. As a lawyer, he always endeavoured to get justice for his clients, many of whom were of from the lower socio-economic strata of the society. As a vice chairperson of the Bar Council of India and member of the Bar Council of Maharashtra and Goa, he always led from the front in safeguarding the interests of the legal fraternity and lastly as a judge, he left no stone unturned in upholding the rule of law and protecting the majesty of law.

Justice Bhosale hails from a family of freedom fighters. In fact, he has a dual distinction of both his maternal and paternal side contributing to the national freedom struggle in pre independent India. Son of a former Chief Minister of the State of Maharashtra, Justice Bhosale's family is originally from the district of Satara in western Maharashtra, a city, which was the erstwhile seat of power of Chhatrapati Sahu, the son of Sambhaji and grandson of the warrior king, Chhatrapati Shivaji Maharaj. The family has its roots in village Kaledhon which is administratively a part of Taluka Khatao indistrict Satara of Maharashtra. The father of Justice Bhosale was late Shri Babasaheb Bhosale, who was a freedom fighter, lawyer by profession, politician and former Chief Minister of the State of Maharashtra. They were six siblings. One of the younger brothers of Shri Babasaheb Bhosale was Shivajirao Bhosale, who retired as Vice Chancellor of Marathawad University at Aurangabad in Maharashtra. Two of his brothers, Shri Ramrao Bhosale and Shri Prataprao Bhosale had served in the Indian Army. Shri Ramrao Bhosale had taken part in the Second World War

which resulted in his incarceration in Singapore jail and he was eventually freed after serving 7 ½ years in prison. Another brother, Shri Narayan Rao Bhosale was a teacher and he retired as a headmaster. The elder sister of Shri Babasaheb was a classic example of women emancipation, as she was the Sarpanch (People's Representative) of her village in the 1950s.

The late father of Justice Dilip Bhosale, Shri Babasaheb Bhosale was a barrister at law and had completed his legal education in England at Lincoln's Inn in the year 1952. He had five children. The eldest daughter is Mrs Shanta who retired as a professor at SNDT College Mumbai. The second in line was Mr Ashok, who is a businessman in Mumbai. Third is Mrs Saroj, who is a businesswoman and active in politics. Justice Dilip Bhosale is at fourth number, who is a retired Chief Justice and former judicial member of Lokpal (Constitutional ombudsman), government of India. The youngest is Dr. Rajan Bhosale who is a radiologist by profession and is based in Mumbai. After returning from England in 1952, Shri Babasaheb started his legal practice on the criminal side in the district court of Satara, Maharashtra. In the year 1960, he moved with his family to Bombay, (now Mumbai), and was appointed as member of the Revenue Tribunal. Justice Dilip Bhosale was 4 ½ years when he came to Mumbai with his father. As the father of Justice Bhosale was initially a member of the Revenue Tribunal, he was entitled to an official accommodation and therefore as a child, Justice Bhosale resided with his parents and other siblings at Haji Ali government quarters, Mumbai, an official colony, which houses group A and group B officers of the State government and also some judicial officers of the State of Maharashtra. Except for the

eldest sister of Justice Bhosale, all his brothers and sisters including him received their elementary schooling at Balmohan Vidya Mandir at Dadar area of Mumbai.

In the year 1970, the father of Justice Bhosale who was the senior most member of the tribunal was due and was expecting to be appointed as the president of the Maharashtra Revenue Tribunal, but was eventually overlooked for the post due to political reasons/considerations. This prompted Shri Babasaheb to tender his resignation as member of the said tribunal, while his children were unsettled in life and were still pursuing their education. Justice Bhosale was at that time an adolescent studying in grade nine. On the resignation of his father, the family moved out of their government accommodation and shifted to Nehru Nagar at Kurla which is a neighbourhood of East Mumbai.

Justice Bhosale's family has contributed in our national freedom struggle in the heydays of the Raj and played an active part in liberating the country from the colonial yoke. Both his parents including his grandfather (from the maternal side) Deshbhakt Shri Tulshidas Jhadav were freedom fighters. His father, Shri Babasaheb Bhosale during the freedom movement was imprisoned in Bijapur jail for two years and Yerawada Central jail at Pune for 2 ½ years. Justice Bhosale's grandfather, Deshbhakt Shri Tulshidas Jhadav was from Sholapur district of Maharashtra. He was a noted freedom fighter, a political activist, social worker and an elected representative for 37 years, who did a lot of social work in Maharashtra and was a prominent name amongst the ranks and files. He was a MLA (Member of Legislative Assembly) for six times and twice elected as MP (Member of Parliament)

from Baramati and Nanded in Maharashtra. Shri Babasaheb, the father of Justice Bhosale and Shri Tulshidas Jhadav were incarcerated at Yerawada central prison in pune at the same time. Shri Babasaheb and Shri Tulshidas Jhadav were jailed in Yerawada central jail together, but never had any occasion to meet or see each other, while in prison. Babasaheb Bhosale, however had known Shri Tulshidas as he was a very popular freedom fighter from western Maharashtra. After Babasaheb's release from jail, while Shri Tulshidas Jhadav was still undergoing twelve years imprisonment, Shri Babasaheb Bhosale decided to get in touch with the family of Tulshidas Jhadav, who had a daughter of marriageable age with a marriage proposition. He accordingly approached one Shri Kakasaheb Gadgil, a veteran freedom fighter of those days, who in turn gave a letter addressed to Smt Janabai, the wife of Shri Tulshidas Jhadav, which introduced Shri Babasaheb Bhosale. Shri Babasaheb with his parents went to Solapur for proposing the daughter of Shri Tulshidas. It was the first time that the families met and also Shri Babasaheb got introduced to his would be bride and they both approved each other. As Shri Tulshidas Jhadav was serving imprisonment, they all decided to go to Pune and seek his approval for getting the marriage solemnised. In those days, the inmates of the prison were allowed to meet their family members only once a month. The family members of both the respective families met Shri Tulshidas in Yerawada prison on the last day of the month. A preliminary meeting had taken place in the chamber of the then jail superintendent Mr. Advani. Shri Tulshidas during the meeting, asked the father of Babasaheb as to what he expects from him in lieu of this proposed marriage. Shri Babasaheb's father, Anantrao Bhosale, an

educationist simply replied that “you (Shri Tulshidas) are doing a lot for the nation and therefore I don’t expect you to do anything more”. Thereafter, the marriage of Babasaheb was settled with the daughter of Shri Tulshidas Jhadav in the chamber of the then jail superintendent of Yerawada central prison, Mr.Advani. It is quite interesting to note that Mr.Advani suggested to both the families, and that they must perform the engagement ceremony in his chamber immediately, and so, the next day, which was the first day of the next month, the engagement took place in a British Indian prison, in the chamber of the then jail superintendent, Mr. Advani. Later on, the marriage was solemnised, for which Shri Tulshidas was released on parole for three days to perform the ‘Kanyadan’. (A Hindu ritual, where the father of the bride, gives his daughter to the bridegroom in marriage.)

## **Chapter-II                      Education and early days.**

After tendering his resignation as a member of the Maharashtra Revenue Tribunal in 1970, the father of Justice Bhosale, Shri Babasaheb started practising law in the Bombay High Court and gradually started making a mark on the legal turf of those days. Justice Bhosale was then a school going boy and he use to frequently travel by Mumbai's lifeline, the local train in the 1970s from his residence at Nehru Nagar Kurla (East) to Dadar near Shivaji Park in Mumbai where his school BalmohanVidyamandir was situated. In the year 1972, Justice Bhosale attained his secondary school certificate, popularly known as S.S.C in Maharashtra and enrolled for Bachelor of Arts at Ramnarayan Ruia College at Matunga in Mumbai. He was a hard-working student and passed his bachelor of arts with a first class, which was a remarkable achievement in those days. Constructive debates and discussions had always fascinated him as a student and therefore, there was a natural inclination in him to pursue a degree in law. This prompted him to join the three-year course of law at the Government Law College situated at Churchgate, Mumbai. A few words about the Government Law College (GLC) will not be out of place. GLC, which is the common abbreviation while referring to the Government Law College, is a renowned institution in Mumbai, imparting legal education. It was founded in the year 1855 and is one of the oldest law schools in Asia. The colleges affiliated to the University of Mumbai, is run by the government of Maharashtra. It has the distinction of producing the best legal eagles and jurist of the country. Dr. B.R

Ambedkar, first Law Minister of India and chairman of the Constitution drafting committee, the former President of India, Smt Pratibha Patil, five former chief justices of India namely, Justice H.J Kania, Justice P.N Bhagwati, Justice S.P Bharucha, Justice S.H Kapadia and many other judges of the Supreme Court and chief justices of various high Courts, senior politicians and an army of senior counsels comprising the legal fraternity of the country are alumni of the government Law College. The college offers the three-year and the five-year LLB course and is a dream for every aspirant in Maharashtra, who wants to be graduated in the discipline of law.

As a student of law, Justice Bhosale was very active and led from the front. His involvement was not just confined to academic activities but transcended to multiple areas of extra-curricular activities. Prof Balsara, a well-respected Parsi gentleman was the principal of GLC in those days and Justice Bhosale had great respect for him and shared excellent equations with him. The Zoroastrian community in India also called parsis or parsees which means Persian in the Persian language are an ethno religious group mostly situated on the west coast of the country. A sizeable number of them inhabit the city of Mumbai. However as a community, they are in minority in India and as per the 2011 census, their total population in India is 57,264. Having said that, it can be undoubtedly said that the Zoroastrian community in India are the most peace loving, law-abiding and are an epitome of humility and progressive attitude. Prof Balsara was no exception as he manifested all those traits of a Parsi gentleman and at the same time he was also a God gifted intellectual genius. Incidentally, the son of late Prof Balsara, Advocate Chirag Balsara who is a practising and prominent counsel in



the Bombay High Court is a close and proximate associate, friend and admirer of Justice Bhosale. Justice Bhosale use to regularly attend his Law College as a ritual and never missed any lecture. Three months prior to the annual examinations, he use to shift his temporary residence at C road, Churchgate, Mumbai, which is the permanent hostel for GLC students and specially for the ones who hail from the district towns of Maharashtra. Justice Bhosale always speaks about few hostel mates, such as S.M Patil, Dinesh Sardge, Sunil Chaudhari, Deepak Patil, Sunil Athare, Rajendra Jadhav, Dhananjay Bhosale, Dilip Walse Patil, who is now a very prominent politician in Maharashtra state politics, Naresh Patil, who retired as Chief Justice of the Bombay High Court and Arun Chaudhari, who retired as Judge of the High Court. Student life is all about camaraderie, constructive interaction, cohesion and sharing of knowledge. Life as a student in GLC in those days was no different as it confirmed to the above values. However there was a visible dichotomy in students who were permanently dwelling at Mumbai as they were known as the Mumbai group from students, who hailed from the rural hinterlands and district towns of Maharashtra. Barring the urban- rural binary, they were indeed a well knit unit of this great academic institution, which was GLC.

Justice Bhosale was an integral part of the government Law College and also very active as a student, when the emergency was declared in the country on 26<sup>th</sup> June 1975 by the then Prime Minister of India Smt Indira Gandhi. During the midst of the emergency, Late Mr Ram Jethmalani, eminent lawyer, politician and former union Law Minister visited the government Law College accompanied by a friend of his who

was a foreign dignitary. The purpose of the visit was to address the law students of GLC. As the function started, principal Balsara in his introductory remark, humbly appealed to the guest speakers that they shall refrain from making any comments and statements having political connotations. The foreign dignitary accompanying advocate Ram Jethmalani did oblige but Mr Jethmalani who was a firebrand advocate could not resist the temptation to castigate the government of the day and as he started to denounce the political executive, Prof Balsara instantly walked up to the podium and snatched the mike from Mr Jethmalani. This led to an altercation between the two at the gathering which ended on an ugly and foul note. Before parting away, Mr Jethmalani called Prof Balsara an "intellectual coward." This unfortunate episode entered the precincts of the campus politics and created fissures in the above-mentioned two groups of the college. The so-called Bombay group was in favour of Mr Jethmalani and against Mr Balsara and the other group chose to vehemently support Mr Balsara. It was at this time that Justice Dilip Bhosale who was a leader right from his student days, got an opportunity to showcase his astuteness and social skills and do the balancing act. He and a large group of students, in particular all hostellers' stood by Professor Balsara. This open support went a long way in defusing tensions and arresting the friction in campus politics, which was simmering in those emergency days. They ensured that nobody resorts to violence and the skirmish is resolved pacifically. These qualities and skills of Justice Bhosale which he discovered during his early days convinced him about the efficacy of pacific settlement of disputes and no wonder, in the later years of his life as a judge, he put high premium on non-coercive resolution of

disputes through alternate dispute resolution mechanism like arbitration, mediation and conciliation. These alternate dispute resolution mechanisms have gained currency in contemporary times and are very popular amongst judges and lawyers and in the words of management thinker Mary Parker Follet in her book 'Creative Management', it addresses the root cause of the conflict and prevents them from resurfacing. To sum up, Justice Bhosale had understood the utility of conflict resolution through deliberations and discussions in the very early days of his life which he practised, promoted and perpetuated throughout his career as a judge and even practices this art at present as a seasoned arbitrator. Now coming back to campus politics on the premises of the government Law College during emergency days and the controversy surrounding principal Balsara, Justice Bhosale led a group of students who were socially active but at the same time politically neutral in ensuring that no insurrection or disobedience to law was perpetrated from the college campus. After the emergency was lifted and on elections, when Janta government came into power for the very first time thereby making a paradigm shift in the political landscape of the country, Justice Bhosale as one of the student leaders stood by principal Balsara, to see to it that he did not get the axe and the status quo of the academic faculty headed by Prof Balsara was maintained.

It was the morning of 11<sup>th</sup> October, 1979 when the LLB results were declared and DB Bhosale passed his bachelor of Law with first class marks, which overwhelmed him and his family and friends. However that was not all. There was another watershed moment on the same day

and that was DB Bhosale applying for enrolment as an advocate with the State Bar Council in the afternoon and getting registered on the roll of advocates of the Bar Council of Maharashtra and Goa by evening. Justice (Retd) D.R Dhanuka was the then chairman of the Bar Council and Shri Babasaheb, the father of DB Bhosale was an executive member of the Bar Council, and therefore, this facilitated instant approval of DB Bhosale's application for membership of the bar on the very same day when the LLB results were declared on 11<sup>th</sup> October 1979. Why I call it a watershed moment, is because it gave him an edge and immensely benefited him, when he was being considered for elevation as a Judge of the Bombay High Court.

After finding his name on the roll of advocates of the Bar Council of Maharashtra and Goa, DB Bhosale wanted to instantly commence legal practice, but with a caveat. By now, his father was an established lawyer and he could easily attend his chamber and use his good will. However DB Bhosale was firm that he would not want to grow within the shadows of his father's lucrative practice and Shri Babasaheb also concurred with it. He wanted to work independently of his father and make a name for himself in the competitive legal arena through sheer dint of merit. Shri Babasaheb requested one of his colleagues and Bar Council member, Mr. J.T Desai, who was a senior partner in a law firm called Bhai Shanker Kanga and Girdharlal, which had its office in Manikji wadia building, opposite Mumbai University to accommodate his son in the said law firm. This was the first solicitor firm which DB Bhosale joined and signed for article ship under his first senior, Advocate and Solicitor, Late Shri Jagdish Mehta. He barely worked there for about four to five months during which he attended two

arbitration matters, one of which was before Justice (Retd) J.C Shah wherein he was in the team of assistants to instruct Mr. Ashok Desai, who was a senior counsel engaged by the law firms and who later on became the attorney general of India. DB Bhosale during his small stint at the law firm also attended certain matters in the city civil Court at Mumbai where he was tasked to seek adjournments and keep watch on matters which every new practitioner in the legal profession is deputed to do so in the initial days of his or her career.

In 1978, the father of DB Bhosale, Shri Babasaheb contested state assembly elections on a Congress (I) ticket for the first time from Nehru Nagar constituency just after the Janta party government was formed at the centre, which he eventually lost. Electoral politics and democracy are a game of numbers and unfortunately from the state's perspective and fortunately for Shri Babasaheb, the state assembly was dissolved before it could complete its full term which necessitated a second election in May, 1980. Shri Babasaheb again contested the assembly elections from the same constituency on a Congress (I) ticket in 1980 and this time, he won with a thumping majority. It was precisely because of his father's electoral ambitions; DB Bhosale quit the solicitor firm where he barely worked for few months. The Congress party had won the elections in 1980 and A.R Antulay was the man chosen by Delhi for the top job as the first Muslim Chief Minister of Maharashtra. A.R Antulay inducted Shri Babasaheb in his Cabinet and this is how Shri Babasaheb, a first time MLA entered the corridors of power and was allotted several ministerial portfolios with a Cabinet rank. He took oath as a minister on 14<sup>th</sup> June 1980, which was a Saturday and on Monday, 16<sup>th</sup> June 1980, he headed for Mantralayas a Cabinet

Minister from his house at Nehru nagar, where the Bhosale's were residing. It was also time now for DB Bhosale to resume his profession after a time lag and start attending courts. So 16<sup>th</sup> June 1980 was a nostalgic date for both the father and son duo, as on this date, Shri Babasaheb went to Mantrayalay for the first time as a political executive and his son, Dilip Bhosale, attended proceedings in the Bombay High Court for the very first time. On the morning of 16<sup>th</sup> June, both the Bhosale's, senior and junior proceeded from their residence at Nehru Nagar Kurla in an official red beacon flashing white Ambassador car, an erstwhile symbol of power in Indian public life and DB Bhosale was dropped off by his father outside the Bombay High Court before heading to Mantrayalay. Now the fact that his father was a Cabinet minister in the newly sworn in Cabinet of A.R Antulay, DB Bhosale was entitled to the privilege of having it easy in life, but he chose otherwise. He used to travel to court using public transport like buses and trains. He was determined to progress in his life and career without his father's patronage and reach a higher trajectory through hard work, discipline and dedication. This was one of the hallmarks of DB Bhosale's personality trait, which always ensured his success throughout his life, in every endeavour which he undertook.

**Chapter-III****At the Bar**

It is said that the bar is the mother of the bench. In fact the bar, with its vast experience and expertise in specific fields of law, makes the task of the bench much easier. The bar is expected to be well versed with the new developments in law which keep taking place within a short span of time and is further expected to enlighten the bench on the nuances of law. So one can safely say that being a member of the bar, is by no stretch of imagination a simplified job. It requires consistent hard work, regular updating of knowledge on the various nitty-gritty of laws and more importantly, an ability to withstand the pressure and face the struggle, which every new member of the bar has to face in his or her early days. Shri Babasaheb had candidly told his son, that life at the bar, by no means will be easy. Struggle, competition and ups and downs will be inevitable and only someone who is rock solid will prevail, as it is the survival of the fittest. So DB Bhosale commenced his journey at the bar on the premise that notwithstanding him being the son of a minister, his calibre and mettle will be tested at every level and he will have to work hard at the bar in order to join the meritocracy. In those days, that is in the 80s, Advocate V.T Walawalkar, Advocate Narigurusahani, Advocate M.A Rane, Advocate C.R Dalvi, Advocate PD Kamerkar, Advocate Shamrao Samant, Advocate H.D Gole, Advocate D.D Samant, Advocate A.V Datar, Advocate Gumaste, Advocate Ravindra More, Advocate Dada Nayak, Advocate K.G Abhyankar, Advocate A.V Savant, Advocate Bal Apte Advocate Bhimrao Naik, Advocate A.P Shah, Advocate P.P Hudaliker, Advocate V.V Kamat were some of the stalwarts of the bar on the appellate side in the Bombay High Court. They were the face of the bar in those days.

When Babasaheb was sworn in as a Minister, DB Bhosale had to take care of all the briefs, which were huge in number. Shri Babasahebs legal practice was mostly confined to revenue matters in the tribunal and in the High Court. Suddenly DB Bhosale was facing the prospect of being inundated with the legal briefs of his father. However this was no legacy or bequest. It required the express consent of all the clients, so that he could represent them from then on. DB Bhosale therefore wrote letters to all the existing clients of his father and apprised them of the changed scenario and sought their consent to independently represent them. In 90% of the cases of his father, DB Bhosale filed fresh Vakalatnama (authority to represent in a legal proceeding) and thus there was no paucity of work for DB Bhosale, as he managed to retain 90% of the clients of his father. So initially, the nature of work which DB Bhosale mostly dealt with was filing special civil applications (now writ petitions) as it was known in those days against the order of the revenue tribunal. DB Bhosale had admitted that he was a novice and rookie in these matters with no experience of any kind. In the early days, he started sitting in the bar room, on the first floor of the Bombay High Court which is known as Advocates Association of Western India (AAWI) and is commonly known as room No 36. A few words about the AAWI are not unwarranted. It is one of the oldest Bar Association in India and was founded in January, 1864 by one Mr. Dhirajlal Mathuradas, who was also its first president. It was initially at the time of its foundation known as the Vakils Association of Western India. This oldest association of advocates gave the country, three Chief Justices of India. They were Justice P.B Gajendragadkar, Justice J.C Shah and Justice Y.V Chandrachud, who were all members of this association



and later became Chief Justices of the Supreme Court of India. DB Bhosale was fortunate enough and quite privileged because eminent lawyers like Advocate Diwakar Samant who DB Bhosale considers as his teacher, senior and guide, Advocate A.V Datar, Advocate VT Walawalkar, Advocate RT Walawalkar, Advocate B.M Purendre, Advocate Dingle, Advocate NV Walawalkar, Advocate Rajendra Desai, Advocate Shamrao Samant and retired Supreme Court Judge, Justice Ranjana Desai sat on the same table, which gave him the benefit of their vast experience and legal acumen. Things were also made easy for him as Advocate D.D Samant and Advocate A.V Datar were regularly attending his father's matters which he eventually inherited and even thereafter for a while, Samant and Datar used to appear in those matters on behalf of DB Bhosale.

Sometimes in life, certain incidents and events act as a fillip and change things for the better. These incidents and events are triggered by circumstances and at times by people around us. DB Bhosale's understanding of the legal matters which he dealt with at the inchoate stage of his career and which hitherto were handled by his father was vague. He was a young lawyer in his mid-20s, with no practical experience and was suddenly expected to argue cases in the Bombay High Court pertaining to a field which was alien to him. Initially, he was appearing in the High Court along with Advocate Samant and Datar and his role was mostly confined to getting matters kept back. A couple of incidents at the bar radically changed the outlook and temperament of DB Bhosale which eventually gave him a big push in his legal career. One morning, within less than a month after he joined the bar, there

was a matter listed before Justice Kanade. Advocate D.D Samantasked DB Bhosale to appear before the judge and seek an adjournment. The matter was listed first in the early morning board and DB Bhosale went to the courtroom with a file of the matter in his hand, confident that he would be free in few minutes. As the matter was called out, the presiding puisine judge was reluctant to grant an adjournment to DB Bhosale and insisted that the matter should be argued by him.

The judge impressed upon DB Bhosale that this is how he would learn and that's the way to go about things. As DB Bhosale opened the file and was about to read, butterflies started running up his stomach. He started sweating and shivering and got completely petrified since he had not read the matter. This is a syndrome which most of the lawyers experience in their first appearance before the bench and there is nothing unusual about it. It is the duty of a judge to encourage, motivate and boost up the junior lawyer so that the latter may overcome her nervousness, fear and anxieties. The presiding judge, Justice Kanade intervened and calmed down DB Bhosale and tried to lift up his spirits. He agreed to adjourn the matter by a week with a caveat that DB Bhosale should himself appear in the matter and argue it out. It was immediate relief to young Bhosale, who left the courtroom and later narrated the entire episode to Advocate Diwakar Samant. One senior advocate, Mr. Hombalkar was for the respondent in that matter. Samant was not just a lawyer but was also an academician who taught law every morning in the renowned law colleges of the city before coming to court. They had a week's time and the challenge before DB Bhosale was that he had to start from scratch. Advocate Samant tutored him for a week and took him through the entire scheme of the

Bombay Tenancy and Agricultural Lands Act, 1948. They would sit in the Kirtikar law library every afternoon. The matter was listed on Monday and DB Bhosale put in his best. He worked throughout the weekend and extensively and thoroughly prepared his notes which he was supposed to argue. When he finally appeared on the scheduled day before the same judge, it was a different ball game. DB Bhosale was now confident, cool and composed. Mr. Hombalkar, his opponent in the matter, was quite senior to him in age as well as experience. DB Bhosale went with all guns blazing and argued with precision, made forceful submissions, harped on the question of law which had the effect of the matter being eventually decided in his favour. This raised his morale, infused self-confidence and self belief in him and was a beginning of a transformation simmering inside him. From then on, he led from the front and endeavoured to appear himself in most of the matters listed in the High Court.

Another incident worth mentioning is his appearance before the Bench, presided over by Justice M.L Pendse, which had a profound impact on him as well. He was appearing before the said bench within less than four to five months after he joined the bar in a murder appeal. He had prepared himself extensively and thoroughly and was ready with his notes, which he had prepared. On the appeal being called out, he after giving his appearance in the matter, started reading out the facts from the notes which he had prepared. It was a criminal appeal. At that moment, Justice Pendse asked him to hand over the notes across the bench and after briefly perusing the same, directed DB Bhosale to narrate the facts without the help of the said notes. The judge explained to him that how a lawyer is expected to be a master of facts of the case

and should make a legal discourse of the facts without referring to the notes. At that point of time, DB Bhosale realised that he could narrate the facts in detail without notes, which boosted his confidence in himself. DB Bhosale, thereafter in all the matters in which he appeared in the High Court, scrupulously adhered to the advice given by Justice Pendse in all his future appearances. These couple of above mentioned incidents changed DB Bhosale, as it had a torrential effect on him and sharpened his legal acumen. He became a formidable force in the legal arena to be reckoned with and gave his opponents, a run for their money. He also tried to inculcate the same habits in his first junior Mr. Deepak Patil and later on in all his subsequent juniors, who were Mr Rahul Kate, Mr Suresh Sabrad, Mr. Rajendra D. Savant, Mr. Shailendra Tambe, Ms Malti Ambekar, Mr Hitendra Venegarkar, Mr. Sandesh Patil, Advocate Rahul Thakur and Ms Anamika Chatterji. A special mention about DB Bhosale's first junior, Advocate Deepak Patil who passed away in 2018, will not be out of context. DB Bhosale still continues to remember him and deeply misses him. Deepak was young and energetic when he had joined DB Bhosale. He was hard-working, disciplined and efficiently managed job pressures. He was a good drafts man and never kept drafting of any new matter pending for more than 48 hours. DB Bhosale remembers how Deepak use to sit all night, complete the draft and bring it back on the table the next day in the morning before the courts resumed. Deepak left deep imprints on DB Bhosale's mind and his untimely demise is still mourned by him.

DB Bhosale was a son of a minister, who had newly commenced his practise in the Bombay High Court. However, he was not the only one with that kind of lineage. There were two other lawyers, who were sons of Cabinet ministers of those days. They were known for their flamboyant images, bravado attitudes coupled with showbiz. It is said that they didn't believe in court practice, but on the other hand, mastered the art of "Mantrayalay practice." The term "Mantrayalay practice" in those days was understood as being in proximity with policymakers, who are in the corridors of power and using that influence for getting all kinds of work done for stakeholders. Justice Bhosale could have easily joined that bandwagon, but he never treaded on that path. As an upcoming lawyer, he was billing his clients a minimum fee, which extended to the tune of Rs. 150/- to Rs.500/- depending on the profile of the client.

The so-called Mantrayalay practice did tempt him at one point of time, as it was lucrative and an easy way to make a quick buck. One lawyer, who was comparatively senior to DB Bhosale was a son of a former minister in the ministry of Morarji Desai at the centre. One afternoon, around 12.30-1.00pm, when DB Bhosale was sitting in the bar room, this lawyer walked up to him and requested DB Bhosale to accompany him somewhere. Though initially reluctant, DB Bhosale finally decided to accompany the lawyer to the undisclosed place, as his curiosity was aroused. As they went down the stairs of the High Court and walked towards the exit gate, a chauffeur driven Mercedes-Benz was waiting for them. DB Bhosale was quite fascinated, as he was sitting in such an auto luxury for the first time. The car was owned by one Mr Manu Narang, who was an hotelier and owner of the famous iconic

Ambassador hotel situated at Marine Drive in Mumbai. As they got into the car, they headed for the Ambassador Hotel where Mr. Manu Narang was already down at the portico ready to welcome them. They went directly to the private lounge of Mr. Narang, situated in the hotel, where DB Bhosale was treated to a sumptuous lunch. They had light conversation during lunch. However DB Bhosale was anticipating that the two men will break the ice and subsequently spill the beans. Just when they were about to depart after lunch, Mr. Narang exclaimed that he was involved in a criminal litigation in the Bombay High Court and recently had been acquitted vide judgement passed in his favour and he wanted that the state should not challenge the said judgement and file an appeal in the Supreme Court. It is true that there are no free lunches in life and there is always a quid pro quo. The hospitality was extended to DB Bhosale because his father, Shri Babasaheb was the then incumbent law minister in the Antulay cabinet. Mr. Narang desired that the Law Secretary be directed to abstain from recommending filing of the appeal in the Apex Court against the judgement which went in his favour. Mr. Narang also handed an envelope full of stash to DB Bhosale, which was some kind of token or advance gratification. It was instantly refused by DB Bhosale, as he knew his father very well. The same Mercedes then dropped them to the Bombay High Court and on the way back, the gentleman lawyer tried very hard to persuade DB Bhosale in accepting the offer of Mr. Narang. He told him that these are windfall gains and the opportunity to make a quick buck should be embraced with both hands. That evening, DB Bhosale was anxious and pondered over the question of ethical and unethical, legitimate and illegitimate and more importantly moolah

made through clean practice in law courts as opposed to Mantrayalay practice. The temptation was there as he was a young lawyer with several materialistic desires in life, but in the end, his strong value system prevailed over moral turpitude and vice. Though initially hesitant, in the night, DB Bhosale narrated the entire episode to his father, Shri Babasaheb. His father gave him a patient hearing and then picked up the telephone and called the operator who was on duty at their official bungalow and told him to connect him to the Law Secretary immediately. As the Law Secretary, Mr. Tated came online, Shri Babasaheb inquired about the matter and then directed him to get the appeal filed against the High Court judgement in the Supreme Court without further delay and engage the best counsel. Shri Babasaheb was furious and there was no escape that night for DB Bhosale from earning the wrath of his father. Shri Babasaheb, who was a man of principles and at the same time a caring father, reprimanded his son and warned him against indulging in any such future adventurism. He also went to the extent of telling him that if he hears anything like that in future, he would sever his relations with his son. The next day in the evening, Advocate D.D Samant was summoned home and a concerned father, Shri Babasaheb told Diwakar, as he use to call D.D Samant, that Dilip was his responsibility and it has to be ensured that he would not get carried away by unscrupulous elements and starts fancying the prospect of becoming an influential tout or a power broker.

After that episode, DB Bhosale did adhere to the advice of his father and like before, never made any aberration from the righteous path to life. From now on, his life was confined to court and bar room, where he indulged in constructive arguments and deliberations. Paradoxically,

being a son of a minister, he put high premium on simplicity and humbleness, which went a long way in shaping his personality. He could have easily used his father's official machinery in his personal life, which he refrained from doing. His colleagues, and the other gentlemen lawyers, who were sons of Cabinet ministers in those contemporary times, always travelled to court in their fancy cars and in the absence of one, hired the iconic black and yellow taxis of Mumbai. At the other extreme end, DB Bhosale preferred to take a bus ride home in the Best buses (public transportation system of Mumbai) of the city. Occasionally, he used to take a lift from the lawyers going towards Malabar Hill in their luxury cars, whenever they spotted him standing at the bus stop bank opposite the Bombay High Court, facing the oval maidan in the evenings. His low profile and humility ensured his rise and today he is a distinguished personality with many feathers in his hat.

Till the father of D.B Bhosale was active in public life, incidents like these, where DB Bhosale was lured by vested interest for short-term materialistic gains went on unabated. Once an influential son of a minister for Food and civil supplies, Government of Maharashtra of those days, approached DB Bhosale, when his father was still holding the charge as Law Minister. In those days, cement was a government controlled essential commodity. DB Bhosale was given an offer of Rs 50 on every cement bag which entered the market, which eventually had the potential of changing the financial standing of DB Bhosale from a starter to a millionaire within a short span of time. However for that to happen, DB Bhosale had to bring the Principal Secretary of the Law



Department, Government of Maharashtra in the loop. The Law Department would have to clear certain files and without raising any objections was required to give a report in favour of the cement lobby. By now, the priorities of DB Bhosale were crystal clear and the edifices of his principles were unscathed, that no amount of enticement, incentive or pressure had any impact on him. The effect was that the influential son of the said Minister was asked to get lost and never to approach with such nefarious and shady propositions in future.

It was quite quagmire for DB Bhosale to be tagged as a minister's son and at the same time, to excel independently in his profession without being under the shadow of his influential father. It was not uncommon on the part of people to make accusations that being a son of a minister, DB Bhosale had everything on a platter. The situation got compounded when Shri Babasaheb was anointed as the Chief Minister of Maharashtra by the then Prime Minister of India, Smt Indira Gandhi. The then Chief Minister of Maharashtra, Shri A.R Antulay was forced to resign due to surrounding controversy/allegations of graft for cement bags and as the office of the Chief Minister fell vacant, the search for a successor was on. There were three names doing the rounds and were being actively considered for the post. Mr. Ram Rao Adik who was the former advocate general of Maharashtra, Dr. Bali Ram Hire from Nashik and Shri Babasaheb Bhosale were the contenders. They all three were the loyalist of the Indira faction of the Indian National Congress and were considered as the confidantes of Smt Indira Gandhi. Shri Babasaheb was a loyalist and his father in law that is DB Bhosale's grandfather, Deshbhakt Tulsidas Jadhav was also a loyalist of the grand old party of India. However that was not enough for Shri

Babasaheb to be chosen for the post of the Chief Minister of an important state like Maharashtra. There were other calculations which worked in his favour. The first and foremost was impeccable integrity which is indispensable and a sine qua non in public life and second was the Bhosale clan being the descendant of the warrior king, Chatrapati Shivaji Mahraj and an influential and dominating caste in western Maharashtra. So caste calculations which are an important consideration in Indian politics and dead honesty of Shri Babasaheb got him the Chief Ministers job. During these political developments, DB Bhosale got engaged to Madam Arundatti Bhosale on 20<sup>th</sup> December, 1981 and subsequently on 20<sup>th</sup> January, 1982, Shri Babasaheb was sworn in as the Chief Minister of Maharashtra which made many people say that Madam Bhosale brought Lady luck to the family.

Now DB Bhosale's father was the Chief Minister of Maharashtra, who is a kingpin and real executive at the state level. For DB Bhosale, the list of unwanted guest only increased. Every day he would have people approaching him either directly or indirectly. Some of these people came with legitimate grievances, whose files were gathering dust in a maze of red tapism in government offices and wanted their work to be expedited. The other kinds of people were touts, power brokers, middlemen and all sorts of specimens with all kinds of preposterous proposals. By now, DB Bhosale had mastered the art of saying no and telling these people to buzz off with a smile on his face. He never wanted to get into the domain which was purely his father's turf and was quite happy in his profession as a legal practitioner, which by now was making him make two ends meet. After some time, these hordes of people stopped approaching him, as they realised that it was an effort in vain. For

DBBhosale, the twin challenge of excellence in profession and at the same time, trying to live outside the clout of his father's political office continued to confront him in those early days of his career. He still embraced humility and never flaunted to anyone that he was the son of a Chief Minister. His father use to travel in a convoy of cars with all the protocols, a feature of Indian public life and ironically, DB Bhosale was still continuing to avail the public transport of the city.

Though being a son of a politician and a statesman, DB Bhosale voluntarily decided not to venture into the political arena and stayed away from the murky political life. But the fact could not be ignored that his two generations were in public life and thus politics was in the DNA of Dilip Bhosale. He had seen his father contest elections, hold public office and he had also campaigned for his father's elections and therefore he was aware of all the nuances of politics. It will be erroneous to say that politics did not fascinate him, and eventually he did indulge in politics, but of a different kind and form and in another institutional setup. It was bar politics. It involved elections of lawyers to the State Bar Council which is a statutory body under the Advocates Act, 1961, where lawyers after being elected, worked or were expected to work for the welfare of their fraternity and govern their affairs.

Plato said that 'one of the penalties for refusing to participate in politics is that you end up being governed by your inferiors.' For Dilip Bhosale, motivation to participate in bar politics was to liberate the Bar Council from institutional inertia, yes-men and sycophantic elements. In those days, elections to the Bar Council of any state including Bar Council of Maharashtra and Goa were opaque, eccentric and undemocratic. In

today's time, except for the rambunctious nature of these elections, things have radically changed for the better. But in those days, bar council elections were susceptible to many follies which remained unchecked. Not all advocates enrolled with the bar council were eligible voters thereby making active suffrage a misnomer. There was no direct voting as voting was through postal ballot which gave many opportunities for fraudulent practices and manipulation. Elections were not transparent and regularity of these elections was not guaranteed. These were few of the flaws associated with bar council elections in those days. Against this backdrop, D.B Bhosale took a shot at the bar council elections of Maharashtra and Goa in the mid-80s. At that relevant time, he merely had five years experience at the bar. As per the Advocates Act, 1961, 25 members are to be elected to the bar Council by the electorates who are eligible lawyers enrolled with the bar Council of the particular state by means of a single transferable vote. Dilip Bhosale contested the elections to the Bar Council of Maharashtra and Goa and got elected at serial number 12 in a list of 77 in the year 1985. Some of the heavyweights who got elected with him were late Ram Jethmalani, Justice (Retd) Dhanuka, M.P Vashi, Prabhakar Hegde, Ballabhadra Joshi, Bhimrao Naik, who later became judge of the High Court and Justice (Retd) Arvind Sawant, who retired as the Chief Justice of Kerala High Court. These above mentioned eminent personalities were all colleagues of D.B Bhosale in the Bar Council and he was groomed in their company. At the age of 29, with five years standing at the bar, D.B Bhosale was the youngest member of the Bar Council of Maharashtra and Goa. Due to his youth, the other veteran

members of the bar council had given the title, 'Baby of the team' to Dilip Bhosale.

As an elected member, D.B Bhosale never intended to be a passive member of the bar council and in order to make his visible presence felt, he ensured that he spends at least one to two hour every day in the bar Council office, which is situated in the Bombay High Court, annex building. After winding up with his legal matters listed for the day, he would go in the evening to the bar council office and actively take part in administrative work assigned to him from time to time. Bar Council's work on the basis of committees and Bar Council of Maharashtra and Goa was no exception. It had several committees through which it functioned. However, it was one of the first bar council to have constituted a privilege committee with the mandate to enquire into the conduct of a sitting judges, who were alleged to have violated the privilege of any member of the bar by humiliating him or her in the open court or by any conduct which would be unbecoming of a judge. One would wonder, how could a collective body of lawyers like a bar council, question the conduct of a sitting judge acting in the exercise of his judicial functions, and putting the judge under public gaze and scrutiny. The constitutional scheme does not permit that, and rightly so, as independent judiciary is the bedrock of any justice dispensation system and therefore only impeachment proceedings can be initiated against a sitting judge for proved misbehaviour or incapacity. Even the Hon'ble Supreme Court in a landmark judgement in C. Ravi Chandran Iyer Vs Justice A.M Bhattacharjee (1995) 5SCC457, which pertains to the Bombay High Court and more specifically to the Bar Council of Maharashtra and Goa, wherein the said Bar Council had passed a

resolution against the then Chief Justice of the Bombay High Court and was coercing him to resign, which eventually prompted the Hon'ble Apex court to intervene and uphold the cause of judicial independence. The Supreme Court in this matter had unequivocally stated that only the Chief Justice of India considered to be the first amongst judges can be the prime mover for taking action against an erring High Court judge or Chief Justice whose conduct falls short of punishment by impeachment. Vide this judgement, the Apex Court for the very first time had given legal sanction to an in-house proceedings by the judiciary, only to be adopted by the Chief Justice of India for initiating action against any sitting High Court judge. So a question can be asked, that what was the sanctity of such a privilege committee of the bar and whether it contravened the constitutional protection given to a Judge. The constitution of any committee including a privilege committee by the elected members of the bar Council is sanctioned under the Advocates Act, 1961 and as far as the question of such a committee interfering with judicial independence is concerned; the same is nothing but only a fallacious apprehension. The mandate of that privilege committee was only to protect the interest of the advocates by ensuring that his or her privileges are not infringed. The edifice of bar and bench relationship is based on mutual trust, mutual respect and mutual cooperation. An advocate is an officer of the court, who has to respect the majesty of law and not indulge in any conduct in the court room which is scandalous, contemptuous or obnoxious. Likewise, Judges are the faithful servants of law and have to uphold the rule of law. At the same time, a judge is expected to be humble, magnanimous and respectful to the bar. Under the colour of one's judicial office, one

cannot insult or humiliate an advocate in open court. So the purpose of this privilege committee was only to enquire into the alleged breach of privileges of lawyers, if any and pass a resolution on the same. These resolutions had no teeth, it was only unilateral and it only appealed to the sitting judge against whom such a resolution was passed to henceforth respect the sentiments and dignity of the offended and aggrieved lawyer. By no stretch of imagination, it interfered with the justice dispensation system or judicial independence which is a sine qua non for the chariot of Justice to swiftly move unobstructed.

DB Bhosale as a new member of the bar Council had the privilege of being inducted in such a privilege committee along with Mr Bhimrao Naik and Mr. Dhanuka, who later on became judges of the Bombay High Court. One evening, D.B Bhosale was sitting in the bar Council office when Justice (Retd) Michael Saldhana, who retired as a senior judge of the Karnataka High Court and who was at that time, practising as an advocate in the Bombay High Court, came rushing to the Bar Council office in a harrowed state of mind. He looked very agitated and was fuming. He went directly to D.B Bhosale and shared his experience with him. He said that he was directly coming from the court of Justice Sharad Manohar, where the puisine judge had lost his temper in open court over a trivial argument and humiliated him in front of a battery of lawyers and litigants. The Hon'ble judge allegedly used the word "hanky-panky" and went further on by telling Mr. Saldhana that he will not let him stand in court for the rest of his life. This had infuriated the learned counsel, who left the court in anger and now wanted the Bar Council to redress his grievance. After hearing him out, D.B Bhosale told

Mr Manohar that not much can be done, but at the same time asked him to make a written complaint. In the scheduled meeting of the bar council, this incident was listed as an agenda for discussion and as the bar council members assembled for the said meeting, Mr. Dhanuka who after perusing the Advocates Act, retorted that there was a question of privilege involved which the Advocates Act seeks to protect of all enrolled members. He further suggested that a privilege committee can be legally constituted to enquire into the matter and make appropriate suggestions. This suggestion mooted by Mr Dhanuka was appreciated by all the members including the then chairman of the bar council, Mr. Bhimrao Naik. Finally the privilege committee of the bar council was constituted to enquire into this incident with Mr. Dhanuka as its chairman and D.B Bhosale as one of its members. D.B Bhosale was delegated the task of enquiring about the matter from all the stakeholders and then furnish a report of the same, which he diligently did. The report of the privilege committee, affirmatively observed that there was a breach of privilege of Advocate Saldana, as he then was, which was directly attributed to the undesirable and unwanted behaviour of the sitting High Court judge. The said report was sent to the Chief Justice of the Bombay High Court and it did have the desired effect. There was a drastic change in the behaviour of the Hon'ble judge against whom the said report was furnished. He became less dogmatic and mellowed down to a very large extent.

One may say that the said report of the privilege committee amounted to browbeating a judge and thwarts the independence of the judiciary. This aspect is a regular phenomena in bar and bench relationship and you have instances where honest judges are attacked by unscrupulous



lawyers and vested interest in order to stifle the justice dispensation system. However in this case, the said report of the privilege committee, did not suffer from any malice. Its purpose was to humbly appeal to the Hon'ble judge to refrain from being rude in the open court and treat all the members of the bar with respect. Justice Sharad Manohar equally understood the genuine concerns of the report as he himself hailed from the bar and from then on, his behaviour in court changed for the better and it was in the interest of all stakeholders and ultimately in the interest of the institution. The above incident also shows that a cordial bar and bench relationship is achievable, if there is mutual respect and cohesion at both ends and many times it is egoism and self centred attitude of personalities, which sounds the death knell of cordial bar and bench relationship.

The Bhosale family has been closely associated with the Bar Council of Maharashtra and Goa and have rendered selfless service to this statutory body. Their three generations have been an integral part of the State Bar Council. Shri Babasaheb was an elected member of the bar council till he was sworn in as a Minister in the State Cabinet of Maharashtra. D.B Bhosale was a member of the bar council till his elevation as a judge of the Bombay High Court. And at present, Mr. Karan Bhosale, son of DB Bhosale and a practising lawyer himself, is also one of the youngest members of the Bar Council of Maharashtra and Goa.

Structural and procedural reforms of the Bar Council of Maharashtra and Goa was a subject which was close to the heart of DB Bhosale. When he got elected for the first time as a member of the bar council in

1985, ushering in reforms in the bar council was a priority of D.B. Bhosale. It is said that reforms is a work of the minority and so he wanted to be a harbinger of such reforms. As said earlier, not all was well with the bar council. The principle of universal suffrage was non-existent in bar council elections. Half of the enrolled members of the bar council advocates were disenfranchised thereby making the election process less democratic. The system which prevailed at that time, was such that from the total enrolled members of the bar council, only those lawyers were eligible to vote in the bar council elections, who specifically got themselves enrolled in the voters list. In other words, being enrolled as a member of the bar council did not ipso facto make the said member eligible to vote, until he got himself registered as a voter. There was a rule of the bar council which provided for such a ludicrous situation to perpetuate. In contemporary times, this rule has ceased to exist and all enrolled members of the bar council are eligible voters in the voters list. So D.B. Bhosale as a new member of the bar council, was vehemently opposed to this system of partial suffrage and vowed to get rid of it. He also frowned upon the system of postal ballot prevailing at that time and advocated direct elections. Along with this, he wanted the bar elections to be timely, free from money and muscle power and more importantly representative, transparent and democratic. This prompted him along with Mr. Sagar Kanade who later became a High Court judge and Advocate Nitin Pradhan to invoke the writ jurisdiction of the Bombay High Court, wherein the said rule of the Bar Council of Maharashtra and Goa which did not include all the enrolled advocates in the voters list was challenged as unconstitutional. It made a prayer for universal suffrage and the right of all lawyers to be

included in the voters list unconditionally. As this petition was pending in the High Court, the bar council elections were due, in which DB Bhosale aggressively started canvassing for democratic reforms and eventually got re-elected to the bar council for the second time in 1991. Now after being elected for the second time, he was vociferous in his intentions. He openly criticised postal ballot, favoured direct voting and waged an open war against money and muscle power in bar elections and other electoral follies. This was opposed by a certain section for obvious reasons; however D.B Bhosale was undeterred, as now he stood for resolute action, had mass support behind him, which was substantiated by the fact that he had won the elections with highest number of votes by getting an overwhelming majority. He had broken the past record of late Mr. Ram Jethmalani, who had garnered 800 votes at one time and in contrast, D.B Bhosale had polled 1100 votes. So now there was no looking back for him, as he was on a mission, which could only be accomplished by realising all the objectives for which he stood.

As a member of the Bar Council of Maharashtra and Goa, DB Bhosale contested the elections to the Bar Council of India for the very first time, which he eventually lost. In the meantime, he contested the elections as chairperson of the Bar Council of Maharashtra and Goa and won by 18 votes against his opponent Mr. SambhajiraoMhase, who later retired as a High Court judge. D.B Bhosale was now the youngest chairperson of the bar council in its history, a record which is still unbroken. As a chairperson also, he was determined to get rid of the postal ballot system and had to face stiff opposition and hostility from the members who were in support of status quo for obvious reasons. As a

chairperson of the Bar Council of Maharashtra and Goa, he organised a conference of lawyers in the year 1992 at the President Hotel, Mumbai, which was attended by the lawyers of Maharashtra. This lawyer's conference was inaugurated by the then Chief Justice of India, M.NVenkatachaliah and subjects of common interest were discussed in this conference. In the capacity of a chairperson, D.B Bhosale in his welcome address in the conference, candidly attacked the system of postal ballot in bar council elections and propagated his vision for democratisation of bar elections. This won him a standing applause by all the participant lawyers, assembled at the conference. Politics ran through his blood and so he knew what he was exactly doing. Elections to the Bar Council of Maharashtra and Goa were due shortly, and so this conference was an appropriate platform for D.B Bhosale to up the ante. Time to galvanise the issue of reforms in the bar council had come once again and he unleashed himself in campaign mode, through the medium of this lawyers conference organised by him. He contested his third elections of the bar council in the year 1998 and openly proclaimed in his campaign, that if he is re-elected, he will get postal ballot abolished within a year, and if he is unsuccessful, he will vacate his seat by tendering his resignation with immediate effect. A call like that was not just rhetoric, but a firm determination towards a cause, which was now espoused by a majority of members of the bar and especially the younger ones. The young lawyers were his mass support base, to whom DB Bhosale was always accessible and was ready to resolve their grievances at all times. D.B Bhosale believed in taking everybody together and so during election campaigns in 1998, he also canvassed for his good friends like Mr. Vijay Sakolkar, Mr. Rajendra

Raghuvanshi, Mr.D.D Shinde Pradeep Mahatre, Shrikant Kanitkar, Vijay Deshmukh, B.K Gandhi etc and also ensured their victory. D.B Bhosale himself won the elections with a record vote which by now had become a regular feature for him. Within less than two weeks of the election results of bar council being declared, elections for the post of the chairman of Bar Council of India was to be held. One Mr. D.V Patil who was at loggerheads with D.B Bhosale and was representing Bar Council of Maharashtra and Goa in the Bar Council of India, kept everybody in the dark and got himself elected as the chairperson of the bar council of India. He later disclosed this fact to the Bar Council of Maharashtra and Goa and unequivocally told the council to now re-elect him as their representative in the Bar Council of India. This move by him was clever and undemocratic. D.B Bhosale was urged and encouraged by his supporters to contest the BCI elections against D.V Patil, which he did and as Mr. Patil subsequently withdrew from the elections, D.B Bhosale was declared as the winner of the elections to the Bar Council of India representing the Bar Council of Maharashtra and Goa. Now more powerful and stronger, D.B Bhosale moved a resolution as member of the State Bar Council, with a proposal to abolish postal ballot and this time the said resolution was unanimously passed which finally did away with postal ballot. Dilip Bhosale had categorically promised to abolish the system of postal ballot within one year of his re-election to the state bar council and he kept no stone unturned in his endeavour. Instead of one year, he got the system abolished within three months thereby keeping his word and promise. Since then, there is direct voting even at the taluka level in the bar council elections and this is attributed to the chutzpah of Dilip Bhosale.

Subsequently many other reforms pertaining to the bar council elections were also ushered in and the system today is more in conformity with the democratic ethos. DB Bhosale also started playing an active role in the Bar Council of India and worked in close association with the then Chairperson of BCI and retired Supreme Court judge, Justice Arun Mishra. In fact, Justice Mishra holds Dilip Bhosale in high regards and gives credit to him for facilitating his election as chairperson of the Bar Council of India after D.V Patil withdrew his candidature. Justice Arun Mishra had contested the election as chairperson of the Bar Council of India against D.V Patil and lost the same. Later when D.B Bhosale contested the BCI elections against D.V Patil, in which the latter withdrew his candidature thereby making D.B Bhosale the winner, the deck was clear for Justice Arun Mishra to re-contest the elections for chairperson and subsequently win the same. Justice Mishra still acknowledges this fact and respects D.B Bhosale for his intelligence and acumen. DB Bhosale also became Vice Chairperson of the Bar Council of India and was privileged to work with D.V Subharao as its Chairperson. DB Bhosale had great respect for him and never hesitated in admitting that he has learnt a lot from Mr. D.V Subharao, the most respected former member and Chairperson of the BCI. DB Bhosale's experience at the bar was not just confined to litigation and documentation, but it encompassed several multifarious activities like bar politics, advocate welfare, protecting the interest of the legal fraternity and standing for the institution and cause of justice. He always advised junior lawyers to participate in the activities of the Bar and Bar Council. It is said that DB Bhosale, as a lawyer and member of the state bar council and also BCI, did not miss a single conference,

seminar or workshop. He not only attended, but also actively participated in all such activities. Overall, as a lawyer, he enjoyed a lucrative and a flourishing practice in the Bombay High Court and along with his law practice, he devoted a lot of time for the welfare of the bar and the legal fraternity as a whole.

**Chapter-IV                      Elevation as a Judge of the Bombay High Court**

A frosty morning of December, with the mercury level falling below ten degreeCelsius, poor visibility on the runway and the western disturbances bringing light showers to the city of Delhi. An Air India plane lands at the Delhi airport early in the morning. Winters of north India are quite hostile and they very often disrupt normal life. Cynically for a Mumbai guy, who is born and brought up experiencing a tropical, wet and dry climate, winters of north especially Delhi is alluring and cajoles one to undertake a vacation. As the plane is connected to the aero bridge, passengers start deplaning and one of them is eager to quickly leave the precincts of the airport and head to Shashtri Bhawan, New Delhi, which houses the office of the Ministry of Law and Justice, Government of India, where an important meeting presided by the Law Minister is about to begin. This so-called passenger is none other than D.B Bhosale, for whom these early morning flights from Mumbai to Delhi and scheduled meetings with the Law Minister was an unavoidable regularity. It was certainly not a vacation for him, but was a weekly periodicity. It was year 1999, the end of the millennium and a period of turbulence in India, where the security and territorial integrity of the country was in jeopardy. The Kargil conflict and the hijacking of the Air India flight IC 814 from Kathmandu towards the end of the year were some of the incidents which had disturbed the environment in the country. If that was not enough, there was another controversy relating to the legal field brewing amongst the legal fraternity of the country. It was the proposed amendment in 1999 to the Civil Procedure Code, 1908 (Law of procedure, regulating the practice in civil courts in India.)



and subsequently in 2002 by the legislature/parliament, which created an agitation by the lawyers of the country. The object and reasons for the proposed amendment was to overhaul the adjective law of the country, so as to make it more simplified and reduce the inordinate delay in adjudication of cases by courts in India. Resistance to change is not an unnatural occurrence. As the process of reforms destroys monopoly, enforces transparency and accountability and creates a level playing field, opposition to such reforms are inevitable. A certain section of lawyers lobby in India perceived the proposed amendment to the civil procedure code as an unwarranted adventurism by the government, and so there was deep rooted antipathy simmering amongst certain disgruntled lawyer groups. The legality of the proposed amendments were challenged in the Salem Advocate Bar Association case and the Hon'ble Supreme Court of India held in favour of the constitutional validity of these proposed amendments. As D.B Bhosale was a member of the Bar Council of India, he was required to attend meetings with the Law Minister very frequently, where the subtlety of these amendments was discussed threadbare. This made him a regular visitor to Delhi, from the end of the millennium and continued throughout the beginning of the new millennium. DB Bhosale attended every meeting with the Law Ministers, who were the then late Mr. Ram Jethmalani and then late Mr. Arun Jaitely. The Bar Council of India was a necessary stakeholder and D.B Bhosale in the capacity of a member and Vice-Chairperson of the Bar Council of India, was not a mute spectator, but on the other hand, took a stand whenever required. He was the youngest vice chairperson of the Bar Council of India, elected in April 2000, for a period of two years, which he could not complete. D.V

Subharao was the chairperson of the Bar Council of India at that time. Many eminent lawyers and senior counsels including senior advocate Mr. Harish Salve, who was the former solicitor general of India and who was often briefed by D.B Bhosale, attended the Bar Council meetings, when D.B Bhosale stood for elections for vice chairmanship and supported DB Bhosale by casting their vote in his favour. By now, D.B Bhosale had cultivated an independent image for himself. He was well known, well respected, a famous name in the legal circles and a force to be reckoned with.

Amidst the high velocity agitation pertaining to the CPC amendment and his high-profile engagements, D.B Bhosale, while in Mumbai, was invited for dinner in the month of April 2000, by the senior most judge of the Bombay High Court, Justice Arvind Savant, who later retired as the Chief Justice of Kerala High Court. He was the senior most Judge of the Bombay High Court and he had invited D.B Bhosale to his official residence along with his wife. At the dinner table, Justice Arvind Savant told D.B Bhosale that there was a message for him from the then Chief Justice of the Bombay High Court, Justice B.P Singh. The message was unambiguous and unqualified. It was an invitation to the bench. In other words, a High Court judgeship in the Bombay High Court was offered to him. D.B Bhosale was stunned by this unprecedented offer as he never contemplated that coming at a casual dinner with Justice Arvind Savant. Moreover, he was very content and satisfied with what he was doing and had some other plans for himself. So he did not give an affirmative reply to the offer, which most people would readily accept in toto. Throughout dinner, Justice Arvind Savant persuaded Madam Arundhatti to convince D.B Bhosale to accept the offer of elevation as a

judge of the Bombay High Court. As D.B Bhosale and his wife left Arvind Savants residence after dinner, the latter called up Shri Babasaheb, who was also known to him at a personal level and told him about the entire development and D.B Bhosale's cold response. The next morning, Shri Babasaheb called up his son and enquired about what transpired at Justice Savants residence. After D.B Bhosale narrated the entire episode, Shri Babasaheb said that these facts have already been brought to his knowledge and then he impressed upon his son to accept the opportunity and challenge without delay. Madam Arundhati joined Babasaheb in persuading her husband to accept the offer and communicate his consent to Justice Arvind Savant. On his father and wife's coaxing, D.B Bhosale within three to four days came to terms with the proposition offered to him. He profoundly introspected and fathomed the pros and cons. Changing sides is not always easy. It comes at a cost. The price which one has to pay for flipping sides is curtailment of freedom, repudiation of social life and at times even monetary depletion. Having said that, the benefits involved in accepting judicial office are numerous. One can contribute towards the organic development of law, there is social prestige and more importantly one gets to discharge a divine function of dispensing justice, where truth is asserted and wrong is redressed. No other job offers a similar analogy; therefore the office of a judge has always been idiosyncratic and distinctive in all societies since times immemorial. This is a conscious decision which a practising lawyer has to take, when faced with the question of changing sides. For Dilip Bhosale, it was a dilemma. He was in a state of fix for several reasons. He had a flourishing practice and he fell in the high bracket of the income tax net. He was socially very

active and accepting judicial office would ebb his social life. Along with this, one of the considerations, which was deterring him from taking this conscious decision was that he had just got elected as the vice chairperson of the Bar Council of India and it was now his dream to become the chairperson of the Bar Council of India. As a member of the Bar Council of India, he was a part of a delegation, representing lawyers of India in the Commonwealth lawyer's conference held in September 1999 at Kuala Lumpur, Malaysia. He was also entrusted with the responsibility of attending the bar leaders conference organised by the International Bar Association held in September 2000, at Amsterdam in Netherlands, representing the lawyers of India. He also led the delegation of Indian lawyers to the international lawyer's conference of I.B.A in 2000. So now, it was one of his firm desires to call for an international lawyer's conference at Mumbai, if he happened to get elected as chairperson of the Bar Council of India under the aegis of that office. All these factors were playing on in his mind and were a predicament for him to accept judicial office.

As he was in this Catch-22 situation, he pondered over it, factored in the repercussions, patiently heard the advice and suggestions of his father, mother and his wife and eventually took the conscious decision of giving his consent to Justice Savant. He called up Justice Savant and told him that he is ready for another innings across the other side. It was April, 2000 and there were talks of Justice Arvind Savant being elevated as the Chief Justice in due course. These gossips turned into reality and Justice Savant was made the Chief Justice of Kerala High Court and so he was packing his bags and was ready to move out of Mumbai. Summer vacations commenced in May in the Bombay High

Court, which got D.B Bhosale yearning as nobody had approached him till now regarding the elevation and Justice Sawant now in Kerala High Court, D.B Bhosale started thinking that the whole prospect of elevation was nothing but a mirage. In fact, he was happy that Justice Sawant did not take the proposal forward. Then came the month of June, when courts resumed after summer vacations. Justice Srikrishna, who was now the senior most judge of the Bombay High Court called D.B Bhosale and asked him if he had given his consent to Justice Savant for elevation. D.B Bhosale retorted that he has given an irrevocable consent and was waiting for the proposition to materialise through official channels.

On 17<sup>th</sup> and 18<sup>th</sup> June, 2000, when D.B Bhosale was in Delhi for a meeting with the then Law Minister, late Mr Arun Jaitley in connection with the civil procedure code amendment issue, he received a call from Mr. Basodkar, who was the P.S to the then Chief Justice of the Bombay High Court, Justice B.P Singh. Basodkar told D.B Bhosale that the chief would like to see him at his residence on Sunday morning at 9:30 AM. It was not possible for him to return on Sunday morning at such a short notice and therefore he was told by Mr. Basodkar to see the Chief Justice on Monday morning in his chamber in the Bombay High Court. Accordingly DB Bhosale returned from Delhi and on Monday morning, was at the Chief Justice's chamber in the High Court for the scheduled meeting. Justice B.P Singh was pleased to see him and after the initial exchange of pleasantries openly told him that 'it is time to switch over Dilip.' And then asked him if he is ready to accept. D.B Bhosale had premeditated that and said that he had already given his consent to Justice Savant and was now looking forward to this gargantuan change

in his professional life. Justice B.P Singh was pleased to hear that and as the meeting ended on a positive note, he asked D.B Bhosale to comply with all formalities within four to five days, which was instantly done by Dilip Bhosale.

The legal fraternity is a well knit unit and also an abode for many gossip mongers who are in majority. No news, incidents or developments remain concealed for a long time and eventually somebody spills the beans. Especially gossips like who is being elevated, whose names are under consideration, who is in proximity with puisine judges are open secrets. One Mr V.A Gangal, who was at that time the President of Advocate Association of Western India approached D.B Bhosale and said that the Chief Justice had asked him for names of some lawyers for being considered for elevation and he was inclined to suggest his name. DB Bhosale, who by that time had completed all formalities for his elevation, categorically asserted that he was the last person on earth to be interested. This was a deliberate and calculated move by him as he didn't want his name to be in circulation. As he was the member of the Bar Council of India and also State Bar Council, the lists of enemies were endless and this was the time for adversaries and foes to strike without mercy. Sometimes expressing ignorance and aloofness pays off and for D.B Bhosale showing apathy towards the propaganda of his impending elevation was the need of the hour.

A close friend, Mr. Shushant Nadkarni, who was at that time, the Advocate General of Goa called D.B Bhosale and congratulated him and said that from now on I have to address you as My Lord. D.B Bhosale again tried to express ignorance, but was confronted by Mr Nadkarni, when the latter said that I am just going through your file, as in the

capacity of an advocate general, the file was shown to me by the chief minister. Mr. Nadkarni assured DB Bhosale that he would be tight lipped about these developments and not reveal it to anyone. As a well wisher, he further informed him that the government has cleared his name and the file has been forwarded further. D.B Bhosale couldn't say much as the official process had already commenced and Mr Nadkarni was aware of it in his official capacity. He only requested him to keep it confidential and refrain from disclosing the developments. By now, the topic of his elevation was a subject matter of discussion in the corridors of the Bombay High Court. Not only few lawyers, but even puisne judges of the Bombay High Court talked about it. On Independence Day celebrations on 15<sup>th</sup> August, 2000, there was a ritual flag hosting ceremony in the premises of the Bombay High Court. This was followed by the customary tea party in the Central Hall of the Bombay High Court, which is attended by judges and lawyers. D.B Bhosale was mobbed by many lawyers and judges and the common question on everybody's tongue was, when it is happening. Some of the sitting judges known to him asked, whether the news was correct. D.B Bhosale had taken part in drama and plays in his school days, which is an unknown fact and this was the time for him to exhibit his neophyte acting skills. He tried very hard to act and live in denial and one of the judges present there, who was Justice D.K Deshmukh candidly said that don't take me for a ride as the writing is clear on the wall. All that D.B Bhosale could do was to smile and duck the question. The intervening period between the name being sent for consideration and final elevation is tantamount to being in the no man's land. D.B Bhosale was undergoing that syndrome and did handle it pretty well.

Then came a little controversy which was orchestrated by the nemesis of D.B Bhosale and people who were not his well-wishers. Elections to the State Bar Council of Maharashtra and Goa were held and one Mr Kaka Ghuge was elected as the chairperson of the Council. He was a prominent figure from Nasik district of Maharashtra and so there was a function held at Nasik to felicitate him. Several people attended this felicitation ceremony and D.B Bhosale was also present in the capacity of the member of the Bar Council of India. He spoke for about 30 minutes at this felicitation function, his speech being confined to the life and achievements of Mr. Ghuge. Few days after the function, sometime in the month of September, the then Chief Justice of Kerala High Court, Justice Arvind Savant called D.B Bhosale and asked him whether it is correct that in the recent past, he made a speech at Nagpur and openly criticised the Supreme Court collegium in the light of the transfer of Justice Ashok Desai from the Bombay High Court to the Allahabad High Court. D.B Bhosale had good relations with Justice Desai but he never made any such speech relating to the said transfer which was way back in the year 1999. More so ever, he was never at Nagpur and had recently attended the felicitation of Mr. Ghuge which was in Nasik and had spoken only on the life of Mr Ghuge. So D.B Bhosale said to Justice Savant that this kind of discourse is patently false and vexatious. Justice Savant concurred with D.B Bhosale, however as this controversy was brought to the knowledge of the then Chief Justice, B.P Singh of the Bombay High Court and the Chief Justice was said to be very upset about the same, Justice Savant told D.B Bhosale to immediately seek an appointment with the Chief Justice. When he finally met the Chief Justice, before he could narrate



his version, the Chief Justice told D.B Bhosale that he knows that he didn't say anything against the Supreme Court collegiums, as it was confirmed from the district judge of Nasik, who was also present at the felicitation function of Mr. Ghuge. This gave a sense of relief to D.B Bhosale, who was himself dismayed by this unwarranted controversy. The Chief Justice, Justice B.P Singh advised D.B Bhosale to desist from taking part in social functions and making public speeches at this juncture, as these were inappropriate times for such activities, to which D.B Bhosale readily conceded. All said and done, this was a little controversy, which cropped up during the time of his impending elevation, and it gradually withered away, as it was malicious and unsubstantiated.

In the same year, sometime in the month of November, 2000, Mr. Ghulam Vahanavati, the former solicitor general of India and a good buddy of D.B Bhosale, informed him that the executive has withheld two names and this piece of information has been provided by one Mr Deshpande, who was tracking the whole process, as his brother-in law was also being considered for elevation in the same list of six. Again anxious, D.B Bhosale had a word with Mr Deshpande which had the effect of causing disillusionment to him, as he was told by Deshpande that one of the names may be his name, which is rejected by the government. This prompted DB Bhosale to immediately call the chairperson of the Bar Council of India, Mr. Subha Rao, who was considered to be very close to the then Law Minister, late Mr. Arun Jaitely. When Mr Subha Rao spoke to the Law Minister and conveyed to him the apprehensions of D.B Bhosale, Mr. Jaitely relayed a message

back to D.B Bhosale stating that he need not worry, as he is in the reckoning. Mr. Jaitely further said that I had personally told Dilip about his approved candidature in one of the meetings with the members of the Bar Council and therefore, his apprehensions are unfounded. This conversation between Subha Rao and the then Law Minister, which was sometime in the month of December calmed D.B Bhosale and now he eagerly waited for the presidential notification which was imminent.

His Excellency, K.R Narayanan was the President of India and the file of D.B Bhosale was pending clearance from the President's office. As the President was in Chennai for over a month for an eye surgery, the patience of D.B Bhosale was again put to test. On 3rd January, 2001, D.B Bhosale was attending a family function, where his niece, Dr Sonal's wedding was being planned. Just then, he got a call from the most unexpected person who had on an earlier occasion unintentionally created confusion and chaos. It was none other than Mr Deshpande who congratulated D.B Bhosale and told him that the notification has been signed by the president of india and it will be issued shortly. On the same day, Justice B.P Singh, the then Chief Justice of the Bombay High Court also called D.B Bhosale and told him about his file being cleared and the presidential notification which was awaited. This call from the Chief Justice was an official corroboration of the big news and now it was time to wind up the affairs and finish unfinished business. He thereafter stopped attending courts and diverted all his energy towards the process of winding up his affairs.

Another interesting event which ought to be mentioned is that when D.B Bhosale was winding up, a well-known solicitor, who was a friend of his, turned up in his office and in the course of talks, offered DB

Bhosale a very attractive amount in lieu of his briefs. In other words, he intended to take over all the pending legal cases and files of D.B Bhosale for a consideration. He was ready to give half of the amount immediately and the residual after the transfer of cases and signing of fresh vakalatnamas. The solicitor very confidently said that this is a prevalent practice and therefore D.B Bhosale should not deviate from this customary practice. This conduct and preposterous act of this very senior solicitor had zapped D.B Bhosale, and he said to him that this so-called customary practice is alien to him and as there are 11 juniors working for him, in all probability the spoils will be equally distributed amongst them. Thus, the said offer of this gentleman solicitor was politely declined and as he left disappointed after a cup of tea, D.B Bhosale who was quite amused, wondered how the count of such specimens is in surplus in this commercial capital which is Mumbai.

Finally the big day arrived. It was 22nd January, 2001, the day when D.B Bhosale had to take oath as a puisine Judge of the prestigious Bombay High Court. It was an ecstatic moment for him, an achievement and a reward for his merit, hard work and acumen. The event was attended by hordes of lawyers and his supporters and specially lawyers from the western part of Maharashtra, as he hailed from that region. His father Barrister Babasaheb Bhosale, mother Smt Kalawati Bhosale and his entire family were present to witness his legal benediction, as it was a proud moment for them and a beginning of a second innings for D.B Bhosale. At last, the oath of true faith and allegiance to the Constitution of India was administered to him by Hon'ble Mr. Justice B.P Singh, the then Chief Justice of the Bombay High Court along with

Mr. Anil Naik, Ajit Deshpande and Shiavax Vajifdar. After conclusion of the oath taking ceremony, Justice D.B Bhosale, whose joy knew no bounds, was quite enthusiastic to sit in court, and as per the prevalent practice, paid a visit to the Advocates Association of Western India (AAWI) to seek blessings of seniors and good wishes from the members of the bar and thereafter, straightaway headed towards the courtroom which was earmarked for him. Now it was time to see things from the other end, time for action with orientation towards justice and more importantly, it was time to uphold the majesty of law.

**Chapter-V As a Puisine Judge**

Court room No. 47 situated on the second floor of the High Court building was even more crowded as compared to normal times on 22<sup>nd</sup> January, 2001. Justice Bhosale's supporters and family had outnumbered the litigants and lawyers whose cases were listed in court on that day. Hitherto he was the leader of the bar and now he was in a new role, which made a lot of people throng the court, just to get a glimpse of him. Justice D.B Bhosale was on dais for the very first time, sitting besides senior judge, Justice G.D Patil, as it is a conventional practice where newly appointed judges sit with senior judges and it is a kind of on-the-job training for the new appointee. Justice Bhosale's parents were sitting on the front row, their emotions apparent on their faces. Shri Babasaheb was almost into tears witnessing his son presiding as a judge in the courtroom where he himself appeared in his heydays. For Justice D.B Bhosale, it was a perplexing situation, as the very same people with whom he daily enjoyed a cup of tea till yesterday were now appearing before him and addressing him as Lordship. This quandary is not bizarre, as every judge who has his genesis in the bar, faces this awkward situation. However this dilemma is short lived, as certain values attached to the high office of a judge like neutrality, non-partisanship and objectivity get deep rooted in a judge over a period of time and all other considerations like friendship, affinity etc are rendered inconsequential and worthless.

Justice D.B Bhosale before becoming a judge was very active and popular in the bar. In fact he was that kind of a bar judge, who was omnipresent in the bar till his elevation. So it was but obvious for him to be invited by various bar associations across the state for felicitation

after his elevation. The then Chairman of the State Bar Council, Mr. Srikant Kanitkar who hailed from the city of Pune, humbly requested D.B Bhosale on several occasions and tried to seek his consent, so that a grand felicitation could be held for him. At the same time, the president of the Pune Bar Association, one Mr Harshad Nimbalkar who was also a member of the State Bar Council was constantly requesting D.B Bhosale for permission to felicitate him. It was eventually decided that a grand felicitation will be held for Justice D.B Bhosale at Pune by both these above mentioned gentlemen jointly and indeed it was a mammoth felicitation which was attended by more than 2000 lawyers from across pune district and western Maharashtra. As a ritualistic practice, D.B Bhosale was given a plaque of honour on conclusion of the felicitation, but what made it unique was the writing inscribed on the said plaque. It read as follow. "This plaque is presented today to Justice Dilip Babasaheb Bhosale in recognition of his tireless crusade and endeavours for protecting the welfare of the advocates. The plaque further acknowledges his endless journey, selfless service and dedication towards the cause of the legal fraternity and wishes him good luck for all his future endeavours." A bare reading of the plaque bears testimony to the fact, that D.B Bhosale was beloved and adored, which is even today by the bar across Maharashtra for his compassion and empathy towards the legal fraternity. Justice Bhosale at the end of the felicitation ceremony delivered a very emotional speech which was straight from the heart; thanking the legal community. Being a family man, he profoundly acknowledged the role of his parents, wife Arundhati and children Neha and Karan in his speech and attributed his strength and success to them.

For the first 8 to 9 months, Justice Bhosale had a lot of time as he was a newly appointed judge who sat with a senior judge, so all the orders and judgements were primarily authored by the senior judge constituting the bench. Administrative work was also not delegated to him, which gave him a lot of time in attending felicitation functions organised for him by various bar associations in Maharashtra like Satara Bar, Baramati Bar etc. The invitations to these felicitation functions were incessant and unending, that now they started overwhelming D.B Bhosale and he had to finally with folded hands request these lawyer associations to stop organising these functions for him.

The Bombay high court like every other High Court of the country has this practice of sending sitting judges to other benches of the same High Court for a period of 8 to 10 weeks. Once, the then Chief Justice of the Bombay High Court, Justice B.P Singh during a lunch gathering of judges in the Bombay High Court, casually remarked that brother judges should voluntarily opt for sitting at other benches as visiting judges, failing which, he will be constrained to send judges to different benches as per his choice. Now a remark like this coming directly from the Chief is enough indication for a puisine judge to do the needful. Justice Bhosale instantly understood what was expected from him and opted to sit at Aurangabad bench of the Bombay High Court. He sat at the Aurangabad bench for 8 weeks with the senior most Judge, Justice Barde, a practice which was frequently followed by him in the later years.

He had now completed almost a year as a judge in the Bombay High Court. His second sitting, was at Mumbai in a division bench

with Justice R.M.Lodha, who later on retired as the Chief Justice of India. He sat for almost 9 months with Justice Lodha. Those nine months were a great learning experience for Justice Bhosale. He openly and always admitted, that he picked up a lot of things from Justice Lodha, which he followed as a judge throughout his career. Justice Bhosale still recalls how straightforward Justice R.M.Lodha was. He had a phenomenal memory, that he remembered the names of all the advocates appearing before him and addressed them by their name. He never reserved any judgement or order for dictation in his chamber, and always preferred dictating lengthy judgments and small orders, then and there on the dais. As described by DB Bhosale, Justice Lodha had a god-gifted knack of things coupled with clarity of thoughts and albeit, he never unnecessarily used flowery language in his judgments and orders, they were lucid, precise and concise covering the entire gamut of law and fact. There were no margins for errors in his orders, to the extent that no precipice (application) was moved by any advocate for speaking to the minutes, a provision in vogue in the Bombay High Court by virtue of which, corrections in orders are made after delivery of the same. Justice R.M.Lodha was very jovial and accessible, and made it a point to speak to the other brother judges in the Bombay High Court in Hindi. He believed that speaking in Hindi would forge a deeper connection with the person, as English language though important and indispensable, is a colonial legacy which does not create true bonding. The moment Justice Lodha would enter the courtroom and sit on the dais, a radical transformation would occur in his personality as stated by DB Bhosale.. He exhibited utmost professionalism, was highly focused, observant and attentive and frowned upon buffoonery,



indiscipline and callousness. At times, he lost his temper on lawyers who came unprepared and abhorred the practice of lawyers seeking adjournments for taking instructions. Justice Bhosale regards himself as very fortunate to sit with Justice Lodha at the inchoate stage of his career and gives undue credit to Justice Lodha for being a guide, teacher and motivator. He always made Justice Bhosale write small orders on a daily basis. While dismissing matters, Justice Lodha would tell lawyers that we are dismissing the case and my brother Dilip would write the order. Practice makes you perfect and so this practice of Justice Lodha, forcing Justice Bhosale to write orders daily on behalf of the bench, made Justice Bhosale sanguine, consummate and adept as a judge. His nine months stint with Justice Lodha perfected him to such an extent that there were seldom any precipices for speaking to the minutes even for those orders authored by him on behalf of the bench.

Justice D.B Bhosale considers himself very fortunate to share the bench with Justice R.M Lodha which went a long way in sharpening his legal acumen. This bench had dealt with some important and high profile cases of those days. A famous case of those days in local parlance was called the 'Gutka case.' It was contested under the following citation. Dhariwal Industries Ltd And Anr Vs Union of India And Anr and reported in 2003 (2) BomCR 698. The matter related to prohibition on sale of Gutka and Pan Masala whether containing tobacco or not for a period of five years in the state of Maharashtra under the relevant provisions of the Prevention of Food Adulteration Act, 1954. This order of the State executive was challenged by the petitioners/manufacturers of the said article by invoking the writ jurisdiction of the Bombay High

Court. Several advocates and senior counsels including former law minister and senior advocate Mr. Kapil Sibal represented the petitioner. The petitioners argued their case on the altar of right to profess, practice any employment, trade or business as enshrined under Article 19(1)(g) of the Constitution of India. It was broadly averred by the petitioner that the act of the executive, under the relevant provisions of the act is ultra vires and therefore the said ban by the State government on Gutka and Pan Masala in the state of Maharashtra is bad in law. The argument by the State government was that the said articles are injurious to health, right to profess and practice any business, trade or calling is not an absolute right, the directive principles of State policy under Article 47 ordains the state to bring about prohibition of consumption of drinks and drugs injurious to health and lastly there is no want of legislative competence. After marathon arguments by both the sides, the matter was decided and it was held that the act of the executive is intra vires, there is legislative competence and there is no infringement of the fundamental rights of the petitioner/manufacturer and eventually a bunch of writ petitions were dismissed on merit. This was one of the first high-profile judgements which Justice Bhosale decided along with Justice R.M. Lodha.

Another judgement of far-reaching consequence, which was decided by the bench of Justice Lodha and Justice Bhosale was in *Sanjay R Kothari And Anr Vs South Mumbai Consumer Disputes* and reported in AIR 2003 Bom 15. It was under the Consumer Protection Act, 1986 in which the fundamental question involved was whether authorised agents, even if he or she were not legal practitioners, could appear before the district consumer forum, a body which adjudicates consumer cases

involving defective goods and deficiency in services. This judgement was authored by Justice Bhosale and the question was decided in the affirmative thereby permitting authorised agents to appear in the consumer forum. Being a bar friendly judge, ideologically it was pre-empted and expected that he would pass a judgement in favour of the bar, but this judgement was no largesse by D.B Bhosale. On the contrary, it was a well reasoned judgement based on pragmatism, logic and a balance between two extremes.

Another high-profile matter decided by the bench of Justice R.MLodha and Justice Bhosale which grabbed the attention of the media was a Bollywood related dispute between film actor Manisha Koiralla and director Sashi Lal Nair which related to four objectionable scenes in a movie named 'EK Choti Si Love Story.' The actress had alleged that these scenes were shot by the director without her consent and therefore she had approached the court for an injunction to be granted in her favour so that no part of the movie could be exhibited in any form in cinema halls. The High Court bench of Justice R.MLodha and D.B Bhosale granted ad interim relief to the petitioner/actor and prohibited the release of the said film till further orders. In the meantime, the petitioner/actor, in order to execute the order of the Hon'ble High Court, approached the late Shri Balasaheb Thackeray, the founder of the political party Shiv Sena, a right-wing Hindu nationalist party active mainly in the state of Maharashtra. As per media reports, she requested Shri Bal Thackeray to ensure that the said movie is not screened in the theatres of Mumbai and Maharashtra. At the same time, the director of the film Mr. Sashi Lal Nair also requested Shri Bal Thackeray to intervene and resolve the matter. It was reported in the media that a

large number of Shiv Sainiks prevented the screening of the film by use of force and threats to use force. This incident had completely infuriated the bench headed by Justice R.MLodha, as this was tantamount to contempt. Justice R.MLodha was very annoyed in court at the petitioner/actor, because the conduct of the actor and the director of the film in approaching an extra-constitutional authority, when the matter was sub judice were abhorrent and contemptuous. Subsequently the bench headed by Justice R.MLodha and Justice Bhosale initiated suo motu contempt proceedings against the actor and director of the said film which ultimately upheld the paramountcy and inviolability of the law and courts in India over any other extra legal authority.

The Civil Procedure Code, 1908 amendment of 1999 and 2002 had amended several provisions in this procedural code. One of the amendments was carried out in Order VIII Rule 1 of the C.P.C, 1908 which prescribes the time within which a written statement against a plaintiff has to be filed by the defendant in a suit. In order to expedite cases in courts, the time limit to file written statement was curtailed and the provision was made restrictive. Several City Civil Courts at Mumbai had construed the new amended provision in Order VIII C.P.C literally and had closed the opportunity of the defendant to file written statement within the stipulated period. This gave rise to many petitions being filed against the orders of the City Civil Court in the Bombay High Court under Article 227 of the Constitution of India (Superintendence of the High Court over all courts and tribunals throughout the territories in relation to which it exercises its jurisdiction). Justice Bhosale as a

member of the Bar Council of India had actively deliberated with the Law Minister when these amendments to the civil procedure code were under consideration and now coincidentally as a judge, a certain part of these amendments pertaining to Order VIII Rule 1 CPC were challenged before him on the judicial side, while he was sitting in single Bench in the Bombay High Court. Justice D.B Bhosale was quite keen to adjudicate on this aspect as he had closely dealt with this controversy as an advocate and vice-chairperson of the Bar Council of India. The question of law before him was whether the amended provision was mandatory or directory. After hearing lengthy arguments which were advanced before him by learned counsels appearing for opposite sides, Justice Bhosale reserved the matter for judgement. Before the judgement was pronounced, one lawyer for the landlord in the matter, advocate Bandiwdekar sought an appointment with Justice Bhosale in his chamber, where he brought to his knowledge, judgments of the single judges of the Bombay High Court which were on the same aspect taking a different view and which were not cited by the advocates before Justice Bhosale during the arguments. The said lawyer told him that he should not write the judgement and refer the matter to a larger bench. This bewildered Justice Bhosale and made him consult a senior judge whose chamber was adjacent to his. The senior judge advised Justice Bhosale to go ahead with his judgement and not bother as long as he was clear in his head. Justice Bhosale was clear in his conscience, firm on the point of law and determined to write the judgement, and so without hesitation, he elected to adjudicate the case. One of the judgments of the Division Bench of Justice A.P Shah and Justice D.Y Chandrachud of the Bombay High Court, relied upon before him on the

similar question of law, taking a different view in the light of the original side rules, was distinguished by DB Bhosale and he opined in his judgement, that the newly amended provision of Order VIII Rule 1, which curtails the time limit to file written statement is directory as opposed to being mandatory. Against this judgement of D.B Bhosale, there was a letter patent appeal (an appeal filed against the judgement of a single bench before a division bench of the same High Court) filed before the division bench of the Bombay High Court headed by Justice Ajit Shah and Justice Kamdar. The divisional bench at the threshold viewed the judgement of Justice Bhosale with a certain degree of scepticism, as it had overlooked the Division Bench judgments of the same High Court and three judge's bench, presided over by Justice M.B Shah of the Supreme Court on the same question of law. The bench even went to the extent of stating in the open court that prima facie the impugned judgement appears to be erroneous. At that very moment, senior advocate AspiChinoy, practising in the Bombay High Court and who was at that time sitting in the courtroom and witnessing the proceedings, stood up and sought permission of the bench to put his point of view and argue the case supporting the impugned judgement of Justice Bhosale. As permission was accorded to him, he impressively argued for an hour and turned the tables in favour of Justice D.B Bhosale's judgement, which was under challenge. When the division bench finally decided that appeal, it ultimately confirmed the judgement of Justice Bhosale and later even the Hon'ble Supreme Court upheld the view taken by Justice Bhosale as being in sync with law.

With the passage of time, Justice D.B Bhosale was getting seasoned as a judge. Now sitting in division benches and full benches, he

volunteered and requested the senior judges on the bench to permit him to author the judgement which was readily conceded most of the times. In one matter, which was named and captioned as PrabhudasDamodar Kotecha Vs SmtManharbalaJeramDamodar and reported in 2007 (5) BomCR 1, was actually a reference made by a single bench, which occasioned the constitution of a larger bench headed by Justice S Radhakrishnan, Justice Bhosale and Justice V Tahilramani, in which the judgement was authored by Justice Bhosale. The matter primarily related to the interpretation of section 41 of the Presidency Small Causes Court Act, 1882, which provided for summons against person occupying property without leave and his subsequent ejection by the Court of small causes. Two division benches of the Bombay High Court, one headed by Justice V.A Mohta and the other headed by Justice Srikrishna had taken divergent views on the question, which was, whether a suit by a licensor against a gratuitous licensee is tenable before the presidency small causes court under section 41 of the presidency small causes Court act or should such a suit be filed before the civil Court. Without going into legal technicalities, for the sake of brevity, there was a situation where there were two parallel proceedings, one in the City Civil Court and other in the Court of small causes. On reference, the full bench formulated the following questions. First was whether the expression licensee can be given a wide import, so as to mean and include gratuitous licensee and second was whether a suit by a licensor against a gratuitous licensee is tenable before the presidency small causes Court act under section 41 of the said act. Justice Bhosale authored the entire judgement for the full bench in reference. Due to paucity of space, it will not be convenient to

discuss his entire gamut of reasoning. However it was a judgement, where he dealt with several legal principles and authored a detailed judgement on sound legal principles. He had told Justice Radhakrishnan at the time of closing of arguments that he desired to write the judgement. The court had just shut for vacation when the matter was reserved for judgement. During that vacation, Justice Bhosale decided not to venture out and chose to sit at home where he profoundly studied the matter, did his research and wrote the entire judgement in 15 days. In this judgement, he discussed in details, the doctrine of Stare decisis, ejusdem generis and parameters of reference. It was finally held that the term licensee used in section 41 of the said act is of wide import so as to mean and include a gratuitous licensee and eventually a suit by a licensor against a gratuitous licensee is tenable before the small causes court under section 41 of the said act. This judgement of Justice Bhosale was well praised by all quarters. Within a week of pronouncement of the above said judgement, he received a letter from one advocate, Mr. Mulraj Shah who practised mainly in the court of small causes. This advocate had said in his letter that he could not resist expressing his admiration for Justice Bhosale for passing such a judgement by clarifying the law and settling the controversy which hitherto was creating havoc for hapless litigants and the letter also said that this judgement was of great educational value. There were rumours in those days outside courts, which said that this judgement of Justice Bhosale on section 41 of the presidency small causes Court act, 1882 was being clandestinely sold by booksellers situated outside the city civil Court and small causes court premises until it was officially reported in the law journals. Several lawyers and



judges including Justice A.V Savant and Bhimrao Naik and Advocate M.P Vashi appreciated this judgement as a fine work of legal precision and clarity. An advocate named JhokheemRais who mostly specialised in the city civil Court, went to the chamber of D.B Bhosale, where he went gaga about the judgement and called it a treasure trove of knowledge. After some years, when D.B Bhosale was in the Bangalore High Court, he received a call from advocate JhokheemRais, who enthusiastically told him that the Apex Court of the country was seized of this matter and it eventually confirmed his judgement on section 41 of the presidency small causes Court act. Justice Bhosale recalls how once during a function, he met some Judges of the Supreme Court and one of them was on the bench in the Supreme Court hearing the appeal against Justice Bhosale's judgement on section 41 of the presidency Small Causes Court act. The Hon'ble Apex Court Judge said to D.B Bhosale that his judgement on section 41 of the said act was a marvellous piece of work and while hearing the matter in the Supreme Court, the Hon'ble judge and other judges on the bench, were in all praise for D.B Bhosale. This was a commendation and a flattering remark for D.B Bhosale, which raised his morale and even today when he recalls these memories, a naive smile appears on his face.

Albert Einstein once said, 'blind belief is the greatest enemy of truth'. D.B Bhosale was not a person, who would give a servile display of exaggerated flattery. In other words he was not a fawner. He stood for verity and expressed dissent whenever something did not agree to his conscience. This attitude was also reflected as a judge. Even when he sat with senior judges in full bench, he was never a sycophant or a yes-

man, but on the contrary, expressed divergence and dissent if legally permissible in the interest of Justice. This attitude of his at times earned him the wrath of senior judges and gave rise to ego tussles. As a person, he always adhered to the convention and respected his seniors, but as a judge on the bench, he engaged in constructive debates and deliberations while settling the final draft of the judgement. Once sitting in full bench and sharing the dais with the acting Chief Justice, Justice Palshikar and Justice Tahilaramani, a little skirmish ensued. They had heard an argument pertaining to Maharashtra Control of Organised Crime Act, 1999 also known as MCOCA. When the matter was closed for judgement, Justice Palshikar being the senior most on the bench, said that he would write the judgement. After a month, he sent the draft to Justice Bhosale and the other puisine judge on the bench. On certain aspects of legal interpretation, Justice Bhosale was in disagreement and so he went to the chamber of Justice Palshikar, who by then was the acting chief justice of the Bombay High Court and expressed his dissenting opinion. Justice Palshikar was a little shocked and asked whether D.B Bhosale was open for discussion and then called him in the evening to his chamber at 6 pm. Justice Bhosale accordingly landed up in the chamber of Justice Palshikar in the evening and discussed his dissenting view with the latter. After hearing him, Justice Palshikar said that D.B Bhosale is at liberty to write a dissenting judgement. So Justice Bhosale finalised his dissenting view in the said judgement in a week's time and shared the draft with both the judges. That was followed by a meeting of all the three judges constituting the bench in the chamber of the senior Judge. Justice Palshikar was a little irritated and reminded Justice Bhosale that he was a junior judge and by writing

such a dissenting judgement, he is committing a great blunder. Then Justice Palshikar asked Justice Tahilramani for her view, legitimately expecting her to disagree with D.B Bhosale. He was shocked and awed when Justice Tahilramani said that she agrees with Justice Bhosale in toto. This made Justice Palshikar disconsolate and he later added a few more paragraphs to his own judgement wherein he criticised the view taken by Justice Bhosale. These kinds of ego trifles are not uncommon, as they occur in every organisational setup and judiciary is no exception. Later on, after the judgement was pronounced, the unwarranted rancour ceased to exist and bonhomie and camaraderie amongst brother judges was eventually restored in the interest of brotherhood. Lastly, Justice DB Bhosale during his tenure at the Bombay High Court wrote 5 to 6 of such dissenting Judgments, which bears testimony to the fact that he was not a sychopant and would differ in his legal reasoning in the ultimate interest of justice.

Similarly when Justice Bhosale was once sitting in division bench with Justice Marlapalle and hearing a first appeal against the judgement emanating from the family Court, a difference of opinion between the two judges was openly exhibited in the presence of lawyers present in the courtroom. The facts of the case which they were hearing in appeal were quite interesting and twisted. A Muslim couple had solemnised their marriage under the Special Marriage Act, 1954, as the boy's parents had disapproved their relationship. Subsequently the parents of the boy agreed to accept the couple but on a condition precedent. The onerous condition was that the couple would get their existing marriage dissolved in accordance with law and then later remarry as per the

Shariat law (Muslim personal Law). The condition was complied with and the couple after solemnizing their marriage under the Muslim personal Law started living with each other. After 25 years of living together, matrimonial dispute between the two surfaced, which eventually landed up in family court at Mumbai. They had eventually agreed for a mutual divorce, which was granted and after some years of the divorce, the wife approached the family court again for enforcing her maintenance rights. It was at this time, that the concerned family Court, in view of the order of divorce by mutual consent, held that it had no jurisdiction and dismissed the application of the wife against which, first appeal was preferred in the High Court and taken up by the two honourable judges. Advocate Mrunal Deshmukh appeared for the husband and Advocate Seema Sarnaik was for the wife. The bench heard the argument for the entire day and when they broke for lunch, while walking through the corridors, Justice Marlapalle casually told Justice Bhosale that we will have to dismiss this matter in limine. D.B Bhosale had another view in mind and did not shy away from expressing that to the senior judge. He told Justice Marlapalle that once they assemble after lunch, he would like to put a few questions to the lawyers, so that relevant facts surrounding the matter can be extracted. Forceful submissions were made post lunch session and all the relevant facts surrounding the matter resurfaced. As the arguments concluded, D.B Bhosale said to Justice Marlapalle that we will have to allow the appeal. Justice Marlapalle unhappy about it, retorted and said that dismissal is the only course. This was followed by banging the papers by him on the dais with a remark 'appeal to be dismissed.' Simultaneously, Justice Bhosale with similar force too,

banged his set of papers on the dias with a counter remark, 'appeal is hereby allowed.' This incident became a tittle tattle amongst advocates in those days, as there was a brazen display of divergence of opinion between the two honourable judges constituting the bench. Later in the evening, Justice Marlapalle called Dilip Bhosale and asked him to write his dissenting judgement and later share the draft. A week later, a judgement with conflicting opinions of the two honourable judges was pronounced and as per law and practice, the Chief Justice on reference, sent it to a third judge for disposal in accordance with law. It was referred to the court of Justice Bilal Nazgi, who eventually upheld the view taken by Justice Bhosale and later even the Supreme Court concurred with the said view. Dissent and divergence of opinion is integral to democracy and also a part and parcel of life. As long as it does not create animosity and fissures beyond repair, dissent and divergent views are welcome, as it adds different shades of opinion. The Bombay High Court, like all other high Courts of the country follows high standards and conventional traditions, where dissent, conflicting opinion and constructive criticism are perceived on a positive note. D.B Bhosale as a judge always respected that tradition, never deviated from the set standards of judicial propriety and lastly promoted and propagated brotherhood amongst puisine Judges of the court.

While taking a diametrically opposite view as a judge, Justice Bhosale while writing his judgement, ensured that he does not offend any senior judge even inadvertently. In the initial years as a judge, when he was sitting in division bench with Justice G.D Patil, they came across an appeal which was against the order passed in a contempt petition

decided by one of the senior judges against certain employees of the Brihanmumbai Municipal Corporation. They were held guilty of contempt and sentenced to undergo imprisonment against which they preferred this appeal. Senior advocate Mr. Anil Sakhre argued the matter on behalf of the appellants. The Division Bench was of the firm opinion that the impugned order in the contempt petition was erroneous and ought to be set aside. D.B. Bhosale volunteered to write the judgement on behalf of the bench. Justice Patil was initially disinclined towards this idea mooted by D.B. Bhosale, as the impugned judgment was of the senior judge and on the other hand Justice Bhosale was still an additional judge of the Bombay High Court. He candidly told D.B. Bhosale that he shouldn't venture into uncharted territory, and it would be against convention, and therefore, the temptation should be resisted. To this friendly piece of advice by Justice Patil, D.B. Bhosale suggested that he would prepare the judgement and send it to Justice Patil which could be pronounced being written by Justice Patil. Justice Patil realised how enthusiastic D.B. Bhosale was in writing the judgement and so he did not want to disappoint him and at last, he consented to D.B. Bhosale's postulation. Sometimes the harshest thing can be said in the sweetest manner. This is one of the contours of diplomacy. As far as judicial language is concerned, it is sweet, straightforward and chaste, and at times can be more suggestive than being directive. Justice Bhosale knew this art pretty well and he came out with a very well crafted judgement which did not criticise the impugned judgment of the single judge per se, as it prima facie put the blame on the lawyers in the original contempt petition and held them responsible for the misfeasance. So Justice Bhosale very cleverly in the draft judgment

managed to set aside the impugned judgment, without openly assailing it and hurting the author of the impugned judgment. It was like killing the snake without breaking the stick. When Justice Patil went through the draft of the judgement, he was relieved as it was not offensive and more than that, he was very impressed by the quick witted work of Dilip Bhosale. In the end, the judgement was pronounced; being written by Justice Bhosale thereby setting aside the impugned judgment and D.B Bhosale's brinkmanship ensured that everything ended on a good note.

Be that as it may, D.B Bhosale did refer cases, if the same were deemed necessary. He referred many cases where there were conflicting opinions of different benches on the same question of law so as to avoid befogging the legal position. Once while sitting in single bench, a case pertaining to the Atrocities Act (Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act) was heard by him. It was for quashing of the case filed by the wife belonging to the backward class against her husband who was from the general category. The husband had allegedly insulted his wife on her caste. The argument by the husband was that once his wife married him, she lost her backward class status and therefore no offence under the atrocities act was attracted against him. Justice Bhosale was of the view that in the present day Varna system (caste hierarchy) in India, once a person is born in a particular caste, he or she remains in that caste bracket in perpetuity as there is no cross movement between the rigid caste hierarchy in India. So according to him, when a wife who hails from the lower socio-economic strata of the society, who marries a man from the so-called upper caste, then in such a scenario, her original caste character which is inherent

and immutable since her birth will not cease to exist notwithstanding her marrying a man from a higher varna. On the basis of this premise, he held that the relevant provisions of the atrocities act were attracted against her husband who had allegedly abused her on her caste status. However, there were differing opinions of other benches of the High Court on this point and that necessitated, the matter being referred to another bench by the Chief Justice. Justice Bhosale did not proceed to decide the matter and referred it after recording his opinion on the question of law. Later on, another Judge finally heard this question of law on reference and took the same view as D.B Bhosale.

A sitting High Court judge passing strictures against another brother judge of the same High Court is something which seldom happens and ought not to happen in the very first place. Justice D.B Bhosale as a puisine judge of the Bombay High Court was subjected to such an unpalatable situation. At the time of his elevation, D.B Bhosale had about a dozen of juniors working under him. After elevation and once a judge, he had strictly directed the registry of the Bombay High Court, to not place any matter before him, in which his juniors were appearing. He also made it a point that he does not meet any of his juniors in his chamber. It had barely been a year since he got elevated as a judge that one fine day, one of his juniors was very eager to see him in his chamber. Initially reluctant, Justice Bhosale agreed to see him as the said junior wanted to convey something very important to him. His junior met him during lunch and told him that, one matter which was originally filed by D.B Bhosale in the Bombay High Court was dismissed in default for non prosecution by the incumbent judge of the court. A



restoration application was filed to get the matter restored on its original number and as there was a delay in filing the same, it was accompanied by a delay condonation application. The bench of Justice RajanKochar was hearing the matter, who during the course of hearing remarked that why that advocate who subsequently became a judge did not file the restoration before his elevation, as he had sufficient time. Justice Kochar in the end dismissed the said delay condonation application with negative observations against Justice Bhosale in his order. Justice Bhosale, who was then an additional Judge, was apprised of these facts by his junior that totally dismayed him. In the evening when he went home, he went through his old files and correspondence which he diligently maintained as an advocate and discovered that in the said matter which was dismissed by Justice Kochar, he had written to the client on several occasions, informing the client to produce the certified copy of the original order of dismissal, failing which the case may be again dismissed at the threshold. Two days later, Justice Kochar bumped into Justice Bhosale in the corridors of the Bombay High Court and the former brought up the topic which had disturbed Justice Bhosale. Now as the topic was initiated by Justice Kochar, D.B Bhosale who could not control his emotions, confronted Justice Kochar in the most courteous manner. He said that the negative remarks against him in the order of Justice Kochar were unwarranted, as he was not before the court and more importantly, he had acted in the most bonafide manner for his client while he was an advocate. Justice Kochar replied that it seems you are hurt and invited D.B Bhosale to his chamber for a cup of tea. Justice Bhosale immediately obliged and accompanied him to his chamber, armed with

letters and correspondence, which he had sent to his client as an advocate in the past pertaining to the said case. He showed those letters to Justice Kochar and on seeing them; he repented his action and told D.B Bhosale that it was not brought to my notice and now he'll do the needful. The next day in court, Justice Kochar called the advocates appearing for both the sides in the matter. He made them file an application, recalled his order in which negative comments were made against Justice Bhosale and eventually got the case amicably settled between the litigating parties.

As a puisine judge of the Bombay High Court, Justice Bhosale relentlessly served the cause of justice. He always said that he knows of only one religion and that is "Nyaya Dharma". In the Bombay High Court, he sat in many division benches and full benches, with several senior judges and chief justices from time to time and always played an active role. In totality, he disposed of about 38,000 cases in his tenure, spanning for a decade in the Bombay High Court. There were 9 judgements in full bench, from which he authored not less than 7 of them. He gives a lot of credit to senior judges like Justice G.D Patil, Justice R.M Lodha from whom he learnt a lot. But there is one judge, who was always and even now, special for him and according to him, that judge was the best senior with whom he had the privilege of sharing the bench. She is retired Supreme Court judge, Justice Ranjana Desai. He often sat with Justice Ranjana Desai hearing criminal cases especially, habeas corpus petitions and confirmation of death sentence cases. Justice Ranjana Desai was a special public prosecutor till her elevation; therefore her mastery over criminal jurisprudence was

unmatched and unfathomable. She was also very kind to D.B Bhosale and she constantly kept pushing him to learn and lead while hearing cases. Justice Bhosale recalls how she encouraged him to dictate judgements and orders on the bench in several matters involving offences against women. Sitting with her on the bench was legally enriching for D.B Bhosale, who describes Justice Ranjana Desai as a subject specialist, a sober and a very gentle lady.

In India, the faith of the common man in the judicial apparatus of the state, which is also called the third estate, the other two being the legislature and the executive, remains unscathed, when compared to the other appendages of the state. This is primarily attributed to the industrious efforts of the judiciary which comprises of the Superior Courts and a network of subordinate courts. A brief mention about the Hon'ble judges of the Superior Courts will not be out of place. Apart from being constitutional authorities, they are subject specialist, experts of experts, laboriously conscientious and lastly with all these qualities, they are indeed an epitome of humbleness. I have closely seen the functioning of some of them, that they have set such high standards in every sphere, therefore without hesitation I can say that members of the subordinate judiciary should endeavour to learn from them and try to emulate them. Judges of the Superior Courts are extremely hard-working, over energetic as age is just a number for them and they have an inbuilt quest for justice. For most of them, it is a long day, which starts early in the morning and ends late at night. They rise with the sun, go through the files listed for the day, arrive early in their

chambers, sit on the dais on time that one can time his watch according to their sitting, hear an enormous number of cases each day, after rising for the day unceasingly dictate orders to their stenographers and finally after retiring to their residences for the day, they still spare time to engross in case studies and arduous reading. This is the life which most of the judges of the higher courts are accustomed to and it is utmost professionalism, discipline in life, dedication towards the institution and ensuring justice for the downtrodden, weaker sections and marginalised sections of the society which keeps them going. Certain values like, Justice, liberty and equality enshrined in the preamble to the Constitution of India are guaranteed to every subject of the state, which is protected due to the unending and round-the-clock endeavour of the judiciary led by the judges of the Superior Courts of our country. But this is not to say that judges of the Superior Court only lead a robotic life and a mechanical life with no time for fun and leisure. They are humans first and therefore fun and laughter is not completely missing from their lives. A customary practice in the Bombay High Court, where all judges eat lunch together is a perfect example of judges spending quality time with each other. Every day at 2 PM on working days, the honourable judges of the Bombay High Court use to assemble in the judge's library on the second floor behind the Central Hall. The idea behind such a practice was to promote the feeling of brotherhood amongst pusine judges. But the real purpose was to give the honourable judges a chance to intermingle with each other during lunchtime, where they could vent their stress and fatigue of the morning session, which would rejuvenate them for the next session. The sitting arrangement during lunchtime use to be formal, where they

sat according to seniority, but the environment always remained informal. There was an unwritten rule which all had to strictly adhere to, according to which they could discuss all topics under the sun during lunch except for law. In fact there was a penalty imposed on anybody who spoke about law. This penalty was stringently imposed on any judge who contravened this rule irrespective of seniority. The judges had designated a judge amongst them, who was empowered to impose the penalty on the erring judge. This designated judge was given the name recovery officer, which was later changed to marshal during the tenure of Chief Justice Swatantra Kumar. There was a consensus to anoint Justice Ranjana Desai as the Marshall, which she continued to be till her elevation to the Supreme Court. As a marshal on the lunch table, it was her job to lookout for judges speaking about legalities and then make the violating judge recompense for the breach. Anybody infringing the unwritten code was liable to sponsor ice creams, snacks and other eateries the next day during lunch for all the puisine judges. Justice Ranjana Desai never missed out on the violators and scrupulously discharged her duties of imposing sanctions which eventually enhanced the gustatory receptors of the others the next day. Even during other occasions like birthdays of judges, it was Justice Ranjana Desai who was entrusted with the task of doing the needful. On many occasions, she would tell D.B Bhosale to organise ice creams for all judges, from the newly setup chain of ice cream parlours like Baskin-Robbins, which he would happily do. So judges in the Bombay High Court had their novel ways of enjoying during lunch, which would break the monotony, overcome the fatigue and recharge them for the next afternoon session in court.

As stated earlier, these lunch gatherings of judges were informal sessions but with a caveat. All the judges were required to come in formal attire, which was Blazer and necktie. Once, Justice D.Y Chandrachud, Justice A.M Khanwilkar, Justice D.B Bhosale and Justice S. Vazifdar acting in concert, decided to be renegades. The humidity in the month of October just after monsoons in Mumbai, makes life difficult in suits and blazers. So they collectively told the then Chief Justice that henceforth they would lose the blazers and neckties during these lunch sessions, to which the Chief consented. As they arrived for lunch the next day in their casual attires, many eyebrows were raised and they were looked upon with disapproval, as they were the odd ones out. They were the young judges and the stars of the Bombay High Court in those days, who stood for liberal values, pragmatism and vibrancy. However their experiment was short lived and only lasted for two days as Justice Ajit Shah, who was at that time a senior judge in the Bombay High Court, called all four of them in his chamber the next day and said that certain traditions and practices in the Bombay High Court are immutable and no aberration from them can be made at any cost. All four of them got the message and they were back in their formal attires from the next day at the lunch table, which is a grim reminder, that at times, convention is preferred over convenience.

As said earlier, these lunch assemblies of pusine judges were places to unwind, but at times, they also became venues for hosting foreign judges and dignitaries and forums for comparative analysis of judicial systems. Once a lady Chief Justice of Canada was in Mumbai with a delegation of judges from Canada and they were invited for lunch to the

Bombay High Court by Justice B.P Singh, the then Chief Justice of the court. It was sometime in the starting of the millennium. A formal lunch was organised in the judge's library and the delegation led by the lady Chief Justice of Canada had lunch with all the judges of the Bombay High Court. After lunch, they engaged in informal talks, which mostly covered topics like law, judiciary, issues faced, suggestions and this time there were no fetters imposed by Justice Ranjana Desai in the capacity of a marshal. The lady Chief Justice of Canada was quite curious to know from the judges of the Bombay High Court about the number of matters they deal with on each day. She was apprised of the horrendous situation of docket explosion and told that on any given day, a pusine judge deals with not less than 50 to 100 cases. She was quite startled to hear that and before she could react, Justice Rebello put the same question to her. An embarrassed look, but in a confident tone, she oxymoronically said that judges in Canada hear 100 to 150 cases in the entire calendar year. Then Justice A.P Shah asked her about the life of litigation in Canada, to which she said 1 to 1 ½ years. Now it was her turn to put the same question and finally when that question was asked by her, there were chuckles in response and then somebody said that at times, a case may outlive the life of the litigant so as to substitute his lineal descendants. She was aghast with this reply and astounded by this reality. As she tried to come to terms with this reality in Indian courts, a third question was put to her by Justice Chandrachud. He asked about the position of Alternate Dispute Resolution Mechanism in Canada and the number of cases getting settled through such mechanisms. She cheerfully replied that 60 to 70% of the cases get settled through the ADR mechanism in Canada

and residue goes back to courts for adjudication through adversarial litigation. Lastly somebody asked the lady Chief Justice, that what she would do as the Chief Justice of Canada, with a similar pendency of cases as in India. Now it was time for her to appal the audience with her reply, which was that she would resign if found in a similar situation. This ended with laughter and of course, the lady Chief Justice was not serious about that answer of resigning, as her reply was an acknowledgement and tribute to every judge in India who makes no stone unturned in clearing his or her docket and over jealously dispense justice and insulate the liberties of the people of India.

Now coming back to the tenure of Justice D.B Bhosale as a pusine judge of the Bombay High Court, it can be unquestionably said that his distinguished tenure of about a decade was marked by brilliance, painstaking efforts and assiduous decision-making to realise only one objective, which was absolute Justice to the consumer of Justice. He had an enriching experience in the Bombay High Court, where he had an opportunity to sit with many Chief justices, senior judges, from whom he learnt a lot, both on the judicial side and the administrative side. Till his transfer to the Karnataka High Court, he had disposed of around 38,000 cases in the Bombay High Court, authored many judgements in full bench and the most important achievement of his was earning the respect of the bar, which continues in perpetuity even till today.





as if the heavens have come falling on him. He was doing well as a judge, was not involved in any controversy and things were going smooth until this news broke out. The next day, he sought an appointment with his Chief Justice, where he asked him about the authenticity of this news and what had gone wrong. The Chief Justice confirmed the development, but said that he was not aware as to why this was happening, as he was himself in the dark. This made D.B. Bhosale feel even more dejected as there was a cloud cast and mystery over the reason for his transfer. That afternoon, the news of his transfer was officially communicated to him through proper channel and his consent was sought. It will not be out of place to make a brief mention of Article 222 of the Constitution of India, which envisages the transfer of a High Court judge, from one High Court to another High Court by the President of India after consultation with the Chief Justice of India. In *Union of India Vs Sankalchand* AIR 1977 SC 2328, the Hon'ble Supreme Court has said that a judge can be transferred under Article 222(1) of the Constitution without his consent. Similarly in the historic judgement of the Supreme Court *Advocate On Record Vs Union of India*, (1993) 4 SCC 441, the Hon'ble Apex Court has said that in case of transfer of judges of the High Court, the opinion of the Chief Justice of India is determinate in the matter, subject to he consulting the collegium of two senior most judges of the Supreme Court. It has also been held in the same judgement that in case of transfer for High Court judge, his consent is irrelevant and not required. Finally in *Re Presidential Reference* AIR 1999 SC 1, the Hon'ble Apex Court has unanimously held that in case of transfer of High Court judges, the Chief Justice of India must consult, four senior most judges of the

Supreme Court and in addition to the collegium of four judges, the Chief Justice of India is required to consult the Chief Justice of the two High Courts (one from which the judge is being transferred and the other receiving him). Therefore a plain reading of Article 222 of the Constitution and the above authoritative pronouncements by the Hon'ble Apex Court, makes it clear that consent of a judge who is under transfer from one High Court to another High Court is immaterial because if his consent was a condition precedent for his transfer, then the whole process would have become nugatory. Any judge could make his transfer literally impossible by withholding his consent. Having said that, as a matter of fact, the consent which was sought from Justice Bhosale was only a courtesy and not a mandatory requirement. There was nothing which D.B Bhosale could do at that juncture except for ponder on the uncomfortable question of his premature transfer. He again met the Chief Justice of the Bombay High Court and candidly asked him if his integrity was in question, to which the Chief said 'No', but he was not aware of the reasons behind the transfer and therefore no specific reply was given by the then Chief Justice of the Bombay High Court. When there is detriment in any form caused to someone and there is opacity surrounding the entire scheme of things, it causes more dismay and is completely demoralising. This was the mental framework of D.B Bhosale at that time, which was precisely two reasons. First was his unprecedented transfer and second was his transfer without assigning any reason, though communicating the reasons for transfer to a Hon'ble judge is not always mandatory. Justice Bhosale who got very emotional, told the Chief Justice of the Bombay High Court that his integrity is beyond doubt and swore in the name of

his kids. The next day he sought an appointment from the office of the then Chief Justice of India, Justice SaroshHomi Kapadia which was declined. He even tried to speak to the Chief Justice of India on the phone, but Justice Kapadia did not come on line. This made D.B Bhosale even more anxious and so he rushed to Delhi and again made an attempt to meet Justice Kapadia, but in vain. As the Chief Justice of India did not meet him, D.B Bhosale sought an appointment and met Justice Altamas Kabir, who was then the senior most judge of the Supreme Court after the Chief Justice and later on became the Chief Justice of India. Justice Altamas Kabir did not disclose the reasons for the said transfer, but told Justice Bhosale that he didn't think there's anything against his integrity. The Delhi visit also did not give peace of mind to D.B Bhosale as he was totally shattered about his transfer and clueless about the reasons which motivated his transfer. Back in Mumbai, the marriage of D.B Bhosale's younger daughter Neha was to take place on 16th December 2011. He made a representation that he may be given time till the solemnization of his daughter's marriage. He was later informed by the Chief Justice of the Bombay High Court that he has been given time till 20th December 2011 to proceed to the Karnataka High Court. In India, even today, the marriage of a daughter is still considered as a liturgy for any father. D.B Bhosale was not orthodox in his outlook, but it was the first marriage in his family and of his daughter, which he was since a long time looking forward to. And now his impending transfer had dampened the marriage mood in his house. However he was obstinate, though unhappy, he started preparing for his daughter's marriage without disclosing to her, the fact of his transfer. His transfer came as a spoiler in the marriage celebrations,

but he tried very hard not to get effected by it and fulfilled his responsibility as a father. It was now time for him to proceed to Bengaluru, which is the principal seat of the Karnataka High Court. He was given 15 days time to join. 3<sup>rd</sup> January, 2012 was a very nostalgic date for him, as this was his last day as a puisne Judge of the Bombay High Court. He never believed in missing court a single day and therefore even on his last day; he sat in court till the first session. As a customary practice, there was a lunch organised for him. Before the luncheon, senior advocates and members of the appellate side bar association met Justice Bhosale in his chamber and said that they wanted to intervene, so that his transfer may be stalled. Justice Bhosale appealed to them with folded hands, and not to make an issue out of it, and said that, he's a fighter; he will handle it and get out of it as this is a part and parcel of life. The bar adored him and so they wanted to keep a farewell for him, but he bluntly refused as this was no time for au revoir. After the lunch function which was organised for him by the puisne judges of the High Court, he proceeded to his chamber, where he was accompanied by a dozen judges of the Bombay High Court, who were his colleagues and good friends like Justice Khanwilkar, Justice More, Justice Chandrachud, Justice Vazifdar, Justice Deodhar and Justice Karnik. It was an emotional moment for all of them, as they knew each other since a long time. They were friends from the bar and their friendship continued to cement even after their elevation as Hon'ble judges. But now things were going to change as D.B Bhosale was going to another state. They had shared precious moments with each other, had argued against each other as advocates, worked together as judges, deliberated together, dined together and now things

would never be the same, as one of their jovial colleague was heading to another work environment. They bid adieu to him with a promise to constantly stay in touch, which they all scrupulously followed without any breach.

Justice Bhosale sat in his chamber and was winding up his affairs, as it was his last day in office. The list of visitors was unending. He had a certain aura around him, a charismatic personality, which naturally brought people close to him. Now as he was leaving, everyone wanted to come and say bye to him and wish him good luck for his future. His last meeting for that day was in the bar room with the lady bar members and advocates, who had requested him to join them for tea and he didn't disappoint them. It was now finally time to leave and accept a new change and challenge. With a heavy heart, he left the High Court building, which was his daily abode and integral to his life, from the time his father was active as an advocate. On reaching home, his wife, madam Arundhati was done with all the packing in advance and they left for the airport, as they had to board a flight to Bengaluru scheduled at 7pm.

After landing at Bengaluru airport, he was received with dignity and ferried to Balbrui guesthouse, a government accommodation which caters to dignitaries. As they checked in their suite, Justice Ravi Mallimath, who knew D.B Bhosale at a personal level, turned up within 15 minutes. They sipped on authentic chikmagalur coffee and made casual conversation about the city, the judicial establishment and the bar. Shortly D.B Bhosale received a welcome call from the then Chief Justice of the Karnataka High Court, Justice Vikramjeet Sen, who enquired about his journey and invited Justice Bhosale and madam

Arundhati for breakfast, the next day in the morning. At breakfast, he was treated to a sumptuous feast by the Chief and made to feel comfortable and at home. After breakfast, they all proceeded to court together, where Justice Bhosale took oath at 10.30am, after which he straight proceeded to his new court assigned to him and sat on the dais for the whole day. He was still agonised about his transfer, was experiencing a cultural change, was missing his city and colleagues, but at the same time he had to adapt and resuscitate with a new vigour, in a new setting, which he eventually started doing.

He was staying in a guesthouse which can never be a substitute to home and so he intended to move into his official residence without delay. He met the Chief Justice and told him about his desire. In the weekend, he went with his wife to see the official bungalow, which was newly constructed as a bungalow complex for High Court judges, and which was a little away from the city. The bungalow which he saw was complete, well furnished and ready to move in. Just then, he spotted Justice N.K Patil, a puisne Judge of the same High Court, who was there with his own family and was zeroing it out on a prospective bungalow for immediate occupation. Justice Patil asked him as to what was he doing there. D.B Bhosale said that he has come to see the bungalow, which he had liked and will request the Chief to allot the same to him. On hearing that, Justice Patil said that the bungalow in which D.B Bhosale is interested, is already allotted to him as he had opted for it earlier. The reality was that the bungalow in which D.B Bhosale was interested was the best and was not allotted to Justice Patil. It was somebody from the registry of the High Court, who tipped off Justice Patil about D.B Bhosale's plan to go bungalow hunting in the

weekend and that's how Justice Bhosale's choice was pre-empted. Justice Patil was senior and D.B Bhosale was mature enough to overlook these trivialities. So he settled for the adjacent bungalow and decided to move into it. But there was a little problem. This second bungalow was incomplete, it had no sewer lines, no electricity, no water, in short it was uninhabitable. So this factor again made D.B Bhosale bother the Chief. The Chief was very cooperative and assured Justice Bhosale of getting the second bungalow complete within 10 days. This literally happened and D.B Bhosale and madam Arundhati moved into their new official accommodation on 19th January. Later this bungalow complex for High Court judges was named Nyaya Gram complex, the name coined by Justice Bhosale on the request of the Chief Justice.

There is another interesting fact about Justice Bhosale's official residences. It has nothing to do with numerology and has no astrological connotations, as it may be purely coincidental. When he was a High Court judge in Mumbai, he resided on the 11<sup>th</sup> floor in Vidhi building, meant for High Court judges in south Mumbai area. When he vacated this flat, it was occupied by Justice Gavai, after him Justice Naresh Patil moved in, and later it was occupied by Justice Dharmadhikari. Out of the three, Justice Gavai became a judge of the Supreme Court and the other two honourable judges went on to become chief justices of High Court. Coincidentally, as a judge of the Karnataka High Court, the official bungalow which was allotted to him was bungalow No.11. After he vacated this bungalow, it was occupied by Justice Vineet Saran, who was transferred to the Karnataka High Court from Allahabad High Court. After that Justice Vineet Kotharimoved in



and later Justice Dinesh Maheshwari, who was the then Chief Justice of the Karnataka High Court occupied it for a brief period, as the Chief Justice house was under renovation. Interestingly, two of the occupants of bungalow No.11 became honourable judges of the Supreme Court of India. This may sound metaphysical, but it remains a fact, which sounds quite fascinating and enchanting.

In the Karnataka High Court, a tradition of annual dinner in the month of January is followed. This occasion is attended by all the honourable judges and distinguished guest. Within few days of Justice Bhosale joining the Karnataka High Court, this annual dinner function was held in the month of January, which was attended by several distinguished personalities. One of the special guests was Justice R.V Raveendran who had recently retired as a judge of the Supreme Court and was also the former member of the collegium. As his home state was Karnataka, he was a special invitee. D.B Bhosale during dinner was standing at the main course counter and helping himself, that suddenly he got a pat on his back. It was Justice Raveendran, who asked him as to how is he doing. Justice Bhosale gently said that he is okay and added that he wanted to meet him. Justice Raveendran was expecting that and said to him that he knew he wanted to meet him and told him to come over during the weekend. Justice Raveendran was the collegium member of the Hon'ble Supreme Court when Justice Bhosale's proposed transfer from the Bombay High Court to the Karnataka High Court was under consideration. D.B Bhosale finally paid a visit to the house of Justice Raveendran at 5pm on Sunday and was warmly received by him. Justice Raveendran was very cordial, introduced D.B Bhosale to his entire family and made him feel comfortable. Before D.B Bhosale could

ask him as to what had transpired which necessitated his transfer, Justice Raveendran told him that he should treat his stay in Bangalore as a vacation, as very soon he would go back to his state, which was Maharashtra. The anxiousness in D.B Bhosale remained unabated, as he wanted the answer to the question, as to why was he transferred at the very outset. He reiterated this question to Justice Raveendran and humbly requested him to at least tell him now, as to why he was transferred and whether his integrity was under question. Justice Raveendran confirmed that the question of his integrity did not even arise and the same was beyond doubt. This relieved D.B Bhosale to a large extent, but now he was going to learn about the real reason behind his transfer which nobody could comprehend. As Justice Bhosale was desperate to know the reason, Justice Raveendran could not resist not telling him. He said that 'your son Karan had contested the bar council elections, and there were allegations that you campaigned for him. This was instrumental and the primary factor behind the transfer.' D.B Bhosale was stunned to hear this and denied the allegations as fallacious and unfounded. He clarified to Justice Raveendran that, his son Karan does not even live with him in his official residence. His family is a renowned family and therefore all the supporters are family supporters who voted for his son. The last thing he would do is to canvass for his son in the state bar council elections, especially when he was now a puisne Judge. Justice Raveendran did not disagree with him and told him that this is what he and Justice Altamas Kabir, who later retired as the Chief Justice of India conveyed to the then Chief Justice of India, Justice Kapadia. They were the members of the collegium and they had deliberated on each and every

issue before taking a joint decision. He further said that he and Justice Altamas Kabir had told Justice Kapadia that there is nothing against integrity but Justice Kapadia was adamant and said that it is his state, about which he has in-depth knowledge; therefore transfer of D.B Bhosale is the only option which has to be done for his benefit and good future. Justice Raveendran then requested Justice Kapadia to at least send D.B Bhosale to his parent state which is Karnataka. So that's how Justice Bhosale was transferred from the Bombay High Court to the Karnataka High Court, a decision taken in the collective wisdom of the Hon'ble members, constituting the collegium. The transfer of Justice Bhosale was distressing for him and according to the Bombay Bar; it was a bit harsh and could be avoided. However, the collegium of the Hon'ble Supreme Court is a forum which takes collective decisions in the ultimate interest of administration of justice and judicial independence, which is the bedrock of justice dispensation system, and so, as of today, it is one of the finest in-house mechanism, which is infallible.

Justice Raveendran had categorically assured D.B Bhosale that his integrity was never in question. He was appreciated in the Supreme Court for his hard work and dedication and lastly, his transfer will not thwart the prospects of his future progress and career development. D.B Bhosale was at ease now. All his concerns were answered and now he was ready to enthusiastically discharge his judicial duties in the Karnataka High Court with full vigour and valour. This is substantiated by the fact, that in a tenure of a little less than three years in the Karnataka High Court, he disposed of about 16,000 cases. Like in Bombay High Court, he sat on dais in the Karnataka High Court for the

full allotted time, never took leaves, authored many judgements including full bench judgments, handled diverse and challenging assignments and again got the appreciation from the Bar. D.B Bhosale by now had adapted well to the enforced change in his life. Justice Kapadia had retired as the Chief Justice of the Supreme Court and was succeeded by Justice Altamas Kabir. D.B Bhosale at the very start, when he had joined the Karnataka High Court, had requested Justice Altamas Kabir to consider sending him back to the Bombay High Court. A few months later, when D.B Bhosale met Justice Altamas Kabir at a function, he unequivocally told the Chief Justice of India that his desire to go back to his parent High Court has diminished and he's quite content in being in the Deccan. For D.B Bhosale, work was worship; as such people survive in any environment and in every situation, provided they are motivated and recognised, and therefore he was now content in fulfilling his self-actualisation need, which is the highest level need in Abraham Maslow's need hierarchy doctrine.

After completing two sittings in the Karnataka High Court, Justice Bhosale was now familiarised with its working, had developed esprit de corp with other puisne judges and was well acquainted with the bar. He also won the trust and confidence of his Chief Justice, who said to him that very soon the assignments are going to change and he will be giving him tax matters. Taxation laws do not come in everyone's comfort zone. One needs to be a subject specialist in practising and adjudicating this segment of law. For Justice Bhosale too, law of taxation was an alien field, as he never dealt with the same, either as an advocate or as a judge. However, when the Chief Justice offered him taxation bench, he smiled and said that I will do justice to my new assignment. The

Chief knew very well that D.B Bhosale is a novice in taxation, but was very impressed by his reply and confidence.

The Chief Justice further told him that, 'that's the spirit and I expected this reply from you.' Then the roster came, and Justice Bhosale was made to sit with a junior judge, Justice Manohar. This made D.B Bhosale a bit nervous and he called Justice RaviMallimath and asked him whether Justice Manohar knew anything about tax matters. Justice Mallimath confirmed that the junior judge who was going to sit with D.B Bhosale had no background in taxation matters, as he was before his elevation specialising in education matters as a lawyer. This gave D.B Bhosale butterflies in his stomach. It was a Monday, the courtroom was packed with new set of lawyers, who usually practice on the taxation side and Justice Bhosale was heading the bench which was taking up matters pertaining to direct and indirect taxes. As he entered the courtroom and sat on the dais, he smiled at all the lawyers who were eagerly waiting to commence their arguments. Before the first listed matter on the board was called out, Justice Bhosale informally told all the lawyers waiting in the court that they may be under the impression that he is from Mumbai and would be good at taxation laws, but it is otherwise. He confessed to them about his inexperience in tax matters and requested them to go slow. This frankness of his was liked by the bar and they extended their full cooperation. Within a week, he got a hang of these matters and in a month's time he was comfortable in expeditiously deciding these cases on merit. He was on this bench for almost 8 months and wrote more than 50 judgements on taxation, some of which were even confirmed by the Hon'ble Supreme Court. His never say die attitude, always ensured that he triumphs over adversity.

This attitude of his of not giving up, standing his ground and making things look easy, made all his chief justices use him as a trouble shooter. Once the then Chief Justice of the Karnataka High Court, Justice Vaghela told D.B Bhosale that 'I have taken you on full bench, but on one condition, and that is, you have to write the judgement which has to be pronounced on Friday. The arguments were heard on Wednesday by the Full Bench, comprising of the Chief Justice, Justice Bhosale and Justice Nagrathna, and immediately after the conclusion of the arguments, D.B Bhosale retired to his chamber, where he dictated the judgement till 8pm. The next day he sat in court only for three hours, after which he got the judgement completed in his chamber and then shared the draft, the very same day with the Chief and Justice Nagrathna. D.B Bhosale recalls, how her ladyship, Justice Nagrathnahad extended her valuable assistance to him in finalising the draft of this aforesaid full bench Judgment.

He never compromised on timelines, and so this judgement was pronounced on Friday, which was the stipulated date. This was the reason behind every Chief Justice in the Karnataka High Court, whether it was Justice Vikramjeet Sen or Justice Vaghela, in referring sensitive matters to D.B Bhosale and taking him on full bench hearing important matters. And Justice Bhosale on his part always rose to the occasion and never let them down.

Time marched, D.B Bhosale had completed more than two years as a puisne judge in the Karnataka High Court. He was going good and was a happy man now, deeply engrossed in his work. The void of leaving

Mumbai had waned by now and he had already conveyed to the then Chief Justice of the Hon'ble Supreme Court, Justice Altamas Kabir, that he was no longer interested in going back to the Bombay High Court. It was 2014, Justice Altamas Kabir was about to demit office, paving the way for Justice R.M Lodha to take over as the next Chief Justice of India. As mentioned earlier, Justice Lodha and D.B Bhosale shared a good rapport, as they had worked together in the Bombay High Court. Justice Bhosale was in Bengaluru, when Justice Lodha was to take over as the next Chief Justice of India. Justice Lodha had called him, telling him that he is going to take oath as the Chief Justice of India and he would be happy, if D.B Bhosale would make it for the oath taking ceremony. Justice Bhosale for personal reasons could not make it for the oath taking ceremony, but met Justice Lodha later in Delhi, where Justice Lodha asked him if he still would like to go to Mumbai. D.B Bhosale candidly said no, as he knew that this was not the time to go to Mumbai, but a time to reach astronomical heights in his career by becoming the Chief Justice of some High Court. Justice Lodha had told him that he would love to do something for him, however nothing concrete happened for D.B Bhosale during Justice Lodhas tenure. Justice Lodha had a short tenure as the Chief Justice of the Supreme Court from April 2014 to September 2014. On his retirement, he wanted D.B Bhosale to be present with Madam Arundhati for a dinner function, which Justice Lodha was hosting in Delhi. D.B Bhosale instantly confirmed his presence.

At the dinner party of Justice Lodha, when D.B Bhosale was standing and having a conversation with someone, somebody from behind caught his hands. As D.B Bhosale turned back, he was stunned to see Justice

Sarosh Kapadia, the former Chief Justice of India. Justice Kapadia asked him as to how was he doing, to which D.B Bhosale simply said I'm okay. Justice Kapadia was aware that D.B Bhosale is disgruntled and said to him that, 'I know you are unhappy, but you have to understand, that at times, we are forced to take decisions'. D.B Bhosale nodded and smiled at him. The conversation did not last very long. Justice Kapadia appreciated his work, by telling him that 'I hear good things about you' and then they parted away. The next day, D.B Bhosale attended the swearing in ceremony of Justice Dattu, who was sworn in as the next Chief Justice of India on 28<sup>th</sup> September, 2014. Justice H.L Dattu was now the Chief Justice of India and Justice Ranjana Desai, to whom D.B Bhosale was very close, was now a senior member in the Supreme Court Collegium. After a few days, while in the Karnataka High Court, Justice Bhosale received a call from Justice Ranjana Desai, where she told him that, "Dilip there is good news, we are sending you as prospective chief justice of the Andhra Pradesh High Court", as then it was a common High court for the state of Andhra Pradesh and Telangana. Now this was a big surprise for him. The next moment he received a call from the office of the Chief Justice of India. Justice Dattu was online, who told D.B Bhosale that he is being sent to Hyderabad. Justice Bhosale who was sitting at the Dharwad bench of the Karnataka High Court, immediately faxed his consent to the Supreme Court. On 8<sup>th</sup> December, 2014, Justice Bhosale took oath as a judge of the High Court of judicature at Hyderabad. Later he met Justice N.V Ramana, Justice Jasti Chelameswar and Justice H.L Dattu, who wished him all the best for another challenge. Justice Dattu even told him that the reason he's been sent to Hyderabad is because the state is



close to the heart of Justice Dattu and he expects that D.B Bhosale would give his best. Justice D.B Bhosale had taken charge of the Andhra Pradesh High Court at Hyderabad as the senior most judge after the then Chief Justice, Justice Kalyan Jyoti Sengupta. There were rumours that Justice Sengupta will go to the Supreme Court shortly and Justice D.B Bhosale will step into his shoes and take over as the next Chief Justice of the High Court. However, things didn't go that way, as Justice Sengupta retired as a Chief Justice from the Andhra Pradesh High Court and Justice Bhosale took over as the acting Chief Justice. He continued to be the acting Chief Justice till 29<sup>th</sup> July, 2016 and thereafter, he was appointed as the Chief Justice of the Allahabad High Court. In fact, he was the acting Chief Justice of the Andhra Pradesh High Court for a considerable period of time, which was almost 16 months. The reason for such a long tenure as the acting Chief Justice was the proposed experiment of National Judicial Appointments Commission, popularly known as 'NJAC', which was pending finalisation. The Indian parliament, proposed to create NJAC, which would comprise of the Chief Justice of India, two senior judges of the Supreme Court, the union Minister of Law and Justice and two eminent persons. This commission would be tasked with the job of appointing judges to the higher judiciary like Supreme Court and high courts in India. As the Indian Constitution had to be amended, to give effect to this Parliamentary intent, the 99<sup>th</sup> Amendment to the Constitution and accompanying statutory enactment, establishing NJAC was passed by the Parliament of India. Finally the Hon'ble Apex Court, in the landmark judgement in Supreme Court Advocate on Record Association Vs Union of India (2016) 4 SCC 1, declared the constitutional

amendment and subsequent legislation as unconstitutional. The Hon'ble court had further held that the NJAC violated the basic structure of the Constitution because it compromised judicial independence which is a sine qua non. It was precisely because of this NJAC matter, many higher judicial appointments in the country in those years were stalled and everything had come to a standstill. Like D.B Bhosale, Justice ShiavakVazifdar, originally from the Bombay High Court, who was at that time, the acting Chief Justice of the Punjab and Haryana High Court, remained as an acting Chief for about one and a half years. D.B Bhosale could have become a permanent Chief Justice a year earlier if the NJAC controversy did not erupt and that would have definitely ensured his retirement at the age of 65. Be that as it may, his spirits were never dampened, as he discharged his duties as the Chief Justice of the Allahabad High Court, with full dedication, vigour and valour, which will be discussed later.

**Chapter-VII As Acting Chief Justice**

When Justice D.B Bhosale took oath as a puisne judge of the common High Court of Telangana and Andhra Pradesh in December, 2014 and subsequently became the senior most judge, the erstwhile state of Andhra Pradesh was undergoing a turmoil. The Telangana moment was simmering since a while. It demanded statehood and the bifurcation of the State of Andhra Pradesh and carving out a separate state of Telangana. In India, since independence, the country has faced several demands for separate statehood based on language, ethnicity and culture. The State Reorganisation Act, 1956 had accepted the linguistic principle in carving out states as federal units. During the freedom struggle, emphasis was given on vernacular languages, as a medium of communicating and disseminating information to the masses by the leaders of the freedom movement. Sopot-independence, India also adopted the linguistic criteria in reorganising states. In the later years in India, moment for separate statehood were largely shifted to better governance, greater participation, administrative convenience and economic viability in the development needs of the sub regions. This was evident in the creation of three new States of Chhattisgarh, Uttarakhand and Jharkhand in the very beginning of the new millennium. As democracy takes firm roots, aspirations of the people also grow. The hitherto neglected sections of the population get assertive and start demanding more autonomy and representation. In the context of Andhra Pradesh, in the 1950s, there was an urging demand of the people, especially in the Telegu speaking regions, for reorganisation of states on linguistic lines. In 1953, the first state of Andhra was created on the basis of language. On first November, 1956,

the Telugu speaking areas of the erstwhile Hyderabad province were merged with the Andhra state to form Andhra Pradesh. The city of Hyderabad, the capital of the erstwhile Hyderabad state, was declared the capital of the newly formed Andhra Pradesh. A year prior to the merger, the Andhra assembly had passed a resolution promising to safeguard the interest of the Telangana region. This was followed by a violent agitation, which erupted in 1969, demanding a separate state of Telangana. But it was finally in 2001, when K Chandrasekhar Rao walked out of the Telugu Desam Party (an Indian political outfit) to form the Telangana Rashtra Samiti (TRS) with the avowed objective of seeking a separate state of Telangana, the demand for separate statehood gained traction. The Indian National Congress, which was in office in 2004, entered into a political alliance with TRS the very same year, promising the bifurcations of Andhra Pradesh. The matter kept lingering around, which led to more protest and agitation by groups, which were in support and against the said bifurcations. Finally, the central government set up a high-powered committee in February, 2010, headed by former Supreme Court judge, Justice B.N Srikrishna, to engage and get into consultation with all sections of the people and stakeholders. The Srikrishna committee submitted its report, providing six options including bifurcation. The central government consulted all major stakeholders and also deliberated on the sensitive issue of the status of Hyderabad, a prosperous city in the erstwhile state of Andhra Pradesh, sharing of water resources and division of assets and other economic matters. On July 30<sup>th</sup>, 2013 the proposal for the creation of Telangana was approved in principle by the UPA (United Progressive Alliance) coordination committee and the Congress working committee

amidst large-scale protests in the erstwhile State of Andhra Pradesh. In December, 2013, the union Cabinet approved the Andhra Pradesh Reorganisation Bill, thereby paving the way for the bifurcations of Andhra Pradesh. This issue had become a very sensitive issue and several Congress parliamentarians and ministers from the erstwhile state of Andhra Pradesh had vehemently opposed the bifurcation. There was chaos and anarchy in the State of Andhra Pradesh and against this backdrop, the state of Andhra Pradesh was formally bifurcated on 2<sup>nd</sup> June, 2014 vide the Andhra Pradesh Reorganisation Act, 2014, which gave birth to Telangana as the 29<sup>th</sup> state of the Indian union with the city of Hyderabad as a common capital for a period of 10 years for both the States. This bifurcation of the state had created deep fault lines in the society. It also at the same time led to political gains, where TRS headed by Chandrababu Naidu won the Andhra Pradesh legislative assembly elections in 2014, held concurrently with the Lok Sabha elections just before the bifurcation, with overwhelming majority and subsequently headed the first government of Telangana. Chandrababu Naidu of the Telegu Desam Party, who had remained neutral to the bifurcation issue, comfortably won in the same elections and formed the government in the successor state of Andhra Pradesh. At one end, there was a feeling of triumph in the Telangana areas for achieving the objective of separate statehood and at the extreme end, there were heartburns and disillusionment in the Rayalaseema and other coastal regions of Andhra Pradesh. It had certainly created fissures in the society. For the people of Rayalaseema and other coastal regions of Andhra Pradesh, it was not only the question of financial security, but it also involved an emotive issue. Most of the people of coastal Andhra

Pradesh had their assets and businesses concentrated in the city of Hyderabad, which had now become the capital of Telangana state and this was certainly breeding financial insecurity in them. Other issues, arising out of creation of new states like, hegemony of dominant communities, sharing of inter- state water and power, distribution of assets and public services and creation of a new political capital for the successor state of Andhra Pradesh (which is now Amaravati) was looming large. Amidst such a socio- political environment, Justice D.B Bhosale took oath as a puisne Judge in the High Court in December 2014 and subsequently took over as the acting Chief Justice of the common High Court of Andhra Pradesh and Telangana, as originally envisaged by the A.P State reorganisation Act, 2014 on 7<sup>th</sup> May, 2015.

When Justice Bhosale had taken oath as a puisne judge of the High Court in December, 2014, he was made to sit with Justice Subash Reddy in division bench by the then Chief Justice. Justice Bhosale realized that there is no culture of judges meeting one another and exchanging views on common subjects in the High Court. He discussed this matter with Justice Reddy and the latter told him that hitherto, this has never happened, but he can speak to the chief justice. Justice Bhosale then met the then Chief Justice and requested him that all the puisne judges should regularly meet at least once a week for lunch, which would foster bonhomie amongst them. His request was turned down by the then Chief Justice who told him that he is on the verge of retirement and in the fag end of his career, so he's not interested in cultivating new practices. Now it was left for Justice Bhosale himself in nurturing an esprit de corps amongst puisne judges of the High Court.

One day, he met some of them in the corridor and put a proposition that they all should meet for lunch on a weekly basis. This proposition was warmly received by the other puisne judges and from then on, they regularly started meeting where they discussed several issues and problems including the bifurcation of the state. The then Chief Justice, Justice Kalyan Jyoti Sengupta had constituted a committee, which had the mandate to examine and approve the building offered by the Telangana government for shifting the High Court for a temporary period, till a new High Court of Andhra Pradesh came into existence. This building was actually a sports complex and D.B Bhosale who was the head of the committee, after inspecting the said building offered by the government, submitted his report, where the proposed building for the Andhra Pradesh High Court was rejected in limine, as the same did not meet specified standards and parameters to qualify for a High Court. His experience as a puisne judge and at the helm of affairs, gave him a bird eye view of the problem, which helped him later on when he became the acting Chief Justice, as by then, he was familiar with the working of the High Court, the equation between puisne judges, and administrative issues pertaining to bifurcation confronting the High Court.

He realised that there was no animosity between the honourable judges of the High Court hailing from the two different regions of Andhra Pradesh and Telangana and all the antagonism and unrest if any, was prevalent in the subordinate judiciary, lawyers and ministerial staff of the courts.

In May 2015, he took over as the Acting Chief of the Common High Court and these were times of turbulence. The May vacations in the

High Court had started when he took over as acting chief and Justice Bhosale decided to be in Hyderabad, where he could understand these peculiar issues and problems threadbare. Throughout the vacation, he went to court at 10.30 in the morning and returned after 3 in the evening. He wanted to get a bird eye view of the institution and also finish all the pending administrative work in the High Court. He realised that the Telangana moment had also divided the members of the subordinate judiciary including various bar associations across the state, and so he instructed the registrar general of the High Court to everyday call 3 to 4 district judges of the subordinate judiciary, so that he could interact with them and get their perspective on the bifurcation issues. Undivided Andhra Pradesh had 23 districts and now after bifurcation, 13 districts had remained in Andhra Pradesh and 10 districts were included in the newly formed Telangana state. As far as the High Court was concerned, part IV of The Andhra Pradesh Reorganisation Act, 2014, provided for a common High Court for the two States, till the establishment of a separate High Court of Andhra Pradesh under Article 214 of the Indian Constitution. He also met the office bearers of various bar associations across the states and got different perspectives of the unrest pertaining to the bifurcation. As the head of the judiciary in the state, he made all efforts in ensuring that the bifurcation issue and related unrest does not impede the justice dispensation system and administration of Justice in the States. Several lawyers in the High Court had requested him to divide the High Court building into two, where one section would be for Andhra Pradesh and the other for the newly created state of Telangana. He gave all of them a patient hearing, but did not venture into such adventurism, as



that would amount to reading too much into the act of the Parliament. He knew that The Andhra Pradesh Reorganisation Act, 2014, had made provisions for a common High Court for the two States till a new High Court for Andhra Pradesh was established, for which ten years time was provided in the act, and furthermore, when the legislative intent was clear, improvisation for administrative convenience was unwarranted. Like this, many other administrative issues, pertaining to the bifurcation cropped up, but the wisdom and acumen of Justice Bhosale always got the better of the problem.

As an acting Chief Justice, Justice Bhosale witnessed vociferous protests, agitations and boycott of courts by some members of the subordinate judiciary and lawyers of the High Court and subordinate courts. This was because he had proposed to bifurcate the lower judiciary of the state and had asked the members of the subordinate judiciary to give their options for either Andhra Pradesh or Telangana respectively. Large number of subordinate judges from district courts, originally belonging to Andhra Pradesh, exercised their option to remain with Telangana, affecting seniority of Telangana judges. On the other hand, Telangana judges, lawyers and employees did not want Andhra Pradesh judges and employees to stay in Telangana. This led to a perturbation amongst members of the subordinate judiciary from Telangana. Even the lawyers associations of the High Court joined the protest. Justice D.B Bhosale in the capacity of an administrative head of the institution was confronted with a lot of issues, and at times had to take a serious view of few incidents and take action against erring lawyers and employees. The court employees had started non-

cooperation with Telangana judges in the subordinate courts. There were many petitions filed on judicial side in the High Court pertaining to the bifurcation issue and Justice Bhosale expeditiously disposed of all, without granting adjournments, and ensured that unscrupulous elements and interlopers are not able to thwart his decisions on the administrative side pertaining to the bifurcation of the subordinate judiciary by invoking the writ jurisdiction of the court. There were unruly scenes witnessed in the corridors of the High Court and streets, which will go down in the annals of history as unpleasant and unpalatable events. Several lawyers picketed the chamber of Justice Bhosale and gave an ultimatum to revoke the decision of bifurcation of the subordinate judiciary, failing which the members of the bar will close down the functioning of the High Court by use of force. Now a threat like this is a sure recipe for chaos and anarchy and can startle any head of an institution. It requires mettle and guts to stand up to the occasion and take on an organised body of lawyers, who are an important pressure group and the fifth estate of our democratic setup. At the same time, street protests by the judicial officer's association, employees association in utter disregard to service rules governing them only compounded the problem for Justice Bhosale.

DB Bhosale could not be a silent spectator to this simmering issue and so he decided to meet the then Governor of the State and bring the issue of these real threats to the knowledge of the gubernatorial authority. He apprised the Governor of the situation and told him that the bar association has given a threat to close down the High Court and not even allow judges to enter the precincts of the High Court. The then Governor was E.S.L Narasimhan, who was a seasoned administrator, a

former Indian police service officer, former Director of the intelligence bureau and the first governor of the newly formed state of Telangana. After hearing Justice Bhosale spell out his apprehensions, Mr. Narasimhan asked him in very candid terms that what can he do as a governor in such a situation? D.B Bhosale had anticipated this reply and therefore he had gone fully prepared after reading the provisions of the Andhra Pradesh State Reorganisation Act, 2014. He brought the attention of the Governor to section 8 of the state reorganisation act which dealt with the responsibility of the Governor to protect the residents of common capital of Hyderabad. It provided for a special responsibility of the Governor for the security of life, liberty and property of all those who reside in Hyderabad. By virtue of this section, the Governor was duty bound to protect the lives of the people and ensure maintenance of law and order, internal security and security of all vital installations and management and allocation of government buildings in the common capital area. Of course, this power had to be exercised by the gubernatorial authority in extreme and grave circumstances after consulting the council of ministers. Mr Narasimhan was aghast at this proposition and retorted by asking D.B Bhosale that “you expect me to take law and order of the state.” Justice Bhosale clarified and unequivocally told him that he is only reminding him of his powers enshrined in the reorganisation act, which has to be exercised sparingly and in exceptional circumstances, when the situation at the ground level goes haywire. This assessment of the deteriorating law and order situation is the subjective satisfaction of the Governor and so D.B Bhosale reminded the Governor of his statutory obligation, from which no aberration can be made. The Governor, finding himself in a Catch-22

situation, told Justice Bhosale that the Chief Minister will be meeting the latter shortly to deliberate on this issue. Justice Bhosale left Raj Bhawan and had just reached home and within an hour, the Chief Minister, the Chief Secretary, the director-general of police and other top officials landed up in Justice Bhosale's official residence. D.B. Bhosale in the meantime had requested two of his colleagues, who were senior judges of the High Court to join him in the meeting with the Chief Minister. Justice Bhosale requested the Chief Minister that if the law and order situation is not controlled and if there is any obstruction and picketing of the High Court, he would be constrained to pass appropriate orders on the judicial side. At this, the Chief Minister assured absolute cooperation from the government and to provide a three-tier security perimeter to the High Court. This was instantly done and at last, the blockade of the High Court building accompanied by possible vandalism and hooliganism was averted. When it came to safeguarding the interest of the institution, Justice Bhosale always led from the front as a Sentinel, never shied away from taking bold decisions and most importantly, had the courage to face the repercussions.

The next important problem which he had to address and on which he was required to take a firm decision, was on the street protest by some judicial officers of Telangana. Justice Manavendranath Roy of the Andhra Pradesh High Court, who was before elevation, the then Registrar General of the High Court of judicature at Hyderabad of Andhra Pradesh and Telangana told me that the harsh decision to initiate disciplinary action against the erring judicial officers was taken

by Justice Bhosale after due deliberation and consultation with the administrative committee of the court and after initially suspending them, Justice Bhosale revoked their suspension as he was not inclined to retrench them from service. His human side had again outweighed and prevailed over other considerations. Now coming back to this issue of public demonstration of resentment by members of the subordinate judiciary, it is a matter of fact that some judicial officers of Telangana had vehemently opposed the proposition to bifurcate the subordinate judiciary and give options to judicial officers from Andhra Pradesh to opt for Telangana cadre. Xenophobia and chauvinism loomed large in some sections and quarters and this motivated some judicial officers from the newly formed state of Telangana to fiercely oppose the bifurcation move and cadre option outright. This move was against the very tenet of public service and a departure from the two basic principles, which are anonymity and neutrality. Moreover, it was a grave violation of conduct rules governing a public servant and was unbecoming of a judicial officer. Justice Bhosale was a man of compassion and believed in forgiveness, but this conduct by some judicial officers by openly challenging the authority of the High Court was the highest form of misconduct and indiscipline. It was a hard decision for him, which he took as the last resort. In the ultimate interest of the institution, Justice Bhosale suspended some judicial officers from Telangana, who had led the protest against the High Court. As this issue was gradually snowballing into an irreconcilable controversy, D.B Bhosale immediately flew to Delhi, so that he could apprise the Chief Justice of India of these facts. As the Chief Justice of India was not available, D.B Bhosale met Justice J.S Kehar, who later

on became the Chief Justice of India and brought all these facts to his knowledge. He told Justice Kehar that with a heavy heart and reluctantly, he has suspended the agitating judicial officers of Telangana as the sanctity of the institution was at stake. At this, Justice Kehar told him that “look Bhosale, if all goes well, everyone will take credit for these drastic decisions, but if things go haywire, you will have to fight a solitary battle, as nobody would stand by you.” Justice Bhosale told him that he is aware of the ramifications of his decision and he is ready to face all the consequences emanating from his decisions. Justice Bhosale was not a man who would retract his decisions, and the sole idea to go to Delhi and meet the Chief Justice of India or any collegium member of the Apex Court was to apprise the facts and circumstances to them in person, which is a courteous and decorous conduct always found in the judiciary and seldom found in other institutions of the state. D.B Bhosale was now back in Hyderabad, where a full court meeting of the honourable judges of the High Court was held, where the suspension of some of the judicial officers from Telanganawas on the agenda. A full court meeting, is a mechanism consistent with democratic virtues, where all issues are discussed threadbare and a collective decision is taken by the honourable judges after due deliberation. In this full court meeting, which was held in the month of April 2016, the decision of Justice Bhosale to suspend some of the judicial officers from Telangana for misconduct and indiscipline was ratified by a majority of judges. However, later on when an apology was tendered by the suspended officers and as they realized their mistake; their suspensions were revoked on humanitarian grounds.

Justice Manavendranath Roy of the Andhra Pradesh High Court, who was before his elevation as a judge, the then Registrar General of the common high court of Judicature at Hyderabad for the state of Telangana and Andhra Pradesh from 03-7-2015 to 31-12-2018 has been kind enough to share his perspective on the stint of Justice Bhosale as the acting chief and I would in verbatim quote Justice Roy, as he worked in close association with D.B Bhosale, so that the stint of Justice Bhosale as the acting chief is illuminated in its proper perspective and context.

He asserts that “Justice Bhosale was transferred from the High Court of Karnataka to the High Court of Hyderabad in the month of December, 2014. He was J.2 by then in the High Court of Hyderabad. As a puisne Judge, he used to actively participate in Committee meetings as a Senior Judge and render valuable services. Whenever he had an occasion to visit any district, he used to silently pick up the most talented, the efficient and the dynamic District Judges for the purpose of assigning any responsible posts to them in the administration of the High Court in future. That is the excellent quality inherent in Justice Bhosale. I was working as Chairman of A.P. VAT Tribunal in Vizag by then. Justice Bhosale twice visited Vizag on both official and unofficial work as a puisne Judge. He used to interact with all the Judicial Officers very closely and share his views with them and invite their views as to how to streamline the administration in the Judiciary in the State and he used to collect valuable information from the Judicial Officers which may be useful to him as valuable inputs in future to streamline judicial administration. Justice Bhosale was transferred from High Court of Karnataka to the common High Court of Hyderabad in the month of

December, 2014. At that time, Justice Kalyan Jyoti Sengupta was the Chief Justice of the common High Court. Justice Bhosale was J.2 by then. On account of agitations and demands made for establishment of separate High Court and division of Subordinate Judiciary, the then Chief Justice had kept all the issues relating to bifurcation of the State of Judiciary pending on the pretext that Writs are pending in the High Court and the Supreme Court. Justice Kalyan Jyoti Sengupta retired in the month of May, 2015. Thereafter, Justice Bhosale had taken the reins of the administration of the High Court as the Acting Chief Justice with effect from 07-5-2015. He was the Acting Chief Justice of the common High Court from May, 2015 to July, 2016 almost for a period of 14 months. Immediately to assuage the disgruntled Advocates of the High Court and to solve the problem relating to the burning issue of bifurcation of the High Court, as a first step, he had taken up the task of allocating the sitting Judges of the High Court to both the States of Andhra Pradesh and Telangana and he had taken options from the Judges and had sent a report to the Supreme Court and the Central Government. Based on his report, the division of sitting Judges of the common High Court was effected allocating the Judges to both the States of Telangana and Andhra Pradesh. This initial step taken by him to solve the problem of the agitating Advocates, instilled confidence in them that he would take further steps for bifurcation of the High Court. He had also taken steps for division of the Judicial Officers of the Subordinate Judiciary to allocate them to both the States. A Committee was constituted to that effect. However, there was a demand from the Judicial Officers hailing from the State of Telangana and also from a few Judges from Telangana that senior



Judicial Officers who hail from Andhra Pradesh shall not be allocated to the State of Telangana. There was difference of opinion among the members of the Committee as the majority view was that the division of subordinate Judicial Officers shall be effected as per the norms of the Constitution and as per law under the A.P. Reorganisation Act and that they have to be allotted as per the option exercised by them. The matter was referred to the Full Court and majority of Judges also took the same view. Since it was the majority view, the same was approved and provisional allocation of the Judicial Officers was made on 03-5-2016 as per the option exercised by the officers. Consequently, there was unrest among the Judicial Officers who hail from the State of Telangana. The disgruntled officers openly initiated agitation which ultimately led to making a parade by the Judicial Officers on the public road leading to the procession to the Governor's bungalow i.e. Raj Bhavan in the month of June, 2016. Advocates from the State, Judicial staff working in the Subordinate Judiciary joined the agitation of the Judicial Officers and there was total furore in the State and turmoil almost brought the very functioning of the Judiciary in the State in the Subordinate Courts to a standstill. At that crucial juncture, Justice Bhosale with his natural ability, leadership qualities and administrative skills bravely faced the situation. Undaunted and unperturbed by series of events that took place in the process of agitation both in the High Court and in the subordinate courts, he stood bravely with the cooperation of the other Judges of the High Court and brought the situation under control by initiating all measures as per law to control the agitation initiated by Judicial Officers by suspending them and initiating disciplinary proceedings against them. Ultimately, Judicial Officers realised their

mistake in agitating against the High Court and gave up their agitation and the office bearers of the association tendered an unconditional apology in writing to the High Court. Despite some opposition in the Administrative Committee, Justice Bhosale with humanitarian considerations, persuaded the Committee members to accept the apology of the officers and revoked the suspension of all the officers. These steps taken by him restored the situation to the normalcy and the functioning of the Judiciary both in the High Court and the Subordinate Courts started going on smoothly. In my opinion, in the said situation, only able, brave and efficient leader like Justice Bhosale alone could deal with the said situation and restore normalcy. In the said process, he even incurred some displeasure from the Government. Yet he stood by his conviction and did not yield to the pressure and did not allow the image of the Judiciary to go down. In fact, he kept the glory of the Judiciary triumphant with his adroit administration. Justice Bhosale will be remembered forever in the annals of the history of the common High Court for the leadership role he played during the period of crisis.”

Now amidst this high decibel controversy pertaining to the bifurcation of the state, Justice Bhosale still found time for a light moment and a little get together, which would be a stress buster. He was a man always on his toes 24 x 7, for whom work was worship, but he always struck a balance between work and leisure. For him, leisure was to spend quality time with his colleagues, which would foster camaraderie, team work and team spirit. This is an important managerial trait, which was

in built in Justice Bhosale. While spending quality time with colleagues and family, he played the perfect host and never let any intrusive thought or event dampen the occasion. A little incident which D.B Bhosale shared with me is worth mentioning. It was 31<sup>st</sup> December, 2015 and D.B Bhosale had organised a new year gathering at his official residence, where all the judges of the Andhra Pradesh High Court were on the guest list. There was a 'Hyderabadi gazal' programme on the cards to entertain the guests. The bifurcation controversy had divided people of the State, created rifts and disillusionment, and therefore, everybody who attended Justice Bhosale's New Year gathering, hoped that the onset of the New Year would bring in peace, prosperity and development to the two divided states of Andhra Pradesh and Telangana. As the guest were in high spirits completely mesmerised in the gazal programme and digging in the hyderabadi delicacies, which were on the menu, an unfortunate news was broken to Justice Bhosale by his personal secretary which had the potential to spoil the party. His P.S came to him at 10.30 PM and told him that there is a call for him from Pune. It was the brother-in-law of D.B Bhosale on the line, who told him that Justice Bhosale's mother-in-law had just passed away. After hanging up, he immediately told his P.S to book two tickets for pune and then by pretending to look cool and composed, he was back in the party. This news was not revealed by him to anyone including his wife as he did not want to spoil anybody's mood and cut short the occasion. He was certainly not happy, grief was evident on his face, but he ensured that he puts on a brave face and conceals his emotions. A little later, he told his good friend, Justice Naresh Patil, who subsequently retired as a chief justice of the Bombay High Court, to

wait with his wife and not to leave the party, once people start dispersing. The party wound up by 1 PM and thereafter D.B Bhosale broke the news to his wife, Justice Patil and his family. The next day early in the morning at 6:30 AM, he and his wife, took the first flight to Pune, where he attended the cremation of his mother-in-law and after staying there for a day, he was back in office the next day in Hyderabad. Justice Bhosale as a man of steel, but with a soft heart, always struck a perfect equilibrium between peer and family, recreation and work and notwithstanding the professional challenges and personal distress which he faced at times, he never succumbed and always handled every situation boldly and intrepidly.

Irrespective of the bifurcation turmoil, D.B Bhosale was very much concerned about other administrative issues confronting the judiciary like the pending vacancies in the higher judiciary and subordinate judiciary of the state. He made sincere efforts to address the backlog of vacancies and during his tenure as the acting Chief Justice; he ensured that the gap between the sanctioned vacancies and actual strength in the High Court is substantially reduced. Justice Bhosale had recommended 11 names for appointment as High Court judges, from which, six were from the bar and five from the service and all those names recommended by him were cleared for appointment. It would be pertinent to state, that from the above 11 names recommended by him, one name which he recommended for appointment as High Court judge was a district court lawyer practising in the Visakhapatnam district court. This was an aberration from the customary practice of only appointing practising lawyers in the High Court as judges of the

Superior Courts. This proposition mooted by D.B Bhosale in recommending a district court lawyer for appointment as High Court judge was quite unconventional, which invited dissent from his colleagues in the High Court. When opposition to this proposition of Justice Bhosale was made in the collegium of the Andhra Pradesh High Court, he gave the example of his father, Sri Babasaheb Bhosale, who as Law Minister had recommended several district court lawyers for appointment as High Court judges, as in those days, the collegium system did not exist, and several district court lawyers like Justice Samre, Justice Ashok Desai and Justice Lone were appointed as honourable judges of the Bombay High Court. So there was a precedent of appointing district court lawyer's as High Court judges but it was seldom followed and perpetuated. D.B Bhosale was of the view, that there was immense talent in the district courts which has not been properly harnessed. If district court lawyers are considered for appointment as High Court judges, it will motivate them to give in their best and achieve high standards of professional excellence, which will ultimately benefit the chariot of Justice. This district court lawyer, which Justice Bhosale was recommending for appointment as High Court judge was none other than Mr.Somayajulu, who was eventually elevated as a puisne Judge of the Andhra Pradesh High Court. Justice Somayajulu was having a flourishing practice as alawyer in the Visakhapatnam district court before being elevated as a High Court judge. He is the son of late Mr. D.V Subha Rao, former chairperson of the Bar Council of India, with whom Justice Bhosale had excellent relations when he was member of the bar Council of India. As a lawyer, Justice Somayajulu was a prominent personality in the Visakhapatnam

district court and an epitome of knowledge and excellence. As an acting Chief Justice, when Justice Bhosale visited the Visakhapatnam district court on an official visit, he learnt about Justice Somayajulu and after gathering relevant information about him through the then district judge of Visakhapatnam, he persuaded Mr Somayajulu to consider the prospect of being elevated as a judge of the High Court. Mr. Somayajulus practice was solely confined to the district court and so, Justice Bhosale asked him to appear before him and other collegium members in the High Court, which he readily did. Finally, the collegium of the Andhra Pradesh High Court, led by Justice Bhosale agreed on the name of Justice Somayajulu, and now it was for the Hon'ble apex court to consider this recommendation made by Justice Bhosale. D.B Bhosale was in Delhi to meet the then Chief Justice of India, Justice T.S Thakur. It was an official meeting which he was required to attend. As D.B Bhosale waited in the waiting lounge for the Chief Justice of India, Justice T.S Thakur walked in that very moment and the first thing which he told D.B Bhosale was 'tumko High Court main koi mila nahin kya' (didn't you find anybody in the High Court). This was an obvious reference to Justice Somayajulus candidature proposed by Justice Bhosale. D.B Bhosale, in response, told the Chief Justice of India that Mr. Somayajulu is the best and, he has recommended his name after extensive enquiry and with a sense of responsibility. Justice T.S Thakur said 'let us see' and the topic of Justice Somayajulu abruptly ended. Subsequently, the name of justice Somayajulu was cleared by the Supreme Court collegium, and he was elevated as a judge of the Andhra Pradesh High Court. As of today, he is considered as one of the best judges of the Andhra Pradesh High Court.

I had an opportunity to have a discussion with Justice Somayajulu on the above context and his Lordship was kind enough to share his perspective with me and I quote the same as under.

His Lordship says that “I was essentially a practicing advocate from the District Court. Justice Bhosale had this idea of elevating people from the District Court also to the High Court. It was his opinion that there are many talented people in the Districts, who can be elevated to the High Court. After his posting at Hyderabad and when he began to function as an Acting Chief Justice, he mooted the idea of elevating District Court lawyers to the High Court. This idea found support from a few like-minded judges also. Thereafter, Justice Bhosale pursued the idea vigorously and relied upon the few earlier precedents in other States to elevate a District Court lawyer to the High Court. In fact, when he sounded me out, Justice Bhosale mentioned about his father late Barrister Babasaheb Bhosale and his father’s respect for some trial Court lawyers from Maharashtra, who according to Justice Bhosale were extremely talented counsels and deserved to be elevated. He had high respect for lawyers from the Districts and therefore he actively pursued this idea once he came to Hyderabad.”

“Justice Bhosale was in the Bar Council of India along with my father, who was the Chairman of the Bar Council of India. Their acquaintance blossomed into a good friendship. He also respected my father’s intellect and character. Although my father was a District court lawyer he was elected as the Chairman of the Bar Council of India for two terms. This itself was a record of sorts. Even my late father had very high respect for Justice Bhosale and always praised him in the best of the words. He always used to say despite his standing in the Bombay,

despite being son of a former Chief Minister Justice Bhosale is one of the most humble men that he had met.”

“It was my good fortune that when Justice Bhosale was posted in Andhra Pradesh my name surfaced in the enquiries that he has made. The law as it stands does not preclude the District Court Lawyer from being appointed as a Judge of the High Court. However, it took high courage to convince everyone that even a District Court Lawyer could be appointed provided he satisfied all the other parameters that were required for appointment as a Judge. In my case all the parameters like income, quantity and quality of work etc., were all found to match the requirements. Cases in which I appeared, which went to the superior courts, were also considered. The only drawback was that I was from the District Court. Justice Bhosale ensured that this was not a major drawback and pursued the idea.”

D.B Bhosale was not only compassionate with an eye for talent, but was a man full of humility with utmost respect and love and affection for his friends and colleagues. A little incident which occurred in Vishakapatnam district court will describe the above point in its entirety. Justice Somayajuluavers thatin the District Court at Visakhapatnam like in many other District Courts, there are no separate chambers for lawyers.The lawyers sit in certain designated places in the Court corridors or in the Bar room. In the Visakhapatnam District Court,the office files used to be placed at a particular spot in the corridor. Next to the files were a table and a chair. Late Advocate Subharao, the father of Justice Somayajuluuse to sit at the table and chair, while waiting for his case to be called.



Justice Bhosale had visited the Visakhapatnam district court as the Acting Chief Justice of the State of Andhra Pradesh after the demise of Advocate Subharao. He endeavored to find out where late Subharao used to sit, and then went up to the Chair and offered his namaskarams/pranams (a mark of respect) to that chair.

Mr. Subharao had passed away in December, 2014, which was just a week after Justice Bhosale took charge at the High Court. DB Bhosale did not know this. Once he realized that the father of Justice Somayajulu was no more, he managed to get his number and offered his condolences to his family. This event speaks volumes about the humility and goodness of D.B Bhosale, as any other person of his standing and stature would seldom act in such a manner. As the Acting Chief Justice he need not have called a District Court lawyer. As an Acting Chief Justice on an official visit to the city of Visakhapatnam, he need not have offered his pranams (respect) to the seat / chair where the father of Justice Somayajulu sat. This discloses the true nature of D.B Bhosale and this is an incident that very few people are aware of and it singles him out from the rest, as a man of humility, simplicity and greatness.

In his stint for 15 months as the Acting Chief Justice, D.B Bhosale acted as a catalyst and a harbinger of change. He tried to usher in several reforms and steps in the area of infrastructure, which would ultimately benefit all the stakeholders. According to Justice Roy, during the tenure of Justice Bhosale as the Acting Chief Justice of the common High Court, he had initiated several measures conducive to the advocate community which ultimately helped in smooth running of the

administration in the High Court. Justice Roy shared with me a list of initiatives, taken by Justice Bhosale in the area of infrastructure, which will be relevant to mention and are as follow:

Justice Roy notes that;

(A) He took steps to install Digital Display Boards in the premises of the High Court to enable the advocates and the litigant public to know about the proceeding going on in various Court Halls.

(B) He also introduced the system of sending SMS alerts to the advocates through their profile phones wherever they are before their matter comes up for hearing in the concerned Court to enable them to attend the respective Courts.

(C) He took steps to establish E-Court in the common High Court which is first of its kind and got it inaugurated by Justice Madan B. Lokur, the then Judge of the Supreme Court of India.

(D) He had also beefed up the security measures in the High Court by taking steps to construct X-ray Baggage Inspection System at the entrance of the High Court and got it inaugurated by senior Judges of the Supreme Court in the month of March, 2016.

(E) During the tenure of Justice Bhosale, All India Seminar of Legal Services Authority was organised under the aegis of the common High Court of Hyderabad in which Judges from all over the country from various High Courts participated. Chief Justice of India was the Chief Guest of the said Seminar and other senior Judges of the Supreme Court also participated in it. It was a big event which brought laurels to the common High Court of Hyderabad. As Acting Chief Justice he used to monitor minute to minute programme by giving

suitable instructions to the Registrars by holding frequent meetings with them.

(F) He had also organised State Level Judicial Officers' Conference of both the States in the month of March, 2016 for two days in Hyderabad. Five Senior-most Hon'ble Judges of the Supreme Court graced the occasion. It proved to be a successful conference which helped the Judicial Officers to heave their skills to enhance their legal knowledge.

(G) By the time he had taken charge as the Acting Chief Justice, the issue relating to filling up of the vacancies of Judges in the High Court and in the Subordinate Judiciary was pending for a long time. He had taken up the task of filling up the vacancies in the High Court. He also took steps to implement the proceedings issued for enhancement of the sanctioned strength of the High Court Judges from 49 to 61 which were also pending for a long time. It is because of his effort, the Judges' strength was increased from 49 to 61. When the working strength was only 23 as against the sanctioned strength of 61 in the High Court, he had taken steps to recommend 10 names for appointment as Judges. Four names from Service and six names from Bar from both the States were recommended by him and they are subsequently appointed as Judges of the High Court.

(H) He had taken up steps to fill up the vacancies in the Subordinate Judiciary to comply with the direction of the Supreme Court given in Malik Majhar case. He gave promotions to various Judicial Officers in various cadres who were eligible and were eagerly waiting for promotion.

So the above are the kind observations of Justice Roy, who was the then Registrar General of the High Court and had closely worked with Justice DB Bhosale on the above mentioned aspects.

These were some of the measures initiated by DB Bhosale, which were his priority areas, and they were later replicated in the Hon'ble Allahabad High Court, which is to be discussed later. Thus, within a short tenure of 14 months as Acting Chief Justice, he demonstrated courage and decisiveness and ushered in development and improvement both on judicial side and on the administrative side.

Justice Bhosale's capabilities, proficiency and charismatic personality, always ensured that he wins hearts and makes friends across a large spectrum. He is still remembered and admired by Hon'ble Judges, advocates, judicial officers and administrators in the state of Andhra Pradesh and Telangana for his competent handling of the bifurcation turmoil and firm decisions on the administrative side.

Justice Roy over enthusiastically affirms that "Justice D.B Bhosale is a hard working man. His time management and work management is really a matter of high appreciation. I have never seen such a hard working personality with such excellent time management and work management throughout my career till now. He works hard both on administrative side and also on judicial side. He is possessed with excellent leadership qualities. Above all, he is a wonderful human being. His hospitality and the way he treats the officers and staff who work with him with love and affection is another excellent quality inherent in him. Therefore, he is an embodiment of all good qualities required as a leader holding highest authority at the helm of affairs. The

Members of the Bar also treat him with high respect and esteem. He was always in the forefront to solve any problem which the Members of the Bar faced. His tenure as Acting Chief Justice of the common High Court was really a memorable tenure which every stakeholder i.e. Judges of the High Court, Members of the Bar, Registrars, Employees of the High Court, Subordinate Judicial Officers and the litigant public would cherish throughout their span of life and remember his reminiscences forever. He has rendered yeomen services to the common High Court and to the State Judiciary of both the States. Judicial Fraternity is deeply indebted to him for the valuable services rendered by him for the common cause of all the stakeholders of the Judiciary.”

Justice Somayajulu also has some kind observations about D.B Bhosale, which he wanted me to outline. He says that the general perception of the Bar of Justice Bhosale as an administrator and a Judge is that, “he’s a man of guts and profound experience. He is very patient in his hearing. Nobody went back dissatisfied from his Court. On questions of law he was clear. Any finding was given only given after patient hearing. Even the junior members of the Bar got a patient hearing. His Court room was always calm and there were never tension of appearing in the Court of Chief Justice. He walked with equal ease with the princes and the paupers as the saying goes.”

I lastly conclude by saying that Justice D.B Bhosale's tenure as an acting Chief Justice was a formidable challenge for him, especially in the context of the bifurcation tumult and other administrative issues confronting the high court. Notwithstanding that, he delicately handled the situation with utmost care and responsibility and converted the challenge into a fruitful tenure, which eventually prepared him to play a bigger role at a later stage as a fully fledged Chief Justice of one of the largest high courts of the country.

**Chapter-VIII****Journey to Allahabad.**

Sometimes life is all about surprises and at times, the most unexpected happens when you're not really prepared for it. In the month of May 2016, Justice D.B Bhosale, who never believed in taking holidays, the workaholic which he was eventually decided to go on a vacation with his family to Sikkim (a state in the north-eastern part of India) on shutting down of the High Court for summer vacations. Justice D.B Bhosale was then, the acting Chief Justice of High Court of judicature at Hyderabad (now the Telangana High Court). The High Court was shut for its annual summer vacations and as the mercury levels were rising and the scorching heat was becoming unbearable, Justice Bhosale was scheduled to undertake a well-deserved leisure travel to Sikkim along with his family. As he was permanently dwelling in Mumbai and as it was not bizarre for guys from (Bombay) Mumbai, who on account of profession or otherwise were stationed outside the island city of Mumbai, to every now and then flock to Mumbai whenever possible, and therefore Justice Bhosale had come to Mumbai and had an early morning flight on 4<sup>th</sup> May 2016 from Mumbai via Kolkata bounded for Sikkim. A day before his scheduled leisure trip, Justice Bhosale was in Sahayadri guest house (a state government guest house in Bombay which houses dignitaries). It was a quaint evening of 3<sup>rd</sup> May 2016. Justice Bhosale had finished his regular meetings with friends and acquaintances. In the night at around 11 PM, Justice Sharad Bobde, the former Chief Justice of India and at that time, a Hon'ble judge of the Supreme Court who is a comrade of Justice Bhosale, called him and congratulated him by breaking the news to him that he has been made permanent Chief Justice of the High Court. There was not much

elaboration on this and considering the time of the day, Justice Bobde hung up leaving Justice Bhosale happy and pleased. Justice Bhosale though ecstatic on hearing about his exalt, was not stunned by the same as he had anticipated that happening sooner or later. When Justice Bhosale was the acting Chief Justice of the High Court of judicature at Hyderabad, he had received and attended to the then Chief Justice of India, Justice T.S Thakur at Vishakapatnam for a Naval fleet function in which Justice Thakur was the chief guest and was accompanied by his senior most colleague and collegium member, Justice J.S Kehar who also subsequently became the Chief Justice of India. At that time, Justice Bhosale was tipped off by the Chief Justice of India, that his name is under consideration for being made the permanent Chief Justice at Hyderabad. Therefore, Justice Bhosale had legitimately expected that coming and so on being congratulated by Justice Bobde on the night of 3<sup>rd</sup> May 2016, Justice Bhosale was immensely pleased but not astonished. The next morning, he boarded a flight with his family from Mumbai airport to Sikkim and he landed at Kolkata for a brief stopover, as it was not a direct flight. He was sitting in the aircraft at Kolkata airport for a brief stopover when his phone rang and as he answered the call, the person on the other end was Justice Vineet Saran, who was then a judge of the Karnataka High Court. The first few words of Justice Vineet Saran were congratulations and welcome to Allahabad. This bewildered Justice Bhosale and he clarified that he has no plans to visit the holy city of Allahabad in the near future. To this Justice Vineet Saran retorted that Justice Bhosale is coming to Allahabad in the capacity of a Chief Justice of the Allahabad High Court. Now this was surely a surprise, as Justice



Bhosale had never in his wildest imaginations contemplated that the prospective office of the Chief Justice ship would take him into the alluvial plains of the country. Till he had answered the call, he was under a misconception that he was made a permanent Chief Justice of Hyderabad High Court and the telephonic revelation by Justice Saran had certainly come as a shock to him. The initial reaction of Justice Bhosale on this breaking news was not very positive for twofold reasons. Firstly, he had some misgivings about the socio-political environment howsoever fallacious about the state of Uttar Pradesh and it was compounded by certain negative remarks made by eminent people from the legal fraternity about the constitutional offices in the state. This misconceived notion of Justice Bhosale subsequently changed, when he set foot in the State of Uttar Pradesh and headed one of the oldest and most gargantuan High Courts of the country. The second reason which created pessimism in Justice Bhosale was that, he as the acting Chief Justice of the Hyderabad High Court, initiated several measures for improving the infrastructure of the state judiciary and many other welfarist steps for the judicial officers of the State and halfway through this unfinished business, he was being transferred to another High Court and that certainly did not make him happy. After the exchange of courtesies and ending of the call with Justice Saran, Justice Bhosale immediately called another well wisher of his, who was Justice N.V Ramana, who later on became the Chief Justice of the Supreme Court and shared his anxieties and concerns. At that very moment, Justice Bhosale received a call from his P.S Sarfaraaz who was in the Hyderabad High Court and the latter told him that a letter has come from the Supreme Court, which proposes to make Justice Bhosale

a permanent Chief Justice of the Allahabad High Court and his consent has to be accorded for the proposition to fructify. By now, after having a word with Justice N.V Ramana and after pondering over the proposition, Justice Bhosale had come to terms with the surprise and was inclined to take up the new challenge and the opportunity with all guns blazing. The moment he landed, he headed for the nearest district headquarters and faxed his consent letter to the Supreme Court from the office of the local district judge of the said district headquarters. This was followed by his Lordship cutting short his vacation and immediately heading to Delhi on the 5<sup>th</sup> of May, sans his family which continued to complete the vacation at Sikkim. On reaching New Delhi, Justice Bhosale sought an appointment from the Chief Justice of India. Justice T.S Thakur who was the then Chief Justice of India told Justice Bhosale that on the 3<sup>rd</sup> of May 2016, the collegium of the Hon'ble Apex Court had resolved to elevate his Lordship, Justice D.Y Chandrachud who was at that time the Chief Justice of the Allahabad High Court, as a judge of the Supreme Court and in the hunt to find a successor to Justice Chandrachud, the collegium unanimously zeroed it out on Justice Bhosale. After meeting the CJI and giving his consent, Justice Bhosale went back to Hyderabad and started winding up his affairs and waited for the notification and presidential warrants to be issued.

It was 27<sup>th</sup> July, 2016 and the news was buzzing that the notification of Justice Bhosale as the Chief Justice of the Allahabad High Court was going to be issued by afternoon. Justice Bhosale was sitting with his colleagues in the Hyderabad High Court, as they all had planned a grand farewell for him. Justice Bhosale was adamant that no farewell shall take place till the notification actually comes. At 3:50 PM,

Sarfaraaz, P.S to the acting Chief Justice came running and broke the news about the publication of the said notification. After the exchange of pleasantries, it was hurriedly decided to keep the farewell at 4:30 PM on the very same day. Wait and anxiety was now transformed into jubilation and everybody was now enthusiastically ready to bid a grand adieu to Justice D.B Bhosale. After the farewell given by the honourable judges and bar of the Hyderabad High Court, Justice Bhosale also attended a farewell given in his honour by the judicial Academy of the state on the same day, which was followed by a dinner function at the residence of the Chief Justice, which went on beyond 12 AM and which was attended by all the judges and other dignitaries in honour of Justice Bhosale. The fact that Justice Bhosale had an early-morning flight at 6 AM on 28<sup>th</sup> July, 2016 for Varanasi did not damp the revelry. On the 28<sup>th</sup> morning in the wee hours, Justice Bhosale who had barely slept, woke up early in order to leave for the airport as he was travelling to varanasi and eventually from there to Allahabad where he was due to take charge of his new assignment. At the airport just before boarding, when Justice Bhosale along with his wife went to the VIP lounge, he was startled to see 8 to 10 judges of the Bombay High Court waiting there well in advance. As Justice Bhosale asked them that where do they intend to travel en masse, he was stunned to learn that they had assembled there, so that they could all accompany him for his swearing in ceremony at Allahabad. Justice Bhosale felt very touched by this gesture, as this was a patent demonstration of camaraderie by his former colleagues. There was more surprise to come and as Justice Bhosale along with his colleagues and companions boarded the flight, he was astonished to discover that 62 passengers in the aircraft were

the friends and acquaintances of his, which included judges, lawyers and friends who had volunteered to accompany him for the swearing in ceremony. After landing at Varanasi, Justice Bhosale and his ensemble were warmly received at the airport and then what followed was a convoy of 40 cars from Varanasi airport headed to Allahabad, which was a relic of the colonial hangover still prevailing in northern states of India. On reaching Allahabad, Justice Bhosale realised that in total, there were 168 people, who were friends, associates and colleagues of his, coming from all parts of India, intending to be a part of the swearing in ceremony and they were all declared by the state government as state guest, and taken good care of and were well attended. Finally in the morning of 29<sup>th</sup> July 2016, oath was administered to Justice D.B Bhosale amidst a large congregation by his Excellency, the then Governor of Uttar Pradesh, Shri Ram Naik who was also coincidentally from the city of Mumbai.

**Chapter IX As Chief Justice of the Allahabad High Court.**

Before elucidating on the stint of Justice Dilip B Bhosale as the Chief Justice of one of the oldest letter patent High Court of the country, a bird's eye view of the state of Uttar Pradesh will be ineluctable. The federal state of Uttar Pradesh which lies in the north-central part of India and which was called the erstwhile united provinces in the pre independence era is demographically one of the largest states in India with roughly 200 million inhabitants. Large swathes of the Indo Gangetic plains fall within the precincts of the state of U.P and with a geographical area of 93,930 sq mi, which is equivalent to 7.33% of the total area of India, the state of Uttar Pradesh is the fourth largest Indian state by area and as per the latest census report of 2011, 199,812,341 of Indians are dwelling in the state of Uttar Pradesh thereby making the state of U.P paramount from the point of view of administration and governance. With 75 districts and 18 divisions, the state is an epitome of cultural and regional diversity and comprises of several sub-geographical areas like Western U.P, the Ganges-Yamuna Doab, the marshy Terai region, the central Awadh region, Eastern U.P and Bundelkhand region. From a historical perspective too, the state of Uttar Pradesh is of great antiquity and there are prehistoric finds from the middle and upper Palaeolithic and Mesolithic age. Many cities of the Indus Valley civilisation, the Vedic period and extending into the Iron Age and encompassing the medieval and modern period are found in the present state of Uttar Pradesh. The state is also important from a

mythological prism as the two epics of India, namely Ramayana and Mahabharata have their roots in this present state of modern India.

The High Court of Judicature at Allahabad is based in the city of Allahabad now known as Prayagraj and it has jurisdiction over the state of Uttar Pradesh. It is one of the oldest charter High Courts and was founded by the letter patent as the High Court of Judicature for north-western provinces at Agra on 17<sup>th</sup> March 1866 by the Indian High Courts Act 1861 and Sir Walter Morgan was the first Chief Justice of this Hon'ble High Court. The seat of the High Court for the north-western provinces was shifted from Agra to Allahabad in 1869 and its designation was changed to the High Court of Judicature at Allahabad by a supplementary letter patent. In contemporary times, with a sanctioned strength of 160 judges, the High Court of Judicature at Allahabad is the largest High Court out of all the 25 High Courts in the country. Apart from the largest sanctioned strength, jurisdiction over the most populous State of the country and mounting pendency of cases, it is a herculean challenge to don the office of the Chief Justice of the Allahabad High Court which is certainly not a bed of roses. Proven ability, unmatched expertise and vast administrative acumen are few of the attributes which are indispensable for any person who will eventually head the office of the Chief Justice of the Allahabad High Court. On the elevation of Justice D.Y Chandrachud to the Supreme Court who was the then Chief Justice of the Allahabad High Court and who had relentlessly worked for ushering in institutional reforms, the office of the Chief Justice of this prestigious High Court had fallen vacant. One of the cardinal principles of management which is "right

man for the right job” was scrupulously followed and his Lordship, Justice Dilip B Bhosale was asked to pick up the mantle of the Allahabad High Court and it was on 30th July 2016, his Lordship Justice Dilip B Bhosale assumed the office of the Chief Justice of the Allahabad High Court as its 46<sup>th</sup> Chief Justice.

With an experience spanning more than over two decades at the Bar followed by being elevated as a Judge of the Bombay High Courton 22nd January, 2001 and then as a Judge of the Karnataka and later theAndhra Pradesh High Court, Justice D.B Bhosale who wasan repository of profound knowledge, ingenuity and sagacitywas the perfect candidate to be picked up for the occasion. It will not be incorrect to say that it was a mammoth task to perpetuate the legacy left by his Lordship Justice D.Y Chandrachud as the then Chief Justice of Allahabad High Court and Justice D.B Bhosale’s charismatic authority filled the vacuum in its entirety. The celebrated sociologist and philosopher Max Weber enunciates and distinguishes three types of authority, which are traditional, legal rational and charismatic authority. Traditional authority emanates from set norms, order and traditions. Legal rational authority or bureaucratic authority gets its sanction from explicitly defined rules and laws. Charismatic authority on the other hand is directly proportionate to certain traits possessed by a leader which makes the leader extraordinary and universally acceptable. With leaders who possess such charisma, power comes from the massive trust and inseverable faith which the people repose in him or her. Having harped upon the trilogy of the above authorities which leaders possess, without any hesitation, it can be said that the

authority, command and leadership of Justice D.B Bhosale as the Chief Justice of the Allahabad High Court was not only legal- rational, but profoundly charismatic, which made him one of the most successful Chief Justice and administrator of this gargantuan High Court.

To start with, the position of a Chief Justice of any High Court is “primus inter pares”. He is the first amongst equals. He is the chief executive of the establishment and singular head of the institution and at the same time, he is the master of roster who distributes and redistributes work amongst other puisne Judges of the court. He’s also entrusted with the task of ensuring the smooth functioning of all the subordinate courts in the state over which the High Court exercises its appellate jurisdiction and administrative superintendence. The august office of the Chief Justice is indeed like the proverbial tortoise on whose back lies the weight of the elephant. His Lordship, Justice D.B Bhosale assumed the charge of the office of the Chief Justice with a clear-cut perspective. The objective was crystal clear, which included streamlining the system, ushering in reforms, giving an impetus to the wheels of the justice dispensation system, cementing cordial bar and bench relationship and more importantly infusing a new zeal of vigour in the network of subordinate courts in the state of U.P, so that the Justice dispensation system is expedited at the grass root level. Justice D.B Bhosale as the Chief Justice of the Allahabad High Court was entrusted with the task of administering one of the most humongous High Courts of the country and was expected to exercise his span of control over innumerable judges and officers, which breached the theory of span of control, according to which, for effective management,



a manager should have control over limited number of people, may be four to six at a time. But the theory of span of control is qualified by a caveat, according to which, high skills and expertise in an individual will enable him to extend his control over unlimited number of people working in the organisation. Justice D.B Bhosale precisely fell into this exception to the theory of span of control and having been gifted with prowess in managing people and possessing traits of a natural and charismatic leader, he was the most suitable man who could administer one of the largest and the most important High Court of the country. G.V Mavalankar, who was the first speaker of the Lok Sabha, which is the lower house of the Parliament had once said that how a honey bee sucks nectar from a flower without destroying the flower, similarly getting work out of subordinates without offending them is the hallmark of effective administration. His Lordship as the Chief Justice of Allahabad High Court cultivated an esprit de corps amongst brother and sister Judges and personally maintained his camaraderie with all the judges sans discrimination. This made his Lordship win a lot of hearts and his great gregarious and extroverted nature made him one of the most popular Chief Justices of the High Court. His Lordship delegated loads of judicial and administrative work to virtually all the honourable judges of the High Court irrespective of seniority and this neutral and non-partisan attitude of Justice Bhosale won appreciation from all quarters.

Any institutional head has several role sets and the office of the Chief Justice is no exception. There are many facets of the Chief Justice and all these facets are directed and channelized for attaining stellar heights in institutional excellence. Broadly speaking, any Chief Justice has two sides, judicial side and the administrative side. Administrative side can be further subdivided into various aspects like administration of the High Court; superintendence over the vast network of subordinate courts and lastly managing interpersonal relations with colleagues and other stakeholders of the system. The judicial side of Justice Bhosale will be delineated a little later and for the time being, it will be pertinent to put the searchlight on the administrative aspect of Justice Bhosale.

**Justice Bhosale as an administrator :-**

It will not be correct to say that D.B Bhosale before becoming the Chief Justice, was not totally alienated from prayagraj (then Allahabad) and the Hon'ble Allahabad High Court. In fact, before going to Allahabad as Chief Justice, he had gone as a tourist on LTC (leave travel concession) to Allahabad in 2006/2007. This was followed by his second visit to Allahabad during his son Karans wedding in June, 2011, with the daughter of the then sitting judge of the Allahabad High Court, Justice Rakesh Tiwari. Justice Bhosale's relations with some of the honourable judges from the Allahabad High Court, who later became Hon'ble judges of the Apex Court, go a long way back. When D.B Bhosale had visited Allahabad for the first time in 2007, the first person to call him and invite him for lunch was Justice Vikram Nath. D.B Bhosale readily

accepted the invitation and during lunch, he got acquainted with Justice Ashok Bhushan and Justice Krishna Murari, who later became the honourable judges of the Supreme Court. So, when D.B Bhosale was given the task of heading the office of the Chief Justice of the Allahabad High Court, he was glad that he had some old acquaintances in that High Court who would be his experienced colleagues and team members. While in Hyderabad and before proceeding to Allahabad as Chief Justice, D.B Bhosale endeavoured to prepare an album of all the sitting judges of the Allahabad High Court, which he has still safely retained as his prized possession. This had a salutary effect in forging interpersonal relation between him and all his colleagues. When he took oath as Chief Justice of the Allahabad High Court, he knew all the honourable judges by their first name and faces. This was quite astonishing to the puisne judges, as that was the last thing they expected, a new Chief Justice greeting them by their first name. However, this was D.B Bhosale and his unique style of functioning, which made him win over hearts and make friends at every stage of life.

As stated earlier, the administrative role set of the Chief Justice extends to the administration of the High Court, management of the subordinate judiciary and dealing with colleagues, bar and other stakeholders of the system. D.B Bhosale's administration of the Hon'ble Allahabad High Court is the first area which deserves spotlight.

D.B Bhosale was warmly welcomed and received on his first day in the Allahabad High Court. Working of the High Court and its internal affairs was not a new thing for a man, who had been in three previous high Courts before being elevated as the Chief Justice of the Allahabad

High Court. However, at the same time, holding the august office of the Chief Justice of one of the oldest, prestigious and gargantuan High Court of the country is certainly not a bed of roses and at times can be a quagmire. D.B Bhosale very well aware of this fact, treaded cautiously, but without detriment to his judicial side. On his first day in office, he sat for five hours on the dais handling judicial business, notwithstanding the endless meetings which he had with honourable judges, registry officials, members of the bar and association heads of group C and group D employees of the High Court. On his second day in office, he had a marathon meeting with registry officials, as he wanted to get acquainted with the internal working of the High Court and the wide network of lower courts subordinate to the High Court. Administration is an act of utilising scarce resources to the optimum level for realising the organisational objectives. It also involves within its ambit, management of people and prompt decision-making. In the context of the judiciary, for Justice Bhosale, cutting down the pendency of mounting cases, upgrading and augmenting of infrastructure and bold and swift decision-making on a day-to-day basis was a sine qua non for smooth functioning of the High Court. Read with this, the concept of alternate dispute resolution mechanism and computerisation and digitalisation of judicial records and subordinate courts were other areas of his concern.

According to Justice Bhosale, some of the reasons which contribute towards judicial delay are paucity of judges and ministerial staff, inefficiency of case management system, apathy towards use of technology in justice deliverance, pre-dominance of adjournment culture, poor judges to population ratio (presently in India, it is 19

judges per million population when in USA, it is hundred judges per million population, Canada has about 75 and UK about 50 judges per million population) and lastly inadequate infrastructure and ill trained court staff. For Justice Bhosale, the immediate possible solution for reducing the pendency and delay in the judicial system at the level of the High Court was (1) smart constitution of benches based on specialisation and caseload of the courts, (2) following up of cases at the micro level, MIS (statistics) be developed to figure out case wise status of each and every case, so that each and every case is on the radar, (3) creation of separate department for micro level cases and following up with various stakeholders for movement of cases from one stage to another, (4) eradication of archaic ways of communication by putting premium on faster electronic mode of communication technologies, (5) holding of more Lok Adalats, (6) referring of apt cases for mediation, (7) getting rid of frivolous and infructuous cases from the system, (8) encouraging plea bargaining, (9) launching a mission mode programme for targeted approach for reduction of pendency, (10) and lastly, disposing of bail applications within a timeframe.

The Allahabad High Court has a sanctioned strength of 160 judges and in July 2018, that is almost two years since Justice Bhosale assumed the office of the Chief Justice, he while working with a strength of about 90 judges in the honourable court, collectively with his colleagues achieved the goal of drastically reducing the pendency of old cases and cutting delay of cases in the High Court. The first two years of his tenure saw disposal rate in the High Court going up by 12%. This was quite a remarkable achievement, considering the enormous size of the

High Court, mounting docket and judge population ratio of the state. His collective and participatory management approach was instrumental in achieving the desired figures of disposal which was appreciated and lauded by all the constituents of the system.

In the area of administration of Justice in the High Court, multiple steps and initiatives were taken by the Allahabad High Court under the able guidance of Justice Bhosale. During his tenure, special division benches were created to deal with old criminal appeals and jail appeals presided over by senior judges of the High Court. Few benches at Allahabad and Lucknow were sitting on non-working Saturdays for hearing old criminal appeals which was hailed by even the members of the bar. Special benches were constituted for hearing bail applications which were hitherto consuming precious judicial time of all the honourable judges. A good friend of DB Bhosale, Justice Vikram Nath who was then, a judge of the Allahabad High Court, has said in his farewell speech for Justice Bhosale that he looks stern in his physical appearance, is benign at heart, pure as a dove and is an agile visionary. Justice Vikram Nath further says that it is hard to put someone's influence or achievement in mathematical terms, but the endeavours of Justice Bhosale towards quick dispensation of justice has resulted in a total of 4,58,453 cases being decided at Allahabad and 1,27,567 cases at Lucknow during his tenure. Lastly his Lordship, Justice Vikram Nath has said that Justice DB Bhosale has a varied grasp of matters in all fields like constitutional, civil and criminal, which has been exhibited by Justice Bhosale while dealing in matters pertaining to contract, partnership, SARFAESI, SEBI, Indian penal code, criminal procedure code, civil procedure code, SC/ST Act, public interest litigation and

service laws. D.B Bhosale has to his credit, disposal of more than 12,000 cases. 9810 cases at Allahabad (out of which 120 in single bench, 9675 in division bench and 14 cases in full bench), and 2364 cases at Lucknow (out of which 20 in single bench, 2319 in division bench and 25 cases in full bench), which stands itself as a feat of DB Bhosale's judicial acumen according to Justice Vikram Nath.

Judicial infrastructure is integral and a very important variable of the justice dispensation system. This was one of the prime areas of concern of Justice Bhosale. He ushered in several initiatives in the field of infrastructure as an acting chief of the Andhra Pradesh High Court and now his energies were directed towards this historical shrine of justice, the Allahabad High Court. D.B Bhosale always felt that insufficiency of infrastructure poses a challenge to the administration of justice. Lack of infrastructure is compounded by paucity of resources. He believed that the issue has to be tackled by having a long-term vision and a short-term plan. According to him, both these have to conform to a conceptual vision which correlates the broad needs of the institution with a detailed blueprint of its requirements. In the short term, the existing resources have to be managed with care and utilised to the hilt.

For DB Bhosale technology was indispensable in this information age. According to him information was empowerment and in his drive towards emancipation of lawyers and litigants in the High Court, he got implemented a WI-FI project for lawyers and litigants of the High Court. During his tenure, to overcome the problem of network issues in access to internet facilities on mobiles and to provide better internet facilities on

higher speed to the lawyers and litigants within the premises of the High Court, it was decided to make the entire campus of the High Court, a WI-FI enabled zone. His technology driven approach paved the way for one of the oldest High Court of the country going HI-Tech.

People, who knew Justice Bhosale closely, would tell you that DB Bhosale is a true nature lover and so environmental and ecological consciousness was naturally ingrained in him. India is located in the equatorial sun belt of the earth, receiving abundant radiant energy from the sun. Solar power generation was one step towards clean energy, which Justice Bhosale wanted to implement in the High Court as it was a clean energy option and at the same time cost effective. According to him, the High court worked during the daytime and since grid solar energy works only during the day, it was resolved to offset a part of the load with the power of the sun. Rooftop solar power generation was proposed by the High court on the roof of different buildings, including various wings of the High Court building, guesthouses and residences of judges. The idea was that power generated by solar energy will be utilised by the High Court itself and on holidays the High Court will supply excess electricity produced to the Power Corporation through net metering. The implementation of this project under the guidance and during the tenure of Justice Bhosale earned him the title of 'green judge' by some of his colleagues in the High Court.

Other infrastructure projects which though planned earlier, saw implementation during his tenure were the renovation of some courtrooms in the Allahabad High Court, construction of residences for the honourable judges and multi-storey building for the officers of the



registry and construction of advocate chambers within the High Court premises. Credit for expeditious facilitation of one project, which was called Project Jhalwa involving construction of residential building for High Court staff also, goes to DB Bhosale, whose persuasive abilities added wheels to the project, which hitherto was in doldrums for want of funds from the state government. His Lordship Justice Vikram Nath recalls how one evening, sometime in June 2017, when he requested Justice Bhosale to visit the site for the Jhalwa project, he readily agreed and joined the committee headed by Justice Vikram Nath in visiting the project site the very next day in the morning. After understanding the various facets of the project and its utility, he took up the responsibility of convincing the State government to approve the project, allocate funds and extend all required help. This project was eventually named Nyaya Gram and its foundation stone ceremony was held on 16<sup>th</sup> December, 2017 in the august presence of his Excellency, the President of India, Shri Ramnath Kovind. This was the charisma of DB Bhosale and a god gifted ability, with which he could turn the impossible into possible. It is common perception in India, that most of the governmental infrastructure projects especially land acquisition projects are characterised by inertia and laxity. For any head of the judicial institution of the State, convincing the State executive in sanctioning and expediting an infrastructure project for the members and staff of the judiciary is a herculean task. But for DB Bhosale, his persuasive skills, optimism and charismatic personality always gave him an upper hand and helped him positively influence every person, entity or authority which came in contact with him.

His quest for infrastructure advancement was not just confined to the High Court, but was even extended to the lower rung of the judiciary, which is the subordinate judiciary. There is a direct correlation between environmental factors and productivity of employees as per contemporary management studies. Upgraded working facilities, better hygiene, comfortable workstations, decent housing facilities have a direct bearing on the morale of the employees, which eventually enhances productivity and loyalty towards the organisation. From the prism of the judiciary, especially the subordinate judiciary, it is a known fact that docket explosion has become unmanageable in recent times, the judge population ratio has more or less remained the same and things like dilapidated courtrooms and judge's chambers in some districts, inhabitable housing facilities for subordinate court judges, paucity of ministerial staff like stenographers, court clerks and peons have only compounded the problem. However, it is no denial that in the last decade or so, undue attention has been paid to these issues by the concerned high courts and state governments and in the context of Uttar Pradesh, the Hon'ble Allahabad High Court has been at the forefront in alleviating the problems faced by the subordinate judiciary. Justice Bhosale had closely seen and experienced these issues when his father was initially a member of the Maharashtra Revenue Tribunal in the 60s, as they were living in an official residence meant for members of the subordinate judiciary in Mumbai. So as a young lad, he was acquainted with the problems faced by the members of the subordinate judiciary and had a soft corner for the same. As the Chief Justice of the Allahabad High Court, he was very much inclined to address the infrastructure bottlenecks faced by the subordinate courts and as the

head of the judiciary in the State and the ultimate decision maker, he always spared his precious time to redress infrastructure issues of the lower courts. I am a testimony to the fact that work on the infrastructure front in the court buildings at judgeship Ghaziabad was expedited during his tenure especially after he made personal visits to Ghaziabad judgeship to inspect the ongoing infrastructure projects. Work on infrastructure upgradation also picked up speed in other judgeships of Uttar Pradesh during his reign. Building of new residences and up gradation of existing residences of judges of the subordinate judiciary also gained momentum during his time. One such project was the inauguration of judge's residences for subordinate judges of district court at Ghaziabad. This project was inaugurated at judgeship Ghaziabad in the year 2017 by their Lordship's Justice Rajesh Agarwal, Justice Ashok Bhushan, former judges of the Supreme Court in the presence of Justice Bhosale, who was the then Chief Justice of the Allahabad High Court. Though this project was planned and executed much before Justice Bhosale's arrival in the Allahabad High Court, it certainly picked up speed and was completed during his tenure. At that time, I was posted as an addition district judge at Ghaziabad and was a member of the infrastructure sub-committee of the district court. This was a model project which was started in Ghaziabad and depending on its success; it was to be implemented in other judgeships of Uttar Pradesh. It involved construction of two buildings comprising of a total of 60 flats, meant for judges with all state of art facilities and was a great leap forward towards development of housing infrastructure for subordinate court judges. During the inaugural of this housing project at Ghaziabad, Justice Bhosale

admitted in his speech that how infrastructure development at the subordinate level of the judiciary is a topic close to his heart and how he will relentlessly work towards that end till he continues to hold office. And that is why during his tenure, several projects like construction and renovation of new courtrooms, judge's residence, alternate dispute resolution centres, advocate chambers saw the light of the day.

Another great event which happened in the field of infrastructure and at the level of the High Court during the tenure of Justice Bhosale was functioning of the new High Court building of the Lucknow bench at Lucknow on 4<sup>th</sup> October, 2016. Though this new building of the High Court at Lucknow was inaugurated on 19<sup>th</sup> March, 2016 when his Lordship, Justice D.Y Chandrahud was the Chief Justice of the Allahabad High Court, the same could not be functional for a long time. Justice Bhosale had later shared this little piece of information with me that the then Chief Justice of India had directed him to get the new building of the Lucknow bench of the High Court functional without further delay. As the directive was clear, it became the top priority for Justice Bhosale after coming into office. During his first visit to lucknow, and after meeting all the hon'ble judges posted there, D.B Bhosale declared the date to commence functioning from the new building. He called the executing agency and directed them to complete it and make the new building of the Lucknow bench functional from 4<sup>th</sup> October, 2016. This gave jitters to all involved in the execution of the project, but as the directive had come from the chief justice of india, and Justice Bhosale had taken it as a challenge, it could only be flouted at one's own risk and consequence. The message being clear, the action

was expeditious. The bar, the bench and the registry were galvanised into action and the High Court started functioning from the new building from 4<sup>th</sup> October, 2016. It was a record time per se. D.B Bhosale's strong conviction and goal oriented, action oriented approach paved the way for functioning of the High Court at Lucknow within record time. He was the first Chief Justice to sit as Chief Justice at the new Lucknow bench of the High Court. In fact he had the dual distinction of being the only Chief Justice to sit as Chief Justice in the old court building and the newly functional building at Lucknow. In his full court farewell reference in the old building of the Lucknow bench on 3<sup>rd</sup> October, 2016, he had said in his speech that he is sure that they are not bidding farewell to the legacy, the monumental spirit and the embodiment of the legal aura which the old building has in every inch of its tall standing. It is iterated that D.B Bhosale always had an erudite perspective of things, events and people. While saying final goodbye to the old building of the Lucknow bench, he had noted and put it on record that the Lucknow bench is a monument and symbolical script of legal philosophy springing from ancient times and hauling to the modern era. According to him, the old building of the Lucknow bench was an edifice that stood as a living witness of great evolution and rapid reforms, bringing in social, political, legal and economic facets of the country. He said that while moving to the new High Court building, it is not only the books and records which are carried from the old building to the new building, but the history inscribed on the walls, stones, sand and pillars of the old building, the epitome of values, traditions and culture, which are moving into the next foot of the extensive and long lasting journey in the new High Court building. These were profound

emotional observations of D.B Bhosale on the last day of his working as the last Chief Justice in the old court building of the Lucknow bench of the Allahabad High Court.

The new court building of the Lucknow bench commenced its functioning on 4<sup>th</sup>, October, 2016. There was a sense of pride and achievement on the faces of the august gathering which included honourable judges of the court, distinguished lawyers, the then governor and Chief Minister of the State. It was a mammoth delight experienced by all stakeholders. Though the cornerstone of the new building was laid on 30<sup>th</sup>, December, 2009 by the then Chief Justice of India, Justice K.G Balakrishnan and its inauguration took place on 19<sup>th</sup> March, 2016 by the then Chief Justice of India, Justice T.S Thakur, the new building however could not immediately get functional. Justice D.Y Chandrachud who was the then Chief Justice of the Allahabad High Court when the new building at Lucknow was inaugurated made untiring efforts in making the new building functional, but his subsequent elevation to the Supreme Court brought things to a lull. It was only on the arrival of Justice Bhosale as the new Chief Justice of the Allahabad High Court, things started picking up pace and on the directions of the then Chief Justice of India to get the new building functional, D.B Bhosale managed the impossible, by getting the new building functional within few days, which was a remarkable achievement.

The new building of the Lucknow bench was certainly an architectural icon. In many countries, court buildings are designed to reflect the authority of the highest judicial body. In India, the courthouse is a part of the iconography of Indian life and is equivalent to the legislative

house as the symbol of the rule of law. The style of Indian architecture mixed with European and Persian styles have developed with certain common features suitable to the regional identities. Most of the High Court buildings in India are constructed in the Indo-Saracenic revival, also known as Indo- Gothic or Hindu-Gothic, Mughal-Gothic, Neo-Mughal, which was an architectural style of British architects in the late 19<sup>th</sup> century in British India. It drew elements from native Indo-Islamic and Indian architecture, and combined it with the Gothic revival and neo-classical styles favoured in Victorian Britain. In deep contrast to what has just been stated, the new High Court building of the Lucknow bench was completely unique in design. The architects adopted a complete different chic from that Indo-Saracenic style, perhaps for the first time in the country. It had the necessary modern look and at the same time gave an impression by appearance that it had the Indian style of architecture. This unique look of the new building has carved out a special place, when compared to other court buildings in the country. Now coming back to Justice Bhosale's take on this new building, he felt that when one talks about this beautiful building, what is meant is not only the bricks or cement or the woodwork, but it is the work culture and a new era of dispensation of justice which has to set in and this is only possible with the utmost cooperation of the bar and bench. He also felt that it was everyone's collective responsibility to preserve the exquisiteness and grandeur of the new building, maintaining its cleanliness and serenity. In the full court reference on 4<sup>th</sup> October, 2016 to mark the commencement of the functioning of the new court building, Justice D.B Bhosale extended his greetings to all who were present and expressed his gratitude to the state government

officials, engineers and the chief architect and all others involved for the devotion, interest and commitment demonstrated in completion of the building. In summing up his address in the full court reference, Justice Bhosale quoted the following words of Abraham Lincoln: “we the people are the rightful masters of both Congress and the courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution”. So this is how D.B Bhosale gave an impetus to several pending infrastructure projects of the judiciary including the new court building of the Lucknow bench and also created history by being the last Chief to sit in the old court building and the first Chief as well, to sit in the new court building at Lucknow.

Administering the High Court for any Chief Justice is not only about handling the escalation of docket explosion and infrastructure management, but it also includes within its ambit day-to-day decision-making. A decision may have long-term ramifications and these are decisions which involve delineating the contours of a policy. The other kinds of decisions are decisions which are routine, standard and mechanical, but which are nevertheless important for the smooth functioning of the administrative apparatus. Whether it's a long-term decision or a short-term routine decision, the chief executive or the head of the institution cannot abstain from decision-making as decision-making is the core managerial function and a fulcrum around which all administrative activities revolve. Herbert Simon, a management thinker defines decision-making as a combination of fact and value premises. The simplest definition of decision-making is that, it is a process of making choices by identifying a problem, gathering



information, and assessing alternative resolutions. So decision-making is a choice activity amidst existing information, fact and alternatives and which is in all probability based on the value premises of the decision maker. The word value premise implies subjectivity and it is precisely this subjective element which has to be eliminated from the decision-making process, especially in view of the three attributes of administration, which are anonymity, neutrality and impersonality. Notwithstanding the fact that any head of the institution takes decisions in his or her official capacity in the course of official business, creeping in of the subjective element cannot be ruled out. This subjective element has its genesis in environmental factors like family, education, peer group, which are part of the larger society. To attain impartially and neutrality in decision-making, the subjective factor has to be minimised, so as to make decisions more objective. For Dilip Bhosale who saw power, prestige and position from a very early age, but who himself worked hard and rose in his profession by sheer dint of merit, the value premise in his decision-making was to a large extent based on objectivity. In taking decisions, whether long-term or routine, he was never swayed away by emotions. Social prejudices like casteism and regionalism never existed in his dictionary. He was certainly opinionated, but was never bias and partisan. He had a lucrative practice as an advocate in mumbai, was the vice chairman of the bar council of India, active in the state bar council, as a judge possessed profound experience and erudite knowledge as he was in three high courts, that is the Bombay High Court, the Karnataka High Court and the Andhra Pradesh High Court before becoming the Chief Justice of the Allahabad High Court. So he was a seasoned personality who had

been there and done that. This long journey, multiple roles and vast experience automatically made him rational, objective and sagacious. He was also action oriented as he called himself a 'Karma Yogi' (one who believes in action and right action). When it came to decision-making, whether in his personal capacity or official capacity, he always demonstrated courage and swiftness in taking decisions. As a Chief Justice of the Allahabad High Court, he never shied away from taking decisions on the administrative side. He was an early riser and use to be in court by 9am and after devoting some time to administrative work, he ensured that he sits in court at the proper time. After sitting on the dais for the full allotted time, he use to retire to his chamber and then started the marathon meetings with different stakeholders. In the Allahabad High Court, he always kept the registry officials busy and on their toes, but was always kind and respectful to them. Many decisions in areas like recruitment, utilisation of grants by the government, infrastructure, procedural aspects in the High Court and subordinate courts and many decisions affecting the lower courts in Uttar Pradesh were taken by him without hesitation and in the best interest of the institution. He believed in multitasking and while doing administrative work, he never made his brother judge feel out of place if any honourable Judge had walked in his chamber as he was always accessible. Justice Vikas Srivastava of the Allahabad High Court, who was the then senior registrar of the lucknow bench of the hon'ble court was kind enough to tell me that Justice Bhosale as a chief always believed in taking quick decisions and was prompt in clearing all files of various nature. According to Justice Srivastava, DB Bhosale always ensured that he ends his day at work by clearing his desk and nothing

is left for the next day. This professionalism of Justice Bhosale coupled with courage in taking decisions was certainly a boon and immensely contributed towards institutional excellence.

The former President of India Dr. A.P.J Abdul Kalam had once stated with respect to the introduction of technology in courts that “technology is definitely an essential element of change in all spheres of life. The human element involved also is an important factor. If technology is properly used, it can bring about tremendous changes for the betterment of life. Any change which is contemplated is for speedy justice delivery mechanism keeping in focus the quality, transparency and public accountability”. Our nation today lives in the age of information technology and artificial intelligence. In the age of information technology, methods and solutions of the bullock cart age have no place. Every organisation or individual has to embrace technology or face irrelevance. We have to remain abreast with the latest developments in technology and put them to our service, or we run the risk of being dragged back to the Stone Age. The success of any institution lies in its ability to respect the continuity of tradition and to understand the imperatives of change. Justice Bhosale was a strong advocate and supporter of use of information technology in judicial process and also in computerisation and digitalisation of judicial records. Work in these areas had started much before D.B Bhosale’s transfer to the Allahabad High Court and a lot of credit goes to Justice D.Y Chandrachud, who as the then Chief Justice of the Allahabad High Court had relentlessly worked towards scanning and digitalisation of court records in the Allahabad High Court. Justice Bhosale as his

successor and a progressive leader gave a fresh fillip to these efforts. The Allahabad High Court had in the past launched a slew of citizen centric services, as part of its endeavour to cater to the ultimate stakeholders like the bar and the litigants. What Justice Bhosale did was that he added a new zeal and vigour to these technological initiatives. He wanted to apply technology to all areas of administration and upgrade technological solutions already in application. He had a comprehensive blueprint in his mind as he had conceptualised and successfully executed a similar project as the acting Chief Justice of the Andhra Pradesh High Court. The achievements in these areas are numerous, but for the sake of brevity, the most important ones are being mentioned. On 22<sup>nd</sup>, October, 2016, an Android-based mobile application, a service for lawyers/litigants to access cause list, case status, Judgments, display board, profile of judges and notifications on mobile phones was introduced. A bulk SMS facility for lawyers was started since November, 2016 and the facility to send list of personalised cases to 7000 to 8000 advocates on their registered mobile numbers, daily through SMS started with effect from 3<sup>rd</sup>, March, 2017. For the benefit of the lawyers and litigants, high-speed Wi-Fi network was started in the Allahabad High Court during the tenure of Justice Bhosale. A mobile android application for 'Advocate Diary' was launched in April 2017, which was a facility for lawyers having advocate roll number to access the list of cases in a form of case diary on the mobile phones. Mediation was another area in which Justice Bhosale had profound faith, and the same will be deliberated a little later while discussing D.B Bhosale and subordinate judiciary. He promoted mediation whenever possible and the Hon'ble Allahabad High Court

under the stewardship of Justice Bhosale, developed an in-house website for providing information pertaining to mediation centres of the High Court and all district courts, and it became operational from May, 2017. This website catered to information such as, category -wise pendency and disposal of case date, referral of cases, name of mediators, infrastructure, per day footfall and ADR facilities.

Thousands of litigants pay a visit to the Allahabad High Court on a daily basis. To regulate the entry of the people, manual gate pass entry provision was in existence. D.B Bhosale wanted to make it more tech savvy and so from July, 2018, e-gate pass system for litigants was introduced in the High Court. For the district courts, a web-based service was initiated for the process of monitoring the budget. This web-based service included grants of budget by the government, demands by various District Judgeships and High Court and utilisation of sanctioned figures by different stakeholders. Another technological initiative relating to subordinate judiciary taken during the tenure of Justice Bhosale was mapping of district court website with 'ecourts.gov.in'. All district courts subordinate to the High Court were directed to regularly update the district court related content, so that latest information like details of judicial officers, notices, circulars etc was available at a click. Another facility called 'SMS Push facility' was started for district judiciary through SMS module developed by National Informatics Centre to facilitate the advocates and the litigants. It is no secret that some of the judges of the subordinate judiciary especially the older generation resist application of technology. Technology can be intimidating for them at times. Being very well aware of this fact, Justice Bhosale ensured during his tenure that judicial officers of the

State of Uttar Pradesh are imparted comprehensive computer training at regular intervals pertaining to present operating system in the judiciary, (which is Ubuntu and case information system, CIS). Also e-mail IDs of judicial officers of the State were created under the directions of e-committee of the Hon'ble Supreme Court of India for official correspondence with judicial officers. These initiatives towards making judicial officers tech savvy instilled confidence in them and gradually even the conservative ones started to embrace the winds of change, which were brought about by the efforts of the high court led by DB Bhosale.

The Hon'ble Allahabad High Court had embarked upon a project to digitalise decided court records. To ensure the success of this prestigious project, a robust and modern infrastructure, which is Centre for information technology was inaugurated by the then Chief Justice of India, Justice TS Thakur in March, 2016. In fact the Hon'ble Allahabad High Court was the first court in the country to establish its own digitalisation centre and this was attributed to the untiring efforts of Justice D.Y Chandrachud who was the then Chief Justice of the Allahabad High Court. During the tenure of Justice Chandrachud, a massive exercise of digitalisation of more than one crore files containing 50 crore pages was undertaken in one year and Justice Bhosale went on record several times in his various speeches acknowledging this very fact. In April, 2016, a chief Justice's conference was held and it was resolved that a conference on scanning and digitalisation of judicial record be organised by the Allahabad High Court at the Centre for information technology for the representatives of the computerisation

committee of the High Court's and the technical personnel thereof, with the idea of providing a platform for exchanging views, knowledge sharing, and for sharing of best practices adopted by all high Courts, so far, in order to draw a roadmap for the next generation and up gradation of existing projects and to prepare a blueprint for successful insight of themes underlying various projects. In order to give effect to this resolution, the High Court of judicature at Allahabad hosted a one-day conference on August 6<sup>th</sup> 2016 at the Centre for information technology on scanning and digitalisation of judicial records. This conference was attended by several distinguished dignitaries including Justice Madan B. Lokur who was the judge of the Supreme Court of India and chairperson of the e-committee of the Supreme Court. For Justice Bhosale, it was an important occasion because, this was the first conference hosted by him after taking over as Chief Justice of the Allahabad High Court. With all the humility at his disposal, he candidly admitted that his contribution in this particular project of digitalisation was very insignificant and it was entirely the outcome of hard work and supervision of his former colleague, Justice Dilip Gupta who was the then chairperson of the digitalisation and weeding of records committee of the Centre for information technology, High Court of Allahabad under the guidance of Justice D.Y Chandrachud. This fact was appreciated by all quarters as seldom people acknowledge the good work of their predecessors and give credit to their colleagues. But Justice Bhosale was a straightforward man who would always speak the truth and stand by his statement. The credit for initiating the process of scanning and digitalisation of records at the Allahabad High Court does not directly go to Justice Bhosale, however an ardent supporter of use of

information technology and digitalisation, Justice Bhosale ensured that projects in these areas which were initiated before he came to the Allahabad High Court are not put on the backburner. He made an honest endeavour in expediting these computerisation and digitalisation projects and always led from the front in their execution.

Justice Bhosale was far ahead of his time. His critics could have said that he belonged to the old generation and would only follow the trodden path, would look inwards and resist technology. However that was totally untrue. He was progressive, believed in out-of-the-box thinking and adopted technology in his functioning. According to him, E-governance was the way out as it increases productivity, enhances transparency and accountability, reduces red tape and inefficiencies in administration, because moment of an e-file from one place to another is instantaneous. He was very enthusiastic in implementing the e-court project of the Hon'ble Supreme Court and in the presence of Justice Madan B. Lokur, got the first paperless e-court in the High Court at Allahabad and at Lucknow inaugurated in August, 2017. He regarded this event as adding another jewel in the crown of the deity of Justice and another step towards modernisation of courts. In embracing this new change especially in the context of inauguration of the first paperless e-court in the High Court at Allahabad and Lucknow, Justice Bhosale felt that the need for huge manpower for moment of every file from the court to the judge's chamber and then to the concerned section and to various other sections like the copying section etc would be totally eliminated in the functioning of paperless e-court. In fact, it is pertinent to mention that the e-filing system developed at the Allahabad High Court is totally paperless as compared to other high Courts where



a hard copy is invariably taken and preserved. Justice D.B Bhosale was keen on bringing about an evolutionary change in the judiciary and transforming the judiciary as E-judiciary so as to foster transparency and good governance.

As the acting Chief Justice of the High Court of judicature at Hyderabad, Justice Bhosale introduced several services and facilities which were technology-based and which included launching of mobile applications, advocates diary, forwarding personalised cause list every day to more than 7000 lawyers through email, launching of State legal services authority website, SMS alerts indicating status of matters to every single advocate every day and also inaugurated the first paperless e-court as the then acting Chief Justice of the High Court of judicature at Hyderabad. This effort and transformation towards complete digital revolution was also replicated by him as the Chief Justice of the Allahabad High Court. Some of these steps have been stated in the last preceding paragraphs and for the sake of brevity; they are herein reiterated for the brief knowledge of the readers. The Allahabad High Court during the tenure of Justice Bhosale, developed an in-house computerised copying system. A mobile android application was launched in October, 2016 where any person could access the entire information which was available on the High Court's website. In November, 2016, SMS service was started giving information to lawyers regarding their cases. In March, 2017 by using unique advocate roll number, the High Court started a facility where personalised cause list through SMS was being sent. In April 2017, another android application was launched, called advocate diary whereby advocates could find out their cases fixed on a specific future date. On the very

same day, the Hon'ble Allahabad High Court in the presence of the Chief Justice of India and the Prime Minister of India launched Wi-Fi facility in the entire campus of the High Court at Allahabad. In May 2017, the entire cause list was provided to advocates as personalised cause list via email, which was a salutary step in going paperless. There was a system devised by the Hon'ble Supreme Court requiring a litigant to file only the grounds on which special leave petition is preferred against an order of the High Court. After a special leave petition was filed, the concerned High Court was required to upload the relevant file onto the Supreme Court servers. The Allahabad High Court started this portal in June 2017, and had the distinction of being the first High Court which started uploading the required files from day one. Justice Bhosale had closely monitored the commencement of this portal. The High Court lead by Justice Bhosale also started a mediation website, which was developed in-house and which would provide information of the High Court mediation Centre and all district court mediation centres, including the category -wise pendency and disposal of cases through mediation. This was also a project where D.B Bhosale left no stone unturned in its successful implementation, as mediation was something which was his forte.

Steps were already taken in the past for development of an online portal for the district judiciary and subsequent initiatives towards intensive and extensive computerisation of subordinate judiciary was undertaken by the High Court which certainly brought in fruitful results. As said before, credit for each and every initiative in the process of computerisation and digitalisation of the High Court and subordinate judiciary cannot completely go to Justice Bhosale, as some projects

were planned earlier but remained on the back burner and gained traction only at a later stage. So there were a lot of initiatives in the field of computerisation and digitalisation, which were planned earlier and were continuing, and as reforms is a continuous and ongoing process, the role of Justice Bhosale as Chief was to identify priorities, get projects approved and sanctioned by the government, expedite the disbursement of funds by the government, remove the bottlenecks and facilitate its smooth and expeditious execution. This was a role which he sincerely performed to the best of his abilities.

Use of information technology and computerisation of the subordinate judiciary was something which was not readily accepted by the ministerial staff of the lower courts in Uttar Pradesh. Resistance to change is a natural phenomenon and therefore this hesitation was natural. In the past, typewriters were used in the lower courts by stenographers for typing judgements and orders. When computers were introduced in the lower judiciary by the Hon'ble High Court, a section of the staff including stenographers had this misconceived notion that eventually someday, computers would be a substitute to the human element and they would be ultimately retrenched. With the passage of time, this apprehension withered away and the same very staff of the lower courts started acknowledging the efficiency and cost effectiveness, which was brought in by induction of technology in local courts. In contemporary times, with the introduction of computers in almost all the courts in Uttar Pradesh, the mindset of the staff in the lower courts has changed for the better and technology is readily embraced by all stakeholders, as it is regarded as a win-win situation for all concerned.

Reforms is a continuous process and therefore under the directions of the e-committee of the Hon'ble Supreme Court, the Allahabad High Court like all other high Courts of the country, started implementing the next level reforms in digitalisation and E-governance of subordinate courts. In this digital age, subordinate courts had their own peculiar problems due to paucity of staff, want of skills and expertise and lack of funds. Hitherto, cause list (cases listed on a particular day in court) was manual and therefore the accuracy of cases on a particular day was doubtful as many cases remained undated. These undated cases were not carried forward on the next date which caused unwarranted harassment to the advocate and the ultimate consumer of justice, the litigant. To quell this issue, the Hon'ble Allahabad High Court, under the guidance of the e-committee of the Supreme Court, introduced the case information system, popularly known as CIS. It was a paradigm shift towards more transparency, accountability and the same was litigant friendly. CIS is a software which addressed the issue of opacity in lower court proceedings. By virtue of this CIS, the litigant could view the daily status of his or her case, the next hearing date of the case, the progress of the case on any particular date and could also view the orders and judgement of the case online from any part of the globe. This was a 24 x 7 service, which made the Indian judiciary litigant friendly and was a giant step towards good governance. The district judiciary of Uttar Pradesh has migrated to CIS 3.0 (a latest version of the software till now) and replicated on the National judicial data grid thereby bringing a complete interoperability between the case information system of the district courts with the National judicial data grid. Under the direction of the High Court, regular uploading and updating of data

on the National judicial data grid was carried out by the district judiciary of Uttar Pradesh on a war footing. This has led to a drastic reduction of undated cases in the district judiciary of the state. Another important direction of the High Court, which was scrupulously followed, was the instant uploading of orders and judgements of the lower courts on the NJDG server. This has eliminated the possibility of backdated judgements and orders being pronounced. In totality, initiatives towards use of information technology and digitalisation of courts is ushering in a e-revolution in the Indian judiciary and the Hon'ble Allahabad High Court has been at the forefront of these initiatives, for which the credit partly goes to Justice D.B Bhosale and his predecessors.

Two important high profile events which took place during the tenure of Justice Bhosale were the completion of hundred years of the Allahabad High Court building and the closing ceremony of sesquicentennial celebrations of the Hon'ble High Court. On November 26<sup>th</sup>, 2016, the Centenary celebration of the magnificent building of the High Court of Allahabad, which was originally inaugurated on 27<sup>th</sup> November, 1916, by the Viceroy- Lord Chelmsford was celebrated. It was a historic occasion in the annals of the High Court of Judicature at Allahabad and Justice Bhosale considered himself fortunate enough to be a part of this occasion in the capacity of the Chief Justice of this great High Court. This occasion was graced by the august presence of the honourable judges of the Supreme Court, all judges of the Allahabad High Court and other dignitaries. Justice Bhosale was very keen to make this occasion a success, as 26<sup>th</sup> November also happens to be the Constitution Day, the day on which the Indian Constitution

was adopted and enacted by the constituent assembly in 1949. In his book 'Pure Theory of Law', Hans Kelsen, an Austrian jurist, has coined the term grundnorm. The Indian constitution is tantamount to a grundnorm. Grundnorm is an ultimate norm to which all other lesser norms must yield. In other words all laws, regulations and rules must confirm to the Constitution. The Indian Constitution, which is a revered book of democracy, has entrusted the judiciary with the duty of protecting the Constitution and to work as an upholder of fundamental rights of the people of India. According to D.B Bhosale, the Allahabad High Court has been performing this very duty from these precincts, since the last century and has witnessed numerous historical events, associated with the evolution of a new judicial perspective in the country. He said on the completion of hundred years of the High Court building that 'when we talk of this building, it is not just its walls, the corridors and the court halls, but it is the history of the building which is linked to the institution of the Allahabad High Court. The history of both cannot be read separately. The High Court of Allahabad having been established only a few years after the Calcutta, Bombay and Madras High Court's, today is the biggest in terms of workload, judge strength and rich in ethnicity and best practices that has enabled the High Court to create a distinguished page for itself in the history of court of law in the country, before and after independence'. He lastly said during these above stated events that as the Chief Justice of this great institution, he feels a deep sense of pride and this great institution shall always remain a distinguished and memorable part of his life.

As I have mentioned about the completion of hundred years of the Allahabad High Court building on November 26<sup>th</sup>, 2016 and the closing

ceremony of Sesquicentennial celebrations of the High Court on April 2<sup>nd</sup>, 2017, which happened during the tenure of Justice D.B Bhosale, a brief iteration of the history of the Hon'ble Allahabad High Court will not be out of place. In fact, it is imperative and appropriate to mention the brief history of the Allahabad High Court while mentioning the completion of hundred years of the great majestic building and the Sesquicentennial celebrations of this great historical shrine and temple of Justice.

The British Parliament enacted the Indian High Court's Act, 1861 and by virtue of section 16 of this act, the Crown was empowered to create any other High Court within erstwhile British India. In exercise of the said powers by letter patent, a High Court of judicature for north-western provinces was established at Agra in 1866 with Sir Walter Morgan as the first Chief Justice and five other judges named in the charter itself. The High Court was constituted to be a court of record. On its establishment, the sadar diwani adalat and sadarnizamataladalat, which were functioning in the province of Agra for 35 years were abolished and the High Court by virtue of its letter patent and section 9 and 16 of the said act, became vested with all the appellate and superintending powers and jurisdiction of the courts abolished. After its existence at Agra, in 1869, the High Court was shifted to Allahabad in a new building opposite the present accountant Generals office on the Queens Road, now known as Sarojini Naidu Marg. This building now houses the board of revenue and is known as the old High Court. The old High Court building over a period of time became wholly inadequate to meet the growing needs of the court. As such, after much deliberation, the foundation stone of the present building was laid in

1911 by Sir John Stanley, the then Chief Justice. Eventually the new building of the High Court upon completion was inaugurated on 27<sup>th</sup> November, 1916 by the Viceroy, Lord Chelmsford. When the present building of the Allahabad High Court came into existence and the court started functioning, there were only six courtrooms. Today this building after catering to the need of the institution for hundred years, has adequate number of court halls and bar rooms for thousands of lawyers as members of the bar Association. The Allahabad High Court has been a direct witness of the Indian freedom struggle. Several legal luminaries, who walked through the corridors of this court, constituted the front rank of our freedom fighters. The most prominent among them were Shri Motilal Nehru and Sir Tej Bahadur Sapru. They and other great lawyers like Shri PearelalBannerjee and Shri Kailash Nath Katju were matched by great and eminent judges on the bench like Sir Sayed Mahmood, Sir Shah Mohd Suleiman, O.H Mootham, Kamla Kant Verma and TejNarain Mulla. The Allahabad High Court flourished in creating history of its own amongst its peers. It produced several judges who rose to adorn the august judgeship of the Supreme Court like Sri K.N Wanchoo, Sri RaghubarDayal, Sri V Bhargava, Sri M.H Beg, Sri R.S Pathak, Sri R.B Misra, Sri K.N Singh, Sri N.D Ojha, Sri R.M Sahai and Sri V.N Khare.

The Allahabad High Court as a torch bearer of judicial thinking is not a day's evolution or two. It's a legacy which has been transferred from generation to generation and both its bar and bench have collectively made immense contributions to the Indian legal system and to the society as a whole. More importantly, the Hon'ble Allahabad High Court has always stood to protect the liberty of all and preserve the



constitutional values from the caprices of the mighty state and its executive. During the proclamation of emergency in India from 1975 to 1977, the victims who were subjected to preventive detention found shelter in this very High Court. Whether it was preventive detention or the dreaded Maintenance of Internal Security Act(MISA), the Allahabad High Court stood strong as the defender of the rights of innumerable victims. Notwithstanding the presidential order suspending the part III of the Constitution of India, during the dark period of emergency in India from 1975 to 1977, the full bench of the court kept its doors open for the persecuted and endeavoured to uphold the superiority of the Constitution over the leviathan. The Allahabad High Court has been at the vanguard in the defence of the independence of the judiciary. Way back in those times, the Hon'ble Allahabad High Court had held that the legislature was amenable to the writ jurisdiction of the High Court and subsequently this stand was upheld by the Supreme Court in reference under Article 143 of the Constitution, wherein the Apex Court held that the legislatures were not beyond the domain of article 226 and no contempt of house has been committed in entertaining the writ petitions against the speaker's ruling. This was history created in the Allahabad High Court and with the evolution of time, brick by brick; the edifice of judicial independence has only been strengthened by the Allahabad High Court. There are innumerable cases and landmark judgements, which created history and which had their origin in the Allahabad High Court. Immense contribution has been made by the Allahabad High Court in the field of taxation laws, service laws, industrial laws, administrative law, criminal law and land reforms. In the field of land reforms and Zamindari abolition cases, the case of Raja

Surya Pal Singh [AIR 1951 Allahabad 674 (F.B)] is a living example. These indelible chapters of judicial history, could not have been possible without the innate strength of the High Court, which is generated by the diligence, integrity, intellectual capacity and sense of duty demonstrated collectively by the bar and bench.

On the completion of its 150 years, the Allahabad High Court had year-long Sesquicentennial celebrations spread over 2016-17. In order to chronicle this year-long Sesquicentennial celebrations, the Allahabad High Court published a book called 'Gavel and Pen' in two volumes. Justice D.B Bhosale released the second volume of the 'Gavel and Pen' which recorded in details, the various functions and events organised by the court to celebrate the completion of its 150 years. The opening ceremony of the Sesquicentennial celebrations happened when his Lordship Justice D.Y Chandrachud was the chief justice of the Allahabad High Court and after a year-long celebration, the closing ceremony of the Sesquicentennial celebrations took place on April 2<sup>nd</sup> 2017 when Justice Bhosale was the Chief Justice. This event was attended by the Prime Minister of India, Shri Narendra Modi, the then Governor of Uttar Pradesh, Shri Ram Naik, the then Chief Justice of India, Justice JS Kehar, the Chief Minister of Uttar Pradesh, Shri Yogi Adityanath, the Union Law Minister, Shri Ravi Shankar Prasad, the then senior most judge of the Supreme Court and afterwards the Chief Justice of India, Justice Dipak Misra, and distinguished Judges of the Supreme Court and other honourable judges of the High Court. It was certainly a high-profile gathering and this event was an occasion for everyone including Justice D.B Bhosale to salute the rich legacy of the

Allahabad High Court, to deliberate on its present and to chart out a vision for its future. A sesquicentennial celebration of an institution like a High Court is of great public importance, joy and privilege for all those who are connected with it in some way or the other. It gives an opportunity to recall and remember the learned judge's who adorned the bench and played a pivotal role in the development of law and dispensation of justice. It also creates an opportunity to pause and ponder upon whether the present generation has preserved the rich legacy and heritage of the peers. This occasion was used by Justice Bhosale to highlight the challenges faced by the High Court in contemporary times and the way ahead. He was a man with foresight and a long-term vision and always believed in resolute action. He went on record and said that in 1866, that is when the High Court was established, it had only six judges. At its Centenary in 1966, it comprised of 40 judges and in present times, it has a sanctioned strength of 160 judges, but its actual working strength is less than hundred. He observed that the population of Uttar Pradesh in 1966 was 7.37 crores while in recent times, it is over 22 crores and with this, the pendency of cases in the High Court in recent times is over 9 lakhs and about 60 lakhs in the subordinate courts. As over 1200 cases are filed in the High Court on a daily basis, a formidable challenge is posed. However, he noted that the institution has demonstrated its commitment to the cause of justice with the dedication of its judges and the cooperation shown by the bar as a whole. Justice Bhosale had a vast experience of three high Courts before coming to the Allahabad High Court. With this rich experience under his belt, he candidly admitted on this occasion, that while

every High Court of the country has enriched the law, the Allahabad High Court on its part, has made the legal field more fertile by its momentous existence for over 150 years.

Good work should not only remain on paper, but it should be translated into concrete action and once that happens, it should be showcased and put in the public domain for the information and benefits of all the stakeholders. Justice Bhosale, a man full of humility, who epitomised high standards of judicial ethics and propriety, did also have politics in his DNA. He was a son of a politician, and therefore he could not hesitate from articulating his views and showcasing his good work, whenever the occasion arose. The closing ceremony of the Sesquicentennial celebrations was also used by him as a platform to highlight the steps and initiatives taken by the High Court, while he was the Chief Justice. A sceptic would say that propaganda is only integral to the political arena and the judiciary should be spared from it. However in my opinion, an institutional head, which includes even a person hailing from the judicial appendage of the state, showcasing on a public platform, steps and initiatives towards structural, procedural and behavioural reforms, taken in the interest of the institution is not inappropriate. A fine line has to be drawn between rhetoric, propaganda and information based on facts. The former should be discouraged, while the latter is in sync with the democratic ethos in a liberal society like ours. Justice Bhosale always believed that information is empowerment and based on this premise, he gave a detailed account of his good work as the Chief Justice of the Allahabad High Court on

the closing ceremony of the sesquicentennial celebrations. He articulated the areas in which the High Court made initiatives, which was focus on subordinate courts, reduction in pendency of overall cases in the High Court and lower courts of Uttar Pradesh, a renewed thrust towards alternate dispute resolution mechanism and augmenting judicial infrastructure. These were the core areas which had always intrigued him and earlier as acting chief justice of the Andhra Pradesh High Court and then as Chief Justice of the Allahabad High Court, he constantly endeavoured to achieve results towards these ends. This occasion was also used by Justice Bhosale to release a 'Newsletter' on behalf of the High Court, which placed in the public domain, the relevant data and statistics relating to the working of the Allahabad High court. In fact this was an idea, which was suggested to him by Justice Ranjan Gogoi, who later became the chief justice of India, who had told D.B Bhosale that he should come out with a newsletter. Being thrilled by this suggestion, Justice Bhosale planned it accordingly and translated this suggestion into reality. He was of the view, that transparency and accountability of any public institution is a sine qua non in a democratic system of governance where information is empowerment. He had a firm conviction that free flow of information not only enlightens people, but it also enables them to form an informed opinion on the functioning and efficacy of any public institution. Keeping this in mind, a periodical newsletter was generated, with the object of providing authentic information to all the stakeholders about the judicial and administrative branches and it was also intended that placing such information in the public domain will help reviewing

the progress and to revise the move towards areas that require more attention in the reformative process of the system. Therefore, the newsletter released by him on behalf of the Allahabad High Court was a step in furtherance of more accountability and transparency and it was eventually appreciated by all concerned. To sum up, it is an open secret that as an administrator and especially in the administration of the High Court, Justice Bhosale during his tenure of two years and three months, left no stone unturned in achieving a higher trajectory in excellence based on teamwork and collective efforts of honourable judges, registry officials, staff of the High Court and of course the bar.

The subordinate judiciary of any state is the core area and every Chief Justice ought to be proactive in the management of the wide spectrum of lower courts, so as to sustain the overall health of the judiciary in the state. The Hon'ble Supreme Court has stated in the 'Third All India Judges Case' that "the subordinate judiciary is the foundation of the edifice of the judicial system. It is, therefore imperative like any other foundation, that it should become as strong as possible."

The subordinate judiciary in the judicial hierarchy is at the lowest rung of the justice dispensation system and undoubtedly it is the backbone of the judicial apparatus. As it has a direct public interface, it is here that the consumer of justice directly knocks at the doors, pleading for justice and therefore it is a paramount necessity that the judges of the lower courts are sensitised and motivated to uphold the majesty of law. About a century ago, Lord Chief Justice of England, Viscount Hewart stated in his book, 'The New Despotism' "that justice should not only be done, it should be seen to have been done." This is squarely applicable to the subordinate courts like magisterial courts dotted in the nook and corners of India, where the majority of India's population resides and justice at this grassroot level has a direct bearing on the image and the perception of the judicial system in the minds of the common man. Justice D.B Bhosale was very much conscious about this fact and his consciousness turned into action, when he decided to lay utmost emphasis on the working of the subordinate judiciary in the State of Uttar Pradesh. Initially he had no idea about the structure and working of the subordinate judiciary in the state of Uttar Pradesh. In the state of Maharashtra, to which he belonged, there was a system of Taluka courts as opposed to Uttar Pradesh where both the magistrate courts

and session divisions were housed in the same building in the district headquarters of the district. Again in terms of nomenclature, at the district and session level, all judicial officers were addressed as district judges in Maharashtra, from whom one was the principal District Judge, vested with the administrative control and powers. The equivalent in Uttar Pradesh was the Additional District Judge and District Judge, the latter being the administrative and supervisory head of the district judgship. In his first week of joining as Chief Justice at Allahabad, he was briefed by the registry officials about the structure and working of the lower courts in Uttar Pradesh. He was very keen to get acquainted with the system of lower courts in Uttar Pradesh, as he had a plan of action for them. He wanted to follow a participatory approach wherein he involved all the stakeholders, who included all the district and sessions judge's comprising of all the 75 districts of the state of Uttar Pradesh. The plan was to address the question of mounting pendency of cases in the lower courts and subsequent behavioural and procedural reforms. Every week he would invite a cluster of district judges preferably 3 to 4 to Allahabad with a 30 point questionnaire and after winding up his judicial and administrative work in the Allahabad High Court, he would have marathon meetings with the district and sessions judge's of the cluster districts in order to be updated with all the issues at the grass root level and find remedial measures and at the same time ensuring that accountability and transparency is enforced at the lowest rung of the justice dispensation system. These meetings based on a 30 point questionnaire, duly filled by the district judges became a part of the official routine of Justice Bhosale. In these meetings, the entire gamut of issues relating to their



respective judgements was discussed. The atmosphere was free and the opinions were frank.

A little incident which D.B Bhosale recalled and shared with me, relates to one of these meetings with a district judge and it is pretty interesting to mention the same. Once in such a meeting with a district judge, Justice Bhosale realised the wide communication gap which exist, perhaps because of the strict hierarchy between the Chief Justice of any High Court and respective district judges of the subordinate Courts. It was evening time, he was done with his judicial work in the High Court and a half an hour scheduled meeting with a district judge was about to commence in the Chief Justice's chamber in the High Court. The said District Judge, who has retired by now, walked slowly and reluctantly in the Chief's chamber. He looked totally petrified. His head was down, his eyes could not meet the eyes of the Chief and he was shivering from top to bottom. Realising his anxiety, Justice Bhosale asked him to sit down. As the gentleman did not adhere to the request, Justice Bhosale again iterated his request, which again fell on deaf ear. D.B Bhosale then asked him in Hindi to please sit down, which again did not produce the desired effect. At that moment, the incumbent registrar general of the High Court quietly whispered something in the ears of that district judge and asked him to take a seat. The district judge reluctantly sat in front of Justice Bhosale, but again with an improper posture. He sat on the edge of the seat with drooping shoulders and his shivering did not cease. D.B Bhosale offered him water followed by tea and in order to make him feel comfortable, he enquired about his home district, family and other things of a sui generis nature. This had the effect of relaxing the district judge who was hitherto shattered. He then

started opening up slowly and with almost tears in his eyes, he told the Chief that he hails from a very small district and a very backward region of Uttar Pradesh. In his entire career, he never had a face-to-face encounter with the Chief Justice. This was the first time that he was sitting in front of the Chief Justice and had an opportunity to talk. He admitted that initially he was terrified and later on he got profoundly emotional, as he never expected in his wildest dreams, that a Chief Justice would offer him a seat and inquire about his personal life. As his levels of anxiety dwindled, he engaged in an open and frank discussion with the Chief and without hesitating, told the latter about all the problems faced by the subordinate judiciary in its day-to-day working. This made D.B Bhosale realize about the vast official gap and lack of interaction between the Chief Justice and district judges of respective districts. Having said that, it is also true that the august office of the Chief Justice is a busy office and it is not always possible for the institutional head to routinely interact with people in the lower rung of the hierarchy. There are other official channels of communication. There are set systems in place to take care of these situations, where you have a judge of the High Court, who is the administrative judge of the particular judgeship, who is constantly in touch and in communication with the district judge of the respective district. In fact this is the most accepted and official channel of communication between the High Court and the subordinate judiciary. Justice Bhosale never wanted to make any aberration from this practice and respected the same in toto. But at the same time he was a man with an out of box thinking and displayed innovative ideas and this system of the Chief directly meeting the district judges adopted by

him was never meant to be a substitute to the prevailing system, but was another effective and direct communication channel opened between the chief executive of the institution and people occupying subordinate positions in the hierarchy of the organisation. Traditional management theories, which lay emphasis on the pyramid form of organisation led by Max Weber would disapprove such a practice, but modern management theories, favour this practice of jumping the hierarchy and the organisational head interacting directly with the area managers. Henri Fayol, a management thinker in his book 'General and Industrial Management' described this as "Gangplank", which means level jumping in a hierarchical organisation. D.B Bhosale certainly did not have any academic background in management, but administrative acumen was embedded in him and he never shied away from experimentation. Now coming back to the above stated meeting with the District Judge, Justice D.B Bhosale realized the compartmentalisation between the two respective institutions, the High Court and the subordinate Courts and the need to close the gap, which was only possible through regular meetings and interactions between the two, with emphasis on enhanced two-way communication. This according to him would eventually be in the overall interest of the institution at large. From then on, these meetings of D.B Bhosale with district judges became a regular feature and it had the effect of enforcing more efficiency, accountability and transparency in the system.

What he noticed in these meetings was that cases as old as 1940s were pending in the district judiciary of Uttar Pradesh. One of the oldest

cases was pending in Agra judgeship, which dated back to 1943, which was unfortunately even older than our republic. There were also a large number of cases which were prior to the year 2000 and were pending in many subordinate Courts of Uttar Pradesh. He started to wonder why such a huge pendency of old cases was pending in the lower courts of the state. He had told me that one of the reasons which he was made to understand from his senior colleagues in the High Court was indefinite stay granted by the High Court in many matters. This kept the lower court proceedings pending and thus resulted in old cases being shown in the system. To address this issue, he got a district -wise list prepared of old cases and then placed the same before different benches of the honourable court for vacation of the stay orders, if deemed necessary. He was also eager to know from his senior colleagues in the High Court that what mistakes are regularly made by lower court judges in their judicial orders like bail orders, amendment applications, stay orders etc. He gradually started getting acquainted with the peculiarities of the system, the work culture, issues faced and possible solutions towards corrective measures.

He also frequently, every fortnight visited various regions and clusters of the state and met judicial officers of several districts of the region. The visits provided an invaluable first-hand experience of judgeships. The personal interactions with the members of the bar and judicial officers of different judgeships were indispensable for a complete overview of the functioning of the trial courts. During his visits to judgeships, judicial officers and members of the bar provided detailed functional knowledge and acute insights for a complete perspective of the subordinate courts. These frequent visits and personal interactions

enhanced his knowledge of the lower courts and widened his perspective, which helped him in defining his goals and priorities.

It was quite remarkable that despite the high office which his Lordship held and his over busy schedule, he always found time to venture into the regional pockets of the State of Uttar Pradesh and engage in one-to-one interaction with judges of the subordinate judiciary. These meetings with the Chief Justice were obviously taken on a serious note and at times, it sent a chill up the spine of many District and Sessions Judges. Even before the dates of the meeting with the Chief Justice were intimated, there were preparations on a war footing, brainstorming, updating of information and more importantly disposal of old cases by all judicial officers of the judgship so that the wrath of the Chief Justice as the head of the institution could be avoided.

I recall one such meeting with the Chief Justice, Justice DB Bhosale when I was posted as an Additional District and Sessions Judge at judgship Ghaziabad. In the year 2018, his Lordship visited judgship Ghaziabad. It was an official meeting where you had Judicial officers from Judgship Ghaziabad, Bagpat, Gautam Buddh Nagar (Noida) and Hapur assembled at the sprawling lawn of the official Bungalow of the then District Judge, Ghaziabad. As the Chief Justice is the kingpin of the judiciary at the state level, the wait for Justice D.B Bhosale at the venue did send some jitters among certain judicial officers and also gave butterflies in the stomachs of district judges present there. I remember my District Judge, who was equally nervous and had not slept for the last 48 hours, as he was busy with his core team which included me, in planning and overseeing the logistics and making

arrangements to accommodate judicial officers from the cluster districts and more importantly in ensuring that the minute-to-minute programme of the Chief Justice does not go haywire. As we eagerly waited for the Chief Justice's arrival, my District Judge constantly kept asking me about the nitty-gritty's and I kept assuring him about the nuances and logistics pertaining to the meeting and this went a long way in mitigating the anxieties of my District Judge. It was 6 PM in the evening which was the scheduled time of the meeting and justice Bhosale arrived dot on time. The Chief Justice was coming from Allahabad and after landing at Delhi airport, travelled by road to Ghaziabad which at any given time took nearly 2 hours considering the traffic snarls at Delhi and notwithstanding this fact, his Lordship was exactly on time at the venue which lends credit to the fact that he puts high premium on punctuality. As he disembarked from his official vehicle, he was ceremoniously greeted by the district judges and then he was led to a meeting room situated inside the official bungalow of the district Judge Ghaziabad, where the meeting was scheduled to happen. His Lordship had a pristine smile on his face which had the effect to a very large extent in easing the atmosphere and increasing the comfort zone of the judicial officers present for the meeting. As things moved ahead, his Lordship requested every judicial officer to introduce himself personally which was immediately complied with. Then his Lordship in order to wane off the tension narrated a rhetoric which was laced with humour. He asked the judicial officers present there to distinguish between a judge and an advocate. As nobody volunteered to take the question, he provided the answer, which was that both advocates and judges are tantamount to a lion, though not literally but symbolically

and the basic dichotomy between the two is that a judge is a lion incarcerated in a cage and an advocate on the other hand is a lion in the wild with no restrictions and impediments. This statement of his was received with applause and immediately uninhibited the judicial officers by making the environment more informal and interactive. He then impressed upon the judicial officers about the twofold qualities which are indispensable for any judge which are wisdom and power of expression. The next two hours of the meeting were purposeful, participative and constructive. As opposed to a commandeering approach, Justice Bhosale initiated an interactive session, where there was two-way communication and in the capacity of a loco parentis of the institution, he motivated us in tackling the mammoth docket explosion of cases in the lower judiciary on a war footing. Undue emphasis was also laid on pending old cases prior to the year 2000, administrative enquiries against ministerial staff and mediation which was a subject close to the heart of Justice D.B Bhosale. The meeting finally concluded on a positive note. It had charged up and motivated every participant, which was due to the benevolence, humility and goal oriented approach of his Lordship. As things were winding up and as DB Bhosale was getting ready to retire to U.P Sadan at Delhi, where he was scheduled to stay overnight, he had some words of appreciation for my District Judge for the arrangements and logistics pertaining to the meeting and that certainly guaranteed peaceful slumber for that night to my District Judge who was sleep deprived for the last 48 hours.

In the management of the subordinate judiciary, there were certain primary areas which always received the attention of Justice Bhosale. They were disposal of old cases, alternate dispute resolution mechanism in lower courts with special emphasis on the status of mediation at the district level and administrative enquiries pending against the ministerial staff of the judgship which was hitherto the most neglected area of the lower judiciary.

Mounting pendency of cases is endemic to subordinate courts in India and the lower judiciary of Uttar Pradesh is no exception. According to a written reply to an unstarred question in the Rajya Sabha (the upper house of the Indian Parliament), the Ministry of Law and Justice has stated that, as on 20/09/2020, there are 3,45,71,854 cases pending in district and subordinate courts of the country. From which around more than 80 lakh cases are pending in the lower courts of Uttar Pradesh as per the National Judicial Data Grid. When Justice Bhosale had assumed office as the Chief Justice of the Allahabad High Court, there were more than 60 lakh cases pending in the lower courts of the State. Judges of the subordinate court in India are subjected to an inbuilt performance appraisal system, which is monitored by the concerned High Court's and according to the said system, along with other parameters, they are expected to decide a minimum number of cases for each assessment year. There is a credit system in place, according to which, a certain amount of credit is allotted to each individual judge for deciding a particular kind of case. For example deciding a murder trial would give a higher credit than deciding a revision application or other miscellaneous application. The credit is added with every case being decided and at the end of the year it is



totalled and according to the set norms; it has to meet the minimum threshold requirement. So this is how the system of accountability and performance appraisal more or less works with incremental differences in all the subordinate Courts of the country. Hitherto, Uttar Pradesh judiciary had a quota system, which should certainly not be mistaken for affirmative action. This quota system was nothing but a credit system, according to which every individual judge on deciding a particular category of case could claim a certain amount of quota for that case. Say for example, in deciding a murder case, the presiding judge could claim 3 ½ days, in an attempt to murder case, three days and in deciding a civil appeal, he could claim 1 day quota. This quota would be added for the particular month and the figure achieved would eventually be the quota achieved by the presiding judge for the concerned month. To put it simply, if a session judge decided six murder trials in a month, he or she would claim 3 ½ days quota for each case, that is 3 ½ multiplied by six would give him or her 21 days. This would be the work done for the month and this was how subordinate court judges were quantitatively assessed in Uttar Pradesh till justice Bhosale arrived on the scenes. As stated earlier, with the docket explosion of cases in the lower courts of Uttar Pradesh, pendency of a substantial number of old cases only compounded the problem. These old case were pending in almost all the session courts and the magistrate courts and some were as old as our independence. D.B Bhosale in order to usher in a new change replaced the quota system with a new unit system. As per this new unit system, presiding officers of the subordinate court in Uttar Pradesh were given extra credit for each and every category of case decided including

miscellaneous matters like bail applications and delay condonation applications which was not included in the earlier quota system. For Justice Bhosale, cutting the pendency of old cases was the prime target. He mooted this idea of unit system and give extra credit with reference to the out of turn work of disposal of old cases both civil and criminal including appeals and revisions, so that the lower court judges would get motivated and old cases would obliterate from the dockets. The Hon'ble court during his tenure prepared an action plan, according to which, cases were categorised as critically the old cases, very old cases and old cases. There was a specific direction to dispose of cases prior to the year 2000. Furthermore, all judicial officers were directed to make every endeavour to decide minimum one case in each category every month. If the judicial officer decided more than the number of minimum cases of the said categories, he or she would be entitled to an additional 10% credit as bonus per case. This action plan of the Allahabad High court was scrupulously followed by every subordinate judge of Uttar Pradesh in letter and spirit and every endeavour was made, right from a magistrate to a session judge in disposing of old cases pending in different judgements of Uttar Pradesh. It was an effort on a war footing. Many cases prior to the year 2000 were decided and files were consigned to the right place, which was the record room of the district judgements. Some very ancient cases and they may be mentioned, that is one contested as Radha Swami Vs Rai Sahab (Case No. 01/1943) pending at district court of Agra and the other which was Prem Narain Vs Sudhir Kumar (Case No. 02/1956) pending at the district court of Jhansi were disposed of by the presiding officers of the concerned courts. Things didn't take shape overnight. In fact, it was a collective

effort of all the presiding officers of the lower courts and the impetus provided by the High Court led by Justice Bhosale. He followed a participatory approach, wherein his efforts to personally meet all the district judges of the state and undertake frequent and personal visits to several judgships of Uttar Pradesh, where he personally interacted with judicial officers and motivated them, yielded the desired results. He started a practice, where any judicial officer who disposed of an old case of a particular period, say for example 70s or 60s, would receive an appreciation letter from the High Court which would form a part of his or her service record. This strategy of DB Bhosale, which included introduction of a new quantum of work for judicial officers (the new unit system), personal interaction with district judges and judicial officers while on visit to district courts and issuing letters of appreciation to judicial officers for disposing of old cases of a particular year, helped to a very large extent in reducing the number of old cases pending in different subordinate Courts of Uttar Pradesh. Abraham Maslow and Frederick Herzberg, both renowned management thinkers in their theories on motivation have attached undue importance to recognition. According to them, recognition of an employee/subordinate in an organisation is a variable which would be the biggest motivator and this high level of employee motivation would pave the way for realising the organisational objective. As an administrator and leader, Justice Bhosale's style of functioning was never dictatorial or autocratic. It was on the other hand more democratic and participative. He never believed in ruling with an iron fist and as an administrator, put more premium on teamwork and collective action. He never treated judicial officers as mere cogs in the system and in his participatory management

approach, which he followed, motivation of the human variable, which were the judges of the lower court received maximum attention.

As stated earlier, district courts which are a part of the lower rung of the judicial hierarchy are places with a direct public interface with the consumer of Justice. It is here where the real action lies. Every trial, whether civil or criminal has its inception in the subordinate Courts, where litigants appear, facts emerge and evidence is recorded. These are fact-finding courts which are faced with a massive influx of cases as they are the original courts of institution. In recent times, the mounting pendency of cases has put huge pressure on trial court's and they have certainly rose up to the occasion in meeting these challenges. Apart from judicial work, there's a lot of administrative work in these lower courts. Administration of Justice, financial administration and personnel management concerning judicial officers and ministerial staff, are some of the areas on the administrative side, which occupy considerable time of the institutional head at the district level, which is the principal district judge and sessions judge of the judgship. In recent years, the administrative burden of district judges has enormously increased and along with judicial work, district judges spend a lot of time in the administrative affairs of the judgship. In fact, over the years, pressure on every government establishment has increased and reformatory concepts like new public management and good governance are the buzzword, which have ensured that the callous approach of some public institutions is shed away and public services are made more competitive, efficient and more oriented towards their clientele. As far as the judiciary is concerned, it is not just a public office, but it occupies a very special place in our constitutional scheme.

It is a holy shrine of Justice vested with the solemn duty of protecting the liberty of individuals from the caprices of the executive and maintaining the rule of law. Today there is nothing like a 9 to 5 or 10 to 6 job in the judiciary. Judges work overtime and are actually expected to work overtime so that the mounting pendency is tackled. In Uttar Pradesh, judges of the subordinate court have to report in their chambers at sharp 10am and dais timings were from 10:30 AM to 1:30 PM with a recess from 1:30 PM to 2.00PM, followed by dais sitting from 2 PM to 4 PM and then judicial officers would retire to their chambers from 4 PM to 5 PM. As far as the principal district judges were concerned, there was a relaxation in the norms and they were given a timeslot from 10 AM to 11:30 AM for administrative work in their chambers. After that, they would hold dais like other judicial officers. While on his meeting spree with district judges, Justice Bhosale was astonished to learn that principal district judges are doing administrative work till 11:30 AM after which they hold dais. He considered this as a waste of precious judicial time, especially in view of the mounting docket. According to him, administrative work was no less important, however not at the cost of judicial time and administrative work could have been adjusted before holding of dais or post dais period. Not being a despot, he did not want to enforce his decision on the subordinate judiciary, though all that was required was one order of the Chief Justice which everybody was duty bound to comply with and consequential amendment of the rules governing the functioning of lower courts. It was quite humble on his part to seek the opinion and consent of district judges before getting the amendment in the rule which permitted district judges to do administrative work

till 11.30 in the morning. As none of the district judges objected to the proposed amendment which was on expected lines, the relevant rule in General Rule (Civil), which are rules governing the functioning of lower courts in Uttar Pradesh was amended and now in the present scenario, district judges in Uttar Pradesh are required to hold dais from 10:30 AM onwards. This has added an extra hour of judicial time for district judges and instead of four hours, district judges now work on the judicial side for 5 ½ hours.

Justice Bhosale was also disillusioned to know during his meetings with district judges, that on an average, 45 to 50 working days in a year are wasted on account of strikes and calls for boycott given by various bar associations in the lower courts of Uttar Pradesh. He knew that this issue was not entirely in his hands, as the bar associations which are an independent body of advocates were required to be taken into confidence in order to fix this problem. Losing 45 to 50 days per annum on strikes and boycotts was a loss of precious judicial time and to compensate for this loss of time, he proposed to increase the judicial time for lower courts by half an hour on every working day. This was also not done arbitrarily and only after the consent taken of all the judicial officers in Uttar Pradesh, the hon'ble Allahabad High Court amended the existing rule, which was rule 10 of the general rule (civil). As per this new amendment which was carried out on the initiative of Justice Bhosale, the daily sitting of civil courts in Uttar Pradesh for judicial work was increased by half an hour to end at 4:30 PM instead of 4 PM with a recess from 1:30 PM to 2 PM. This very amendment also withdrew the special allowance to district judges to do one hour of administrative work as discussed above and added one more hour to

their judicial time. This increased the judicial hours for the subordinate Courts from 5 to 5 ½ hours which itself translated into increased working days of 22 for judicial officers and 66 for district judges per year respectively. This was an endeavour by the High Court led by Justice Bhosale in ensuring that subordinate courts in Uttar Pradesh work to the optimum during judicial hours and there is an increase in the output, and performance levels are standardised, both in terms of quantity as well as quality.

The term alternate dispute resolution mechanism (ADR) was something which was strongly advocated and supported by Justice Bhosale. He was personally convinced of the efficacy of this mechanism while he was the Executive Chairman of the State legal services authority in Andhra Pradesh. Being convinced by the effectiveness of this mechanism, he was determined to implement the same in Uttar Pradesh in its entirety. A layman and a person with a non-judicial background would wonder what alternate dispute resolution is. To put it simply, ADR is an all-encompassing term which refers to multiple non-judicial methods of handling conflicts between parties. Various examples of ADR are mediation, arbitration, neutral evaluation, negotiation and conciliation. ADR is a non-adversarial system wherein conflicting parties get a chance to arrive at a settlement or solution in a peaceful, cordial and calm environment. Cumbersome procedures and technical rules of evidence are inapplicable to these non adversarial proceedings.

Arbitration is the submission of a dispute to one or more impartial persons for a final and binding decision on the dispute. The person adjudicating is called the arbitrator and his decision is called the arbitral award which is binding on the parties. Arbitration requires a certain level of consent between the parties.

Mediation is a process whereby a neutral third party, called the mediator, intervenes in a dispute to help the parties amicably and informally resolve a dispute. Mediators are individuals trained in negotiations that attempt to work out a settlement or agreement that both parties accept or reject. Mediation is usually non-binding and relatively non-adversarial, offering parties a methodology to address disagreements while continuing in an economically viable relationship, without cost of litigation.

Neutral evaluation is also a non-adversarial process in which the parties submit their positions to a third-party neutral through a confidential evaluation session. The neutral examines the evidence, listens to the party's positions, and provides the parties his or her evaluation of the case. Evaluation is comparatively simpler and less expensive and is apt for cases where answers on technical questions are required without delay.

Negotiation is a less formal method, whereby parties meet in good faith to discuss and address the dispute with the goal of reaching a mutually agreeable resolution. Negotiations can take place with or without lawyers or neutrals.

Lastly Conciliation is a process similar to mediation but the neutral third party takes a more interventionist role in bringing the two parties



together. If the parties are unable to reach a mutually acceptable settlement, the conciliator issues a recommendation which is binding on the parties unless it is rejected by one of them. Though the conciliator may have advisory role on the content of the dispute or the outcome of a resolution, it is not a determinative role. The conciliator does not have the power to impose a settlement.

The concept of ADR is not a new phenomenon. Since times of immemorial antiquity, societies have been developing informal and non-adversarial processes for resolving disputes. India also has a long tradition of using ADR processes. The most popular method of dispute resolution was 'Panchayat', which began 2,500 years ago and is extensively used even in contemporary times for resolution of both mercantile and non-mercantile disputes.

In India, section 89 of the Civil Procedure Code, 1908, envisages the various facets of the alternate dispute resolution mechanism. It provides for settlement of disputes through arbitration, conciliation, judicial settlement including settlement through Lok Adalat and mediation. Apart from this and some other provisions of the civil procedure code, the Legal Services Authorities Act, 1987 also provides a forum for alternate dispute resolution. Section 22 of the act makes provisions for establishment of permanent Lok Adalat and Lok Adalats at the district level and settlements occurred in these lokadalats are decrees and awards which are justifiable.

The reason which has prompted me to harp on the various aspects of alternate dispute resolution mechanism is because this term has gained currency in public discourse and in the day-to-day working of all courts

irrespective of their hierarchy. The above-mentioned section 89 of the civil procedure code, 1908 and permanent lokadalat and other lokadalats constituted under the legal services authorities act have institutionalised the alternate dispute resolution mechanism in India. ADR mechanism is gradually gaining traction amongst litigants and lawyers and is widely promoted by the presiding officers of the courts as it is swift, efficient and a cost-effective remedy for expeditious resolution of disputes in an amicable and non adversarial manner.

When Justice D.B Bhosale came as a Chief Justice to Uttar Pradesh, he immediately realised that ADR mechanism except for the High Court, was not very popular and resorted to in subordinate courts. It was even more shocking for him to know that most of the judges of the lower courts were not even fully aware of the concept of ADR mechanism and seldom referred parties to mediation. The judge mediator concept (where judges act as mediators in cases, in order to get them amicably settled) which was very much in vogue in places like Mumbai, to which DB Bhosale belonged, was literally non existent and unpopular in the lower courts of Uttar Pradesh. As he was an ardent promoter of mediation, he was of the view that the traditional structure of the courts is incapable of handling the current challenges of litigation. The current approach to litigation is unable to contain the explosion of the docket. One has to reinvent, so that the challenges of time can be successfully met. He believed that this required that the dogmas of the past have to be abandoned and the status quo of the present has to be abjured. The challenge of the exploding docket, according to him precisely needed this new approach, of which ADR was an integral part. He always said that mediation is one idea which needs to be pursued with vigour and it

is an idea whose time has come. Based on this premise, when he assumed office as Chief, he was convinced that the approach to mediation in lower courts was timid. According to him, mediation was stagnant and its decline was imminent. In order to give a fresh impetus to ADR mechanism especially mediation, the Hon'ble Allahabad High Court on his initiative, made a trail blazing initiative of setting up mediation centres in the district judgeships of Uttar Pradesh. This pioneering concept was followed by equally diligent action to translate the vision into reality. At the very outset, the unique concept of judge mediators was started in district judgeships. Rules were framed, supporting infrastructure was created across the stretch of the state and training programmes were successfully run in almost all the judgeships of the state. The creation of infrastructure which was hitherto lacking provided the avenue for mediation and this fillip, particularly the professional training measures engendered confidence in the judicial officers of the State. Introduction of a concept like this in a state which was predominantly an agrarian economy, where every friction between the litigating parties had its genesis in some land dispute was sure to be met with some resistance and scepticism. Not only the litigant, but even some lawyers and judicial officers were a part of the bandwagon of this scepticism. This was obvious and natural. In places like Mumbai and Delhi, where the economy was totally monetised, the tertiary sector was large, a sizeable presence of multinationals existed and therefore under such a backdrop, commercial and mercantile disputes proliferated in the law courts of these cities. Due to skyrocketing litigation cost, which was on account of exorbitant lawyer's fees and court fees which the plaintiff would have

to pay before instituting a suit, ADR mechanism gradually started becoming popular. A highly monetised and developed economy needs an efficient dispute resolution forum and due to certain peculiar structural and procedural issues faced by courts, arbitration, conciliation and mediation in big cities of India were given primacy, as the same were speedy, non-technical and cost-effective when compared to courts. In total contrast to this, Uttar Pradesh state which certainly possesses the human capital, resources and talent and potential for growth was unfortunately still a developing economy and lagging behind on many socio-economic indices. The bulk of the legal disputes in the courts of Uttar Pradesh have their genesis in rival land claims and therefore popularising ADR mechanism in such a scenario was an uphill task. It was precisely due to this, that initially in Uttar Pradesh, the proclivity of litigants including some members of the bar towards ADR mechanism was negligible. Even lawyers in the district court paid only lip service to the concept of mediation. This did not however deter the man. He was firm in his conviction and clear in his mission. He was convinced that implementation of the ADR mechanism in Uttar Pradesh would gradually fructify. His initiatives paid off and several steps taken by the High Court in the area of mediation in subordinate courts especially appointment of judge mediators gained acceptability amongst the litigating public. Mediation was thus being accorded legitimacy as a method of alternate dispute resolution, as never before. Judicial officers were given comprehensive forty hours mediation training by the Mediation and Conciliation Project Committee (MCPC) of the Supreme Court of India, which qualified them as judge mediators. In addition to this, all the judicial officers of the State were given one day the referral

judge training on mediation, which provided them with necessary guidance as to which matters can be referred for mediation. This eventually formalised and institutionalised mediation in lower courts of Uttar Pradesh and conferred powers on the judicial officers to mediate. To make the process more encouraging, the Allahabad High Court framed guidelines in relation to mediation for lower courts, wherein the referral judge (the judge who has referred the matter for mediation under section 89 of CPC) was given credit of half of the quantum as prescribed for the disposal of that particular case by regular court and the judge mediator who mediated between the parties was given full credit as prescribed for the disposal of the particular case by a regular court.

Mediators are of two types, judge mediator and advocate mediator. The problem pertaining to the latter was that as per the mediation rules which were then existing, every year, the names of the advocate mediator had to be approved by the High Court. Justice Bhosale found this rule unnecessary and untenable as it only delayed things and it was finally abrogated. Delayed payments to advocate mediator was also an issue because of which they never took keen interest in mediation, which eventually thwarted the mediation efforts. Necessary directions in this regard were given by Justice Bhosale and a sizeable number of advocate mediator's were paid by the Uttar Pradesh State legal services authority out of the funds allocated under the 14<sup>th</sup> Finance commission. During his tenure, several ADR buildings and mediation centres saw the light of the day in various districts of Uttar Pradesh. He personally monitored these projects and was also present during their foundation laying ceremony and their inaugural. Justice Bhosale also coordinated

with the government and used his good offices in ensuring that the post of full-time secretaries of the district legal services authority (a body constituted under the Legal Services Authority Act, 1987) is created on a permanent basis with supporting staff, so that judicial officers can devote their whole time in achieving the goal of providing free legal services so that mediation as a tool would get a fillip. In addition to this, the High Court under his guidance also organised sensitisation programmes on mediation and also sensitisation programmes for family court judges of Uttar Pradesh. All these efforts of the High Court under the leadership of Justice Bhosale started producing encouraging results. Litigants throughout the state started freely opting for mediation and this was just not confined to family court, but transcended to several courts and multifarious matters like tenancy suits, cheque bouncing cases, land acquisition matters, summary suits for recovery of money and property disputes. During his tenure, in some districts, the settlement rate went up to 25% of cases referred for mediation. All this became a reality due to his faith and interest in mediation and more importantly, his supervision, support and encouragement to district judges and the subordinate judiciary as a whole. Infrastructure was provided, funds were released, judges were sensitised and a work culture in mediation was established. He always led from the front and this ensured that mediation as a tool of alternate dispute resolution mechanism gets deep-rooted in the socio-legal milieu of the state. Today in Uttar Pradesh, mediation has come to stay in. Presiding officers of lower courts, lawyers and litigants are today not only familiar with mediation, but resort to it more often and mediation

is surely a success story in Uttar Pradesh, which can be attributed to the sincere endeavours of Justice DB Bhosale.

Another reality which came to his knowledge as a Chief and during his meetings with district judges was the huge pendency of departmental enquiries pending against the ministerial staff of the subordinate courts. These enquiries are mostly pending against the group C and group D employees of the subordinate Courts under the applicable service rules. These enquiries are initiated by the institutional head, which is the district judge against the delinquent employee on many grounds and broadly speaking, gross misconduct, dereliction of duty and loss of records are the most common charges against the delinquent employees of the lower courts. These enquiries have to be decided on the touchstone of preponderance of probabilities. As these enquiries remain pending for long, it acts as a detriment to the delinquent employee. Pendency of such departmental enquiry against any employee has several ramifications and repercussions felt by the concerned employee. Pendency of his or her enquiry may lead to his or her suspension. If he or she is not suspended, then the said employee is visited by other evil consequences like benefits of assured career progress (ACP) being withheld, bypassed for promotion, shunted out to insignificant post and more importantly, it stigmatizes the delinquent employee. This has a detrimental effect on the morale and motivation of the employee, which is ultimately not good for the institution at large. There use to be pending departmental enquiries in district judgeships, which were as old as a decade and a majority of them were half a

decade old. On learning about this huge pendency of departmental enquiries in subordinate Courts of Uttar Pradesh, DB Bhosale issued clear-cut directions, as according to him this was an unacceptable situation warranting immediate action. In his trilogy of directions for subordinate courts, immediate disposal of pending departmental enquiries was central, along with old cases and mediation. Subordinate judiciary too did not disappoint and rose up to the occasion by disposing of many departmental enquiries against the ministerial staff on a war footing. One of the reasons for this good track record of the lower courts in disposal of administrative enquiries was the constant monitoring by the High Court and frequent meetings of Justice Bhosale with district judges and members of the subordinate judiciary. So this is how one of the most neglected areas in district judgeships received a huge fillip and led to a massive disposal of administrative enquiries during his tenure.

Any organisation or institution is not only about administrative structures or hierarchies, but it is about the people which compose them. It is the human element manning the organisation which should gain primacy over other variables like structures, hierarchies, rules and regulations etc. Justice Bhosale always put a high premium on this human resource. For him, augmenting the knowledge, skills and expertise of judicial officers and their ultimate personality development was paramount, as he always felt that there is an imperative requirement of creative output and the oppression of routine produces a



jaded result. He called this the paradox of judicial life. The judicial academy would resolve this dilemma and address this inadequacy. Training institutes and judicial academies would ensure that judicial solutions remain relevant by ensuring that judges remain creative. As the Chief Justice, he was of the view that induction training, which is the entry-level training for judges at the training institute, is necessary but is inadequate at the same time. He felt that induction training only gives a bird's eye view of the institution and in the field of law, where everyday important changes take place, regular updating with new developments and concepts in the field of law is indispensable. This calls for frequent and regular refresher courses for judges at the mid-term level of his or her service. He believed that judicial academies would not only provide a forum for training, but would be an avenue for research and reflection and provide an opportunity for expressing independent thoughts and exhibiting intellectual creativity. He wanted the judicial training and research institute (JTRI) at Lucknow, which is the premier training academy for subordinate court judges of Uttar Pradesh, to impart fresh vigour to the intellectual quotient of judges. He pledged to make the judicial training and research institute of Uttar Pradesh a veritable think tank and a necessary adjunct to a High Court. In pursuance of his noble intentions, several refresher training programmes in various fields of law for judicial officers of Uttar Pradesh were organised at regular intervals by the Allahabad High Court during the tenure of DB Bhosale. This certainly benefited all the lower court judges, whether new entrant or veterans, as it equipped them with the latest and current development in the legal discipline and revitalised their legal acumen.

During D.B Bhosale's leadership, the Allahabad High Court organised two state-level judicial officers' conferences. In fact, it was for the very first time in the history of the Allahabad High Court, that such a conference of judicial officers ever took place. Justice Bhosale as acting chief justice of the Andhra Pradesh High Court had organised a similar conference and convinced by its success and response, he desired to conceptualise a similar gathering in Uttar Pradesh. A critic would say that why such a conference, as it is sheer wastage of scarce resources and public time. But D.B Bhosale thought otherwise and rightly so. For him, this conference would be an aberration from the traditional approach. It would shed the commandeering approach and involve the participation of an important stakeholder, the lower judiciary in collective problem-solving. It would lead to a direct interface between the High Court and subordinate courts on a common platform, which would eventually help the High Court in understanding the issues confronting the lower courts at the grass root level. It would promote open debates, discussions and deliberations and this two-way communication process would raise the morale of the judicial officers and boost their output as presiding officers of their respective courts. It would inculcate a problem-solving attitude in judicial officers and thus would infuse a new zeal and vigour in them. Lastly, it would provide subject specific knowledge to the participants, lead to skill development, and enhancement of personality and foster a sense of unity of purpose, direction and brotherhood amongst judicial officers of the State. This was his justification and his answer to his critics for these historic conferences and as a matter of record; these conferences were held on

non-working days, during the weekend, so that no precious judicial time was lost or compromised. So, the High Court, on his initiative, organised two conferences in the year 2017. The first one was organised for the magistracy on 4<sup>th</sup> and 5<sup>th</sup> February, 2017 and the second one was organised for the district judge and additional district judge cadres on 9<sup>th</sup> and 10<sup>th</sup> September, 2017. He was practically involved in each and every aspect of these conferences right from organising them till their completion. However, the success of these conferences was attributed to his core team in the Allahabad High Court, which included Justice Vikram Nath, Justice Krishna Murari, Justice Tarun Agarwal, Justice Manoj Mishra, Justice D.K Upadhyaya, Justice Manoj Kumar Gupta, Justice Anjani Kumar Mishra, Justice Suneet Kumar, Justice Aswani Kumar Mishra and Justice Yashwant Varma. Infact, his core team was a gigantic pillar of support for him, and the collective efforts of all, ensured that these conferences create an indelible footprint in the annals of judicial history. The topics for deliberation in these conferences were chosen with care and were of current relevance, and related to issues being faced by subordinate courts on a daily basis. The topics in these two-day conferences were varied, ranging from docket management in courts for speedy justice and disposal of old cases, need for alternate dispute resolution forums and its effectiveness, Judgment writing, civil and criminal procedure for furtherance of substantial justice and judicial discipline and judicial conscience. These two conferences, a brainchild of DB Bhosale, were two noted events in the annals of the history of the Allahabad High Court and finally culminated in to a grand success, with the release of two handbooks containing articles and papers on varied legal topics written by hon'ble

judges of the court. It also provided an enriching experience to the participating judicial officers of the State, who got an enabling platform, where they could for the very first time, benefit from the two-way communication process like interactive sessions between the honourable judges of the High Court and members of the subordinate judiciary. These conferences ended on a positive note and justice Bhosale, while parting away during the valedictory session of these conferences, hoped that these legacies from now on, would be continued in perpetuity.

For Justice Bhosale, judicial officers of subordinate courts are the face of the judiciary and the general public perception of the judiciary is directly proportionate to the conduct, integrity and discipline maintained by judicial officers. The common man appeared in person or along with his advocate in these courts of first instance and therefore the image of the judiciary is squarely in the hands of subordinate court judges, who are the cutting-edge officers and role models for the society. Maintaining the dignity of a judicial office is paramount and Justice Bhosale as a guardian of the institution and in the capacity of the chief of the Allahabad High Court was proactive in ensuring that the high standards and values attached to the judicial office remain unscathed. To corroborate this point, mentioning a few incidents and events concerning judicial officers of subordinate courts during the tenure of DB Bhosale as Chief will not be out of place.

When he took over as the Chief Justice of the Allahabad High Court, he was travelling by road from prayagraj (then Allahabad) to Lucknow in

the very first week of his taking over charge of the High Court. He was accompanied by his wife madam Arundhati Bhosale. In transit, somewhere near the district headquarters of Pratapgarh district of Uttar Pradesh, madam arundhati noticed 4 to 5 persons in black attire, in black coats and ties, standing on the road in an organised manner and in complete attention. They appeared as a homogeneous group, assembled in some kind of symphony and stood observing some apparent code of seniority or some common understanding. They were led by a person, who happened to be their leader and was equipped with a bouquet of roses in his hand. As the motorcade of Justice Bhosale bypassed these bizarre bystanders, there were gestures of greetings with folded hands offered by these men and women to the convoy of Justice Bhosale. At that juncture, madam Bhosale brought this to the attention of her husband, who happened to be engrossed in his newspaper. On seeing this, Justice Bhosale asked his chauffeur to immediately halt the car, as he was quite curious to know about these people, who were demonstrating undue respect to him. He rolled down his car window and curiously asked the man leading the group to give their introduction. He discovered that these gentleman and ladies were none other than judicial officers of the judgship, which fell within the scheduled route of the Chief and the man leading the group, who had a bouquet in his hand was the principal District and Sessions Judge. It was a sweet gesture and a token of respect by the judicial officers of the concerned judgship, who waited in the scorching heat to pay their respect to Justice Bhosale, who appreciated their gesture, but did not totally approve their assembly. He asked the district judge and his troupe of judicial officers to follow him to a nearby guesthouse, where

he was expected to halt for a brief period before continuing his journey to Lucknow. At the guesthouse, he politely conveyed to the district judge, that he respects their sentiments, but the manner in which, they have shown their mark of respect by assembling on the streets to greet the Chief Justice was improper. He gave them a little pep talk about how sacred the dignity of the judicial office is and how it is the duty of judicial officers in ensuring that the sanctity of the judicial office remains intact. This struck a chord with the judicial officers present there, as they realised that they were blessed with a new Chief who cared for them and who wanted to be a guardian angel of the judicial apparatus of the state. Eventually this unscheduled meetings with judicial officers ended, everyone dispersed and Justice Bhosale on reaching Lucknow, issued fresh guidelines, according to which, all judicial officers of the State should desist from assembling on the streets to receive the Chief Justice or any other judge of the High Court, and only the District and Sessions Judge accompanied with the Chief judicial Magistrate should receive the Chief at the guesthouse and only after court hours.

Another little incident which got Justice Bhosale furious against one district and sessions judge requires a brief narration. As mentioned, DB Bhosale had made it a practice to visit several judgeships and cluster of judgeships in order to personally meet the judicial officers stationed there. So there was a time when he was scheduled to visit Muzzafarnagar judgeship, which is in the western part of the state. One day before his scheduled visit, he flew late in the evening from prayagraj to Delhi and retired for the night at U.P Sadan (a State government accommodation for VIPs). He was supposed to start early in the

morning for Muzzafarnagar, where he had a meeting with the judicial officers of the judgeship. The next day in the wee hours of the morning, as he was up and was getting ready to start his day, a peon knocked on the door of his suite. As he opened the door, he was informed that he had visitors waiting for him. It was six in the morning and Justice Bhosale was a bit perplexed as he was not expecting any unwanted guest and at least at not that hour of the morning. He however asked the peon to let these visitors come in the drawing room of his suite. The very next moment, he was zapped to see two ladies walking in and respectfully greeting him. One introduced herself as the Chief judicial Magistrate and the other as an additional Chief judicial Magistrate of Muzaffarnagar judgeship. At that moment, his first question to them was as to what were they doing in Delhi and precisely at UP Sadan at this hour. The ladies humbly said in Hindi that 'lordship hum apkolene aye hain' (lordship we have come to fetch you). At this, DB Bhosale cracked up and said in the same vein that 'phir do kyon, kandha dene keliyechaarlagte hain, chaarkyonnahin aye' (then why two, as it takes four people to carry a dead, four should have come). The two ladies were themselves puzzled and didn't know how to react. DB Bhosale did initially try to dismiss it as a humour but was at the same time not very impressed. His wrath was invited. He sternly asked the ladies as to whose great idea was this, to which they replied that it was their District Judge, who had conceptualised this disastrous idea. They said that they were there to fetch him on the directions of the then District Judge and they had not slept all night as they had started late in the night from Muzzafarnagar, reached UP Sadan early in the morning and now were ready to leave back for Muzzafarnagar with the Chief. Anybody

who knows DB Bhosale personally would tell you that he is a man as cool as a cucumber, who never loses his cool. This episode however, made him lose his mind. He was angry to the core, was fuming, as he could not contemplate as to why did the said District Judge, send two lady judicial officers all the way from Muzzafarnagar to fetch him from Delhi. The reason for his anger was twofold. Firstly, he never approved the practice of judicial officers unnecessarily engaging in VIP duties and secondly, the decision of the then District Judge of Muzzafarnagar in sending two lady judicial officers for VIP duties was highly objectionable. On that day, sometime around noon, he reached Muzzafarnagar and in the chamber of the then incumbent District Judge, Justice Bhosale could not resist venting out his anger in front of all the judicial officers. The concerned district judge was the obvious target of his fury. He told the district judge that if he was so concerned for the Chief, the district judge could have come in person or sent a male officer instead of deputing female officers at odd hours. The concerned district judge had by now realised the absurdity of his decision and sincerely apologised for this blunder committed by him. Justice Bhosale was not convinced with the tendered apology, as this act of the district judge had put the safety of the two lady judicial officers in jeopardy. They had travelled a long distance and all night from Muzzafarnagar to Delhi and the question of their safety and dignity was involved. Moreover, it had set a bad precedent, which had to be corrected and so he thought that a mere reprimand or admonition to the district judge will not suffice. In furtherance of the punitive action which Justice Bhosale intended to take against the concerned district judge, the registrar general of the High Court was directed to



immediately issue a notification, transferring the concerned district judge from Muzzafarnagar to a small district which was tantamount to a punishment posting.

So whenever there was a cloud casted on the honour, dignity and integrity of the judicial office or judicial officer, Justice Bhosale instantly intervened to uphold the high standards of the judicial office and also on numerous occasions stood by the judicial officer and protected him or her, if deemed necessary. As the Chief Justice, it was his duty to protect the chair and also the person who sits on that chair. He was pro-judicial officer and rewarded them for their efficiency, hard work and integrity. But when there was a deviation from judicial ethics, he did not hesitate in taking strict action against the delinquent. He actively involved himself in the smooth and efficient functioning of the subordinate judiciary of Uttar Pradesh, with a focus on disposal of old cases and using mediation as an important tool of the ADR mechanism in lower courts. His efforts and good intentions did yield to some extent the desired results. Old cases gradually started to obliterate from the dockets. Honest endeavours were made in disposing of pending departmental enquiries against ministerial staff of the subordinate Courts. And lastly mediation as a tool of alternate dispute resolution mechanism which was hitherto seldom resorted to in the lower courts of the state of Uttar Pradesh received a fillip.

Interpersonal relationship with colleagues, handling the bar and other stakeholders of the system are other areas on the administrative side before any Chief Justice. As far as Justice Bhosale was concerned, his

personality was such that anybody coming in contact with him got totally enthralled by him. He possessed a god gifted ability of winning hearts. As a judge and Chief Justice, he was always very amenable and receptive to everyone who may have come his way. Any request upon his time either by any of his brother or sister judges or by the members of the bar was always met with a welcome. As the Chief, he was always accessible to his brother and sister judges of the Allahabad High Court and he always endeavoured to create a conducive environment in his interpersonal relations with the honourable judges of the court. This is one of the reasons why he had so many admirers amongst judges and due to his nature, which was based on the premise of mutual respect, trust and camaraderie; he received the utmost cooperation of all his colleagues. He was one of the few chief justices, who had the natural ability to take everybody together. However as we live in a democratic setup, a free society, where dissent is integral to democracy and therefore it is not always possible that there is always consensus ad idem between brother and sister judges of the High Court. Having said that, Justice Bhosale's leadership was unique, as he commanded the confidence of all the sitting judges of the Allahabad High Court and ensured that everyone was on the same page. Being influenced by the great words of Martin Luther King Jr, who once said that 'we must learn to live together as brothers or collectively perish together' Justice Bhosale ensured that the high traditions and values of the Allahabad High Court are always defended, preserved and upheld at all cost and brotherhood and bonhomie between brother and sister judges of the High Court remains cemented.

As a Chief Justice and in managing his interpersonal relations with colleagues in the High Court, DB Bhosale never offended anyone. He never allowed the weight of his office and his position as a Chief, to come between him and all his other brother and sister colleagues. He worked in a dual capacity. He discharged his duties as a Chief while handling judicial and administrative business in the High Court, which was from 9am to 5pm of the day and after that he was a free man, who behaved with his colleagues as a friend and a companion. In fact even during court hours, he was as easy as he could get with his colleagues and whenever any judge came to meet DB Bhosale in the latter's chamber, Justice Bhosale was very receptive and made his colleague feel comfortable and at home. By nature, DB Bhosale was jovial and with a smiling face, he always made the other person feel special and important. This is a unique quality, which people of his stature and position seldom possess. He could never be arrogant with anyone and always created a cordial atmosphere, where he treated people politely and with respect. This is one of the reasons why almost every honourable Judge of the Allahabad High Court and the entire legal clan had high regards for him and applauded him as a person. Humility was loaded in Justice Bhosale, but when controversies surrounding his colleagues came before him, he was the most professional and handled all issues and controversies with utmost tact and diplomacy. In contemporary times, it has become a fashion to slam a judge or a judicial authority by vested interest and unscrupulous elements, especially when the outcome of a case is not in accordance with the expected results of the losing party. Exerting pressure on judges and browbeating them is a dangerous trend which is getting common in our

judicial setup. Even the high Courts are not spared by such evil designs of unscrupulous elements. Once in a casual conversation with Justice Bhosale, he had told me that when he took over as the Chief Justice of the Allahabad High Court, the then Chief Justice of India, as part of an in-house inquiry, sent a letter to him which contained a complaint against a young judge of the High Court who was from the bar. DB Bhosale was directed to get the explanation of the concerned judge and send his report to the Chief Justice of India. Despite the fact that the Allahabad High Court is a mammoth High Court with a soaring number of judges, DB Bhosale knew all his colleagues in and out whether in terms of their work or on the personal front. As far as this Hon'ble judge, whose explanation was sought, Justice Bhosale was very much aware of his reputation. He had full faith in him, as he was a hardworking judge with a high disposal rate. Nevertheless, he was constrained to seek the said explanation and send his report to the Chief Justice of India. So he tried to find out more about this Hon'ble judge through different channels and then one fine day called him on his mobile and invited him to the chief's official bungalow. This Hon'ble judge was quite startled by the phone call of Justice Bhosale and the subsequent invitation which followed. But as this invitation was by the Chief, there was no option but to pay a visit, which this Hon'ble judge duly did. As he reached the Chief's bungalow, he was warmly received and greeted by DB Bhosale, who made him feel comfortable. After engaging in a general conversation, DB Bhosale started slowly coming to the point. He told him about his transfer from the Bombay High Court to the Karnataka High Court in 2012 and added that in contemporary times, there is a set in-house procedure to enquire into

complaints against judges, where the explanation of the judge is sought and this procedure was literally absent during his time. As Justice Bhosale continued to speak on this subject, the other honourable Judge was alarmed and started to feel a little uncomfortable. He realised that something wasn't right. He couldn't resist asking and finally he asked his chief, if there was anything against him, to which Justice Bhosale replied in the affirmative. The Hon'ble judge was initially dismayed and after a brief moment, he got composed and then furnished a very satisfactory explanation against the said complaint, which totally rendered the averments in the complaint against him redundant and nugatory. Justice Bhosale was eventually convinced about the frivolous nature of the complaint and subsequently when he met the Chief Justice of India in Delhi, he conveyed to him that the explanation of the concerned judge has been taken and according to him, the complaint is bereft of merit. He further added that the concerned judge possessed impeccable integrity and was efficiency personified. As Justice Bhosale was a well-respected figure, who enjoyed the confidence of seniors and juniors, his opinion was taken as a fait accompli. The Chief Justice of India on hearing this was also satisfied and convinced and told DB Bhosale that henceforth, this complaint should be treated as a moribund issue and the concerned judge should be asked to take it easy. Later on at Allahabad, Justice Bhosale conveyed this message of the Chief Justice of India to the concerned judge, who on hearing the same was in tears. That evening, the same Hon'ble judge along with his wife went to the residence of Justice Bhosale and they both thanked him from the bottom of their heart. He told DB Bhosale that he is very grateful to him for doing justice to him. At this, Justice Bhosale said

that he did not favour any one, and it was the concerned judge who favoured DB Bhosale by his integrity and exceptional qualities. Justice Bhosale also told me that there were 2 to 3 more instances of this nature, and except one, every time he stood by his brother judges. This quality of Justice Bhosale in standing for righteousness and safeguarding the interests and reputation of his colleagues and people was something which made him special and only increased the list of his followers.

Justice Bhosale had this natural ability of putting across his point to his or her colleague in the most unembellished and pleasant manner without offending him or her. By nature, he was not a nasty person, but in the interest of the institution, he would convey the harshest thing to his or her colleague without making them feel bad or humiliated. Every judge is independent while dispensing justice and has his or her jurisdiction defined and clearly spelt out. The unwritten code of judicial ethics and propriety requires that judges should refrain from intruding in the jurisdictional domain of his or her fellow judge. This is one of the fundamental requirements of judicial propriety and is scrupulously observed by all judges irrespective of the court they hold. However there may be stray and exceptional cases, where a judge or a presiding officer may advertently or inadvertently intervene in the jurisdiction of his fellow colleague which may take various shapes and forms. The interference may be in the form of enforcing one's viewpoint on a colleague in some case, which falls in the jurisdiction of the said colleague. It may also involve asking a colleague to decide a particular

case in a particular manner, though such instances are rare. A Chief Justice as the head of the institution is the kingpin of the judiciary in the state and handles several such issues and complaints against judges and judicial officers in a routine manner. Such an insinuation may be against a judicial officer or at times even against any Hon'ble judge of the High Court. The Allahabad High Court like any other High Court of the country is an institution par excellence, which follows the highest standards of judicial ethics and such events seldom occur or surface in its functioning. As the Chief Justice, DB Bhosale never came across any such incident except one which he handled with due care and utter smartness. He once told me that when he was the Chief Justice of the Allahabad High Court, two of his companion judges told him that one of their colleagues, told them on 1 or 2 occasions to decide cases before them in a particular way or on a particular line. DB Bhosale got this discreetly enquired from all his other colleagues and after getting this corroborated, decided to handle this issue himself. He requested that Hon'ble judge to see him in his chamber and over a cup of tea, narrated a little story about one judge from the Bombay High Court, who wrote a chit addressed to his colleague, in which he requested his colleague to decide a case in favour of a particular party. This issue was brought to the notice of the then Chief Justice of the Bombay High Court, who instantly communicated it to the then Chief Justice of India and the consequence was that the concerned Bombay High Court Judge was transferred to the Karnataka High Court with immediate effect. On the conclusion of the story, the Hon'ble judge asked DB Bhosale that 'why you are telling me this story, has anybody told you anything about me?' Justice Bhosale knew that his point was

conveyed. He finally ended by saying that what that particular Bombay High Court Judge did was highly improper and if he as the Chief Justice of the Allahabad High Court gets to know something similar, he would do the same. Justice Bhosale had made his point and the arrow had hit its target. He was told later that such unsubstantiated complaints against that concerned Hon'ble judge did not ever resurface in future. So this quality of DB Bhosale, was analogous to a honeybee which sucks nectar from a flower without destroying it and similarly if he could get work out of his colleague's, judicial officers, registry officials and subordinates without offending them and motivate them to correct themselves, it was a unique quality and trait which made him one of the most successful Chief Justices of the Allahabad High Court.

Maintaining healthy interpersonal relations with colleagues is one aspect of effective management and managing other stakeholders of the system is also a task where DB Bhosale made huge strides. The bar, which is a collective body of advocates, is an important stakeholder of the judicial system. It is one of the wheels of the chariot of Justice, the judiciary being the other. Justice Bhosale who was himself from the bar and intrusively associated with the bar before being elevated as a judge, knew the pulse of the bar. Vice-chairman of the bar Council of India, chairman of the bar Council of Maharashtra and Goa and president of one of the most prestigious and old bar association of the Bombay High Court, the advocates association of western India, DB Bhosale understood the bar and bar politics too well. It will not be correct to call him a bar friendly judge as that would indicate an element of predilection towards the bar. He was a merit oriented judge who respected each and every member of the bar, irrespective of his or her



seniority and standing at the bar. As a judge he always said that he only believes in one religion and that is Nyaya dharma. Being so closely related to the affairs of the bar at the national and state level, he never got influenced by personality cults. When I say personality cults, they are the big guns of the legal fraternity. They are the most prominent and eminent counsels and advocates who appear in the Supreme Court and other High Courts of the country, who at a personal level were very good friends of DB Bhosale. In his yesteryears, at some point of time, he was associated with them while jointly arguing briefs or in the affairs of the bar Council. However, as a judge he never let his personal relation with the top advocates of the country influence him on the judicial side. He only saw cases as opposed to faces. He was one of the most successful Chief Justices of the Allahabad High Court, who tactfully handled the bar. He was polite, respectful and humble by nature, which won the appreciation from the bar of the Allahabad High Court. The other aspect of his, which the bar admired, was that after continuously sitting for five hours on the dais, he still had all the energy and was accessible to everyone. Even if you were a junior advocate with very less experience at the bar, but having a genuine problem concerning your case on the administrative side like filing, objections, listing etc, you wouldn't get disappointed. Justice Bhosale was ever ready to solve all issues and problems of the bar and treated everyone on the same footing. He was a thorough professional in the courtroom and on the other hand would get as friendly and light while meeting somebody in his chamber. Indefinite lawyers strike over their grievances, is not an uncommon feature in the northern part of India especially in the State of Uttar Pradesh. These strikes may be called for legitimate

reasons; however it is no denial that these purported strikes put the brakes on the justice dispensation system. The unfortunate victim of these strikes is the common man, who for no fault of his suffers a detriment. This is a challenge before every Chief Justice, who has to see that precious judicial time isn't lost and advocate bodies are persuaded to resume their work, so that the wheels of justice move ahead unhampered. As a Chief, DB Bhosale had anticipated that he would frequently face this issue at Allahabad High Court and so as a pre-emptive measure, he endeavoured to maintain excellent rapport and understanding with the members of the bar, solved their legitimate grievances without delay and this went a long way in ensuring minimum advocate strikes in the High Court during the tenure of D.B Bhosale. Not only this, even if there was a skirmish between any member of the bar and any Hon'ble judge of the High Court, Justice Bhosale himself acted as the trouble-shooter and got the issue resolved in its entirety. So it was precisely these management and persuasive skills, whether with colleagues or the members of the bar along with his charismatic authority, which made him one of the most memorable and popular Chief Justices in the annals of the Allahabad High Court.

Maintaining working relations and coordinating with the highest state executive, which is the Chief Minister of the State, is something which received the acute attention of DB Bhosale. The state has three organs, which are the legislature, executive and the judiciary. In fact, they are the three estates of the state. The judiciary, which is the third estate, is independent of the other two organ of the state and is entrusted with

the task of safeguarding the constitutional rights of the citizenry against the highhandedness and arbitrary action of the executive. Sometimes, it is not a happy situation when the judiciary and the executive are at loggerheads with each other. The executive at times commits excesses which warrant judicial intervention, but this by no means undermines the position of the executive as an important stakeholder of the system. The executive is a crucial stakeholder of the justice dispensation system, which provides infrastructure and funds to the judiciary, which is akin to supply of oxygen to the body, as the judiciary does not generate its own revenue and depends on the executive for grants and funds. So in the larger interest, it is paramount that there is a healthy and cordial relation between the two without the independence of the judiciary being affected in any manner. Being a son of a former chief minister of Maharashtra, DB Bhosale had seen it all and very well knew what was right for the system. He had observed his father work as the Chief Minister and had learnt from him, that how desirable it is to maintain perfect harmony between all the organs of the state. Now as the Chief Justice, he wanted to ensure that there is minimum friction with the executive and a healthy working relation on the administrative side is forged between these two organs. This is not to say that he favoured the state on the judicial side or acted liberally when the state was involved. He delivered many judgements and orders which went against the state and only followed the law in letter and spirit, where the rule of law triumphed. But when it came on the administrative side and also at a personal level, he always tried to maintain smooth and healthy relations with the Chief Minister of the State. He was always accessible and adopted a pragmatic approach to any issue before him.

During his tenure, the Chief Minister of Uttar Pradesh, Shri Yogi Adityanath, who had high respect for him, would never hesitate in discussing issues with him and their repercussions, which had their genesis in orders passed by the High Court on the judicial side. These discussions mostly happened during the meetings which took place between the Chief Justice and the Chief Minister of the State. These meetings are a perfect forum for the top bosses from the judiciary and the executive to meet and coordinate, so that congruency and harmony is maintained between the two. Justice Bhosale had told me that during one such meeting between the Chief Minister, Shri Yogi Adityanath and Justice Bhosale, the former told him that the honourable court has passed some orders, which has directed the district magistrates and superintendents of police of the State of Uttar Pradesh to file affidavits in cases, in the capacity of the head of the field agencies and these affidavits had to be affirmed at Allahabad (now prayagraj). The Chief Minister placed few orders before Justice Bhosale, and was of the view that such order passed by the Hon'ble judges would cause administrative inconvenience, as district magistrates and superintendents of police of various districts would have too often come to the Allahabad High Court to swear in affidavits and this would eventually disrupt their field assignment and administrative functions. It is made clear that the High Court's in our country are vested with extraordinary and inherent powers to do complete justice in any case, and in furtherance of that, any authority, entity or official can be summoned in court and asked to file an affidavit, explaining the status report of any matter which is sub judice. This is exactly what Justice Bhosale conveyed to the Chief Minister and told him that these orders

are passed by the honourable judges of the court on the judicial side and it is within their jurisdiction and within the confines of law. Nevertheless, he assured the Chief Minister that he will look into it and an acceptable and reasonable solution would be shortly found. Every judge is independent and is free to pass any order on the judicial side and nobody including the Chief can interfere in his or her prerogative. Justice Bhosale, very well aware of this, knew that he couldn't do much on the judicial side, but as a Chief and as the administrative head of the High Court, he was required to look into the fact that orders emanating from the court which have severe repercussions and ramifications on the administration of the state are not habitually passed. After all harmonious relations with the state executive were also imperative. So keeping this in mind, he requested the honourable judges, who had passed these orders to see him in his chamber. In his meeting with them, he started on the premise that he respects their authority on the judicial side and then told them about what transpired in the meeting with the Chief Minister and this issue of summoning district officials to the High Court for filing affidavits. He then very courteously brought their attention to some of the judgements of the Supreme Court, wherein it has been observed by the apex court that routine summoning of officers from the Indian administrative service and Indian police service cadres should be avoided by courts. The honourable judges said that they were aware of the directives of the Supreme Court on this issue and then explained their point of view and thereafter this issue was settled and the frequency of such orders gradually started to wane away. This eventually ensured that perfect harmony between these two organs of the state is maintained and

perpetuated and the scope for friction, if any, between the two is minimised.

On another note, once in a similar meeting between the Chief Justice and the Chief Minister, he was told by Shri Yogi Adityanath that the state of Uttar Pradesh has undertaken a police recruitment drive, wherein 50,000 recruitments are to be made and the process has already commenced. In the midst of it, somebody challenged the recruitment process and the matter was stayed by the Hon'ble High Court. All that the Chief Minister requested was that the matter should be expeditiously decided without delay, failing which the already skewed public and police ratio would only worsen and delay in the recruitment of police personnel would also have law and order implications. Now this was a case where the Chief Minister of Uttar Pradesh wanted the judiciary to quickly decide the recruitment matter on merits, as delay in deciding the same would have severe repercussions. He was not concerned with the outcome of the case, and only wanted the matter to be quickly adjudicated by the hon'ble High Court. Justice Bhosale was also pragmatic in his approach and understood the seriousness of the issue, and without delay, got the matter listed before his bench and decided it in three days. These expeditious actions of his, coupled with his benevolence, earned him the respect of the executive of the state which included the Chief Minister and other high officials. This respect and appreciation from other stakeholders like the executive and the bar was because of his erudite understanding of things, prompt action and his approach towards absolute justice.

In summing up, I can conclude by saying that as a Chief Justice and as an administrator, he worked selflessly in the administration of the High Court, made sincere endeavours in getting optimum output from the subordinate Courts of Uttar Pradesh with special focus on old cases, mediation and departmental enquiries, perpetuated and cemented strong interpersonal relations with his brother and sister judges, promoted technology in the functioning of courts, tactfully handled the bar and maintained harmonious relations with the executive and other stakeholders of the system without compromising on judicial independence. Last but not the least, he over jealously protected the rule of law and rendered justice to the downtrodden, the marginalised and people hailing from the low socio-economic strata of the society.

**The Judicial face of Justice DB Bhosale :-**

History will not forgive, if the work of Justice Bhosale on the judicial side as the Chief Justice of the Allahabad High Court is left unmentioned. In the capacity of a Chief Justice, he adjudicated several matters which had socio- religious, socio-economic, political, cultural and administrative connotations. Justice D.B Bhosale passed many landmark judgements as the Chief Justice of the High Court and the list of the same is exhaustive, however it will be imperative to discuss and delve on some of the judgements and orders passed by him which upheld the majesty of law and had a deep impact across a wider spectrum.

**Masjid High Court Case.**

A Judgement of paramount importance with far-reaching consequences and having a direct bearing on the concept of secularism was pronounced by his Lordship on 8th November 2017, sharing the bench with his brother Judge, Justice Manoj Kumar Gupta. The matter relates to a public interest litigation instituted by a practising advocate in the Allahabad High Court with a prayer for issuing a writ of mandamus for removing an encroachment over a plot allotted to the High Court on which existed a mosque, popularly known as “Masjid High Court”. It was PIL 13243 of 2017 Abhishek Shukla Vs High Court of Judicature, Allahabad and others, in which the question of encroachment over High Court land, independence of the judiciary and the larger issue of secularism were directly involved. The PIL sought directions to the official respondents to remove the encroachments made on a plot of land allotted to the High Court and Advocate Generals office (hereinafter to be called the plot). The said encroachment was made by a registered ‘waqf’ contesting as Respondent No. 7, which had constructed a Masjid/Mosque on the portion of the plot, which in local parlance got the name, ‘Masjid High Court’ (hereinafter to be referred as the site in dispute).

The factual matrix of the dispute is complicated as the plot went into many hands and so a detailed factual discussion will be against brevity, however to put things in its proper perspective, a brief narrative will be warranted. At the very outset, an original lease of the plot was granted in the erstwhile colonial era in 1868 by the Secretary of State for India in Council in favour of a British subject. It was on 15th December 2000, the State government exercising its right of eminent domain, issued an order conveying its decision to the collector Allahabad to resume the



plot for the purpose of extension of the building of the High Court and for the Advocate Generals office and in due compliance of the above order, the said collector issued notice to the original lessee/legal representative of the deceased lessee, revoking/determining the lease of the plot as the same was required for a public purpose. The lessee being aggrieved preferred a writ petition which was 32344 of 2001, challenging the government's order of resuming possession of the plot. This writ petition was dismissed as the court upheld the non-obstante clause in the lease deed which gave the lessor an absolute right to revoke the lease and resume possession for public purpose. Against the said dismissal, a special leave petition was filed on 3rd March 2003 in the Supreme Court in which the apex court granted leave to file the SLP, but at the same time empowered the State government to take possession of the land for the said public purpose and the Apex Court converted the SLP into a regular civil appeal which was eventually dismissed in 2012. The District Magistrate of Allahabad in view of the interim order of the Supreme Court dated 3rd March 2003, claimed that possession of the plot was handed over to the High Court and on the contrary, Respondent No 7 {Waqf} contended that while handing over possession, the portion of the site in dispute allegedly in possession of Respondent No 7 was not taken into possession and now a permanently constructed public mosque stands there.. It was argued on behalf of the Waqf that a mosque existed since the last six decades. First it was a private mosque which finally culminated into a public mosque and ipso facto and ipso jure, the right, title and interest of the State government in the land beneath the mosque stands extinguished under the

provisions of the Limitation Act. Question of maintainability of the petition and principle of estoppel were also invoked.

It is pertinent to mention that a full-fledged public mosque existed within the precincts of the High Court and some hon'ble Judges of the High Court, lawyers and court staff regularly offered Namaz (Prayers) from this very mosque and this tradition of offering prayers became a kind of usage. Mettle, gallant action and nerves made of steel are some of the traits and attributes which a person must necessarily possess in resolving such bewildered issues. Justice D.B Bhosale was certainly the man for the occasion, who did not retreat, and endeavoured to adjudicate the matter in order to uphold the rule of law. On the question of maintainability of the said writ petition, the bench headed by their Lordships, rejected the contention of maintainability outright and held that the petitioner who was an advocate in person has a legitimate interest in not only the independence of the judiciary, but also its well-being and any illegal act which impairs the independence of the judiciary or which is against the interest of the institution will entitle a practising lawyer to approach the court under Article 226 of the Constitution of India. On the statutory provision of section 85 of the Waqf Act 1995 which oust the jurisdiction of the civil court in relation to any dispute or question pertaining to waqf or waqf property and vest the same in a tribunal constituted under section 83 of the Act, his Lordship Justice D.B Bhosale opined that the High Court is on a different pedestal and powers of the High Court to issue prerogative writs under Article 226 of the Constitution, being one of the basic features of the Constitution cannot be curtailed and the bar placed

under the Act neither eclipses nor subsumes the constitutional powers conferred on the High Court.

It was also held by him that the respondent/waqf in collusion with the ex-lessees entered the leased land from the rear side sometime in the month of April 2004 and the alleged possession would not ripen into a possessory title, unless the possessor has *aminuspossindendi* to hold the land adverse to the title of the true owner and the act of the respondent/waqf was an act of rank trespass. It is relevant to mention here that the mosque/ site in dispute within the premises of the High Court building was christened as "Masjid High Court" which give the impression that the Waqf/Respondent No.7 was connected with or had the patronage of the High Court and this violated the principle of secularism as enshrined in the preamble to the Constitution vide the 42<sup>nd</sup> amendment Act of 1976. In *Kesavananda Bharati Vs State of Kerala* AIR 1973 SC 1461, the Apex Court has held that secularism is the basic features of the Constitution. Similarly in *Indira Nehru Gandhi Vs Raj Narain* AIR 1975 SC 2299, Justice Y.V Chandrachud explained the basic feature of secularism by stating that the State shall have no religion of its own and all persons shall be equally entitled to freedom of conscience and right to freely profess, practice and propagate any religion. The Hon'ble Supreme Court has also stated in *SR Bommai Vs Union of India* (1994) 3 SCC that the state is neither pro-particular religion nor anti-particular religion. It stands aloof and neutral. It is pertinent to state here that theocracy has no place in the Indian Republic and the state is impeded from promoting any particular religion to the exclusion of others, as pluralism, inclusiveness and secularism are the edifices on which the Indian Constitution firmly

stands. The High Court being the judicial wing of the state was equally mandated to insulate this basic value of secularism and uphold the rule of law. In *Ismail Faruqui Vs Union of India & others* AIR 1995 SC 605, the Hon'ble Supreme Court has ruled that mosque is not an essential part of the practice of the religion of Islam and Namaz can be offered anywhere even in the open. Against this backdrop, his Lordship Justice D.B Bhosale answered the question whether there was encroachment on the High Court property by constructing a public mosque in the affirmative. It was observed by his Lordship that in a pluralistic and diverse society like India wherein 1.3 billion people follow multiple Dharmas, it is paramount that the court which is a temple of Justice, where the litigant worships Justice and Judges are agents of the goddess of Justice and role of lawyers are like Pujaris, Maulavis, granthi, clergymen and therefore in the course of any judicial proceedings, there is only one Dharma, which is "Nyay Dharma" which can be described as Justicism. In adjudicating this tricky and sensitive matter which could have had religious and political overtones, Justice D.B Bhosale exhibited and showcased his skills and expertise coupled with courage, firmness and decisiveness which nobody had hitherto dared to do and as it is rightly said, no guts, no glory, no legends, no story.

**Prayagraj Airport matter.**

The constitutional courts in India have imposed fetters on themselves from venturing and meandering into areas which relate to and have a direct impact on the economic policy of the executive. Economic policy, public administration, development Administration and good governance are the exclusive prerogatives of the government and the

courts seldom intervene in the same. The Apex Court has also said in *B.A.L.C.O Vs Union of India* that economic policy of the government is an unchartered territory for the courts and routine intervention in the same is unwarranted. Having said that, the fundamental question still arises is whether the superior courts in India are expected to be silent spectators when the government of the day displays policy paralysis and inertia in development administration which affects the right to life of the subjects of the state. There are incongruous views on the above question and deliberating upon the same is undesirable as that would be a deviation from the main subject matter, as illuminating the role of Justice D.B Bhosale in paving the way for the economic development of district Allahabad now Prayagraj and ultimately the state of Uttar Pradesh is central to this narrative. District Allahabad (now Prayagraj) is the judicial capital of the state of Uttar Pradesh. The principal seat of the Hon'ble Allahabad High Court is at Prayagraj. As per the latest census of 2011, it is the seventh most populous city in the state of Uttar Pradesh. It is also ranked as the world's 40<sup>th</sup> fastest growing city. It is a city of cultural eminence as it lies close to the confluence of three rivers, Ganges, Yamuna and the mythical Saraswati and has the distinction of holding the "Ardha Kumbh Mela" (a Hindu festival and assembly in which pilgrims bathe in the holy waters of river Ganges and Yamuna) every 12 years. The city is also an administrative division comprising of four districts headed by a divisional Commissioner. The city has a municipal corporation and a memorandum of understanding has been signed in January 2015 between United States Trade and Development Agency and the government of Uttar Pradesh for developing Prayagraj as a smart city. The city also has an illustrious

distinction of having seven Prime Minister's who hail from the district.

The Allahabad University was once upon a time known as the factory which produced candidates for the Indian administrative service, Indian Police Service and other allied central services and provincial state services. The district is also a zone of the Indian Railways and therefore district Prayagraj is a very important administrative and cultural hub.

His Lordship, Justice D.B Bhosale as the Chief Justice of the Hon'ble Allahabad High Court was perplexed to learn that how can such an important city with such a great economic potential, not have a functional civil airport. Hitherto, the city had a military landing strip at 'Bamrauli' under the control of the Indian Air Force and a minuscule airport. A Public interest litigation named and styled as PIL 9552 of 2016, Ajay Kumar Mehta Vs Union Of India and 5 others was instituted in the Allahabad High Court and it was taken up by the bench headed by his Lordship Justice D.B Bhosale along with Justice Yashwant Varma. The main prayer in the writ petition was to make the so-called airport at Prayagraj into a functional and a commercially viable airport. Justice D.B Bhosale is not only a man of virtue, but at the same time is a magnanimous and a benevolent personality who would go that extra mile for the benefits of the society at large. The legal maxim 'Salus Populiest suprema lex' (the welfare of the public is the highest law) was the creed of Justice D.B Bhosale. His Lordship wanted the city of Prayagraj to be on the world map, interconnected with every major city of India and other major destinations of the world with a sizeable Indian diaspora, so that the city could become a tourist hub, which would take the state of Uttar Pradesh on a higher trajectory end of economic growth and development. In the above-mentioned public interest litigation, the

bench headed by his Lordship endeavoured to resolve the matter expeditiously within a given timeframe by involving all the stakeholders. Without the active cooperation of several entities like the Airport Authority of India, Indian Air Force, State government, Indian Railways and other entities, timely planning, coordination and budgeting for the proposed civil terminal at Pryagraj could not have been possible and his Lordship through his strict and persuasive orders in the above writ petition, acted as a catalyst and like a captain of a ship, steered the proposed project towards fruition. Their bench had constituted a committee comprising of all stakeholders whose primary task was to regularly meet and thrash out all the differences and accordingly apprise the court on the subsequent developments. Within a few dates, it was submitted before the bench that out of the total required land for the proposed civil terminal, 41.51 acres of land has been duly handed over to the Airport Authority of India and the residual balance of 9.2 acres will be handed over shortly and on the demand of a additional land, the issue would be taken up and resolved expeditiously. An undertaking was given in court that the proposed civil terminal will be operational by October 2018. In India especially where development and infrastructure projects are concerned and when there is a proliferation of agencies implementing the same, bottlenecks, disputes and inaction are inevitable. A dedicated access road to the proposed civil terminal at Bamrauli was integral to the project and the Northern Central Railway headquartered at Prayagraj expressed reservations about the access road. A dispute also arose between the Indian Air Force and the railways over a bridge to be constructed at the proposed site. Furthermore environmental clearance was mandatory and was a

prelude to the commencement of the project. Sagacity, wisdom and ingenuity of Justice D.B Bhosale was employed and his Lordship during the course of the proceedings on every date extended his good offices and impressed upon the parties to amicably resolve the administrative and legal hitches which eventually had a salutary effect of giving a fillip to the proposed civil terminal. Requirement of additional land for the proposed civil terminal and for construction of dedicated access road necessitated acquisition of land from landholders under the Land Acquisition Act. Payment of adequate compensation to the landholders was another issue which was looming large. His Lordship did the balancing act and tried to maintain equilibrium between this economic overhead capital and the affected interest of the landholders. An assurance was obtained from the State government that the issue of acquisition of land and adequate compensation to the landholders will be expeditiously resolved. As Justice D.B Bhosale is action oriented and goal oriented, he directed the Additional Solicitor General appearing for the Director General Civil Aviation (D.G.C.A) to obtain instructions from D.G.C.A in respect of viability of inviting additional airlines to service the existing airport at Bamrauli in Prayagraj and also for exploring the possibility of allowing private airlines like Indigo airlines to increase their slots from the existing airport. The way oil lubricates machinery and propels its smooth functioning, similarly finance acts as a lubricant which gives an impetus to any development project. His Lordship being well aware of this fact directed the state government in the writ petition to obtain timely budgetary sanction, so that the completion of the civil terminal could take place within the stipulated time. It can be safely said that the untiring efforts of Justice D.B Bhosale and his orders in



the above writ petition are indelible, as his judicial activism paved the way for making Prayagraj a city to be reckoned with.

**Encroachment and grabbing of defence land.**

India is a country with roughly a population of 1.3 billion and growing, and as the economy of country aspires to grow at the rate of 8% per annum as opposed to the “Hindu rate of growth” and as economic development is ushered in this new era of liberalisation and globalisation, migrations due to the push and pull factors, rampant urbanisation, skyrocketing real estate prices in the urban pockets are its necessary repercussions and this has given a fillip to the menace of encroachment and land grabbing in cities and towns of this new India. Land encroachment is a very common phenomenon in both rural and urban areas. The problem due to encroachment are more apparent and acute in urban areas where the rising population and decreasing natural resources like water, land and clean air are posing challenges to sustainable urban development. In urban areas, rampant land encroachment has led to unplanned growth and unstopped environmental degradation. Encroachment of government land by private individuals including land mafia is a peril which looms large in every city of India and such unchecked encroachment of public land can have a cascading effect on development work which is carried on government land acquired for public purpose. It is in this context, a public interest litigation decided by Justice Bhosale on 6<sup>th</sup> July 2017 will be briefly discussed which dealt with encroachment and grabbing of defence land. A writ petition named and styled as Ajit Singh Vs Union of India, through Secretary, Ministry of Defence and others P.I.L 11539 of

2015 was filed in the Hon'ble Allahabad High Court by the petitioner who claimed to be a publisher of a local fortnightly newspaper and press reporter for a vernacular daily. The petitioner highlighted the issue of encroachment and grabbing of huge tracks of defence land which partly fell in district Bulandashar and partly in district Gautam Buddh Nagar. The Ministry of Defence had acquired land at Tilpat for developing air firing and bombing range for the Indian Air Force, which was with the passage of time gradually encroached upon. This writ petition was heard along with a bunch of other petitions, which were filed by other private individuals, who challenged the notification of the government acquiring the land for the aforesaid purpose. In the main writ petition which was Ajit Singh Vs Union of India, the petitioner claimed the following reliefs which included action against encroachers and liberating the land from the clutches of the land mafia. The facts which emerged from the pleadings of the writ petition were as follow. In 1950, the Ministry of Defence, acquired land at Tilpat measuring 4294.38 acres under section 4 and section 6 of the Land Acquisition Act, 1894 to develop firing and bombing range for the air force and this land was mostly situated in two Indian states of Haryana and Uttar Pradesh. However the current writ petition before the bench of the Hon'ble Allahabad High Court headed by his Lordship dealt with land measuring 482 acres situated in the district of Bulandshar and Gautam Buddh Nagar of Uttar Pradesh. According to the petition, there was unauthorised cultivation, mushrooming of illegal farm houses constructed on the land and illegal plotting of land through erection of barbed wire fencing. During the course of the hearing of the said writ petition, it came to the notice of the Hon'ble court that land and

revenue records pertaining to the said land were faulty and to make matters worse, there were no village maps with the district and revenue authorities. It will not be out of place to mention here that hitherto India has predominantly been an agrarian country with still 2/3<sup>rd</sup> of its population residing in the rural hinterlands of the country. Land as a tangible asset is an important variable of an agrarian economy and is at the same time, an important factor of production as per the classical economic theory. In India, especially in the rural heartland, land is still a sine qua non and sustenance to life. Even today, trivial disputes pertaining to land lead to skirmishes and squabbles which eventually germinate into heinous crimes in India and therefore it is of paramount importance that land records, maps wherein land is identified by leaps and bounds, registers and revenue records are scrupulously preserved, maintained and updated by revenue authorities and unfortunately this is followed more in breach than in practice. His Lordship, Justice D.B. Bhosale, while hearing the above mentioned writ petition was aghast at the state of affairs and expediently passed appropriate orders for immediate correction of land records, preparation of village maps and more importantly initiating disciplinary and penal action against errant officials. Furthermore, the bench headed by his Lordship went ahead and constituted a team to monitor the entire exercise of demarcating the land, due correction of revenue records and taking all necessary precautions to safeguard the interest of the Indian air force. The said team comprised of a nominee of the commanding officer of the Indian air force at Hindon airbase not below the rank of a group Captain. A defence estates officer of the Delhi circle. The director, Survey of India at Lucknow and the Collector and District Magistrate of district Gautam

Buddh Nagar. This constant monitoring and supervision by the Hon'ble court yielded remarkable results and in a short span of time, the said land was demarcated, the records rectified which was only possible on account of the stern orders passed by the bench of the Hon'ble court headed by his Lordship. This writ petition was decided by the Hon'ble court along with a bunch of other writ petitions which were filed by private parties who had purchased the land in dispute meant for the Indian air force subsequent to the notification of the government acquiring the land in 1950 and the Hon'ble bench of the court headed by his Lordship held that as the private petitioners purchased the land in dispute subsequent to the notification of the government acquiring the said land, therefore ipso jure they had no locus standi to challenge the acquisition that was initiated and completed in the year 1950 itself. It was further held by his Lordship that the private petitioners are trespassers and encroachers over the land forming part of the land in question and therefore they are not entitled to any relief and the land in question vested absolutely in the government in 1950 itself free from all encumbrances. This judgement passed by Justice DB Bhosale in the present petition had far-reaching consequences as his Lordship acted as a knight against the land mafias and wanton grabbing of public land. His Lordship observed that it is dismaying to know that land acquired by the government for the Armed Forces who protect the territorial integrity and sovereignty of the country is encroached by unscrupulous elements and this may only be possible with the connivance and due to the callousness of the revenue authorities. This judgement passed by the Hon'ble court affirmed the fact that the judiciary of this country will not be a silent spectator and if the need arises, it will come out with all

guns blazing to uphold the majesty of law. His Lordship who headed the bench of the Hon'ble court passed several directions in this writ petition, which included, regular meetings of the committee earlier mentioned of high officials and proper coordination amongst its members. All efforts to be made to get back the possession of the encroached portion of the land from the encroachers/trespassers/petitioners by following the due process of law and lastly to launch criminal prosecution, whenever deemed necessary against the errant officials and encroachers. The stern orders passed by Justice Bhosale in this writ petition had a direct bearing on national security, as effort were made to liberate the land meant for the Indian air force from the clutches of encroachers and trespassers and it also endorsed the 'doctrine of eminent domain', according to which the state has an unfettered right to acquire land for public purpose and in national interest.

**Chief as the master of roster.**

At times, a person who heads an institution is confronted with a dicey situation where he is asked to resolve the divergence of opinion between colleagues. He is expected to thrash out differences and promote camaraderie amongst colleagues. The august office of the Chief Justice is no exception and at times the Hon'ble Chief Justice of any High Court has to decide tricky issues on the judicial side on a reference made by division benches and hon'ble Judges of the high court. A similar issue was faced by Justice DB Bhosale in Dinesh Kumar Singh @ Sonu Vs State of U.P and others in Writ Petition No. 2599 of 2014, which was decided on 5<sup>th</sup> January 2017. The question to be decided by his

Lordship was “whether a judge of the High Court sitting alone or judges sitting in a division bench hearing any matter in his or their determination assigned by the Chief Justice can step into the determination of another bench”? This question for determination arose as a particular bench of the Hon’ble court had previously made certain remarks, observations, insinuations and suggestions for investigating a matter pertaining to allegations that only such contractors are awarded ‘sarkari contracts’ who are related to the people in the corridors of power. These observations were made by the previous bench of the Hon’ble court in the above writ petition which related to the construction of certain government buildings by Uttar Pradesh Rajkiya Nirman Nigam (UPRNN), a government construction agency. Subsequently another division bench of the Hon’ble court finding it difficult to agree and concur with the observations made in the above writ petition by the previous bench, requested the Chief Justice for constituting a larger bench to hear and decide the writ petition. The subsequent division bench of the Hon’ble court also felt that without any prayer made or material on record, the first division bench wanted the matter to be investigated by the CBI. Against this backdrop, the fundamental question was framed which was whether a judge of the High Court sitting alone or judges sitting in a division bench hearing any matter in his or their determination assigned by the Chief Justice can overstep into the determination of another bench. In view of the set precedents and various pronouncements of the Hon’ble Supreme Court which have crystallised the law on this point, his Lordship Justice D.B. Bhosale answered the above question in the negative. The full bench of the Hon’ble court, headed by his Lordship reiterated the principle of the

Chief Justice being the master of the roster. It was held that the administrative control of the High Court vest in the Chief Justice alone and on the judicial side he is only the first amongst the equals. The Chief Justice as the master of the roaster has the prerogative to constitute benches of the court and allocate cases to the benches so constituted and the puisne judges can only do that work, as is allotted to them by the Chief Justice or under his discretion. It was lastly held that till any determination made by the Chief Justice lasts, no judge who is to sit singly can sit in a division bench and no division bench can be split up by the judges constituting the bench themselves and one or both the judges constituting such bench can sit singly and take another kind of judicial business not otherwise assigned to them by or under the direction of the Chief Justice. His Lordship, Justice D.B Bhosale in deciding the above question in reference in the above writ petition showcased maturity and judicial acumen and upheld the paramountcy of the office of the Chief Justice. As leading skipper of this great institution, he always endeavoured to foster cordiality, harmony and bonhomie amongst his brother judges of the Hon'ble court.

**Stage of dissent.**

In the context of the above discussion, another decision of the full bench of the Hon'ble court headed by his Lordship is of great significance. In Kripa Shanker Singh Vs State of U.P Criminal Appeal No 2218 of 2009, the question to be determined by the full bench of the Hon'ble court was dissent/difference of opinion by a companion judge on the bench; at what stage can it be expressed/indicated. This question came up for determination before the full bench on a reference made to

it by a division bench of the Hon'ble court, wherein one of the puisne judges of the division bench expressed dissent and appended a dissent note before signing an order, as according to him, at the time of hearing in open court, he had expressed dissent orally and it was only when the order was typed and about to be signed, a dissent was expressed explicitly. The matter related to a bail application which was heard by the division bench of the Hon'ble court and after hearing, the senior judge constituting the division bench signed the order allowing the bail application and when the said bail order was sent to the companion judge for signature in his chamber, he rejected the bail application and appended a dissent note. The question arose as to at which stage, dissent is to be expressed? Either during the course of argument and discussion or at the time of conclusion of dictation. Determination of this question necessitated a reference to be made to a larger bench of the Hon'ble court headed by his Lordship Justice D.B Bhosale. Pronouncing a judgement is a judicial act. It is a formal public declaration of a Judges mind. As per the various authoritative pronouncements by the apex court, a judgement is the final decision of the court, intimated to the world at large by a formal pronouncement in the open court. Once a judgement is pronounced in the open court, it comes in the public domain and seldom can it be altered, modified or amended, except for correction of clerical and arithmetical errors which were inadvertent. If a judgement is signed by the judge but not pronounced in the open court, then in such a scenario, it is not in the public domain. Till a judgement is actually delivered in the open court, it is a sort of "locus poenitentioe". In criminal cases, once a judgement/order is pronounced in the open court, it becomes operative



and there cannot be a recall or review of the judgement/order once it is pronounced and signed. Section 362 of the Criminal Procedure Code, 1973 provides that save as otherwise provided by this code or by any other law for the time being in force, no court, when it has signed its judgement or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error. Before the judgement is pronounced in the open court and in the event of a dissent between the judges, Section 392 of the code provides that when an appeal under this chapter is heard by a High Court before a bench of judges and they are divided in opinion, the appeal with their opinions shall be laid before another judge of the court and that judge after such hearing as he thinks fit, shall deliver his opinion and the judgement or order shall follow that opinion. The proviso to the above section states that if one of the judges constituting the bench, or where the appeal is laid before another judge under this section, that judge, so requires, the appeal shall be heard and decided by a larger bench of judges. In civil cases, Order XX Rule 3 of the Civil Procedure Code, 1908 envisages that the judgement shall be dated and signed by the judge in the open court at the time of pronouncing it and when once signed, shall not afterwards be altered or added to, save as provided by section 152 (which pertains to amendments of judgements, decrees or orders on account of clerical and arithmetical errors) or on review. Difference of opinion and dissent are inevitable, as you can never have two individuals who will always be on the same page. Divergence of opinion is indispensable and it actually brings different shades of opinion and rationality to any order or deliberation. However, when the courts are seized with legal briefs which require adjudication and in case of lack of

consensus ad idem between two judges or more judges, the law prescribes procedures and principles which have been cited above and they have to be scrupulously adhered to. The bench of the Hon'ble court presided over by his Lordship opined in the above reference that once a judgement is pronounced/dictated in the open court on conclusion of arguments, the companion judge on the bench, if he does not agree with the view expressed in the dictated/pronounced judgement, he should express dissent either by dictating his opinion/view immediately thereafter in the open court itself or should at least inform the Counsels appearing for the parties and the parties, if they are present in the court, that he does not agree with the view expressed by the senior or other member of the bench and that he would be delivering his judgement recording his dissent in the chamber. If he fails to do so, the decision which is so pronounced/dictated becomes a declaration of the mind of the bench/court and becomes the operative pronouncement of the court. It was further quoted by his lordship that after the judgement becomes the operative pronouncement of the court, it can be altered or amended only with notice to the parties and a rehearing on the point of change, should that be necessary, provided it has not been signed. The larger bench of this Hon'ble court further held that having regard to the settled position of law, in the present case, the dissent ought to have been expressed in the open court on conclusion of dictation by the senior member of the bench, mere expression of view in the course of arguments or only to the senior member of the bench would not be sufficient. Silence or lack of vocal assertion would in fact be indicative of a lack of dissent and may be liable to be viewed as concurrence of opinion and affirmation of the decision pronounced. The judges sitting

in a division bench, irrespective of their standing as a judge inter se are equal in all respects. It is only for convenience that a senior member of the bench is referred to as the “senior member” and who leads the bench and decides who has to write the judgement in the matter. This, however, does not stop the other member of the bench from writing a concurring or dissenting view, if he or she so desires. Where a judgement is dictated in the open court and, if one member of the bench desires to express dissent, as observed earlier, he or she should do so in the open court immediately on conclusion of the dictation by the other member of the bench or at least inform the advocates about his dissent at that stage itself and then prepare the dissent in his chamber, if not pronounced in the open court. In terms of this reasoning by the hon’ble court, the said reference was decided accordingly and it was again his Lordship Justice D.B Bhosale as the chief justice of the hon’ble Allahabad High Court, who rose to the occasion and settled the controversy in its entirety by a clear exposition of the legal principles and ensured that mutual cohesion amongst the puisne judges of this sacred institution is maintained. His Lordship as the Chief Justice of the Hon’ble Allahabad High Court had always acted as a trouble-shooter and with his god gifted erudition and percipience; he had the natural ability to take everybody on board which consequently stimulated solidarity between the puisine judges of the Hon’ble court and this quality of his Justice Bhosale, epitomised his benevolent style of leadership.

**Land allotment by UPSIDC.**

It has always been my firm conviction that a judge should be sans prejudice and predilection. As a judge, you cannot be swayed away by emotions or by the entrenched value system ingrained in every individual. One cannot take a utopian view of things and situations. A judge has to be dispassionate, nonchalant and impersonal when adjudicating a case and this would go a long way in inspiring confidence in the litigants and advocates. It is no secret that in my interactions with Justice D.B. Bhosale, I realised that he is a man possessing profound wisdom, acumen and discernment. There was some kind of *savoir faire* about him. He never got enthralled by things around him and was always level-headed in his approach. As the Chief Justice of the Allahabad High Court, his Lordship always had a knack for things and while adjudicating matters, he always demonstrated the ability to separate the grain from the chaff. His Lordship while hearing public interest litigations as Chief Justice of the Hon'ble High Court, did at times, demonstrate judicial activism in order to dispense absolute justice, but he never crossed the line and never treaded in the arena of judicial adventurism. It is common knowledge that at times, private interest litigation is camouflaged as public interest litigation and imposters, busybodies and meddling interlopers impersonating as public spirited holy men pretend to act in the name of *pro bono publico*. Justice D.B. Bhosale was very much conscious about this fact and as Chief Justice of the High Court, never let this plenary jurisdiction of the High Court get misused by devious elements and unscrupulous entities. A few cases in this regard are worth mentioning. In *Krishna Pratap Kaushik Vs State of Uttar Pradesh and others* PIL No. 3870 of 2017, the allegations against the Managing Director of U.P. State Industrial

Development Corporation (UPSIDC) was arbitrary allotment of large tracts of land made by the Corporation in favour of the private respondents without advertisement and only on the basis of application by the respondents concerned. The relief claimed in this public interest litigation was retrenchment of the managing director of the corporation for violating the policy of the corporation and for investigations into the allegations of corruption and nepotism in allotment of land by the corporation. As per the current discourse, the accepted position is that the executive of the day cannot arbitrarily alienate the scarce resources of the state and grant a largesse to any private entity except when huge investments in infrastructure projects and collaborative enterprise involving public private partnership are concerned and which would further benefit the society and nation at large. However, there are settled constitutional principles for grant of largesse. Such a grant of largesse must conform to the following tenets. Firstly, there should be an open invitation to all stakeholders. Secondly the procedure adopted should be conspicuous with fairness, transparency and should be unbiased. And lastly there should be a level playing field. The Hon'ble Allahabad High Court had previously held in a writ petition which was M/S Indus Technical Education Society Vs State of Uttar Pradesh, writ petition No. 17859 of 2016 to be narrated later, that it is a constitutional imperative for a corporation which proposes to grant state largesse to make the offer or invitation to offer to the public at large and absence of the same would be arbitrary and capricious. In the present petition which is discussed, UPSIDC contended that the allotment made was based on a policy decision of the corporation, which was duly publicised, which enabled all intending entrepreneurs,

who proposed to establish industry in the state with a projected investment of Rs. 100 crores or more to apply. It was further contended by the corporation that projects entailing an investment of Rs.100 crores or more clearly fell into a different and distinct class and were treated as exceptional category requiring separate treatment in terms of the policies framed by the corporation and therefore, they were not in violation of article 14 of the Indian Constitution which envisages right to equality. His Lordship while deciding this writ petition observed that as per the principles crystallised from various rulings of the Supreme Court, there can be at times, in exceptional cases, an aberration from the policy set and the executive can negotiate with any entity which intends to usher in a huge infrastructure project which will provide jobs, develop areas, remove regional disparities in development and alleviate poverty. Justice Bhosale further observed that when public purpose is involved, like development of highways, ports and mass rapid transport system, where not many private players come forward or evince interest in development of these projects, then in such peculiar circumstances, the executive can award these projects and grant state largesse to entities on a first-come first-served basis in the larger public interest. This is in contrast to a situation wherein revenue maximisation is the goal of the executive and then in such a situation public auction or tender is a sine qua non. In this public interest litigation, the petitioner had not challenged the policy of UPSIDC per se and had only questioned the allotment of land by the corporation in favour of the private respondents. Justice D.B Bhosale while finally disposing of this writ petition held that the principle of fair play was maintained and there was no violation of right to equality. He opined that this is not a

case where pre-existing applications for allotment were overlooked or undue favours shown to the private respondents and finally, he held that the action of the corporation was fair, reasonable and in furtherance of common good and consequently the said writ petition was dismissed in limine.

**Land allotment sans due process of law.**

Now just in contrast to the above decision, in M/S Indus Technical Education Society Vs State of Uttar Pradesh, {2017 (3) ADJ 609 (DB), writ petition No. 17859 of 2016 mentioned above, his lordship, Justice D.B Bhosale took a diametrically opposite view in the matter which pertained to establishment of an engineering institute called Kanpur Institute of Technology in district Kanpur over a piece of land, which was allotted without following the due process of law. As per the factual matrix, the Managing Director of Uttar Pradesh State Industrial Development Corporation (UPSIDC) vide the impugned order dated 4<sup>th</sup> April 2016, revoked the allotment of plot in favour of the Engineering institute/Petitioner, determined the lease deed and repudiated the sanctioned building plan which was allotted, executed and sanctioned previously by the corporation (UPSIDC) in favour of the Engineering institute/Petitioner. It was alleged that there was allotment of large chunks of land to the petitioner society without following the due process of law by the corporation. The allotment was facilitated by the employees and other officers of the society with a view to confer undue benefits to the petitioner and ipso facto that led to cancellation of the said allotment by the corporation vide its impugned order. The present petition was filed by the engineering institute/petitioner assailing the

cancellation order passed by Managing Director UPSIDC and for restraining the respondent/UPSIDC from causing any interference in the running of the engineering college established by the petitioner. The engineering institute/petitioner had averred in their petition that after more than 12 years of execution of a lease deed by the corporation/respondent, for the first time, a show cause notice was issued to the petitioner after a huge time lag. There were more than two thousand students who were being imparted education at the institute, whose future would be grievously affected. The corporation/respondent on the other hand argued that the petitioner failed to obtain a no objection certificate from Kanpur development authority and the plot on which the engineering college was established, was a plot earmarked for industrial use and had in fact been utilised to establish an engineering college without the requisite conversion permission. There are certain principles and yardsticks to be followed when the state proceeds to grant largesse. As outlined earlier, when revenue maximisation is the goal of the government, auction and tender are inevitable and no departure from the same can be made, except in a few selected cases involving mammoth infrastructure development projects entailing huge investments. However, what is imperative is an existence of a well structured policy which is in public gaze coupled with a non-discriminatory approach. The Hon'ble Supreme Court in "Natural Resources Allocation Reference" (re, special reference no 1 of 2012 (2012) 10 SCC 1) has stated that auction is not a constitutional mandate and has laid stress upon executive action and the procedure adopted which should be fair, reasonable and non-capricious. Justice D.B Bhosale, in the present matter, articulated the legal position by



stating that in cases of state granting largesse, every act of the state or its instrumentalities defined under Article 12 of the Indian Constitution must be founded on a sound, transparent, discernible and well defined policy. Such a policy shall be known to the public and it must be implemented/executed by adopting a non-discriminatory and non-arbitrary method irrespective of the class or category of persons proposed to be benefited by the policy. Fairness and equitable principle should be scrupulously followed. His Lordship re-emphasised the law which harps on proper advertisement of the policy and invitation to the public at large. It was observed by the bench of the Hon'ble court that in the present case, revenue maximisation was not the criteria of the executive and the principle of first-come first-served was followed, which is itself not free from inherent flaws. His Lordship opined that in following the policy of first-come first-served, people having access to the corridors of power will be rewarded contracts, licenses, grants and permissions as they have access to the officialdom and the bureaucratic apparatus and therefore the policy of first-come first-served suffers from the charge of being amorphous and opaque. It was finally held by the bench of the Hon'ble court headed by his Lordship that the lease came to be made in favour of the petitioner riding on the bedrock of misrepresentation, collusion, undue influence, illegal and improper conduct. The entire allotment procedure and allocation of land was redundant and tainted by arbitrariness, collusion and a clear subversion of public interest and rule of law and therefore the allotment order and lease was unsustainable. Consequently, the Hon'ble court in exercise of its powers conferred by Article 226 of the Indian Constitution, declared the allotment and lease to the

petitioner/Institute illegal, null and void. His Lordship also ordered a CBI enquiry against the erring officers and employees of the corporation. The decisions of Justice Bhosale in the above mentioned public interest litigations bears testimony to the fact that the mastery of his Lordship, inseparating the grain from the chaff, in distinguishing between genuine and in-genuine, preposterous and plausible was indeed remarkable and unmatched. Justice D.B Bhosale never followed the trodden path and every judgement and decision of his was a personification of him which was objectivity, independent, neutrality and merit oriented.

**Perpetuity of the bureaucratic incumbent along with concentration of power in one hand.**

Another writ petition which warrants mention is Akhil Bhartiya Kalyan Evam Samajothhan&Anr Vs State of U.P & others [2016 (10) ADJ5 (DB)] which was taken up with Jitendra Kumar Goel Vs State of U.P & 15 others PIL 499534 of 2015, as they were inter-connected involving similar issues. In these writ petitions, the issue raised was that the officers and employees including the Chief Executive Officer of Noida and Greater Noida and Yamuna Expressway Authority remained incumbent on the post for many years without being transferred despite the fact that during their tenures, several scams in respect of allotment of land took place as observed by the Hon'ble court. Another issue raised was that the same officer as Chief Executive Officer at the relevant time was simultaneously holding multiple post like CEO, Noida Industrial Development Authority, CEO, Greater Noida Industrial

Development Authority and CEO, Yamuna Expressway Industrial Development Authority. The relief claimed in these public interest litigations were immediate transfer of employees who had completed more than three years in the said organisations and to constitute a CBI enquiry into the assets of private opposite parties as well as assets of their relatives. It was argued on behalf of the state that posting of officers was the exclusive prerogative of the executive and the courts cannot transgress the limits of its jurisdiction under Article 226 of the Constitution. It was observed by the division bench of the Hon'ble court that various employees of Noida development authority had been imprisoned on allegations of having accumulated wealth and property running into hundreds of crores and at the relevant time, the chief executive officer was simultaneously holding charge of multiple posts like CEO Noida, CEO Greater Noida and CEO Yamuna Expressway. Justice D.B Bhosale stated that one cannot work as a whole time officer of three different authorities, as it belies the very concept of the incumbent being the whole time officer. As an interim measure, his Lordship restrained the CEO from exercising any powers of CEO, Noida, CEO, Greater Noida and CEO, Yamuna Expressway. The Hon'ble court led by his Lordship held that the government can remove officers on the ground of maladministration and officers against whom enquiry or any probe is pending. However his Lordship categorically stated that the argument, that the government has exclusive prerogative to transfer officers as per its whims and fancies is highly unsustainable. His Lordship further opined that in a democracy, there is no such thing as an absolute discretion. Absolute discretion is anathema to the rule of law and undoubtedly judicial review is a basic and inalienable feature of

the Indian Constitution. Absence of arbitrary power is the first essential of rule of law, upon which the rest the constitutional system. Having said that, Justice Bhosale, observed that these writ petitions do not squarely come within the parameters of maintainability, as they do not disclose any public cause or issue. It does not disclose any details of charitable or social activities that the society/petitioner may have undertaken or pursued. These writs were instituted without any resolution or decision of the society/petitioner. More importantly it was observed that the deponent of the affidavit to the writ petition was a 24 years old farmer living in District Kaushambhi of U.P as per the counsel for the respondent and the court could not comprehend that how a young resident of Kaushambhi, engaged in farming could have personal knowledge in respect of officers and for that matter the affairs concerning Noida. The Hon'ble court casted doubts on the bonafides and motives of the petitioner and also observed that no specific allegation or charge stands levelled or established against the CEO of the organisation, as the petition does not allege malfeasance against the CEO. However his Lordship also held that nobody is indispensable and the faith and trust of the common man in the system and the person/officers at the helm of affairs is paramount, which government should bear in mind while continuing the same officer at one place for years, which will give scope to generate doubts about the system. During the pendency of the public interest litigation, CEO Noida was transferred by the government and therefore both the writ petitions were disposed of by his lordship subject to the observations made herein. Fred Riggs who has written several books on comparative public administration, had asserted that bureaucracy has a natural

tendency to arrogate to itself unlimited powers and if this tendency remains unchecked, it paves the way for despotism. The courts are the only institutional mechanism through which such despotism of the executive is kept in check. Justice D.B Bhosale who was well aware of this fact never hesitated in passing stern orders against the capriciousness of the executive. In the above writ petition, his lordship had admonished the government and the state level bureaucracy for allowing one single person to simultaneously continue as a Chief Executive Officer of three development authorities and also for the inertia on the part of the government in not transferring the officers and employees of these authorities for years from these authorities especially when allegations of corruption, nepotism and malfeasance were looming large against these development authorities, in relation to awarding contracts for development work. His lordship also reminded the executive that notwithstanding the fact that transfer and posting of officers comes squarely within the purview of the executive, there is nothing like absolute discretion of the executive in this Westminster system of government adopted by the constituent assembly in India. It is the constitution of India and its people who are supreme and the courts will intervene to maintain checks and balance whenever despotism and absolute discretion on the part of the executive is perpetuated. At the same time, his lordship candidly made it clear that the writ jurisdiction of the constitutional courts will not be allowed to be hijacked by people intermeddling and people and entities representing private vested interest.

**Kanpur Development Authority Case.**

Justice D.B Bhosale as a son of a former Chief Minister of the State of Maharashtra was always conscious of the fact that government is a necessary evil, and unquestionably development administration is the exclusive prerogative of the executive. According to his lordship, until unless the acts and omissions of the executive infringe fundamental rights, or are ultra vires and transgresses its powers, or are malafide, the courts should impose self restraint on them from passing orders, which impede development work undertaken by the executive. Justice D.B Bhosale always displayed a multi dimensional and holistic approach and always complimented the efforts of the executive towards development administration and good governance. This was reflected in the judicial orders passed by his lordship. In one of the public interest litigations, which was Sandeep Panday and others Vs State of Uttar Pradesh (2016 {9} ADJ 120 [DB]), the petitioner claiming to be a social activists challenged the resolution passed by the Kanpur Development Authority (KDA) to construct an underground car parking for 680 cars in the lower basement, with shopping complex of 150 shops in the upper basement in a portion of a public park popularly known as Phoolbaug park in the industrial city of Kanpur. The petitioner challenged the resolution which was approved by KDA. The grounds raised by the petitioner in his petition was that the area which was to be developed into a car parking and shopping complex was an area reserved for a park under the Master Plan. KDA had previously before the institution of the above writ petition, initiated this proposition for construction of car parking and shopping complex in the park area and another division bench of the hon'ble High court had held earlier that the decision of KDA was legally impermissible and contrary to the

provisions of the Master Plan prepared under the U.P Urban Planning and Development Act, 1973. However, in the same order it was held that KDA should first conduct a fresh survey on the likely need for car parking facility in the area and only after due enquiry and survey, to conceive a project involving the provisions of a parking facility as an amenity appurtenant to the park. Thereafter KDA conducted a fresh survey and enquiry, on the basis of which it reiterated its resolve to construct car parking and shopping complex in the said park area and therefore the impugned decision was taken. The present petition was instituted by the petitioner challenging the impugned decision of the authority in which it was alleged that KDA in the name of the survey and enquiry and under the garb of limited liberty given by the court in its previous judgement, deliberately misread and misinterpreted the order of the court and commenced construction of the underground parking area. In reply, KDA had submitted before the bench headed by his Lordship that the area of the park will not be reduced and from the total area of the park, only 1.5 acres for underground parking facility will be used and no trees will be felled. As mentioned earlier, Justice D.B Bhosale always ascribed to the concept of sustainable development and as a judge he always endeavoured to maintain equilibrium between development and ecology and against this backdrop; his Lordship held that the proposal of KDA does not violate the Master plan per se. It was held by his Lordship that out of the several delineated functions and obligations of any development and municipal agency, it is the statutory obligation of such an agency to maintain public places, parks, plant trees and at the same time to construct and maintain parking lots. It was further observed by the bench headed by his Lordship that the city

of Kanpur is an industrial agglomeration, where congestions and traffic snarls are the order of the day. His Lordship quoted that there can be no compromise on the green index of the city at any cost, however it is to be remembered that in the name of ecology, development work which will eventually benefit the mammoth population of an over congested district should not be put on the backburner. He finally observed that as long as the total area of the park is not reduced for the said development work and no trees are felled, the resolution passed by KDA does not contravene the Master plan and therefore the petition was dismissed in the larger interest of the people of Kanpur. This order passed by Justice D.B. Bhosale was again a manifestation of his balanced approach, fore-sightedness and judicial acumen.

**Whether the bye-laws imposing advertisement tax are ultra vires the provisions of the main act, when the said bye-laws were framed without following the procedure contemplated under the main act.**

The 'Arthashastra', the ancient Indian book on state-craft authored by Vishnugupta Kautilya (Chanakya) puts premium on the taxation powers of the state, as the primary source of revenue for the state. Tax is the legitimate revenue of the state and all subjects are duty bound to pay the taxes which are assessed upon them. In India, the scheme and distribution of powers of taxation between the central government and its federal units are envisaged in the Constitution of India. After the 73<sup>rd</sup> and 74<sup>th</sup> Amendment to the Constitution, which ushered in an era of democratic decentralisation by vesting powers and functions including the powers of taxation to the local and municipal bodies, different state



governments have delegated powers of taxation to the local bodies within the state. However, such a power of taxation cannot be arbitrary and unguided and has to be under a statutory enactment with proper rules and procedures framed therein. In one writ petition which his Lordship decided, the question for determination was whether bye-laws imposing advertisement tax was ultra vires the provisions of the main act as the said bye-laws was framed without following the procedure contemplated under the main act. In U.P Advertisers Association & others Vs State of Uttar Pradesh & others, writ no. 9389 of 2017, the petitioners who were an association of advertisers of district Kanpur, challenged the bye laws which were framed under the U.P Municipal Corporation Act, 1959 which empowered the local bodies to impose advertisement tax. It was argued on behalf of the petitioner that the said bye laws are not in accordance with the provisions contained in the main act. The matter pertained to displaying of hoardings, kiosk, glow signs at nagarnigam sites and private sites like building, shops, shopping complexes etc. The matter involved imposition of tax on such advertising. On this legal aspect, two benches of the Hon'ble Allahabad High Court had taken contrary views in the past. Finally on reference made to the full bench of the Hon'ble court, his Lordship Justice D.B Bhosale held that the government has got the legislative competence to frame rules but subject to fulfilment of necessary conditions and procedures. It was observed that the legislature has delegated powers to the local authority in respect of taxes mentioned in the act and such delegation is within the permissible limits of delegation. The local authority is expected to impose taxes as may be provided by the act and rules made thereunder, which should be consistent with the law under

which it is made and cannot go beyond the limits of the policy and the standards laid down therein. His Lordship further observed that so long as the law provides a procedure by which a local body should act, it cannot deviate from the procedure contemplated under the said legislation and it is the bounden duty of the local body to observe the procedure while exercising the delegated powers in case of taxation. The Hon'ble court headed by Justice Bhosale cited Article 265 of the Indian Constitution, according to which, no tax shall be levied or collected except by the authority of law. The Hon'ble court opined that the procedure for imposing the tax has to be strictly complied and where it is not, the liability to pay tax cannot be said to be in accordance with the law. The bench headed by him further stated that in the present case, the procedure for making rules for imposing advertisement tax as contemplated under the provisions are mandatory and therefore provisions imposing a tax under the bye-laws deserve to be declared ultra vires the provisions of the act of 1959. Consequently, the writ petition was allowed, as the impugned bye-laws imposing advertisement tax were found to be ultra vires the provisions of the main act, as they were framed without following the procedure contemplated under the act. The opinion of Justice DB Bhosale in this writ petition, reflected his sound legal reasoning and more importantly corroborated the fact that his Lordship was also an expert in taxation matters having constitutional connotations.

### **Illegal mining of minor minerals.**

In India, illegal mining is a plunder of natural resources and is facilitated by an unholy nexus between unscrupulous politicians,

bureaucrats and criminal elements. The state of Uttar Pradesh is no exception to this and as per several media reports in the past, illegal mining of minor minerals is rampant in the state, as it is geologically diverse region. Illegal mining of minor minerals in Uttar Pradesh first started in the Bundelkhand region of the state, from which it spread to other areas of the State. As per the National Green Tribunal, the Bundelkhand region has been milked dry by illegal mining. Rivers have turned into drains and land levels deflated. These facts which have just been stated were a part of an averment in a writ petition, which was *Amar Singh Vs State of U.P* (PIL No. 22482 of 2016), filed in the Hon'ble Allahabad High Court and heard by his Lordship Justice D.B Bhosale. The writ petition highlighted the menace of illegal mining of minor minerals in the State of Uttar Pradesh through grant of lease. There were many other writ petitions pending on the docket of the court in which similar allegations were levelled and his Lordship, by clubbing all of them together, heard them with the present writ petition. It was alleged in the writ petition that every day in the state of Uttar Pradesh, more than thousand trucks illegally transport sand to several parts of the state and districts like Kaushambi, Hamirpur and Banda in U.P are the epicentres of illegal mining and therefore a prayer was made in the petition to order a CBI enquiry into the matter. It was argued on behalf of the state before the bench of the Hon'ble court that the court cannot order a CBI enquiry per se. The argument advanced by the state, though not very legally tenable, was at the same time not completely fallacious. In *Common Cause, A Registered Society Vs Union of India* (1999) 6 SCC 667, *State of West Bengal Vs Committee for Protection of Democratic Rights, West Bengal & others* (2010) 3 SCC 571 and

Secretary, Minor Irrigation & Rural Engineering Services UP & Others Vs Sahngoo Ram Arya &Anr (2002) 5 SCC 521, the Hon'ble Apex Court held that directions for CBI enquiry can be given only if an offence is prima facie found to have been committed or a person's involvement is prima facie established. But a direction to the CBI to investigate whether any person has committed an offence or not cannot be legally given, as it is contrary to Article 21 (life and liberty) of the Indian Constitution. Justice D.B Bhosale while seized of this matter held that despite of the various interim orders and binding judgements of the Allahabad high court passed previously, illegal mining was continuing in the State unabated. According to him, there was sufficient material in the public interest litigation, which warranted ordering a CBI enquiry. The Hon'ble court observed that it was submitted before the court by the state, that illegal mining had ceased, but the receipts issued by Zila Panchayats across the state of Uttar Pradesh, established a continued transportation of minerals throughout the state. His Lordship stated that these facts were not only presented in this present writ petition, but were reiterated in various other public interest litigation before other division benches of the Hon'blecourt. The bench of the Hon'ble court headed by his Lordship, found this to be a perfect case for initiation of a CBI enquiry and after ordering the same, directed the Central Bureau of Investigation at New Delhi to submit its report within a timeframe. As stated earlier, illegal mining has a detrimental effect on the ecology, as it leads to ecological imbalance due to land degradation and topographical defilement and moreover, it causes substantial losses to the public exchequer. The orders passed by Justice D.B Bhosale in these writ petitions against illegal mining had a

salutary effect and went a long way in keeping a check on this illegal practice of excavation. The might of law can set things right and the intervention of the Hon'ble Allahabad High Court led by Justice D.B Bhosale compelled the State executive in Uttar Pradesh to undertake structural and procedural reforms in the mining sector so as to curb the practice of illegal mining in the state. A new mining policy was introduced in the state which provided granting of non-renewable leases for a period of only five years through e-tenders. Therefore the practice of granting lease for mining was streamlined. The duration of the lease was fixed and the process of granting the lease was made more transparent and brought on a level playing field through introduction of e-tenders and this was attributed to the vigilantism and untiring efforts of his lordship, Justice D.B Bhosale as the chief justice of the Allahabad High Court.

**Executive is not always the leviathan.**

Justice D.B Bhosale as the Chief Justice of the Allahabad High Court and one of the highest Constitutional functionaries in the state was never into the habit of getting into frequent skirmishes with the executive, and his lordship only took the bureaucracy to task, when the latter deliberately failed to discharge its legal obligations. The doctrine of separation of power which has its genesis in the United States of America is not absolutely applicable to India. Justice Bhosale scrupulously followed this doctrine and seldom got into skirmishes with the executive, and if that ever happened, it was only to compel the executive to discharge its legal duties and obligations. When the bureaucracy acted in sync with law, his Lordship always concurred

with the orders and decisions taken by the executive in the course of things. A similar case pertaining to illegal mining in the state of Uttar Pradesh was decided by his Lordship in which the petitioner had filed a writ, challenging the order of the District Magistrate, Saharanpur and subsequent order of the Divisional Commissioner, which confirmed the order of the said District Magistrate in appeal, wherein the petitioner was directed to pay a royalty for illegal mining in the area outside the area of lease. In *Wajid Ali Vs State of U.P*, Writ No. 53750 of 2017, the facts were as follow. District Magistrate Saharanpur had issued a show cause notice to the petitioner, as cognizance was taken of the fact that there was large-scale illegal mining in district Saharanpur. On conclusion of the enquiry conducted by the district magistrate, it was established that there was illegal mining in the area by the petitioner, which was outside the purview of the leased area. The District Magistrate therefore ordered the petitioner to pay royalty to the tune of Rs. 9,84,70,075/- for illegal mining and against this impugned order, the petitioner preferred an appeal to the appellate authority, which was the Divisional Commissioner, Saharanpur under the U.P Minor Minerals Concession Rules 1963 and as the Commissioner in the said appeal confirmed the order of the District Magistrate, the petitioner preferred the said writ against both the impugned orders in the Hon'ble Allahabad High Court. It was vehemently argued before his lordship by the petitioner's counsel that the recovery proceedings initiated against the petitioner should be stayed. During the course of the hearing, the bench headed by his Lordship directed the petitioner to deposit either half or full amount or in lieu of that, to give security for the same. The petitioner was not willing to do the same and after hearing the

petitioner on merit, the bench headed by his Lordship dismissed the petition and directed the State to proceed in accordance with the law to recover the lawful dues owed by the petitioner to the state. Justice D.B. Bhosale stated that staying an action initiated by the state or its instrumentalities for recovery of taxes, cess, fees etc seriously impedes execution of projects of public importance and disables the state from discharging its constitutional and legal obligations towards the citizen. The observations of his Lordship while dismissing this writ petition affirmed the fact that his decisions were always premised on a balanced approach and he always protected the decisions and actions of the state and its officials, when taken in larger public interest.

Finally while summing up his stint as the Chief Justice of the Allahabad High Court, it is iterated that Justice DB Bhosale performed his duties as a judge to the best of his abilities. He dispensed justice while exhibiting fairness, respect and dignity to the people who came before him. It is said that a judge is the fulcrum, on which the entire justice system balances, which in turn is the cornerstone of a democratic nation. As a chief, he was the epicentre of all activities, and rendered real justice and all possible assistance, which the institution and litigants legitimately expect from a judge while discharging his or her constitutional obligations. He will be surely remembered for his positive support towards all court related activities, as well as the discipline he maintained on and off the bench. As a chief justice of the Allahabad High Court, he exhibited paramount standards of ethical conduct and vehemently safeguarded the rule of law as a guardian of the Constitution.

On another note, but in the same context of the Allahabad High Court, mentioning of few eminent figures is inexorable. Justice Bhosale treated all his brother and sister colleagues in the Allahabad High Court on an equal pedestal and never discriminated between them. For him, all his pusine judges were an integral team, and all their collective wisdom and hard work was directed towards one sole objective, that is institutional excellence. Be that as it may, there were few honourable judges in the Allahabad High Court, with whom Justice Bhosale shared profound comaraderie and inseverable brotherhood. In fact, they were his biggest pillar of support during his tenure in the Allahabad High Court. As mentioned earlier, way back in 2007, when Justice Bhosale had visited Allahabad (now Prayagraj) on a private visit, he was hosted by their Lordship's Justice Ashok Bhushan, who was a judge of the Supreme Court of India at that time, Justice Krishna Murari and Justice Vikram Nath, who were, at that time judges of the Allahabad High Court, and now are honourable judges of the Supreme Court of India. This was for the first time, when Justice Bhosale had met their Lordship's for lunch at Allahabad, and gradually with the passage of time, the bond of friendship between them grew stronger. Similarly during his aforesaid prayagraj visit, Justice Bhosale also came in contact with Justice Vineet Saran, who was then a puisne Judge of the Allahabad High Court, and later on became a judge of the Supreme Court of India. The Kumbh Mela was going on in Prayagraj in 2007, and Justice Bhosale still remembers and acknowledges the warmth, gracious and considerate conduct of Justice Vineet Saran in putting his official vehicle at the disposal of Justice Bhosale, so that he could visit and experience the ongoing Khumb Mela at Prayagraj. So, when Justice Bhosale joined the



Allahabad High Court in 2016 as the Chief Justice, he was very much at ease, because of his old bond with their Lordship's. Albeit Justice Ashok Bhushan was a judge of the Supreme Court during Justice Bhosale's tenure, his parent High Court was the Allahabad High Court, and concomitantly, his Lordship, Justice Ashok Bhushan was the most experienced and seniormost person, who could have advised Justice Bhosale, who was about to take charge and run one of the most challenging High Courts of the country. As far as Justice Krishna Murari and Justice Vikram Nath were concerned, they were at that time, puisne judges of the Allahabad High Court, and as they were well aware of the internal functioning of the Hon'ble Allahabad High Court and its work culture, they proved as an invaluable asset to Justice Bhosale, who regularly solicited their advice, along with other judges on important policy matters pertaining to the administrative side of the High Court. As Justice Ashok Bhushan and Justice Vineet Saran were persons loaded with experience and wisdom and Justice Krishna Murari and Justice Vikram Nath with their erudite knowledge of law and unfathomable administrative acumen, this combination, provided an unshakable quadrilateral support to Justice Bhosale during his tenure as the chief. With regards to Justice Krishna Murari and especially Justice Vikram Nath, Justice Bhosale shares a relationship of true brotherhood with them, and is also one of their biggest admirers. This is because; their Lordship's, Justice Krishna Murari and Justice Vikram Nath are men with depth and substance. They are great people with humbleness to the core, and with their magnanimous personalities, and their command over the discipline of law; they are the stalwarts of our judicial arena. They are towering personalities of our

judicial apparatus, but at the same time, they are humbleness personified. These doyens of our judicial field were the biggest pillar of strength to Justice Bhosale, during his stint as the Chief Justice of the Allahabad High Court, and even today, the comradeship and brotherhood between them, continues in perpetuity. Likewise, Justice Tarun Agarwal, who was then, a puisne Judge of the Allahabad High Court, and who retired as the Chief Justice of the Meghalaya High Court, was one person, in whom Justice Bhosale reposed immense trust. Apart from being a great judge, the managerial ability of Justice Tarun Agarwal was something, which was admired by all. He was a great organiser of events, and ensured that any event organised in the High Court, was planned systematically and meticulously. This is one reason; Justice Bhosale always zeroed it out on Justice Tarun Agarwal, whenever any big event or function had to be organised in the Allahabad High Court, or its bench at Lucknow. Similarly, their Lordship's, Justice Manoj Mishra, Justice D.K Upadhyaya, Justice Manoj Kumar Gupta, Justice Anjani Kumar Mishra, Justice Suneet Kumar, Justice Aswani Kumar Mishra and Justice Yashwant Varma, who are great judges of the Allahabad High Court, were the biggest support of Justice Bhosale, and according to him, were outstanding on the judicial as well as on the administrative side. The superlative tenure of Justice Bhosale as a chief justice of the Allahabad High Court was partly attributed to his benovelent attitude, laborious nature and administrative acumen, and partly due to the categorical support of his colleagues, especially the ones mentioned above. He will always be remembered as a chief, who broke many records, whether it was expeditious disposal of cases or framing and execution of policies. This

led to a massive depletion of cases on the judicial side and his keen interest in administrative work ushered in augmentation of judicial infrastructure at all levels and improved the overall health of the judicial system in the State of Uttar Pradesh. He breathed in new life in the judicial apparatus of the state, which has left an indelible footprint on the judicial arena.

**Chapter-X An illustrious career as a judge determines by efflux of time.**

They say that men never age. A statement like this is open to the charge of gender bias and therefore I'm not inclined to affirm and elaborate on the same. I make this statement metaphorically and it is in the context, when one demits office on reaching the age of superannuation. Justice Bhosale still young at heart had reached that mathematical number, 62, which is the age at which judges of the High Court in India bid adieu to their judicial office. In today's times, with improvement in the life expectancy rate and advancement in medical sciences, age is only a number. It's totally irrelevant unless, of course, you happen to be a bottle of wine. 23<sup>rd</sup> October, 2018 was a day, when an illustrious career of Justice DB Bhosale spanning for a total of 38 years as a lawyer and then as a judge was coming to an official end. A man who had perennially served the nation through his contribution to the field of law and justice, was finally saying goodbye to the judicial office which he held for 18 years, first as a judge of the Bombay High Court, then the Karnataka High Court, then as acting Chief Justice of Andhra Pradesh High Court and finally as the Chief Justice of one of the biggest and most challenging high Courts of the country, the Allahabad High Court. Being a part of the legal and judicial stream for almost 38 years, he left a rich legacy behind. Commencing his career as an advocate in 1980 and then being elevated as a judge of the Bombay High Court in January 2001, he had a memorable experience all throughout this long spell, working at all levels with different cultures, people and environments. He worked in four different high Courts of the country and it was quite remarkable, that not only the bench and the bar, but

even people at large received him beyond linguistic and cultural boundaries. He was a complete workaholic, who believed in starting early in the day and working beyond dusk. He had an astute sense of discipline ingrained in him since his childhood. A fine example of this is that he always reached court by 8:45 am since his early days in various courts across the country as a judge and spent time meticulously, till an early dinner late in the evening. Justice Bhosale's personality can be best described by comparing him to one quote by a Brazilian author, Paulo Coelho, who once said that "When we love, we always strive to become better than we are. When we strive to become better than we are, everything around us becomes better to." He was a very positive person, who loved his work, family and all other people associated with him. He only competed with himself and endeavoured to become better in all aspects with every passing day. As he had a beautiful mind and optimistic attitude towards life, he made everything around him delightful and congenial. He always proceeded on the premise that every problem or issue has a workable solution and things or people are not as bad as they appear to be or are projected to be. He did not hold any formal degree in management, but at the same time, understood the art of management in its true sense. He discarded the classical theories of management, which laid undue emphasis on rigid hierarchies, structures and inflexible rules and regulations and subscribed to the human relations school of Management led by Elton Mayo, an Australian-born psychologist, industrial researcher and organisational theorist, who promoted the human relation moment in management, according to which, alongside the formal organisation of a workplace, there exist an informal organisational structure as well. According to

this theory of management, the people comprising any organisation are not mere cogs and are more important than the formal structure and rigid hierarchies. This is precisely what Justice DB Bhosale did during his long career as an advocate and then as a judge, where he attached more importance to all the stakeholders of the system, whether they were advocates, brother and sister judges including judicial officers and other employees comprising the judicial system. He believed in the saying that, do that to others, what you expect others to do to you. He was polite, respectful, humble and always ready to help anyone who was in dire distress. This is what made him a successful boss and an administrator. As a judge, he was erudite, sharp and compassionate, who always, over jealously guarded the rule of law. 10 years as a judge, in the Bombay High Court made him suave and well versed in mercantile law. When he was transferred to the Karnataka High Court, he had wide exposure to taxation laws and decided many matters on the taxation bench and finally as the acting Chief Justice of the Andhra Pradesh High Court, his legal acumen and personality got enhanced even further, and he made great strides on the judicial side as well as on the administrative side. Finally when he became the Chief Justice of the Allahabad High Court, he had many feathers in his cap, and with this vast experience and such a profile, he was a real asset to the institution. By the time he was the Chief Justice of the Allahabad High Court, he had gained a varied grasp of all kinds of matters, whether they were constitutional, civil and criminal. He had become quite adroit and proficient in public interest litigations, service laws, taxation laws, matters under SEBI, SARFAESI and arbitration cases. This made him

contribute immensely to the Allahabad High Court in his tenure of a little over two years as a chief.

Coupled with this, huge pendency of cases, infrastructure bottlenecks, computerisation and digitalisation of courts and records, e-Governance in courts and mediation as an inexpensive remedy of the alternate dispute resolution mechanism received his astute attention and significant progress was made in these areas, while he was the Chief Justice of the Allahabad High Court. He also had the unique distinction of swearing in almost 85 judges in the Allahabad High Court, which very few chief justices can boast of. All said and done, like every good thing must come to an end, an illustrious career of Justice DB Bhosale in the judicial office was nearing its end. It was unfortunate that he was hanging his robe at the age of 62, when he could easily carry on till 65, that is, as a judge of the Apex Court. He had the talent, the calibre and the capacity to be a part of the 34, (presently the Supreme Court of India has a sanctioned strength of 34 judges including the Chief Justice) but I guess that was not meant to be, though he was a perfectly deserving candidate for the job.

Being a person full of optimism, who never believed in quitting, he knew that he was only officially retiring and would still keep continuing in some capacity and serve the system with the same zeal, passion, dedication and discipline. And so, on his last day at work as a chief of the Allahabad High Court, he bid adieu to all and in his farewell speech, he quoted the saying of 'Robert Frost' (an American poet), where he said that;

“The wood are lovely, dark and deep,

but I have promises to keep,  
and miles to go before I sleep  
and miles to go before I sleep”.

His indomitable spirit, work ethics and camaraderie towards colleagues, made him a very popular judge and a special person for his associates and that's why, the void of his retirement was felt by all, as a deep vacuum was created and a substitute was hard to find.

Sometimes it is imperative to describe and highlighten a person's achievements through somebody else's prism, and therefore on this very note, I'm quite keen to decipher certain key points, articulated by the then advocate general of Uttar Pradesh, Justice Govind Mathur, the successor to Justice Bhosale, who was at that time, a senior judge of the Allahabad High Court and Justice Vikram Nath, who was then, a Hon'ble judge of the Allahabad High Court, at the time of the farewell speech for Justice Bhosale on the eve of his retirement, on October 23<sup>rd</sup>, 2018.

The then advocate general of Uttar Pradesh acknowledged during his farewell speech that during the tenure of Justice Bhosale as Chief, the pace of disposal of cases in the High Court and before the subordinate Courts of Uttar Pradesh received a much-needed fillip. The then advocate general has furthermore stated in his farewell speech that Justice Bhosale sincerely endeavoured to increase the working strength of the judges in the Allahabad High Court, made untiring efforts for disposal of cases through lok adalats and alternate dispute resolution



mechanism. Justice Bhosale's efforts towards infrastructure augmentation were also pointed out by the then advocate general. He says that the commencement of roof top solar power generation in the High Court administrative annexe, the 30 court rooms and 20 chambers project, the high rise residential building for the honourable judges of the Allahabad High Court, the project of construction of hundred advocate chambers and acquisition of land for use of High Court, including land for the Jhalawa project saw the light of the day and was a result of the foresight and consistent efforts of Justice Bhosale. He further goes on to acknowledge that during Justice Bhosale's tenure, a total of 9133 criminal appeals were decided at Allahabad and the Lucknow bench of the Hon'ble court. 4 to 5 division benches and 6 to 7 single benches were constituted exclusively for hearing old criminal/jail appeals and the said benches, even sat on Saturdays, which resulted in disposal of such appeals within a very short period of time. The then advocate general has finally stated in his farewell speech, and I would like to quote him in verbatim.

'We had the great fortune to benefit from his Lordship's sharp legal acumen, the full bench references answered by the benches presided by his Lordship and his judgements shall be landmarks in the glorious history of our High Court. In the vast ocean of work done by his Lordship, a particular aspect of adjudication needs a special mention. The field of public interest litigation. With his razor sharp intellect and an incredible judicial instinct, his Lordship could immediately identify whenever a frivolous petition was filed. With the same accuracy, when a genuine case came up, his Lordship ensured exemplary judicial redressal of the petitioner's grievance, sending a clarion message that

justice shall prevail. I will also make a mention of an inimitable aspect of his Lordship's personality, that is his unwavering commitment to his judicial duties and despite the heavy workload on the administrative side, we always saw his Lordship devoting full-time to judicial work and rarely rose early (from the court) to attend to his administrative responsibilities. Even today, on the eve of his retirement, despite his very busy schedule, his Lordship spared some time for judicial work. Justice Bhosale has been accessible, receptive and responsive to everyone. He has personally and patiently given an ear to the issues concerning honourable judges as well as those concerning the subordinate Courts and members of the bar, and taken sincere steps for the alleviation of problems. The warm and gracious approach of his Lordship does not always reveal the iron grit and determination, which is also a facet of his magnanimous personality. To give an example, one must recall the historic cricket match which was played on 12<sup>th</sup> November 2016, between the teams comprising honourable judges from the Allahabad and Lucknow bench. His Lordship was the captain of the Lucknow bench team, while honourable Justice Tarun Agarwal was the skipper of the Allahabad team. His Lordship, played in that game with the same dedication and sincerity, which is the hallmark of everything he does, and in the process, he grievously injured his shoulder. He had to be in a plaster for a month and a half, but that did not dampen his spirit, and undeterred, he sat in court and conducted judicial work as usual.'

This articulation by the then advocate general of Uttar Pradesh does truly reflect the innate personality of Justice Bhosale and mirrors his nature and temperament in its proper perspective.

In bidding farewell to Justice Bhosale, the then senior judge of the Allahabad High Court, Justice Govind Mathur, in the full court reference in the Chief Justice's Court on 23<sup>rd</sup> October, 2018, said that the tenure of Justice Bhosale as the Chief was the most eventful, and as an inspiring leader, he set an example as a captain and inculcated a sense of commitment to work and discipline amongst his colleagues, judicial officers and other staff members by leading from the front. He says that Justice Bhosale is an owner of a multidimensional personality and it is quite difficult and delicate to look into different colours of his life spectrum, more specially looking to his exceptional humbleness and genuine brilliance. It was lastly articulated by his lordship that 'Justice Bhosale is having all qualities which are required to be possessed by a good judge. He is courageous, independent, impartial and owner of unimpeachable integrity. He represents best of our judiciary and best is nothing but admiration. He commands affection of the bar, respect of the litigants, cooperation of his colleagues and support of judicial as well as administrative mechanism. He's firm without being harsh, he is a gentleman without being weak, he is quick of grasp without being impatient. He is a beautiful combination of intelligence, experience and compassion with a rare ability to communicate his wisdom in a way people understand.'

So these were the kind words used by Justice Govind Mathur for Justice Bhosale, and they only corroborate what I've said about him in the preceding pages.

A deep void will be felt, if I inadvertently omit the speech of his Lordship, honourable Justice Vikram Nath, Judge Supreme Court of

India, who was at that time, a puisne judge of the Lucknow bench of the Allahabad High Court, and more importantly a good friend and comrade of Justice Bhosale. As stated earlier, Justice Vikram Nath and Justice Bhosale share a deep bond of friendship, which dates back to the year 2007, and with the passage of time it has cemented and fortified. A few words again about his Lordship Justice Vikram Nath will not be unwarranted. He is presently an honourable Judge of the Supreme Court of India, and before his elevation to the Supreme Court, he was the Chief Justice of the Gujarat High Court. His Lordship was a puisne judge of the Allahabad High Court from 2004 to 2019, and during the fag end of Justice Bhosale's tenure as Chief of the Allahabad High Court, Justice Vikram Nath was the senior judge of the Lucknow bench of the Allahabad High Court. As he was personally known to Justice Bhosale, and being one of the then senior judges of the Allahabad High Court, he was the Mr dependable of Justice Bhosale. His erudite knowledge of law, wisdom and profound administrative acumen made Justice Bhosale always look up to him for advice and constructive suggestions.

Justice Vikram Nath has stated in his farewell speech that he was introduced to Justice Bhosale through a common friend, and his first meeting was in the summer of 2007 in Allahabad, where he invited Justice Bhosale and his wife for lunch, where Justice Krishna Murari, who is also an honourable Judge of the Supreme Court and who was a good friend of theirs, graced the occasion during lunch. Justice Vikram Nath says in his farewell speech that having spent some time with Justice Bhosale, he was well aware of the welcoming nature of Justice Bhosale towards colleagues both at the bar and bench, his compassion

towards people deprived of legal assistance, his concern and drive to work for the legally deprived with a stern yet ideologically optimistic approach. And it was a cherishing surprise for Justice Vikram Nath to learn that Justice Bhosale was going to assume the leadership of Allahabad High Court as its new chief. At the farewell function, Justice Vikram Nath has further reiterated in the most eloquent fashion, the grand achievements of Justice Bhosale as Chief of the Allahabad High Court, on the judicial as well as on the administrative side, his endeavour towards promoting ADR mechanism, infrastructure augmentation and out of all, the self discipline maintained by Justice Bhosale.

Justice Vikram Nath's articulation about Justice Bhosale has come straight from the heart. There comaraderie is reflected in his speech, but nothing said about Justice Bhosale is an exaggeration or hype. His Lordship's speech on the farewell function, chronicles the achievements, exhibits the nature and reflects the overall personality of Justice Bhosale as a judge and more importantly, as a person.

On the eve of his retirement, Justice Bhosale received many personal letters of appreciation and acknowledgements of distinguished service from several senior judges of the Supreme Court, his own colleagues in the Allahabad High Court and other judges of various High Courts of the country and the contents of these letters, bear testimony to the fact of his greatness, simplicity and acceptability.

I had received the consent of Justice Bhosale for making these private letters public and therefore, I wish to reproduce all these letters in

original, so that the true nature and personality of this great man is reflected from someone else's perspective.















































































**Chapter-XI****A Well Knit Family.**

A family is the most primary and fundamental social institution, which is integral to everyone's life. It is a universal institution found in every society. The importance of a family lies in its unconditional support for its members. Be it a joint family or a nuclear family; it teaches a child to adjust and compromise. A family is a bond which develops the idea of solidarity. It provides psychological security to its members and ensures that they are well taken care of. The satisfaction of basic, intellectual and spiritual needs always starts with the family. In fact, no individual can become self-sufficient and survive in this world without the guidance of his or her family.

Justice Bhosale was a true family guy, who loved his small family of four and derived innate strength from them. Ideally I should have mentioned about his family at the start of this book, which every author of a biography would routinely do. However, I have chosen to mention about his family at the fag end of this book, as some incidents and events pertaining to his family, which reflects on the strong bond which this family shares could be only mentioned at the end of this book after covering his entire personal and professional life as a whole.

As mentioned earlier, Justice DB Bhosale is married to madam Arundhati Bhosale and they are blessed with two children, Karan and Neha, who are both, a part of the legal fraternity and doing extremely well in their professions. His elder son Karan, studied at G.D Somani School at Cuffe parade and then at Jai Hind College and later graduated in law from government Law College at Mumbai. He later went on to complete his masters from Columbia University, New York

and after returning to India, started practising law in the Bombay High Court. With an experience of almost 16 years at the bar, Karan is today a counsel in the Bombay High Court and has independently established himself by sheer dint of merit. He is married to Vasvi, who is the daughter of former judge of the Allahabad High Court, Justice Rakesh Tiwari, and they have got recently blessed with a little princess called Varushi. Karan is personally known to me and without hesitation, I can say that he is legally suave with a charming personality and has a good heart like his father. Similarly Neha Bhosale Randive, who is the younger daughter of DB Bhosale, is also a lawyer by profession and runs NDB Law, a law firm in Mumbai. She also did her schooling from GD Somani high school at Cuffe Parade and then later graduated in law from Government Law College, Mumbai. She is happily married to Abhishek Randive and they are blessed with a son, Vivaan, who is the lifeline of the family. As stated by me earlier at the start, DB Bhosale as a child had an extended family and they were five siblings. Out of all his brothers and sisters, he is very close to his younger brother, Dr Rajan Bhosale and his elder sister, Mrs Shanta, and they are his two support pillars, who have always stood by him. With all said and done, if there is a person who is like a shadow to Justice Bhosale, she is none other than his charming wife, Madam Arundhati Bhosale. He considers her as his alter ego, a fulcrum, around which his life revolves. I have met Madam Arundhati several times, and I can undoubtedly say that she's a woman of substance, pragmatic in her approach and possesses profound wisdom to guide her family. History tells us that in the past, most of the women in Maharashtra were endowed with martial qualities and during battles, they accompanied their husbands to the war front

and fought the enemy shoulder to shoulder with their husbands. So this quality of being bold, courageous and mentally rock solid, which most of the women from Maharashtra possess, is naturally found in madam. She has been his biggest support and has always stood by him, whenever he felt low or was mentally devastated. She is not just a companion and soul mate of his, but is like a shadow of his, who has stood with him from day one, seen good times and bad times and even today, she continues to be his rock solid support. DB Bhosale always says that whatever he has achieved in life, is only because of his parent's blessings, and unconditional support in all respect from his wife Arundhati and children Karan and Neha.

As far as DB Bhosale is concerned, his family is his biggest support, from whom he derives inner strength and profound happiness and he has always given primacy to his family and ensured that their opinions really mattered. It's a formidable union, which he shares with his family and at every stage and juncture of his life; he has consulted his family, whenever important decisions had to be taken. Before being elevated, while he was practising as an advocate, he was a wealthy man with an inflated bank balance. It's a very tough decision for someone from the bar with a lucrative practice, to relinquish his or her sanad (entitlement to practice issued to an advocate by the concerned bar counsel) and change sides. One has to sacrifice in terms of pay cheque, lifestyle and ultimately freedom. This is not to undermine the judicial office, which has its own prestige and aura attached to it. It's an individual decision, as there are cases where lawyers have declined the offer of judgeship and judges have resigned and resumed their legal practice. And in between the two, you have cases and people, who after taking oath as a

judge, have created legal history, dispensed justice, defended the rule of law and then have gracefully demitted office after reaching the age of superannuation. It was precisely to this category in which DB Bhosale fell. Sometime in the month of June, 2000, when the then seniormost judge of the Bombay High Court, Justice Srikrishna called him and told him that the then Chief Justice, Justice B.P Singh intends to offer him a judicial office in the Bombay High Court, DB Bhosale was excited but did not make any commitment till he had discussed this proposition threadbare with his family. That evening, he gathered his family, which was his wife and two children and apprised them of this proposition. He brought every aspect to their knowledge and narrated this offer with a caveat. He unequivocally told them, especially his kids that acceptance of this offer will have a direct bearing on their monthly income and lifestyle. The big cheques, which are a feature of a lucrative practice in Mumbai would cease to come and they would have to survive with a modest salary charged upon the Consolidated fund of India. However, he also made it clear to them that this loss of high value income as a lawyer, would be compensated by other perks and amenities attached to the judicial office. And of course, the respect, prestige and social standing, attached to the office of the judge are somethings, which cannot be overlooked, as they are unfathomable. All the pros and cons were finely spelt out by DB Bhosale. At the end of this family deliberation, madam Arundhati said that this offer be accepted in its entirety and her decision amounted to a fait accompli. Not satisfied, DB Bhosale wanted to know the opinion of his children and candidly made it clear that he would only go ahead with this offer, if there was consensus ad idem in the family. At this point, his elder son Karan said

that they as children, would be the last people to hinder the professional progress of their father and it was unanimously decided that this offer of judicial office should be accepted without remorse or hesitation. The parents of DB Bhosale also stood by him and asked him to go ahead.

Finally when he took oath as a judge of the Bombay High Court on January 22<sup>nd</sup>, 2001 and received his first salary as a judge of Rs 26,500/- which was the monthly salary which high court judges received in those days, it was a matter of pride and at the same time amusing for his family members, as this was an amount which he was bringing home almost every day while practising as an advocate. However it was also a proud moment for all of them, as he had achieved this position through his hard work and merit.

His family was like a life support to him, who always defended him and stood by him. When Karan was a teenager, someone told him that his father will eventually resign as a judge and resume his old legal practice. Even in the bar, there were rumours about this. As these stories and rumours only got vociferous with the passage of time, DB Bhosale decided to clear the air and publicly made a statement, because these stories were only disturbing his kids who always vehemently defended their father. During one function of the Sangli Bar Association, where DB Bhosale was the chief guest, one of the speakers at the event, openly said that they do not want Justice Bhosale to come back to the bar so soon and that he should continue his good work as a judge till his retirement. Finally when Justice Bhosale was invited to speak, he decided to finally quell this rumour mongering and make his

position publicly clear. In an emotional narrative, he said that his family was a family of freedom fighters, who fought the imperial British and endeavoured to liberate the country from the colonial yoke. His father was a statesman, a former chief minister, who dedicated his life and time towards the cause of the country. As far as he was concerned, he joined the legal fraternity by choice and all throughout his life as a lawyer, he followed the highest standards of professional conduct and ethics, without compromising on any of his principles. Now that he has changed sides and gone across towards the bench, it was by his own choice, free will and a well deliberated personal decision. He now intends to carry forward the legacy of his family and dedicate his life towards the cause of justice and society. He finally unambiguously made it clear that he has no control over rumours or fabricated stories, but without hesitation, he proclaims that he will not rejoin the legal profession as a lawyer, until he retires as a judge on reaching the age of superannuation and his work ethics, moral principles, and high standards of professional conduct will always reflect in his functioning as a judge. This emotional discourse of his was applauded by the entire gathering and the message being loud and clear, these rumours of him quitting as a judge finally discontinued in the corridors of the various Bar Associations of Maharashtra.

The family of Justice Bhosale was an inseverable bond, who always stood united and faced together all adverse situations and circumstances in life. When the going got tough, they all stood by each other as their biggest moral support. They always enjoyed a high standard of living, while DB Bhosale was a lawyer and on his elevation, they readily embraced a low profile without complaining. His children

being well aware that now their father being a judge, they were expected to maintain a low profile and so they avoided extravagant spending. When Karan had finished his graduation in law from Mumbai, his father wanted him to complete his Masters in law from abroad. This was not because education in India was inferior by any count or less promising, but the sole reason for that was that as a child, Karan always had a desire to do some part of his education abroad as traversing geographical and political boundaries, whether for education, work or any other activity tends to expand one's horizon and understanding, and it was precisely to fulfil this childhood dream of his son, DB Bhosale wanted Karan to complete his Masters in law from a foreign country. When he made this proposition to Karan, it was rejected outright. The reason behind this rejection and refusal to study abroad was because Karan did not want to incur any financial burden on his father. He told his father that he will only go abroad if he happens to get scholarship; otherwise he will complete his Masters from Mumbai University. As a father, DB Bhosale was deeply touched by the concerns of his son, however he told him that he had already made provisions for his education abroad and also his daughter Nehas marriage, well before his elevation, while he was a practising advocate. Eventually Karan did go abroad and completed his Masters from Columbia University in New York, which was partly scholarship and partly funded by his father. Similar was the case with his younger daughter Neha, who refused to study abroad, albeit insisted by her father, as provisions for her education were made well in advance. She was adamant that she doesn't want to spend any of her father's money and would not want to cause any onerous financial liability on him. Till

the last moment, she did not budge and finally went on to complete her entire education from Mumbai. During her marriage, she ensured that her wedding is a low-key affair and DB Bhosale still recalls, how his daughter was hell bent in not accepting any wedding gift from him and ensured that her will prevails.

Apart from his wife, Karan and Neha are the two biggest strength of DB Bhosale and not a single day passes without both the siblings enquiring about their father. Justice Bhosale remembers when he was transferred from the Bombay High Court to the Karnataka High Court, he was on an all-time low, totally shattered and it was during this time his wife and kids were his biggest strength and support. Both Karan and Neha had told their mother that come what may, she will have to accompany their father to Karnataka and take care of him as he had totally broken down on hearing the news of his transfer. When DB Bhosale was transferred from the Bombay High Court of the Karnataka High Court, Karan and Neha were in their mid-20s and had just commenced their professional careers as junior lawyers in Mumbai. This was a time when they needed the most, their father's vast experience and more importantly his moral support. Unfortunately they were left alone in Mumbai and had to fend for themselves and struggle in their careers without any active assistance from their father. DB Bhosale was nevertheless in constant touch with his children, however the physical distance between Bangalore and Mumbai had its own limitations. In his absence, his good friends cum colleague's and former High Court judges, Justice Deodhar, Justice More and Justice Dilip Karnik always enquired about Karan and Neha and played a part in their grooming as lawyers as well. Having said that, it has to be stated, that both his



children did not receive any professional help from their father or any of his colleagues and after initial struggles, which is inherent in the legal profession, they gradually carved their own space by sheer dint of their merit. They are self-made lawyers and in contemporary times, they are doing very well in their own spaces. As stated, Karan is a counsel in the Bombay High Court and is briefed by several corporate clients big and small. Neha on the other hand, runs a law firm under the name and style of 'NDB Law' and handles both, litigation and documentation. Both these children never used their father's name which they could easily do, as DB Bhosale was a powerful and influential man and throughout his life, he had helped even the remotest acquaintance of his. It is an irony that a man who had helped several lawyers built their careers, did not lead from the front, when his own children were concerned. This was probably because he wanted them to learn the hard way, learn from ups and downs, so that they would value their success someday. DB Bhosale was a wise and calculative man and so he wanted to test the mettle of his children and eventually help them build a strong foundation around them. Karan and Neha also never disappointed their father, invested time and effort in their profession and gave their best by keeping a low profile. The result of their hard work is that today, both Karan and Neha have independently carved out a special place for themselves on the legal turf and are lawyers in the reckoning.

**Chapter-XII****Disappointed expectations**

“Blessed is he who expects nothing, for he shall never be disappointed”

– Alexander Pope.

We all have expectations from life. They may be from our families, friends, profession, new undertakings and activities etc. These expectations may be big or small, reasonable or unreasonable; the fact remains that every human endeavour would give rise to some expectation. It is integral to life and to the very human nature, to expect results from our ventures, efforts and activities. When the desired result is not forthcoming, disillusionment is natural. They say that one should do his duty religiously and not expect the results, as that would avoid disappointment. This philosophical connotation though true, is quite hard to follow in real life and a majority of people do have expectations from their decisions in life and efforts. When these expectations are not met, disappointment necessarily follows. For DB Bhosale, a second innings had started after retirement. He was not the one, who would sit idle and do nothing. He didn't want his knowledge, experience, skills and expertise to go in vain and wanted the society to benefit from his long experience in the legal field, spanning over more than three decades. His father was a politician and a former Chief Minister of Maharashtra, and therefore he understood and had seen public life very closely from a very young age. That's another thing that he eventually joined the legal profession and retired as a judge after giving in

distinguished years of service to the society and the nation at large. The fact of the matter was that he always intended to engage in some social activity, which would benefit the public at large and that was only possible after retirement or prematurely demitting office. Now after retirement, he felt like a free bird and wanted to actively pursue his dream of doing something directly for the society.

Barely within a week of his retirement, he received a call from late Mr. Arun Jaitley, an Indian politician, attorney and former Minister, who offered him a post-retirement top position in one of the most important tribunals and tried to take his consent. DB Bhosale politely refused. He, then received a call from a very important person in the PMO (Prime Minister's office) and was offered another very important position. Subsequently a flood of post retirements offers from various state governments started knocking at his door. The Chief Minister of Uttar Pradesh, Maharashtra and Telangana were very keen to offer a top state-level post to DB Bhosale. So this is how several posts at the national and state level were offered to him, which included Member, National Human Rights Commission, Lokayukta (state-level ombudsman), State Human Rights Commissions and various Tribunals. This was by no means any largesse offered to him by the executive of the day, but was on the other hand, recognition for his distinguished service, his honesty and integrity. He was an asset in public life, as stated by the then Chief Justice of India, in his letter dated 24.10.2018, and the government wanted him to benefit from his vast experience and therefore he was offered these top positions on behalf of the state.

The question of judges accepting post-retirement positions does find mention in our public discourse and three views emerge from the same. The first view is totally against judges accepting any posts retirement assignment offered by the government. The second view finds no harm in judges accepting post-retirement offers as their vast experience and expertise can be fruitfully utilised in national interest. And lastly, according to the third view, which is a compromise of the above two, judges may accept post-retirement ventures, but after a reasonable cooling off period, say 2 to 5 years and subject to fitness.

As far as Justice DB Bhosale was concerned, these offers at the national and state level did not appeal to him, as he wanted to be deeply involved in some social activity and acceptance of these above mentioned offers would only make him do the same thing which he was doing as a judge for the last 18 years. Commissions and Tribunals were not intriguing to him anymore. So he never got lured by these offers and as his strong conviction prevailed, he with folded hands declined all these offers at the threshold.

A few weeks later, he was attending a felicitation function at Nashik for one senior advocate, Mr. Kaka Ghuge, where he was the chief guest and during the function, he received a call from the PS to the then Chief Justice of India, Justice Ranjan Gogoi, who told him that Justice Gogoi had come to Shirdi and would like to see him in Mumbai the very next day. As DB Bhosale met Justice Gogoi for high tea at the Sahayadri guesthouse (State government guest house) in Mumbai, Justice Gogoi told him that 'I know you are doing extremely well in your arbitration, however your past experience and honesty demands that you take some

assignment.’ Justice Gogoi then directly came to the point and told DB Bhosale to accept the post of judicial member, Lokpal of India (ombudsman).

A brief mention here of the office of the Lokpal will not be out of place. Lokpal (ombudsman) is an anti corruption body, vested with the power and jurisdiction to enquire into the allegations of graft against public functionaries and other matters connected to corruption. In India, after a long struggle since the 60s and later, with the untiring efforts by the fourth and fifth estate (media and civic society), culminated in the Lokpal movement led by social activists and anti corruption crusader Shri Anna Hazare. It was a mass public moment started in 2011, which demanded the creation of the office of the ombudsman, which would have sweeping powers to conduct enquiries, investigation and initiate action against public functionaries for corruption and other related matters. The first lokpal bill was introduced in the Parliament in the mid-60s and thereafter, it was introduced in the Parliament several times, but could not see the light of the day. It was finally in the year 2013, that The Lokpal and Lokayukta Act, 2013 was passed, thereby creating the office of the ombudsman in India. The Lokpal is responsible for enquiring into corruption charges at the national level while the Lokayukta performs the same functions at the state level. So Lokpal was an anti corruption body, which was empowered under the act to hold a preliminary enquiry and investigate into the allegations of corruption against certain public functionaries and also to grant sanction for their prosecution and issue other directions as contemplated thereunder. The above act empowered the Lokpal to receive complaints and enquire and

investigate the same, when public officials including the Prime Minister, central ministers and members of Parliament were arraigned. It also provided for their subsequent prosecution in a time bound manner if a prima facie case was found against them. The Lokpal was not a singular body or a one-man show. It had equal number of judicial members and non judicial members, with a chairperson on top. As per the original draft of the act, the chairperson had to be sitting or retired Chief Justice of India or sitting or retired judge of the Supreme Court, whereas the other judicial members had to be present or retired Supreme Court judges or sitting or retired chief justices of the High Court. The non-judicial members on the other hand had to be people of impeccable integrity and outstanding ability, having special knowledge and expertise of not less than 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

DB Bhosale was initially not very keen as he had made up his mind to devote himself to social work post-retirement. But as Justice Gogoi was personally known to him and DB Bhosale had great respect for him, he told him that he will let him know. Similarly, he received a call from a very important person in Delhi, who told him about the desire of the most important person in the country to accept the post of judicial member, Lokpal of India. D.B Bhosale, however, was not in any mood of applying for the post. As DB Bhosale pondered over this proposition, Justice V.S Sirpurkar, former Supreme Court judge, nominated the name of DB Bhosale for judicial member lokpal and then later asked him to give his consent. Later on, the well-wishers and good friends of DB Bhosale also persuaded him to give his consent and accept the offer

of appointment, as this high office required people of the highest integrity and it also provided for a mechanism and a platform to cleanse the system. Also during that time, DB Bhosale was informed that Justice A.K Sikri, a former judge of the Supreme Court would be appointed as the chairperson of the Lokpal, subject to his consent and this prompted him to accept the offer and give his consent, as he shared excellent equations with Justice Sikri, and now was looking forward to work with him. With all these factors in his mind, DB Bhosale accorded his consent and his name was cleared by the high-profile selection committee constituted under the act, which comprised of the Prime Minister of India, the Speaker of the house of people, the leader of the opposition in the house of people, the Chief Justice of India and an eminent jurists. Later the secretary of the selection committee had shared with DB Bhosale, that out of all the members, his name was the only name which was nominated, as he had not applied for the post, and later cleared by this high-profile committee.

When the final list of the chairperson and other members of the lokpal was released, DB Bhosale was a bit dismayed, as contrary to his expectations, Justice Sikri did not become the chairman of the Lokpal, as he did not accord his consent. Nevertheless, he joined on 27<sup>th</sup> March, 2019 as judicial member Lokpal, as he was now determined to wage a relentless war against corruption and make an endeavour to cleanse the system. Time had come for him to once again leave the city of Mumbai and head for New Delhi, to take up his new assignment as judicial member Lokpal. As he proceeded to Delhi in the month of March 2019, he was accompanied by his wife and their temporary residence was Suite No 1 in Maharashtra Sadan at New Delhi.

DB Bhosale was quite surprised and wondered as to why after almost 6 years since the passing of the act; there was deficiency in infrastructure relating to the office of the ombudsman. In a reply to a query of some person under the Right to Information Act sometime in 2019, the Lokpal Secretariat had revealed that the office of the Lokpal is provisionally operating from Ashoka Hotel, New Delhi. This fact about the Lokpal operating from a five-star hotel in Delhi was widely covered and reported by several national newspapers at that time. Of course today, things have changed for the better and the office of the ombudsman has a permanent official address, which is Plot No-6, Vasant Kunj institutional area- phase II, New Delhi. It is a matter of record, that the credit for ensuring that the office of the ombudsman sees the light of the day goes to the Hon'ble Apex Court of India. After the passing of the Lokpal and Lokayukta Act in 2013, things moved at a snail pace. One of the chief reasons cited by the government for delay in the creation of the ombudsman and appointment of its members was the absence of a leader of opposition in the 16<sup>th</sup> Lok Sabha. As the selection committee constituted under the act, comprised of the Prime Minister, the Speaker of the house of people, the Chief Justice of India and the Leader of the opposition, and as this committee was entrusted with the task of clearing the names of the judicial and non judicial members of this ombudsman body, absence of the Leader of opposition in the 16<sup>th</sup> Lok Sabha was according to the government of the day, a prime reason for delay in appointment in the Lokpal. A Supreme Court bench headed by Justice Ranjan Gogoi however held otherwise and it was declared by the apex court that absence of a member of the high level Lokpal selection committee chaired by the Prime Minister would



not invalidate an appointment. On April 24<sup>th</sup>, 2017, the Supreme Court of India asserted that India should honour its credo of zero tolerance against corruption and in the same judgement; the government was directed to expedite the process of appointments. In compliance of the directions of the Supreme Court, the office of this Indian ombudsman finally came into existence on 19<sup>th</sup> March 2019, which was followed by the appointment of the chairperson and other judicial and non judicial members.

The first few days of DB Bhosale in office, made him realise that they had a tough task ahead and had to start from scratch. They were operating from a five-star hotel, there was paucity of ministerial and other support staff and to make matters worse, there were no rules and regulations framed which could guide the office of the lokpal in its day-to-day functioning. DB Bhosale realised that the initial meetings amongst the chairperson and other members of the Lokpal were inconsequential, as opacity and confusion loomed large over the non judicial members and there was utter confusion amongst them as to their jurisdiction, maintainability of complaints and procedure for filing and entertaining complaints. Nevertheless, the office of the Lokpal, disposed of many complaints and as reported in the Economic Times in November, 2019, the office of the Lokpal had heard and disposed of thousand complaints which it received till 30<sup>th</sup> September, 2019.

DB Bhosale wanted the draft rules and regulations to be framed expeditiously, so that work could start on full-scale and explicit rules pertaining to the jurisdiction of the Lokpal, maintainability of

complaints, procedure for filing, entertaining and disposal of complaints would also educate and inform the public at large about the nuances of this ombudsman body. So with the permission of the chairperson, he arrogated to himself, the task of preparing draft rules and regulations, consisting of practice and procedures, including office procedures for this anti-corruption body. With the assistance of two law students from the Indian Law Institute, of which DB Bhosale was three times elected member, from High Court judges constituency, Miss Rachana Chauhan and her friend, both research students, assisted him in preparing draft rules for the office of the Lokpal. He made these draft rules and regulations ready within less than two months, and now he wanted the chairperson to take up these drafts for discussion in the meetings of the Lokpal and finalise the same without delay.

It's a universal rule of administration that your boss is always right. Notwithstanding that, there is no bar in making suggestions to your superior, but you cannot at the same time expect and force your boss to act on those suggestions. Several formal and informal meetings of the Lokpal took place and in every such meeting, DB Bhosale brought up the topic of finalising the draft practice and procedures, but in vain. DB Bhosale told me that during one such meeting, when he again unsuccessfully tried to highlight the issue of discussing and finalising the draft practice and procedures, he earned the wrath of the chairperson and the atmosphere in the meeting got toxic and foul. The respected chairperson lost his cool and raised his voice at DB Bhosale by sternly telling him that 'don't tell me what to do.' It was embarrassing and humiliating for DB Bhosale, as all the other members were witness to this episode. The chairperson, a former Supreme Court

judge was indeed a person of high stature and was entitled to undue respect. But DB Bhosale had stood for a cause and as he could not find any fault in his own conduct, he could not resist retaliating. He retorted and told the chairperson that 'please don't raise your voice, as I can do the same. I have also been a judge for 18 years and a Chief Justice of two different high Courts for 4 ½ years.' So this was a little skirmish which occurred in the meeting and gradually tempers cooled down and the meeting ended without any discussion on the said draft handbook on practice and procedures.

This little brawl between the chairperson and DB Bhosale had taken place sometime in the month of November, 2019 and that was the turning point for DB Bhosale, when he went into a little introspection. He had accepted the offer of judicial member Lokpal with a lot of enthusiasm and hope, but with the passage of time, he realised that for a workaholic like him, there was not much to do. As Lokpal was an institution in its infancy, flow of work was less. Even the nature of the complaints sent initially to the Lokpal were frivolous and vexatious in substance and warranted expeditious dismissal in limine. In fact some of the complaints were not even worth the paper on which it was written. Being a new institution in the field of anti-corruption, people had no idea about what kinds of complaints can be made to this ombudsman. Initially people filed complaints complaining about public services not being rendered by the administrative units within time and some were as hilarious and bizarre like a cooking cylinder not delivered on time and things of a like nature. These kinds of complaints were

bereft of merit and were initially only consuming the time of this ombudsman body. The members were most of the time sitting idle without any work. Once or twice in a month, the chairperson would allot 20 to 25 such complaints to the members for reading and submitting their report or comments, and then all members in the meeting, which was held once or twice a month, would pass orders on each of the complaints. So DB Bhosale did not find anything substantive in the nature of work in the first few months of his tenure. Add to this, inadequate infrastructure (Lokpal initially operating from a five-star hotel) and shortage of staff only added to his distress. DB Bhosale, a true warrior from inside, wouldn't give up so easily and would have continued in his new assignment as judicial member, as he was also well aware that any new institution, gradually moves from infancy to maturity. He was conscious that things don't happen overnight and one has to show patience and give time to achieve the desired results. Everything was going on smoothly and it was that random incident, that little skirmish between him and the chairperson which disillusioned him. It was some time in the month of November, 2019, when this fracas occurred with the chairperson during one such meeting of the Lokpal and within few days, DB Bhosale suddenly lost interest in continuing as member of this ombudsman body. By now he had decided to resign and migrate back to Mumbai. It was finally on 6th January, 2020, DB Bhosale resigned as judicial member Lokpal, with his resignation to take effect from 12<sup>th</sup> January, 2020. As he tendered his resignation, he got a call from the office of the President of India, which wanted to confirm this very fact about his impending resignation. He unequivocally asserted that he has tendered his resignation out of

his own volition and on purely personal reasons. He was finally relieved from his duties from the date mentioned in his resignation and it was a premature and abrupt end to another chapter.

Sometimes we create our own heartbreaks through expectations. You cannot always blame people for disappointments as at times; we are the cause of our disappointments as we start expecting too much. DB Bhosale was initially not very keen to join as judicial member Lokpal, as he had other plans for himself. But once he made up his mind to join this anti-corruption body, he accepted this new assignment with all guns blazing. He was probably inspired by the sayings of Karl Kraus an Austrian writer, according to whom, 'corruption is worse than prostitution. The latter might endanger the morals of an individual; the former invariably endangers the morals of the entire country.' So when he joined this anti-corruption body, he was high on passion, was hopeful that he would make a difference and had high expectations from his new job. Over a period of time, his enthusiasm waned away, hopes were shattered and expectations were transformed into disappointments. Lack of substantive work during his tenure, infrastructure deficiencies, paucity of staff and non-finalisation of rules, regulations and procedures paved the way for his disappointed expectations. Along with this, the skirmish which he had with the chairperson during one such meeting of the Lokpal was like the last nail in the coffin and the immediate trigger for his resignation. Before taking the radical decision to quit, he had written on three occasions to the chairperson of the Lokpal and wanted the latter to take up several issues in the scheduled meetings of the Lokpal. These issues ranged from subaltern nature of work, finalisation of the draft procedures along

with other administrative matters like constituting various committees of the Lokpal under different members, so that each and every member would know about the administrative issues and would be actively involved in the administration of this ombudsman body. The Indian Express, on 17<sup>th</sup> February 2020 had also reported this news with the heading “Before he quit, Lokpal judge sent three letters to Chief on lack of work.” Finally a culmination of all these factors lead to his resignation from this ombudsman body and it had surprised everybody, including his close friends and acquaintances. It was an unprecedented end to his second innings. Even he himself never contemplated that things would end in such a fashion. However, he had no regrets and I remember talking to him the day he had resigned. It was 12<sup>th</sup> January, 2020, the day on which his resignation was deemed effective. DB Bhosale was in Delhi and I had called him in the evening, not knowing, what I should speak to him. I was puzzled and didn't know whether I should congratulate or commiserate him. As he answered his phone, I enquired about him generally and then told him that you have finally bid adieu to another institutional setup and this time, it's not by superannuation, but is motivated by the voice of your conscience and I hope it gives you contentment. I further told him that his Lordship has always been stellar in every role and his magnanimity and unfathomable service to the judicial apparatus will be profoundly missed. I ended by saying that your Lordship's quest for justice and selfless service will be perpetuated in other endeavours which your Lordship intends to undertake. I spoke the fact as it was directly from the heart and he was deeply touched by what I said. At that moment, I was quite astonished to sense his mood, as he appeared to sound quite ecstatic. I remember the first sentence

which he uttered, when he said that I no more feel asphyxiated. The word asphyxia, a medical term which means a condition arising when the body is deprived of oxygen, causing unconsciousness or death. From a layman's point of view, it also means suffocation. Using the term asphyxia may not have been an overstatement or a magnification of things, as it described his experience and state of mind at that point of time. I don't think he used the term in the real medical parlance and what he meant by saying was that hitherto, he felt suffocated and now he is again a free man, who is liberated from institutional clutches.

I personally believe that India's experience with the office of a constitutional ombudsman, commonly known as Lokpal was a salutary step in the right direction. It was the collective will of the people, which translated into modern India's crusade against the cancer of corruption. This office of the ombudsman, saw the light of the day after decades of struggle by the fourth and fifth estate of the Indian Republic. Finally under the watchful eye of the Indian Supreme Court, this anti-corruption body was established and as no institution can deliver right from the word go, it was hardly surprising that the office of the Lokpal would not function at its optimum level at the very start of its establishment. But for DB Bhosale, who was a workaholic, sitting idle was a crime. His adrenaline level was high even at 63. He had the ability of getting everything functional and making things beautiful around him. But this time he was not the captain. He was a part of a team which had to collectively act and this was according to him his biggest limitations. He didn't want to work in an atmosphere of abeyance and was fed up at the lackadaisical way of things. He could have given some more time and things could have got better for him.

However, dormancy in the finalisation of procedures in the functioning of the Lokpal and that little skirmish which he had with the chairperson, sounded the death knell of his tryst with India's constitutional ombudsman.

So now coming back to the telephonic conversation, which I had with him on the day he resigned, he felt content and was at peace. He had no regrets and he told me that along with arbitration, he has plans to engage in community service and social work. He said that the system, the society and this country has been quite kind to him. It has given him respect and an opportunity to serve and now it's time for him to repay the society and the motherland by devoting his life to community service and social work. DB Bhosale was a nature lover and strongly advocated preservation of the environment and ecology. He always wanted to do something in the field of environmental and water conservation. He had noble intentions, but before he could translate them into reality, the world came under the grip of the Covid-19 pandemic and all his plans went haywire. It can be said with certitude, that very soon, science and technological advancement will triumph over this pathogen and the collective efforts of mankind will be victorious in combating, containing and eliminating the scourge of this pandemic, which will be eventually vanquished. Life will limp back to normal, everything around us will normalise, but with a new consciousness. This consciousness will be towards maintaining equilibrium between environment and development. In the quest for development, unchecked human activity cannot be permitted to intrude in areas, which are instrumental in maintaining ecological balance. In the foreseeable future, the comity of nations must ensure that



exploitation of mother Earth should cease and nations, big or small, should aspire to achieve the goal of sustainable development in letter and spirit.

All said and done, I with all the humility at my disposal, respectfully state that DB Bhosale, albeit eclipsed from the institutional set-up, on account of his retirement and later his resignation as Lokpal, it's certainly not the end of things. The sun is a celestial body which is omnipresent. It sets in one hemisphere, only to rise in another hemisphere. Similarly, DB Bhosale will bounce back in a new avatar, with the sole objective of rendering unconditional service to the society at large. Good people like him are very few in this world. In fact he's like the super moon, rarely seen and these were the few reasons, which motivated me to chronicle his life and present it in its proper context. I finally conclude by reiterating what I said earlier, that is, "no guts no glory, no legends no story."