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Appointed Next CJI By President Kovind On Tuesday, Justice Bobde To Take Oath On Nov 18

Too much freedom of speech for some, too little for others, says CJI-designate Bobde

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New Delhi: There are two sides to the freedom of speech debate with some "getting away with anything and everything in public and social media platforms" while others "get mangled for expressing their views," Sharad Arvind Bobde of the Supreme Court told TOI on Tuesday soon after being appointed the next Chief Justice of India by President Kovind.

"The conflict is apparent. Some have great freedom of speech. There has never been an era where freedom of speech has had such width for some people," Bobde said, before adding that others face problems without even being vocal.

Nagpur-born Bobde takes oath at a time when there is a debate, often a polarising one, about dangers to freedom of speech, a fundamental right guaranteed under Article 19 of the Constitu-



CHIEF JUSTICE Justice Sharad Arvind Bobde at his Nagpur home on Monday

tion and which has been zealously protected by the State over last four decades since the Emergency.

Asked about the thin presence of women judges in constitutional courts, the CJI-designate said, "I will strive for an objective and unbiased approach to select more women judges for the high courts and the Supreme Court. But the problem is their availability.

They have to be 45 years or more to be eligible for selection as HC judges. So, we cannot create women judges for constitutional courts overnight. They have to be in the system."

Is there a systemic bias against selecting more women judges? "No, it is because of their non-availability. But there could be another reason. Whenever the collegium

'Apathetic civil bodies the root cause of majority of PILs'

Nagpur: Asked about the spate of public interest litigation in a separate interview by TOI's Vaibhav Ganjapure, Justice Sharad Bobde said, "PILs are filed primarily due to the failure of [civic] administrations to properly and sincerely do their duties. Civic issues are absolutely not matter of the courts. If they do their duties properly, such cases will not come to the judiciary. The courts will be more than happy if PILs are reduced." **TNN**

proposes a name to government for appointment as HC judge, a steady stream of complaints pour in making all kinds of allegations. Maybe, the women do not want, and rightly so, to get entangled in such unwarranted controversies created by frivolous complaints."

He agreed with CJI Ranjan Gogoi's proposal to the Centre to increase the retirement age

of HC chief justices and judges to 65 years from the present 62 years. "It will ease the competition to become a SC Judge. But, more importantly, it is a waste of experience and talent acquired over the years if a judge is eased out of the system at the age of 62 years when the person is at the peak of his intellectual ability."

Asked about his best moments in his 22 years as a lawyer followed by 19 years as a constitutional court judge, the CJI-designate said filing insolvency pleas on behalf of 3.9 lakh Maharashtra farmers to save them from debt recovery officers (DROs) was a very satisfying case. "The farmers were perennially debt-ridden because their products didn't even fetch them the money invested to grow their crop. There was an agitation by Sharad Joshi to stop DROs of cooperative banks from entering the villages as they were taking away utensils and other items from the farmers' homes. I advised them and then filed

insolvency pleas on behalf of farmers. The Bombay HC and later SC stayed debt recovery from farmers."

As a judge, he dealt with a case of rape-murder of a young girl. A labourer Arme-gan was convicted and sentenced. But the investigating officer committed suicide and left a note saying he had framed the labourer by planting false evidence and tutored witnesses. "I was of the opinion that not only should the man be acquitted, but the witnesses who gave false evidence should be prosecuted. This case made me realise why a judge should not only seem to do justice but also strive to do justice by looking deeply into every aspect of every case."

Before he takes over, Bobde will already be in the annals of history as part of the bench of Gogoi and Justices D Y Chandrachud, Ashok Bhushan and S Abdul Nazeer that will deliver the historic verdict in 70-year-old Ayodhya land dispute case.