

Farewell Speech 29th March 2017

Chief Justice Rohini,

Judges of this court,

Mr Kirti Uppal, President, Delhi High Court Bar Association,

Mr Sanjay Jain, Additional Solicitor General of India,

Mr J.P. Sengh, Vice-President, Delhi High Court Bar Association,

Mr Amit Sharma, Secretary, Delhi High Court Bar Association,

Mr Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of Delhi,

Other Standing Counsel of the Central and State Governments,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates and other Members of the Bar,

District & Sessions Judges,

The Law Secretary,

Ladies & Gentlemen

Over 14 years have gone by since I became a Judge of this great court. It seems like a long time, but, so engrossing and so satisfying has been my experience that this time has sped by in what appears to be a blink of an eye. Every day that I spent in court has given meaning to my life.

Time always ticks and now it is my turn to leave as it has been for many before me and will be for more after me. But, before I do, I have a few things to say.

What are we, judges and lawyers, here for? Ultimately, beyond the fees and salaries and career progression and fame, our lives ought to be and are fashioned by the unending quest for justice – that elusive and difficult goal which is yearned for by the wronged, the downtrodden, the needy, the poor, the marginalised and the innocent.

Yes, we have a remarkable constitution. It guarantees justice, liberty, equality and fraternity to all citizens of this country. But, this guarantee is often missing in reality. This is where we – judges and lawyers – have an extremely important role to play: to ensure that when citizens knock the doors of the court, they get justice and leave with the belief that the constitutional guarantees are palpable and real and not virtual or illusory.

As judges we endeavor to uphold the Rule of law and to ensure that it prevails, through our writs, judgments, orders and decrees. But, as I have said

elsewhere, we must understand that the rule of law means different things to different people. Jurists and other legal experts attempt at defining it. We must, however, try and see what it means to the ordinary people. For a young girl about to be molested and raped it means that her cries for help are heeded and that she is saved. For a 12 year-old labouring in a coal mine, it means that he is given his childhood and a good education, an opportunity to compete equally with all else. For a family which is closeted in its house in fear of the angry mob slamming the front door, which is about to break open, it means that its frantic calls to the number 100 are instantly responded to and all its members are saved. When deciding cases and in our endeavour to do justice we ought to view the rule of law from the perspective of the person who needs it. I feel that it is only then that we would be able to do complete justice.

This court has made remarkable progress in the field of dispensing justice. It is, today, the premier high court in India. Some may say that this amounts to self-praise as I belong to this court. But, isn't it true? Anyhow, this could only be achieved through the cooperation and hard work of the Bench and the Bar. My colleagues on the Bench have excelled and so has the Bar. But, we must not be satisfied with what we have achieved and must continue to strive higher: there is so much more that we can do; we can reduce our arrears; we

can reduce our timelines for cases and particularly of criminal cases; we can have better case management so as to minimize wastage of time; we can make our systems more transparent, more litigant friendly and so on.

The success of this Court is also due, in large measure, to the excellent staff, which includes the registry, the court staff and the personal staff of the judges. They work tirelessly and for long hours, behind the scenes, to ensure that the system works. As most of you are aware, this court is perhaps the only high court in the country where a matter filed on one day is placed for hearing on the very next day and, in some urgent cases, on the same day. This is only possible because of the speed and efficiency of the registry.

Technology is advancing exponentially. What seemed impossible a decade ago appears to be mundane today. The world and particularly the younger generations are rapidly adopting these new technologies of the digital age. The judiciary also needs to keep pace with these developments lest it be left behind. We need to adapt and adopt these technologies for greater efficiency, greater transparency and greater accountability. Take, for example, the time spent in process serving. By utilizing digital processes, geo-tagged and time

stamped photographs of the persons on whom the service is effected and real-time tracking of process servers we can easily cut down about 3 to 6 months from the timeline of each case. There are many more ways in which technology could be utilized to hasten the process of justice without impinging on its quality.

The Delhi High Court is the front-runner in this area. We have 11 eCourts and, out of these, three jurisdictions – taxation, arbitration and company law – are completely paperless: from filing to judgment. This needs to be replicated in respect of all courts and all jurisdictions. We have started well and have also run the middle race but, we need to cross the finish line. I hope and I am sure that my brother and sister judges would achieve this in the near future. Of course, some may huff and puff with the introduction of newer technology, but, the zeal and determination will take them, and, alongwith them the whole court through.

Advocacy is an art as much as it is a science. In my time in this High Court, both, as an advocate and as a judge, I have noticed the growing quality and excellence of the bar. I have, however, a few requests to make. First of all, senior members of the bar should encourage their juniors to muster courage to argue cases and should guide them when they are in difficulty. Secondly,

the younger advocates should, while being fearless, temper their arguments with politeness and civility. Thirdly, it must be said that there is no substitute to hard work – to master the facts and the law. Finally, I request all advocates to ensure that they do not do something or say something in court which results in the loss of their credibility. Once lost, it is hard, if not impossible, to regain it.

I must, as it has almost become a habit with me, narrate an anecdote about Mulla Nasruddin, the well-known and whimsical sufi master. One day at the tea house, he announced to all present that he could see in the dark. One youngster immediately remarked – “but, Mulla just last night I saw you walking on the street and you had a lantern in your hand”. Un-phased, Nasruddin answered – “the lantern was not for me but for others so that they don’t bump into me!”

The moral of the story is that, the enlightened do not need light for themselves but, they ought to show light to others by sharing their learning and knowledge with them. This applies to the experienced and senior members of the bar. I say this with the objective of strengthening the bar which, in turn, would provide men and women of legal acumen and compassion to adorn the bench of this court.

Before I end I must acknowledge the blessings of my parents who are no more – late Mr Fakhruddin Ali Ahmed and late Begum Abida Ahmed. I must confess that am a Judge because of my wife, Saba. Without her I would not be what I am. Her organisational skills have no parallel and because of which I have had time to think and write and be a Judge. My daughter Mahira, my son-in-law Murtaza, my son Zulnoor and my daughter-in-law Anupriya have been extremely supportive and, at times, critical but supportive, which has helped me immensely. My sister Semina Khan is here from USA and brother Dr Pervez Ali Ahmed from Singapore. They have encouraged me throughout my life. I can never forget my friends Kailash Vasdev and Parijat Sinha who have had a great hand in shaping my destiny.

I also thank all my colleagues on the Bench and the Bar, my friends and other members of my family and the entire High Court staff and members of the media. In particular, I express my gratitude to my personal staff - Mr Sunil Dutt (Private Secretary), Mr Manoj Kapoor (Court Master), Ms Sunita Rawat and Mr Kulbhushan Singh (who have recently been promoted as private secretaries), Mr Vikas (Assistant Court Master), Mr Arvind Thakur (Restorer), Mr Hira Singh (Usher), Mr Harish Rawat (Chauffeur), Mr Aish Mohammed, Mr Madan Singh and Mr Jagmohan Singh.

In Alice in Wonderland, in the course of the trial concerning the theft of the tarts, the White Rabbit, putting on his spectacles, asked of the King, who was the judge -- 'Where shall I begin, please your Majesty?'

'Begin at the beginning,' the King said gravely, 'and go on till you come to the end: then stop.'

Well I have now come to the end and must stop. But, not before thanking you all once again for taking time out to bid me farewell. And, as my Star Wars fixated 5½ years old grandson would have me say – may the Force be with you.

Jai Hind.