

**ADDRESS BY HON'BLE MR.JUSTICE AJIT PRAKASH  
SHAH, CHIEF JUSTICE OF DELHI HIGH COURT, AT HIS  
LORDSHIP'S FAREWELL REFERENCE ON 11<sup>TH</sup>  
FEBRUARY, 2010 AT DELHI HIGH COURT.**

My esteemed brother and sister Judges, Shri A.S. Chandhiok, learned Additional Solicitor General and President of the Delhi High Court Bar Association, Shri D.K.Sharma, Secretary, Delhi High Court Bar Association, Shri Ved Prakash Sharma, Chairman, Bar Council of Delhi, learned Members of the Bar, Officers and staff of this Court, ladies and gentlemen

I am really moved and touched by the kind words and sentiments so eloquently expressed by my distinguished brother Justice Lokur, Shri Chandhiok and Shri Sharma. At this hour of parting, my feelings of pain and sorrow are too deep for words. All partings are sad, but there are some partings which are particularly sad; when I have realized today that I am finally demitting my office and severing my short but intimate connection with the Delhi High Court and the Bar.

When I took over as the Chief Justice of Delhi High Court in May, 2008, I knew only a few lawyers and Judges of this Court and I could not have looked forward to many friends inside the four walls of the High Court building. Today, however, when time has come to say goodbye to the High Court, I can justly claim that it is my privilege to have a large number of friends on the Bench and the Bar who have

been consistently generous and kind to me throughout my tenure as Chief Justice.

Looking back, I consider myself extremely fortunate to have had this opportunity to preside over Delhi High Court which has attained a foremost position among the High Courts in the country. I consider this tenure of 21 months as most purposeful and satisfying one in my life. I also had the good fortune of having very learned and supportive colleagues on the Bench. I must also acknowledge the fact that this High Court has a very strong Bar. I have always taken a view that the administration of justice is impossible without a strong Bar to aid the Bench in deciding the disputes between citizens and citizens as well as complaints by the citizens against the State. The Court must hold scales of justice even between parties. It is the function of the Bar to assist the Court in upholding the best democratic traditions in administration of the rule of law. If I am permitted to say so, I have had every possible assistance and every possible cooperation from the Bar and if I had succeeded in achieving anything, it is particularly due to the members of the Bar practicing in this Court.

I also wish to say something in particular about the Registry and the Court staff who, likewise, have been supportive and understanding and I would have never been successful in discharging my duties if I

had not the assistance, apart from my colleagues, to help me in the administrative work, of the wonderful staff which this Court possesses.

In his recent book "Idea of Justice", Amartya Sen quotes Pip, the central character of Charles Dickens' novel "Great Expectations": "In the little world in which children have their existence there is nothing finely perceived and finely felt as injustice". Amartya Sen says: "The strong perception of manifest injustice applies to adult human beings as well. What moves us reasonably enough, is not the realization that the world falls short of being completely just – which few of us expect, but that there are clearly remediable injustices around us which we want to eliminate."

The function of a Judge has been best defined as the removal of the sense of injustice. To fulfill this, one single important quality that the Judge should possess is compassion.

John T. Noonan, an American Judge, writes eloquently about the importance of compassion. His villains are lawyers and Judges who become "shackled by bureaucratic rigidity. The bureaucratic mind, Judge Noonan argues, "concentrates on getting the job done efficiently, quietly, without discomfort and without imagination and without the empathy that kindness requires. When lawyers and judges adhere too rigidly to legal rules, they lose sight of the broader purposes for which those rules were created – to do justice. Law is a

tool – a means to an end.” The goal of our legal system, like the goal of our Constitution, is to secure justice, social, economic and political, for all and to help to provide a decent life for all Indians. The commitment to do justice to poor and marginalized section of the population is central to the rule of law.

Justice Ahron Barak, former President of the Israel Supreme Court quotes an old *Talmudic* saying regarding Judges and it runs as follows:

“You would think that I am granting you power ?

It is slavery that I am imposing upon you”

Barak then says:

“But it is an odd sort of slavery, where the purpose is to serve liberty, dignity and justice; liberty to the spirit of the human being; dignity and equality to every one; justice to the individual and to the community.”

I see role of Judge as a mission and not merely a job. It is a way of life.

Lastly, though time and again, it has been said that the judicial system has either collapsed or is collapsing, I strongly believe and maintain that we have a time-tested system and there is no justification to discard it by giving it a bad name. The working efficiency of this institution depends upon the people who man it and

on their capacity to generate appropriate sense of confidence in the people who wait for receiving service.

I am an optimist and I am confident that both the Bar and the Bench would continue extend their unequivocal support for maintaining the majesty of the system and readily cooperate in improving the administration of justice.

It is time to bid adieu to all of you, but allow me to say this to you, that wherever I may be, whether it is in Delhi or in Bombay or in any other part of the world, this High Court will always be in my mind and I will always cherish the memories of my days in this Court. Thank you one and all.

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