

**Speech Delivered by Hon'ble Mr. Justice Najmi Waziri
On 14th July, 2023 at his Farewell Reference**

Chief Justice Mr. Satish Chandra Sharma,
Justice Vipin Sanghi, Chief Justice of the Uttarakhand High Court,
My Sister and Brother Judges of this Court,
District & Sessions Judges,
Mr. Chetan Sharma, Additional Solicitor General of India,
Mr. Mohit Mathur, President, Delhi High Court Bar Association,
Mr. Jatan Singh, Vice-President, Delhi High Court Bar Association,
Mr. Sandeep Sharma, Hony. Secretary, Delhi High Court Bar
Association,
Mr. K. K. Manan, Chairman, Bar Council of Delhi,
Mr. Santosh Kumar Tripathi, Standing Counsel (Civil) and Mr. Sanjay
Lao, Standing Counsel (Criminal), Government of NCT of Delhi,
Mr. A.S. Chandhiok, Former President of the DHCBA,
Standing Counsels of the Central Government and of the Government
of NCT of Delhi and of other States,
Senior Advocates,
Office Bearers of District Bar Associations,
Advocates,
Ladies and Gentlemen,

1. 3774 days ago I took oath of office at this very spot. The entire decade and three months have gone by in the blink of an eye. Yet each day I was conscious of my duty to do justice without fear or favour, affection or ill will. I think I have done my bit. How I discharged my

responsibility has been reflected in some measure in the generous and gracious words spoken about me by all the previous speakers. I thank each one of you.

2. I recall the evening when I returned home after my first day as a judge: my younger daughter Insha, who was barely 12 years old then and had witnessed the impressive oath taking ceremony that morning, cuddled up to me and asked most innocently “*Abba, kya tum kar paogey?*” (wondering if I was up to the job?). That question actually became a challenge to strive each day, to live up to the expectation from a judge of the High Court.

3. Insha’s innocent question soon became a question of what justice meant to the people under our social contract, i.e. the Constitution of India and the rights and duties guaranteed and embodied therein. I found that justice is given meaning through the orders and directions of the court when the pay, pension, promotion of an employee is denied; when the wages of a worker are not given promptly; when the law enforcing agencies are directed to protect a young lady from harassment either on the streets or in an office or other circumstances; when hooliganism in a neighbourhood is directed to be promptly stopped by the police; when a sportsperson is accorded due opportunity to participate in a fair competition; when it is ensured that authorities deliver basic civic amenities to the people; or when the environment is protected. These and many other issues covering finance, trade and commerce, personal laws come up before the court on a regular basis. Often, the relief is dictated in the court yet there are occasions which require a judge to ponder, to meditate, to look for balance. The process

of judging also requires listening to silences. While one may have read the case file thoroughly and may have formed an initial opinion of the matter, yet after hearing arguments of counsel the decision can be very different. One realizes that there is no such thing as perfect justice. Just as justice is never perfect nor is any institution. It is the balancing of equities at the time of judging that justice is delivered. It is here that the assistance of counsel becomes of immeasurable value. There is no greater pleasure than being assisted by advocates who have come fully prepared.

4. I would not be here but for the one person who despite my initial reluctance persuaded me to give my consent to become a judge. I thank Justice Badar Ahmed for that. In the world of law, you have always been my go-to person whenever I needed guidance on issues that were troubling me. Though I shared, and still continue to share the Bench with some of the finest legal minds our country has ever produced, two persons I still fondly recall sharing the Bench with are Justice Ravindra Bhat and Justice S Muralidhar.

5. Justice Bhat, with whom I sat when I started my journey, was of immense help as he guided and mentored me not only in navigating this path, but also in bearing the burden that this office places on one's shoulders.

6. I am also thankful to Justice Vijender Jain, Justice Vikramajit Sen, Justice Madan B. Lokur, Justice A.P. Shah and Justice Anil Dev Singh, all former Judges of this court for their constant guidance and support and encouragement during my entire tenure. But for all their good

wishes and blessings this journey may not have been charted the way it did.

7. I am ever beholden to my two *ustads* from college – St. Stephen’s -- Prof. Dr. Ashok Vohra and Prof. Dr. Vijay Tankha. Dr. Tankha is with us in this Court room today. I am extremely grateful to you Sir. Both are models of empathy, fearlessness, wisdom and unbounded capacity to have fun. I recall once I had qualified for a scholarship from my college; it was not a big amount, and Dr. Vohra asked me: “Do you really need the money?” I said “No” to which he said then let it go to somebody else, and it so happened. I suppose it is incidents such as these which make you think beyond your own rights and entitlements and of the benefit of others. For me, this laid the seeds of the idea of fraternity in practice which I would later find enshrined in the Preamble to the Constitution. I cannot help but fondly recall the intellectually stimulating discussions we would have, walking through the verdant ridge next to the Delhi University and critically assessing Plato’s *Republic*, Aristotle’s conception of the Ideal Man, as also the *Chhandogya Upanishad* which is a precursor to the Vedanta. Little did I know that the juxtaposition will recur four decades down the line when questions of philosophy of law set in motion the greening of the city. For it was here, during these walks, that certain ideas were embedded in my young mind: of living in harmony with nature, the importance of a green lung for a city such as Delhi and most importantly the debt each one of us owe to our immediate surroundings.

8. While still in law school I had the good fortune of joining the Law Chamber of Dr. L.M. Singhvi. I learnt the value of relentless hard work

from this chamber. I also had the good fortune of interacting with seniors such as Late Goolam Vahanvati, Attorney General of India, and others at the Bar, from whom I learnt like Eklavya, by simply observing them as they argued their cases in court.

9. The high office of a constitutional court requires maintaining a degree of social distance, indeed aloofness, from society. While the social world narrows for a judge, the inner world grows, the world of the mind becomes richer. Penning a judgment often requires deep reflection, careful consideration, compassionate assessment, and rational conclusion. Often it takes time, much mulling over and a good amount of reading but that time is well justified.

10. I can say with complete conviction that I would not be here but for the boundless affection and blessings of my father Mr. Sharafat Husain Ansari and my mother Ms. Jahanara Parveen, both of whom have departed from this world. I did not get to live with them for nearly half a century – packed off as I was to boarding school from the age of seven -- except for my summer and winter holidays and the occasional visits home once or twice a year. On reflection, I find I have learnt three valuable lessons from my parents: one, my father always maintained that one should never fear a human being; two, one should at all times be truthful; and three from my mother I learnt that I should never be haughty or conceited so that I save myself from being cursed by the oppressed... *Kabhi ghamand/ghuroor na karna aur kabhi kisi ghareeb ki haai naa lena* as she would always say. I think I have embodied these principles in my conduct to the best of my ability.

11. My siblings have been a constant support and have taken immense pride in me and my work. My eldest brother Arshad Waziri has possibly joined online and is watching these proceedings along with my siblings and their families. Arshad Bhai and Ishrat who is present here today, saw me through college. My council Azhar also is present here. He had come for my swearing-in, now he has come for my Farewell Reference. He is one person I pick-up the phone and speak to in my native language *Kabir bhasha*. There is one counsel sitting here with whom I very often speak in my native language. It's a great pleasure, just *zabaan ki khusboo, zabaan ki lazzat, woh milti hai*.

12. On this occasion, I fondly remember my father-in-law, Dr Abdul Jalil, whom we lost 22 years ago. How proud he would have been today for he encouraged me to push boundaries! I am glad that my mother-in-law, Mehjabeen Jalil, is present here. She has been the third parent in our parenting ecosystem. She has kept a watchful eye on us and has been, in her own quiet way, our moral compass.

13. I remember the day 43 years ago: it was the 14th of July 1980 when I arrived in Delhi by the Upper India Express with my clothes in a metal trunk, my bedding, and the princely sum of Rs.100 as my month's expenses. I made my way to St. Stephens. I was, quite literally, a nobody from nowhere but this city of Delhi embraced me as one of its own. St. Stephens took me in and made me what I am today – though of course as the joke in our College goes: Let's not blame the College for it! My life altered irrevocably once I walked in through those hallowed portals. I made some of my best friends there, some of whom are present in this hall today. Dharmendra, Wallace, Arvind, Sethi, I

thank each one of you for your friendship over the years. In good times and bad you have stood by me. I would also like to thank Javed Ansari and Yasmeen Ansari, my uncle and aunt, who were more than my local guardians when I first came to Delhi.

14. A team of dedicated men and women labour round the clock to facilitate the work of a judge. I want to acknowledge Kamlesh Kumar, my excellent Private Secretary, Hoshiar Singh, my former Court Master, Saphalta Bhati, my present Court Master, as well as Rajdass, Soumya Satija, Rohit, Ved Prakash, Sher Ali, Basant Kumar, Tilak Raj, Nitin Vats, and Harender. Then there is Manbar Singh Gusain, my driver and my domestic assistants Bishen, Madan, Irfan, Ankush, and my PSOs Narender Singh and Harjit Singh. My acknowledgements would not be complete without acknowledging the band of happy but hard-working law researchers Mahir, Mahima, Disha and Amreen. Among my earliest law researchers, I remember Neha Kapoor and Arunadhri Iyer with affection.

15. The bar of the Delhi High Court is an incredible space. It embraces everybody with warmth and affection. I see myself in many a young lawyer and the scope they have to grow and flourish here. After all, I came here 43 years ago with no legal lineage, no political godfather and no one to watch my back. But over the years I found a support system. Year after year, young lawyers from various parts of the country come to this city, struggle, and grow, and the Bar, unceasingly, takes them in, makes a space for them, gives them a sense of belonging. I can say with great pride, that this bar is a safe place for women lawyers to not merely work but find their true potential. And for

young people, it is truly a fabulous place for there is a surfeit of opportunities here. For the members of the Bar, I have but one advice to give: Prepare, prepare, prepare! As a judge all that I have expected from the Bar was for the Counsel assisting me to be prepared with facts and the law, and to briefly but succinctly assist the Court in simple language, shorn of unnecessary bombast and verbiage. I would go to the extent of saying: weigh your syllables not only your words, as to what to say in court.

16. Much has been said about my efforts towards greening the city. It was something which happened as a collateral in the course of my adjudication, an interplay and articulation of the powers of this court under Article 226 and 215 of the Constitution of India read with section 482 of the Cr.P.C. I found when there is a scope or chance of healing wounds and making amends, the best way possible was to direct the litigants to do something for the city, for his environment, for his surrounding, his neighbourhood. It seemed a more prudent way of utilizing peoples' monies and time than by sending the cost imposed on parties into various funds where it may lie unutilized for decades to come. In this process, I came across some of the finest human beings and spirited citizens among the lawyers. I have had many a lawyer come up to the court and say that they want to join the process of greening the city and to do their bit to halt environmental degradation. *Boond boond se hii sagar banta hai....* Every single effort, every tree that has been planted here, that has taken root in this soil, will count in the years ahead. It was heartening to see people want to become a part of this process, to take ownership, to have agency in the directions

of the court and the extent to which the court could encourage community participation. I can say that it has been a very rewarding effort; as was said earlier 3.55 lakh trees have been planted and more about 20,000 trees are in the process of being planted and we have money, enough money for 2.5 lakh more trees to be planted. That is already kept in the escrow account and it is an account which the Court has named as Green Delhi Account. This can go forward only with the participation of people at large and of the citizens because the government alone cannot do everything; sometimes, especially at these times, citizens have to take charge; they have to BE the change.

17. My journey would not be what it is but for my wife Dr. Rakhshanda Jalil and our two lovely daughters Aaliya and Insha. As a lawyer I was extremely busy; I would reach home late and the children would be about to go to sleep. In the morning while helping them to get ready for school I would often make them deliberately miss the bus so that I could utilize the 20-odd minutes to interact with them while driving them to school. As a judge I haven't always had much time. I wish I could have given them more time as a father during their crucial growing up years. Now, when I am retiring, they are likely to be flying the nest with both going abroad for further studies.

18. Insha's devastating one liners have kept me grounded. Aaliya's searching questions and queries about law and life, have kept me on my toes and my wife's management of everything in my life has made it possible for me to discharge my duties as a judge. However, when I am amongst the three of them, it is amply evident that my writ is limited to my court room.

19. The Registry of this Court, Officers of Protocol branch, Medical Branch, P&P branch, are among the finest in the country. What they facilitate for the judges on a daily basis is amazing. I thank them all.

20. This Court has people with the finest mettle who will unflinchingly uphold the Rule of Law. I leave with the hope that this Court will triumph many a challenge with the grit, resolve and creativeness it has come to be known for. Individuals will come and go but this institution shall survive. I am sanguine in the thought expressed by the poet, *Sahir Ludhianvi*:

21. *Kal aur aayenge nagmo ki khilti kaliyan chunne wale... mujhse behtar kahne wale... tumse behtar sunne wale...*

Thank you!