

Farewell speech of Hon'ble Mr. Justice A.K. Sikri, Acting Chief Justice

Justice Sanjay Kishan Kaul, my brother and sister colleagues, Sh. A.S. Chandhiok, ASG and President, Delhi High Court Bar Association, Mr. Rajiv Mehra, ASG, Mrs. Rana Parween Siddiqui, Chairman, Bar Council of Delhi, Sh. J.P. Sengh, Vice-President, DHCBA, Mr. Mohit Mathur, Hony. Secy., DHCBA, Mr. Waziri, Mr. Pawan Sharma, Mr. D.K. Sikri, my family members, other Executive Members of the DHCBA, office-bearers of other District Bar Associations, Senior Advocates, District Judge & Sessions Judge, Law Secretary, law researchers, ladies and gentlemen.

When heart is full of emotions, words do not strike the mind. I felt this handicap today. I may have flawlessly dictated judgments in the open court or sitting in the chamber. I may have given extempore speeches on various occasions without any difficulty. But today when I wanted to write this farewell speech of mine, I found myself wanting for appropriate words. So many incoherent and unstructured thoughts kept on flashing in my mind, but for quite some time I was unable to consolidate my thoughts and present the same in proper sequence. It is because of this reason that I feel this occasion and this moment full of emotions when I am forced to bid adieu to my colleagues at the Bench and at the Bar. It is not that we would not be meeting each other. It is not that there is going to be change of hearts. It is not that the love and bonding between us would diminish even slightly. I have loved this Court and everyone associated with this Court from the core of my heart. In return I have received much more love and affection of all of you. Therefore, it is not easy to leave this place

where I will not be able to return at all, in this life of mine, in my capacity as a lawyer or as a Judge. It is this feeling that makes me sad and makes my heart heavy.

I was born and brought up in Delhi; had my education in Delhi and practiced here in Delhi as an Advocate. When I joined as young advocate I was fortunate to receive the blessings from all Senior Advocates and doyens of the Bar. I was fortunate to have the encouragement of the Judges at the Bench. That made me blossomed at the Bar.

After practicing for 22 years at the Bar when I got the offer to become a Judge of this Court, it was not an easy choice. I do not live in laboratory; I had no absolute way of knowing what effect my conduct will have. I think that I had been reasonably well as a lawyer and was not sure as to how I would perform after becoming a Judge. Then I thought that to live my life for the outcome is to sentence myself to *continuous frustration* going by *Karma* theory which Bhagwat Gita preaches. I told to myself that my only sure reward is in my actions and I was confident that in so far as action is concerned, I will not fail myself. I also thought that “It will be interesting to see that happens”, is a more realistic attitude towards future. Moreover, there is no way to know which future course is best, because there is no way to foresee the effect of the decisions. While making the choice to accept Judgeship, my task, therefore, was not to see “my way through”, but merely to discover my deepest preference and I did that. Here I am, at this juncture, after spending little over 13 years as Judge and Acting Chief Justice of this Court.

By becoming a Judge of this Court I took responsibilityvery v.v.v. big responsibility. As a famous saying goes: “with power comes the

responsibility.” With humility I accepted this so called power, but decided to exercise the same for advancing the cause of justice. I decided to exercise the same for improving the administration of justice. No doubt, lot still needs to be done in this direction. I can only say that I have tried to contribute whatever I could, in my humble way.

In this mission of mine (I always considered it to be a mission), I got inspiration from my father, who inspires me even today. Whenever I am in a dilemma or in a difficult situation, I converse with him and take his advice even today. I know, even from another world, he is showering his blessings today as well. I also got inspiration and continuous guidance from my senior colleagues, encouragement from my contemporaries and support and appreciations from my juniors on the Bench. I believe that wisdom comes from all corners. You have to sit with open mind, treating yourself as a student who is still learning. I never forgot this part of mine who is still a student even while sitting on the Dias in the Court. It is for this reason that I have learnt a lot from the Bar, not only from seniors, but even from young advocates. I do not feel ashamed in saying that I have learnt so many lessons also from my law researchers, law students who interned with me and even my staff. In this list of my staff I also include my ushers and peons as well. During all this period my family has been my pillars of strength. My wife has acted as guide, philosopher and even as my strongest critic. Though I have tried to remain humble, at times when she would see even a little ego brewing within me, she acted like a pin and pierced the bloating balloon instantly. With utmost honesty, I say today that if at all, my family has suffered because of me as a Judge.

There is a Judge's Prayer. I do not know who has written it, but that is one prayer which every Judge should memorize and recite every day. Its message is that since a Judge discharges divine function (I believe justice is divine), Judge in that prayer is praying to God to be merciful to him so that he is able to administer justice. I will read a portion thereof. It reads:

“I may, this day, fulfil all my duty in Thy fear and fall into no error of judgment. Give me grace to hear patiently, to consider diligently, to understand rightly and to decide justly. Grant me due sense of humility, that I am not be misled by my wilfulness, vanity and egoism”

Is Judging a difficult task? My answer is both “No” and “Yes” at the same time. My experience has shown that almost 95 per cent cases are those where the results are known and it is not difficult to decide them. These are “easy” cases. However, 5 per cent cases may fall in the category of “hard” cases. It is these cases which pose challenge to the Judge as outcome of such cases may have many ramifications. Whether a Judge turns out to be an extraordinary Judge depends upon how he decides 5% cases. If such cases relate to vulnerable groups and marginalised persons, justice has to be pregnated with mercy. Judges are not moral or intellectual giants, Prophets, Oracles or calculating machines. They are all human workers. But here intuition also plays an important role. I can say with some sense of authority and experience that Judges are able to develop extraordinary intuitive powers, which normally lead them to right directions. At such occasions, to listen to my intuitions is to identify with my entire awareness, to be my entire experience and not just my conscious

perception. My total synthesis into a calm sense of direction, that is above reason show me the right paths.

Above all, in common law countries Judges have discretion. Though they are bound by “law of rules”, but then there is “rule of law”. It is this rule of law that guides at such junctures to arrive at just and fair decisions.

At the same time there is a need to adopt “legal pragmatism”. A pragmatic Judge assesses the consequences of judicial decisions for their bearing on sound public policy as he conceives it.

As our Law Minister Salman Khursid said in his address few days ago:

“There are healthy tensions that exist in the area of separation of powers, between the judges and the members of executive, but finally the last word lies with the judge because they are the ones who finally speak what the Constitution actually means.”

Guided by all the aforesaid considerations and thinking of this role of a Judge, I have tried to do my duty tirelessly, with devotion and passion.

I do not know whether I have made my mark.

I had studied one poem penned by Guru Rabindra Nath Tagore in my school days. I still remember the words thereof. Translated in English it would read something like this: “Lord Sun was about to set. He asked: After me, who would give light to this world. There was Moon. There were Stars. They all remained quite. A tiny earthen lamp came forward and said: My Lord, put this onerous load on my weak shoulders. I am that tiny lamp who accepted this role. But I am luckier than the lamp who

responded to the Lord Sun. In my endeavour I am not alone. Along with me are the 34 such lamps in this Court who are spreading their brightness and trying to dispel darkness of injustice. All we lamps are also luckier to have a fine, gentle and protective Bar full of talent with hundreds of genius among them. It is this unique combination with extraordinary bonding and healthy relationship between the Bench and the Bar, that has put the Delhi High Court on the highest pedestal in the Indian judiciary. Today this Court is revered, respected and is also envied. On this day when I am leaving this institution in a formal sense, I beseech all of you “KEEP THE DELHI FLAG HIGH.”

I mentioned above Judge’s Prayer. In the end it says like this:

“Have mercy upon me, a poor weak, frail sinner, groping in the dark; and give me grace so to Judge others now, that I may not myself be judged when Thou comest to judge the world with Thy trust. Grant my prayer, I beseech Thee..... Amen.”

I know one day when I appear before the Almighty, he would pronounce his judgment on me as to whether I did the task assigned by him fearlessly, honestly and diligently. But much before that today is the day when you, that is this Bar, could pronounce its judgment on me. As It is said that Bar is the judge of Judges and I gracefully and with humility not only accept you as my Judge but will accept your verdict as well.

I wanted my name in the Legal Books, Law Journals, Case Law Journals. I wanted my name to be etched on your hearts by my conduct and behaviour. That is far better place than those cold & lifeless stones which we place at the time of inauguration of a building. I want to remain

in those vibrant hearts which will give me warmth and keep me going for ever. If I have succeeded in that, my role as a Judge stands accomplished.

As I look back to my life, one of the most constant and powerful thing I have experienced is the desire to be more than I am at the moment, a desire to increase the boundaries of myself, a desire to feel more, learn more, express more, a desire to grow, improve, purify, expand. It is this desire coupled with your good wishes and blessings that will keep my morale high to do better in future as well.

Taking inspiration from the farewell speech of Napoleon Bonaparte, which he gave to his old guard, I say at the end to both, my colleagues at the Bench and Bar:

“I bid you farewell. For 35 years I have constantly accompanied you on the road to honour and glory. You have invariably been models of courage and fidelity. I go, but you, my friends, will continue to serve Delhi High Court. Adieu, my friends, I wish I could embrace you all in person. But I assure you will always remain in my heart.