

My dear colleagues both at Jodhpur and Jaipur led by Acting Chief Justice designate Shri Manindra Mohan Shrivastava,

All the dignitaries, friends, ladies and gentlemen.

I stand before you with mixed feelings. When I look ahead I smell freedom and freshness in the air. I want my anonymity back. When I look back, memories flood my mind. I do not wish to bore you with my uninteresting past. However I would be failing in my duty if I did not mention the contribution of many people in making of Akil into Justice Kureshi. Permit me a bit of nostalgia. The mind goes half a century back.

In the Gujarat High Court compound, a large crowd had gathered. There was heavy police deployment. There was excitement in the air which boiled over to chaos when the police arrested a person and hoisted him into a van, keeping the crowd at bay with their batons. A young boy still not out of school watched the proceedings with bated breath. It was the year of 1974. Navnirman movement, a students' agitation against the price rise and corruption in the government was at its peak. The administration hit back by passing detention orders against the activists under the Maintenance of Internal Security Act (MISA). **The rulers of the day had yet to**

discover the law of sedition to silence dissent. The activists went underground. One of them, Shri Girishbhai Patel surfaced to file habeas corpus petition to challenge detention orders. He was quickly apprehended. He gave a brief extempore speech from inside the police van before he was whisked away. His speech was full of defiance challenging the might of authoritarian rule backed by government machinery. His words urging the people not to bow down to the bullying of corrupt political class still resonate in my ears. Those were fascinating days. That moment triggered my romance for law watching the struggle of the society for a just order and the enormous power that the Courts had to aid this process.

Many people have played important roles in my career. My father was a well known lawyer in Ahmedabad. His unique achievement was that he had practice in almost every branch of the law and would appear regularly in every court from the Mamlatdar's Court to Supreme Court. Ironically he was not keen that I should join the legal field. He thought that I would be happier pursuing my favourite subject: mathematics. I thought otherwise. **Correctness of some of the theories in life never gets tested. This was one of them.** I joined law course, mainly because I wrongly

thought that it did not require much studying, not realising that in the process I had unwittingly bargained for lifelong studying.

My mother's brooding presence long past her early demise has been the single most important influence on me throughout my career as a Judge. The lingering effect of her upbringing has continued perhaps because of Shamim, my elder sister who is so much like my mother and still sometimes bullies me.

Early days in practice were filled with fun. One grew up watching stalwarts like Shri B.R. Shah, a fine lawyer and a thorough gentleman, late Shri G.N. Desai, a giant of a lawyer and champion at court craft, late Shri J.M. Thakore, the first Advocate General of Gujarat. In the court I was guided and encouraged by many Judges - Justice N.B. Patel, Justice A.M.Ahmedi and Justice S.B.Majmudar, just to name a few.

All these people had huge influence on me. But I would single out 4 personalities who shaped my career and my thinking. Late Shri Girish Bhai Patel was one of the most principled advocates I have ever come across. He had strong left leanings and he played a very important role in the development of human rights oriented, downtrodden centric approach to judging in

Gujarat High Court.

Shri Haru Bhai Mehta, another lawyer who lived by his principles, had a sharp legal brain and fiery temper. He always came to the aid of junior advocates whenever he thought that they were being heckled unfairly by the court. In his entire career he never appeared for the management against the workman, for an employer against employees and for a husband against a wife in a matrimonial dispute.

Late Justice R.K. Abichandani played a vital role in my career. He had an enormous capacity to put in hard work. For some unknown reason he had great fondness for me and my friend Shri Mihir Joshi who is a leading advocate of Gujarat High Court. Whenever we appeared before him Justice Abichandani pushed us into working harder, going deeper into the matter. He taught us the art of taking the case to a higher discourse. He was instrumental in my elevation.

Justice V.N. Khare was the Chief Justice of India when my recommendation for elevation was made. He had called me to Delhi to assess for himself whether he should endorse this recommendation. After half an hour of meeting he told me "I will see to it that you are appointed". **He spoke with some authority! But that**

was many years ago.

Perhaps I have raced ahead. Let me go back a little. After about 20 years of practice the all important call came. Justice R.K. Abichandani was on line. He quickly came to the point and asked me whether I was willing for being considered for appointment to the High Court. I took less than 30 seconds to say yes. At that time I scarcely realised that this conversation which lasted less than 60 seconds would change the course of my life and that of my family.

As a Judge I have learnt a lot from my seniors. Justice Mohit Shah, Justice Rekha Doshit, Justice Anil Dave were all experienced judges of the Gujarat High Court when I joined the Bench. They were always kind and supporting. I worked under many Chief Justices. Two of them stand out. Chief Justice Radhakrishnan had joined the Gujarat High Court when the nerves of the lawyers and judges both were frayed. He had a calming influence on the institution and he brought great deal of stability. Chief Justice Bhaskar Bhattacharya was a fine gentleman and a principled Judge with high integrity and ethics.

I spent 14 blissful years in Gujarat High Court from where we went to Mumbai for a year. In this short span I made many life long friends, many of whom are present

here today and many more could not make it for various personal reasons. The work was challenging. Professionalism and work ethics were outstanding. From there we went to Agartala when I was appointed as the Chief Justice of Tripura High Court. It was an eye opener. Till then I was a total westerner where the sun rises late and sets late. The cultural, geographical and economic differences were stark. I have been a vocal opponent of All India Judicial service. Tripura experience reinforced my belief. Finally for last 5 months I was asked to head the Rajasthan High Court. This was perhaps the most enjoyable period of my career. We were welcomed with open arms by Judges, lawyers and their families. This High Court has a glorious past and a bright future. It was with the sense of heavy responsibility that I entered my chamber for the first time. It was a solemn moment to sit in the Court on the first day with Justice Sandeep Mehta at Jodhpur thinking that this High Court was once led by several outstanding Chief Justices. Chief Justice D.M. Bhandari, a freedom fighter and outstanding judge, grandfather of my colleague Justice Pankaj Bhandari was one of them. Advocate Shri Marudhar Mrudul, doyen of Jodhpur Bar was an institution in himself. The composition of Judges of the High Court presents a

perfect blend of youth and experience. Entry of young enthusiastic Judges in the High Court recently has brought new energy. There are many seasoned senior Judges to guide and nurture them so that in times to come they would be contributing to the growth of this High Court.

There are many promising young lawyers in the Bar to whom I have always tried to push towards working harder. It would be the duty of the senior lawyers to groom these youngsters.

During this short span of less than 5 months I received tremendous support from everyone. I would like to thank them all. I could not have asked for better colleagues nor do I think I would have found them. Through Shri Meratwal I would like to convey to the members of the Registry that I have pushed them into working harder and they have responded brilliantly.

I want to note my special appreciation for my personal staff in Gujarat High Court, Raghu, Vijayan Bhai, Sheela Ben, Paresh Bhai and many more who are like our family. Justice Gokani, Sonia Ben for all of us, has been a long standing friend and family. She is with us today. My Bombay colleagues Manoj Bhai, Makrand Bhai, Gupte Ji, Revati, Goutam Bhai, Bhartiji, Shriram, Sonak, Anil

Menon, Girish Kulkarni we owe it to you for giving us a different perspective on life.

I firmly believe, there cannot be a strong judiciary with a weak Bar. For an independent judiciary we need strong Bar. But a strong Bar does not mean a quarrelsome Bar with destructive tendencies. It means a Bar which takes up the issues of principles.

The very reason for existence of the courts is to protect the rights of the citizens. Far more than any direct affronts, it is stealthy encroachment on democratic values and rights of the citizens which should worry us. So far there have been 48 Chief Justices of India but when we talk of courage, the sacrifice to uphold the rights of the citizens, we remember one who should have but never did become Chief Justice of India. Justice H.R.Khanna will always be remembered for his shining lone dissenting voice in ADM Jabalpur. Recently, a former Chief Justice of India has written his biography. I have not read it but going by the media reports he has made certain disclosures. Regarding changing my recommendation for Chief Justice of M.P, High Court to Tripura High Court, it is stated that the Government had some negative perceptions about me based on judicial opinions. As a judge of the Constitutional Court whose

most primary duty is to protect the fundamental and human rights of the citizens, I consider it a certificate of independence. What is of greater significance to me is what was the perception of the judiciary, which I have not been officially communicated.

To the young lawyers I would say always live by your principles because success is sweeter when you reach your destination through straight path. Failure which is a product of principled living is more satisfying than success which is founded on compromises. And yes, be kind and gentle to others because life is too short to fill it with hatred and distrust.

I believe that the profile of the High Courts has changed dramatically since I joined the Bench. When I joined, there were 36 judges in my High Court. I do not think this number has been crossed since. During this period, work has increased manyfold. This puts inhuman burden on the judges and has its burn out effect. It is surprising to see the lists of advocates recommended by the high court for appointment being pruned heavily by the Supreme Court. Whatever be the reason for this difference in perception between the High Courts and the Supreme Court, it must be quickly resolved or else, we will find it increasingly difficult to persuade good

advocates to join the Bench.

Do I have any regrets? None at all. Each decision of mine was based on my legal understanding. I may have been wrong; was proved to be wrong on many occasions but never once have I decided something different from my legal belief. **I leave with my pride intact that I made no decision based on its consequences for me.**

Some people believe I should have made further progress. But it depends on what one might consider to be progress. The support, love and affection that I have got from lawyers and my colleagues wherever we went, far outweighs any perceptible progress. I would not barter this for anything. **If ever I had to make a choice between the affection from all of you and the so called progress I would gladly choose the former.**

I have made a few mistakes. I intend to correct them.

First, I have often been impatient with lawyers and the staff members and I have always regretted it. I have no excuses to offer except my personal failure. I tender unconditional apology.

Second is to my self. Due to relatively regular working hours, could pursue one of my hobbies of long distance running but could not follow two of my passions which I have never grown out of : Horse riding and mathematics. I intend to take them up again.

To my family and friends, I say, I have missed many a responsibilities. They have covered my absence on many occasions. Be it medical emergencies or weddings in the family, they have performed the duties which I should have, so that I can attend to the court work. **In trying to be faithful to my oath I have done injustice to them. I have been absent on many crucial moments in last 18 years. I cannot change that; but I promise that next 18 years or whatever is left for me will be different.**

Whatever measure of success I might have had, is entirely due to my family, Sonal, Aparna, Sahil who made no demands on me and my friends for whom my image was more precious than their lives. Sonal has done what no one else could have. She has been a single mother, single relative, single friend and single wife (pun intended) all this while. When ever I run short of courage or determination, I think of you Aparna and Sahil and my doubts quickly disappear. Our friends have been our fire

walls absorbing all the pressures to protect my reputation.

I am leaving this place with fond memories, lots of love and affection from all, with dignity of my family intact and my conscience clear. I have had the most extraordinary, challenging and fascinating 18 years of my life during which I subjected my family and friends to enormous pressures and it has taken its toll on them. But one thing is clear. If the life rewinds, permits me a retake of the scene with a miraculous benefit of hindsight and gives me the same family and friends and I am offered judgeship again, I would accept it again and again.

I will end with a few lines from the song "We are the champions" by the famous group of 1960's the Queen:-

I have taken my bows

And my curtain calls-

You brought me fame and fortune

and everything that goes with it.

I Thank you all.