

REFERENCE SPEECH ON ELEVATION OF HON'BLE MR. JUSTICE  
SWATANTER KUMAR AS CHIEF JUSTICE OF BOMBAY HIGH COURT

Hon'ble the Chief Justice, Dr. Mukundakam Sharma,

Hon'ble Judges,

Mr. P.P. Malhotra, Additional Solicitor General of India,

Mr. A.S. Chandioke, President, Delhi High Court Bar Association,  
Office Bearers of the Executive Committee of the Bar Association  
of Delhi,

Senior and other Members of the Bar including Mr. Madan Bhatia,

Mr. Soli Sorabjee, Mr. Keshav Dayal, Mr. Sabharwal and others

Learned members of the Bar,

Distinguished guests,

Ladies and Gentlemen.

This is a day that has indeed humbled me by what it brings with it today and what it seems to hold for me in future. This is a day when a tradition of the Bar and Bench has been restored, and I may congratulate Hon'ble the Chief Justice, Hon'ble Judges of this Court, President of the Bar Association, Members of the Executive Committee and the entire Bar for restoring this high tradition of this Court after a lapse of 30 years.

It was earlier a tradition of this esteemed Court that an outgoing Judge would get the honour of bidding farewell to the Court that he was a Member of, to the Bench that he has been a part of and to the Bar that he could not have done without.

Indeed it is an honour to bid farewell to all of you on this occasion.

Restoration of this tradition not only indicates the majesty of the Institution but also brings forth the strength of relationships between the Bench and the Bar as they are collectively linchpin to the wheel of proper administration of Justice.

In the year 1977, Justice B.C. Misra in the reference on the occasion of his retirement felt overwhelmed by the expression of affection and felicitation by the Bar, which was one of the speeches where the bar was greatly complemented for its contribution to the system and in appreciation of each colleague Judge, a paragraph was devoted in the speech. Describing the importance of Bar, he said:-

“When tanks roll down the streets and members of the opposition are clamped in Jail, - what can a Judge do?” Under these circumstances, it is the voice of the public, or opinion of the intelligentsia and elite and the services of the members of the Bar that can come to the rescue. So the importance of the Bar can never be under-rated.”

Unlike those people whose workload is reduced or who stop working as soon as they find a job, a young budding lawyer has to work hard and harder with every brief he gets. With all humility at my command, I have no words of gratitude for my brother

Judges with whom I have spent these professionally pleasurable few years, the senior members of the Bar who have not only assisted but guided me, the lawyers with whom I have worked together over the years and the younger Bar which has always been cooperative. To the young Members of the Bar, I have a few words of advice. I request them to keep their minds open and absorb the thoughts of others before drawing a conclusion. As it was said by George Carlin a long time ago "The reason I talk to myself is that I'm the only one whose answers I accept." I request all you young lawyers and the learned member of the Bar not to make this the moto of your life. To the senior Members of the Bar, it is my request that because you have been lucky enough to do well, please ensure that the elevator goes back down so that your success does not end with your exit. As a member of the Bar and in my short tenure as a Judge of this Court, if I have spoken harsh words or hurt the feelings of any one of you, I do request you to forgive me. You are all loving people and good professionals. It is, in fact, the members of the Bar, who ensure that justice is administered and interest of all, rich and the poor alike, are taken care of, be it by holding Lok Adalats, acting as mediators or assisting the Court with varied submissions. It is not without reason my friends that you are

called the "Protectors" of the Society.

Amongst my colleagues are the eminent jurists, judges with high thinking, who are professionals to the core and the ones who believe in concerted and coordinated efforts to ensure that a litigant does not face disappointment in this temple of justice. They are humble but fair. Their humility is exhibited in every action of theirs. During my short tenure as a Judge of this esteemed Court, I have had the honour and privilege to work with colleagues who extended help and guidance forthcoming from them with the dignity which is becoming of the Office of a Judge. They have always been willing to help whatever be the crises and one feels like a member of the large family. Each one of them possesses qualities and abilities of distinction and their values and virtues stand like a mountain. Youngsters have been a source of inspiration while the elders have acted as a perfect guide to ensure that the correct path was not lost by me. We all may have had differences of opinion in matters of judicial or otherwise, but I am sure that such differences travel a minuscule distance. I bow my head in respect to all of them and I thank you all my friends for your continued support and guidance. I wish, I had the time to enough to talk about each one of my colleague who are distinct and great personalities in themselves.

This team of great Judges is led by a Chief Justice whose charisma is not only restricted to his personality but shines through his ability of effective decision-making, judicially and administratively, his humility and his ability to adapt. I take this opportunity to thank Hon'ble the Chief Justice for his continued support and guidance in performance of my duties and for guiding me wherever and whenever I required it, which has helped in more ways than I can say. All my colleagues were kind wherever they thought there was a possibility of my going stray, whether they were young or elder. May I also take this opportunity to once again express my heart-felt gratitude to my colleagues at the Bench for the experience that I have shared with them for the past few years and to the members of the Bar without whose able cooperation, being a member of the Bench would be of little consequence. May I thank all of you today for this warm gesture and for the kind words you have said. It is said "You will only be remembered for two things, the problems you solve and the ones you create." I am not certain of how many I have solved, but I do hope that I did not create very many to concern all of you.

Thank you Ladies and Gentlemen.