



INTERVIEW WITH JUSTICE A. MUHAMED MUSTAQUE

1. From Kannur to Kochi and now to Sikkim, Your Lordship's journey reflects a life shaped by learning and service. What was the inner motivation that first drew you towards the law, and what sustained your commitment during the early years of the profession?

I was initiated into the legal profession by my father. I was not particularly inclined towards science or mathematics, and my father felt that the arts stream would be more suitable for me. In those days, students were divided into four groups - mathematics, biology, humanities (history and economics), and commerce. I was guided into the third group and pursued my studies through a private college.

At that stage, I did not have a clear idea of studying law. Later, my father asked his junior to take me to Mangalore to join a law but I did not find the environment conducive. Subsequently, I was placed in Udupi law college presently known as VBCL, which I found comfortable, and I joined immediately.

Those were times when there was no rush for law admissions outside Kerala. Anyone who walked into a law college could secure admission, and the fees were very modest. Law was not considered an attractive profession. However, once I entered law college, I never looked back. I felt that law was my calling and something I could commit to for life.

I never failed in my examinations. That consistency gave me confidence. I began my practice with my father in the trial courts. I was quite young compared to other members of the Bar. Naturally, I was timid and nervous when I first entered the Munsiff and Magistrate Courts.

At that time, judges were generally not very approachable, except for a few. I still remember being taken by my father's junior to a Magistrate's chamber, where the atmosphere itself instilled fear in me. However, one judicial officer whom I deeply admire Mr. Bhaskaran, who later became the State Election Commissioner extended encouragement to me as a young lawyer. His support instilled confidence and played a significant role in shaping my early professional life.

I began my practice in Kannur. My father, perhaps because of our relationship, never treated me as a junior and gave me a free hand in conducting cases from initial days itself. When my colleague Kausar (Justice Kauser Edappagath) joined my father, the following year, I decided that I should move out of Kannur to Thalassery. At that time,

there were only about 89 lawyers in Kannur, and it was uncommon for lawyers to travel to Thalassery, which was the headquarters with a much larger court complex.

I felt that instead of entrusting appellate and higher matters to others, I should personally handle them. That decision to move out of Kannur was the first bold step in my professional life. In the year 2000, I formed a small law firm with Kausar. Later, I decided to move to the High Court, believing that with the foundation we had built, we could expand our practice.

Initially, my ambition was to become a District Judge through direct recruitment. Given my trial court experience and exposure at the High Court, I believed I had a good chance. Over time, however, I realized that sustained practice offered greater professional fulfilment, and if destiny permitted, elevation to the High Court Bench might follow.

As our firm expanded and new partners joined, I began to reflect on the limitations of conventional civil litigation. In 2005, I underwent mediation training. Though expensive at the time, it proved to be a turning point. It opened my mind to possibilities beyond routine litigation and instilled in me a sense that law could be practiced in a broader, more impactful manner.

This curiosity led me to attend a space law conference in Bengaluru. I realized that the space sector was relatively unexplored from a legal perspective. I explored international academic opportunities and eventually pursued a course in Paris, after acquiring the necessary language certification. That experience fundamentally changed my thought process and professional outlook.

The exposure to international institutions and interdisciplinary legal work showed me that law was not confined to precedents and pleadings, but extended to policy, institutions, and global governance. Although certain ambitions such as expanding the firm internationally did not materialize due to circumstances, I never discontinued the legal profession.

I later focused on arbitration and private international law, recognizing its immense potential. In 2013, I was called to join the judiciary. That moment marked a defining transition from advocacy to the Bench. Looking back, I believe that every stage of this journey unfolded as destiny intended, and I remain deeply satisfied with the path I have travelled.

2. Upon Your Lordship's elevation to the Bench, how did your understanding of justice evolve, particularly in maintaining a delicate balance between the rule of law, equity, and social justice?

Justice, at its core, is a virtue and a value. How one understands and dispenses justice depends greatly on one's insight into society and the polity. For a judge, it is essential to understand social realities and how human relationships operate.

I was brought up in a matriarchal social structure, and my mother had a profound influence on my life. She was deeply empathetic and compassionate, and her approach to decision-making left a lasting imprint on me. My father, on the other hand, was a principled and disciplined man with strong socialist and nationalist values. These

contrasting yet complementary influences shaped my personality and judicial outlook.

Religion also played an important role - not in a rigid or dogmatic sense, but through its fundamental values. Compassion, love, and empathy are common to all faiths. These principles were ingrained in me through my upbringing and religious education, which I follow with a liberal and inclusive outlook.

At the same time, my father was deeply opposed to communal or polarized thinking. His family background was rooted in the freedom movement, and he consistently emphasized national unity. These perspectives collectively shaped my worldview.

All these influences - social upbringing, religious values, and lived experiences ultimately reflect in my judgments. Justice, for me, is not merely about legal correctness but about understanding human realities and delivering decisions that are fair, balanced, and socially conscious.

3. Your Lordship's initiatives appear deeply rooted in an empathetic approach to justice. In your view, what personal philosophies and human values must a judge carry throughout the long and demanding journey of justice dispensation?

Empathy and communication are the most essential qualities a judge must possess. In mediation training, these two aspects are given paramount importance. If a judge truly possesses these skills, it can bring transformative impact through judgments.

My initial training in mediation significantly changed my outlook.

Understanding situations from the perspective of others is not easy for human beings; we naturally view issues through our own lens. However, when one consciously looks at matters from another's perspective, empathy naturally follows. That is the true meaning of empathy. Mediation training gave me a professional understanding of what empathy is and how it should reflect in judicial decision-making. When a judge combines legal knowledge with empathy and effective communication, justice becomes humane, meaningful, and impactful.

4. As Chairman of the e-Committee, and through the launch of several technological initiatives, how should advocates, court staff, and judges effectively respond to the emerging realities of paperless courts, digital transformation, and artificial intelligence?

Technology must be embraced for three essential reasons: expediency, ease of work, and the larger interests of the State and justice delivery system. Our traditional legal processes are inherently cumbersome, and technological advancement has significantly simplified procedures.

Expediency means reducing procedural delays, while ease of work ensures that every stakeholder - litigants, lawyers, court staff, and judges - finds the system comfortable and accessible. Technology eliminates physical barriers and distance, which have historically restricted access to justice.



If we closely examine our procedures, we will realize how physical constraints have limited people's ability to approach courts. Lawyers, in particular, must understand that embracing technology ultimately benefits litigants. When litigants find the system efficient and accessible, they are encouraged to seek legal redress.

The establishment of the 24×7 Open Network Court at Kollam is a clear example. It has led to faster disposal of cases and has encouraged litigants who would otherwise be discouraged due to delay to approach courts. Every litigant seeks early resolution, and technology directly addresses that aspiration.

According to the Justice Report 2023–25, nearly 60% of people across the country lack effective access to justice. This indicates that a large segment of the population avoids courts, primarily due to delays and procedural difficulties. While lawyers have sufficient work, they are often unable to reach these litigants because they do not fully understand or address their needs. Technology serves as the bridge to close this gap.

From the State's perspective, governments are often reluctant to establish new courts at the district level because each court requires a large support staff, sometimes up to 18 personnel, resulting in significant recurring expenditure. While appointing judges may be feasible, appointing staff often is not.

Technology offers a solution by enabling the creation of courts with minimal skeletal staff. This is already visible in the establishment of new courts with four or five staff members, made possible by redeploying surplus staff from existing district judiciaries. This approach allows the State to reduce expenditure while expanding judicial infrastructure.

This expansion ultimately benefits lawyers as well, as more courts mean more cases entering the system. Judges and court staff do not gain personally from digitalization. The true beneficiaries are litigants and lawyers. Lawyers must recognize this and fully embrace technological reform.

In Kerala, the Bar has largely welcomed these changes. When we consulted lawyers and clerks, their response was clear: there is no reason to continue physical filing when e-filing is available. Even court clerks questioned the continuation of archaic practices in the presence of modern digital systems.

Technology also removes travel constraints. Once physical files are discontinued, lawyers can appear before any court from any location.

5. As Chairman of KeLSA, Your Lordship spearheaded several transformative initiatives, including Sambadha, the Victim Rights Centre, CLAP, and other schemes that have touched thousands of lives. What inspired these interventions, and how do you perceive their role in making the justice system more compassionate and inclusive?

My inspiration for these initiatives came largely from my experience of presiding over family matters for nearly one and a half years. That exposure gave me a deep understanding of social realities and ground-level circumstances. I realized that, at times, courtroom justice can be elusive. Real justice is something different - it must meaningfully address the lived realities of litigants, whether they are victims, parties to a dispute, or individuals facing difficult personal circumstances.

Through my exposure to mediation, I learned the importance of empathy and restorative justice. These experiences together prompted me to reflect deeply and eventually initiate these schemes.

If we take CLAP as an example, its core purpose is to bridge the gap between court justice and real justice. Court justice is reflected in orders and judgments, whereas real justice is something that must tangibly impact the life of the litigant concerned. In custody disputes, for instance, the real justice lies in safeguarding the well-being of the child, not merely in deciding legal rights. CLAP was designed precisely to address this gap.

Similarly, the Victim Rights Centre was born out of the realization that victims are often unheard in the justice delivery process. While we rightly provide legal aid and safeguards to accused persons, victims - particularly of sexual offences and other serious crimes - frequently remain on the margins. I felt that the principles of restorative justice must be brought into the system. However, such concepts are extremely difficult to implement purely through judicial orders. My association with legal services institutions, including work related to family and social justice, helped shape these initiatives. Fundamentally, all these schemes aim to bridge the existing gap between the justice delivered by courts and justice as experienced by people.

Samvada, on the other hand, was an idea I had been nurturing for a long time. During a visit to Daejeon in South Korea, I visited a place called Solomon Park, where children are introduced to law, civic values, and legal institutions in an experiential manner. That experience left a lasting impression on me. I had conveyed this idea to the Legal Services Authority even earlier, but it did not materialize at that stage. When I

became Chairman of KeLSA, I felt it was the right time to reintroduce it in a new form, which led to the birth of Samvada.

The core idea behind Samvada is that young minds need proper guidance. Children may possess information, but information is not the same as knowledge. Knowledge helps them understand how systems operate, instils values, and shapes responsible citizenship. Today, in nuclear family settings, children often lack spaces where constitutional and societal values are imparted. Schools, too, are largely focused on syllabus completion. Samvada creates a platform where children can learn about the justice system, civic responsibility, and values in a meaningful way. When I see students participating in these programmes, experiencing institutions like the police for the first time in a positive environment, it reinforces my belief in the initiative.

A true citizen is one who imbibes values and lives by them. Samvada seeks to create that foundation. Ultimately, all these initiatives - Samvada, CLAP, the Victim Rights Centre, and others are rooted in one objective: to humanize the justice system, bridge the gap between law and life, and ensure that justice is not merely delivered, but genuinely felt.

6. You have been a consistent advocate of ADR mechanism. How do you philosophically envision ADR not merely as an alternative, but as a central pillar of justice delivery in the years to come?

On mediation, my view is often misunderstood. I am not against mediation as a tool, but I strongly oppose presenting mediation merely as an “alternative dispute resolution mechanism.” In our country, mediation was traditionally a way of life. People resolved disputes

through dialogue, truth-seeking, and community engagement, long before adversarial systems took root. Mediation was embedded in everyday relationships - within families, villages, and communities.

When mediation is promoted merely as an imported, Western-style alternative mechanism, it does a disservice to our traditions. Mediation should instead be promoted as a value - empathy, communication, and understanding the perspective of others. Once mediation is adopted as a way of life, disputes naturally reduce. Whether in family relationships, workplaces, classrooms, or even judicial interactions, this value-based approach can bring about profound change.

This philosophy also guided my approach to leadership in legal services. Leadership, to me, is about building relationships and understanding perspectives - whether of lawyers, court staff, registry officials, or litigants. That itself is mediation. If everyone learns this skill, it can lead to a sea change in how society approaches conflict.

Of course, in the realm of commerce, arbitration must be promoted. Courts are public institutions funded by the State, and arbitration serves as a necessary alternative in appropriate cases. In that sense, while courts remain central to justice delivery, alternatives like arbitration have an important role to play.



7. Your Lordship was instrumental in the establishment of the High Court Arbitration Centre. In your perspective, how does a court-affiliated arbitration centre contribute to more effective and efficient resolution of disputes?

In Kerala, there has historically been a certain reluctance towards arbitration, particularly in government contracts. At one point, following issues relating to the Kallada Irrigation Project, the State even went to the extent of removing arbitration clauses from government contracts. That issue eventually reached the Supreme Court, which upheld the statutory framework governing arbitration.

This reluctance reflects a deeper concern - lack of confidence in arbitration. The problem is not that people are unwilling to resolve disputes through arbitration. Rather, what truly plagues arbitration is the issue of credibility. Parties often lack faith in ad hoc arbitration or even in some institutional mechanisms.

In contrast, people continue to repose confidence in courts as public institutions. Even when a judgment is questioned, the impartiality and integrity of judges themselves are rarely doubted. Courts are still seen as neutral and credible. This trust is the foundation of judicial legitimacy.

My thought process was that if arbitration could be institutionally linked to the court system, that same credibility and confidence could be transferred to arbitration. This was the rationale behind promoting a court-affiliated arbitration centre.

Kerala has adopted a unique model in this regard. We have a system of reserved arbitration, where even government departments and instrumentalities can avail arbitration without paying arbitrators' fees.

Arbitration matters can be handled by sitting judicial officers - such as Civil Judges - who function under the Arbitration Service while continuing to draw their regular judicial salaries.

This arrangement addresses the financial concern associated with arbitration, which is often perceived as an expensive process. Since arbitrators are salaried judicial officers, the government need not incur additional expenditure. As a result, arbitration becomes both credible and accessible, particularly in public law and government contract disputes.

8. Through initiatives such as the High Court of Kerala Chronicles and KHJ Daily, Your Lordship emphasized dialogue with the public and the legal fraternity. What was the thought process behind launching these initiatives?



The initial idea stemmed from the manner in which reported judgments are disseminated. Typically, judgments are forwarded to law reporters, but there is little structured engagement with the wider legal community or the public.

I felt there was a need for a concise, accessible platform that could provide brief insights into important judgments and developments

within the High Court. As Chairman of the IT Committee, I placed this proposal before the then Chief Justice, who readily agreed. The initiative was launched on 1st January 2024, a date I felt symbolically appropriate for introducing a new institutional dialogue.

However, it was rightly emphasized by the then Chief Justice that such publications must be subjected to rigorous verification and careful scrutiny. Justice V. G. Arun and Justice Dias provided invaluable leadership in this regard, overseeing the review and refinement of the content and ensuring its institutional integrity. While my own role was confined to the initial conception of the idea, the subsequent structuring, editorial development, and successful execution of these publications were made possible through their stewardship, along with the dedicated efforts of several committed judges and members of the Bar.

Lawyers also played a significant role in shaping these initiatives. Their involvement transformed the newsletters into meaningful platforms for engagement. In essence, these publications were conceived as a medium to enhance transparency, foster dialogue, and bring the judiciary closer to both the Bar and the public.

9. Judicial life is often demanding and consuming. Beyond law and the courtroom, what personal passions or pursuits help Your Lordship remain grounded, reflective, and balanced?

Social service has always been a central part of my life. From childhood, I observed my parents actively engaged in helping others. My father was deeply committed to promoting education, and my mother was constantly involved in acts of service and compassion. Those values left a lasting impression on me.

Charity and service are also integral to my religious beliefs, and I see them not as obligations but as a way of life. My involvement with legal services institutions, particularly through KeLSA, is an extension of these personal values into formal institutional frameworks.

Beyond that, I enjoy sports - especially cricket and football and I play badminton. I also have a keen interest in observing people. I find great value in quietly understanding human behavior, perspectives, and interactions. Observation, for me, is a form of learning.

Travel is another source of balance. I particularly enjoy visiting places with rich cultural and historical backgrounds, especially in Europe. Having studied in Paris, I have a deep appreciation for European culture, architecture, and the way societies preserve their heritage. I also enjoy scenic locations; such as hill stations.

While I may be dynamic and intensely engaged in work, travel allows me to slow down to simply observe, reflect, and absorb my surroundings. Those moments of stillness help me remain grounded and balanced.

10. What guidance would Your Lordship offer to young advocates and judicial officers not merely on professional advancement, but on integrity, patience, and a sense of purpose in the legal and judicial journey?

Young professionals today are living in a very different era. Unlike earlier generations, they often do not receive direct guidance or mentorship. In the past, seniors themselves were the guiding force for our generation, and their example shaped our professional lives. Even today, young advocates and judicial officers would do well to observe and emulate those who have proved their mettle and integrity over time.

Earlier, knowledge was considered the primary weapon in the profession. It was regarded as a great asset and a source of authority. While knowledge remains essential, we are now in an era where knowledge alone is no longer sufficient. The most important attribute today is the ability to generate ideas. It is ideas -not mere accumulation of knowledge - that bring real change.

Knowledge supports ideas, but it is ideas that differentiate one professional from another. The future success of young lawyers depends on how they shape their ideas and use them to respond to changing realities. Those who can generate ideas will stand out and succeed.

To generate ideas, one must understand quality, technology, and future trends. If young professionals observe these factors carefully, ideas will naturally emerge. Without original ideas, it becomes difficult to sustain oneself in the long run.

There are clear examples outside the legal field. Steve Jobs did not invent the internet or the mobile phone - both already existed. His contribution was the idea of bringing everything onto a single platform, the smartphone. That idea was revolutionary. Similarly, companies like Uber did not own vehicles but created a platform that transformed the transport ecosystem. On the other hand, companies like Kodak, despite being market leaders, vanished because they failed to innovate or generate new ideas.

The legal profession is no different. The future will see specialized lawyers -blockchain specialists, artificial intelligence specialists, and technology-driven legal professionals. The potential is enormous, far beyond what can be fully articulated today. If we examine how business

transactions and legal instruments are evolving globally, it is clear that lawyers who create platforms or systems that simplify legal processes will define the future.

For instance, consider a power of attorney executed abroad. Today, it requires extensive formalities. If such instruments could be securely registered through blockchain and recognized internationally, a person in one country could instantly verify and accept its validity elsewhere. That requires new legal instruments and innovative legal thinking. Technology is penetrating every aspect of life, yet many lawyers still follow the beaten path instead of creating new ones.

As for judicial officers, they are generally competent, intelligent, and capable. However, I often sense that some view the judicial role merely as another career or job. That, in my view, is a disservice to the country. The judiciary is a public service that demands sacrifice. Judicial officers are granted special status and privileges precisely because they perform immense human service.

If judging is reduced to a routine, mechanical exercise, real justice may gradually disappear. Judgments reflect not only legal learning but also a judge's outlook on society, the nation, and human values. While today's youth are intelligent and skilled, what is sometimes missing is social commitment. That commitment is essential for meaningful justice delivery.

11. As Chief Justice of the High Court of Sikkim, what guiding principles will shape Your Lordship's tenure, and how do you seek to balance efficiency with access to justice?

My foremost objective is to reach out to people especially those who lack the means or ability to approach courts. Justice must connect with those who are otherwise disconnected. Technology is the only effective medium through which this gap can be bridged.

In a State like Sikkim, remoteness itself poses a significant challenge. However, with proper digital infrastructure and connectivity, distance need not be a barrier. My vision is to establish a paperless judiciary that connects people across regions and enables access to justice irrespective of geography.

Given Sikkim's relatively small population, this vision is both realistic and achievable. However, access alone is not enough. Justice delivery must also respect local customs, values, and social structures. Sikkim is culturally and socially distinct, and it is essential to understand its communities, social behavior, and lived realities.

Once that understanding is achieved, judicial and legal services schemes can be customized to suit the local context - much like what was done in Kerala through initiatives such as Gothra Vardhan for tribal communities and Samayam, which addressed grievances at the police-community interface.

Many people approach the police for grievance redressal because they do not see courts or lawyers as accessible. Through the Samayam scheme, police were sensitized to divert suitable matters to the Legal Services Authorities, which then resolved them through mediation. Such context-specific approaches are essential for balancing efficiency with meaningful access to justice.

12. After serving the Kerala High Court for many years, what would be Your Lordship's departing message to the institution, the Bar, and the Bench?

What I have consistently witnessed in Kerala is the strength of teamwork. Meaningful collaboration between the judiciary and the Bar has led to several impactful initiatives, and this spirit of cooperation must continue. It has the capacity to transform the justice delivery system in profound ways.

Lawyers are not subordinates or extensions of authority. They are independent professionals, vested with dignity and self-respect, and they are an indispensable part of the justice system. While decision-makers may choose collaborators, such choices must always respect the independence and stature of the Bar.

Judges and lawyers must work together with openness, mutual respect, and without preconceived notions. Real change occurs when the right people come together with a shared sense of purpose. The judiciary cannot function in isolation; sustained engagement with the Bar is essential for a vibrant and responsive justice system.

During my tenure, many initiatives succeeded precisely because of this collaborative approach. Projects such as Justice Park, High Court Chronicles, Samvadha, the Victim Rights Centre, CLAP and others were not the product of individual authority, but of collective thought, shared responsibility, and joint effort between judges and lawyers.

Such sustained collaboration was rare in the past. It is my firm hope and my confidence that this culture will continue. If it does, the judiciary in Kerala will not only strengthen itself but will stand as a model for the rest of the country.

That is my departing message, and my abiding faith, in the institution I have had the privilege to serve.

