

I am grateful for the kind words and praise that all of you showered on me. More still, the unspoken yet undoubted affection that all of you have shown in different ways, these last few months of trying times in my life, including when I was down with ill health are deeply touching.

I have no extraordinary story to tell you my career. Yet, I count myself fortunate for being surrounded with the most loving, caring and extraordinary people: not extraordinary for their achievements, but for the empathy, support and unflinching confidence in me. These gifts count more than material wealth and acquisitions which one briefly enjoys.

My father belonged to an agricultural family; education was a hard-earned attribute; he had to walk about 3 miles either way to school, in his village. He wished to graduate in law, but could not due to constraint in financial resources. He joined the government, ending up in the Indian Statistical service. His influence led me to the love of language, courage of one's conviction which has seen me through these years. It was my father who imparted appreciation of a pluralistic culture and independent thinking. Never forcing his views on any of us, he and my mother were supporting to all the three of us: me, my late sister Rekha and Darshan, my brother. My father was not an expressive man; but he made it known, till the last day of his life how proud he was of me. Fearless and never one to mince words, whatever be the occasion or whoever it was that he spoke to, I have tried to emulate his qualities to mean and I say and say what I mean. I miss him today and am comforted in thinking that his blessings are with me always.

My mother belonged to a poor family; her father was a teacher. She has been the pillar of strength, the anchor of my life. My earliest memories are of the all-enveloping love which my parents showered on me; of my mother's impact, no words can describe what it has been. Born of a sickly disposition racked with chronic bronchitis and also possessed of a lazy nature, my memories of Bangalore, where we stayed for 7 years are not good. I remember how much my mother had to care for me, waking almost every night to soothe and comfort me. She has imparted strength and confidence, inspiring me to trust in my abilities. As I grew, there were multiple challenges some due to change of residence, since my father was transferred, being in an All India service resulting in change of language, climate, food and surroundings. These changes also saw more health issues; but my mother stood by me providing constant support and showing that belief in one's abilities and will power can overcome insurmountable obstacles. Her quiet assurance, intense faith and equanimity and

imparting values through the teachings of Swami Vivekananda somewhere were my guiding influences. My feelings toward her are too deep to be captured by mere words.

As I said, I was lazy and naturally disinclined to physical activity, abhorring sport, loving unhealthy food and so on. I was mostly lost in books and day dreamed a lot. For the major part of my life, I was emotionally undeveloped. My love is and has been literature, history, biography and music. Early in my life I developed chronic allergy to maths, physics and the natural sciences. These however have visited me with a vengeance in my present career, when I had to decide complicated issues in patent, technology and taxation. I loved and enjoyed my honors course in English literature, which I completed from Hindu College; as also I did with my Delhi University campus experience.

As for law, there was no lawyer in my family. I am first time lawyer. With many of my contemporaries, and many of you are asked what I was why law? My decision was made in the second year of graduation when I was swept away with the post Emergency events, and public affairs caught my imagination. The study of law always has been truly enjoyable; I had as my batchmates, present giants and individuals of distinction, both on and off the bench. In an atmosphere, where it is constantly impressed upon you that but for influence or familial ties, an outsider's chances are slim, the outlook can be gloomy. However, I was not daunted. Perhaps there was something in the DNA which I inherited from my parents, which never made me doubt myself. The determination to practice law strengthened from the first year of my law studies; in fact in August, 1979 when I entered the chief justice of India's court, and heard Nani Palkhivala argue the *Minerva Mills* case. I raptly followed arguments, as I did when I heard Seervai in the first judges case in 1980. I completed my law graduation with some measure of academic distinction.

The first few years of my law practice were hard and grueling and at times, bleak financially. My father retired soon after I joined practice and my siblings were still studying. This did not deter me from continuing law practice; my parents never pressured me to take up a job or do something else. And my parents had seen very hard days: for some time, really bad days, because my father had suffered a bad fracture and ran out of medical leave, which meant he was without pay for some time. Such hardships had braced me to lead a frugal life.

My journey as a lawyer saw me entering the office of Mr. K.N. Bhat, later Additional Solicitor General of India. My tenure there saw almost daily visits to this court. Some of my current colleagues (who were my contemporaries and classmates) were my initial mainstays. From Mr. Bhat, I learnt that a task is well done only when one is satisfied about its perfection, the value of thorough research and the art of drafting original pleadings.

Invaluable lessons that stood me in sound stead throughout. I miss him today; he was with me when I was sworn in as judge of this court. The second debt of gratitude I owe is to my next *guru*, Mr. C.S. Vaidyanathan from whom I learnt that the swiftest and quickest way to get relief is to focus on *what the litigant wants* and point the court to that direction in the simplest and most effective manner; lessons in lateral thinking, thinking on one's feet, not depending on elaborate notes and intense concentration were what I picked up. This association saw me frequenting the offices of giants of the profession like Mr. Venugopal, Mr. Sorabjee and Mr. Ashoke Sen. There are four other people who need special mention as my mentors. The first is Mr. K. Subba Rao, Senior Advocate, whose kindness I can never repay. He was the first lawyer from Bangalore who entrusted me with a case, as a young 25-year-old lawyer, unknown to him. His trust in me, I have never let down; a well-wisher he remains my lifelong friend and will be attending my swearing in ceremony. Mr. Rao introduced me to Mr. Gopal Gowda, his junior, who later became Justice Gopal Gowda of the Supreme Court. Justice Gowda has been a friend and well wisher, constant in his guidance and support. Justice Rama Jois, (former chief justice of Punjab and Haryana High Court) is another mentor and well-wisher. His encouragement and promotion and a decade long association was enriching; his intellect and determination inspiring. Mr. Adarsh Goel, who later became a judge and recently retired as Justice Adarsh Goel of the Supreme Court, is another friend and well-wisher who has constantly kept faith in me. Individually and collectively, their good wishes and support have shaped me into what I am; I shall be eternally grateful to them.

It was my good fortune that as a first timer the litigation profile I had was that of a lawyer for the poor. For about 10 years, my practice was almost exclusively of litigants who were dismissed workmen, those fighting for their pay or seniority or seeking regularization. This was not an affluent class and could barely afford a fee worth mentioning. But doing these was a soul satisfying experience; it afforded one a chance to understand how life operates outside of the secure and comfortable cocoons of our existence. These lessons have never been forgotten by me. Along the way, I was caught up in the events that shook Delhi in the aftermath of Indira Gandhi's assassination and the killing of over 3000 innocent Sikhs. This moved me to take up voluntary relief work in the camps. Later, I joined the group of lawyers who aided Sikh riot victims and my senior kindly spared me whenever I had to work and attend hearings before the Justice Ranganath Misra commission. I was with H.S. Phoolka in the entire endeavor, which saw me attending hearings in Kanpur and Bokaro as well. At this time, I came into contact with late Mr. Hardev Singh, senior Advocate. He took me under his wing and helped me immensely in the profession. This association saw me become

initially a researcher and later one of the special counsel along with him and my later colleague, Justice R.S. Sodhi in the Ravi-Beas waters dispute tribunal. Such was the kindness of my senior Mr. Vaidyanathan that I could do all this work and also develop my own practice, even while attending his chambers on an active basis.

The hectic pace of work, somewhere appears to have taken a toll of my health; I suddenly found that I could not see with part of my right eye. This happened just after the hearings in the Bhopal Gas leak disaster case, where I was counsel for Union of India with Attorney General Soli Sorabjee and several other distinguished colleagues: Justice Mudgal, present Justice Khanwilkar, Raju Ramachandran, P.P. Rao, senior counsel, to name a few. What followed was traumatic. Again, it was my mother whose indomitable will and support that saw me through. High stress led to very high cholesterol. Soon, life changed forever and I got married to a Delhi girl: a marriage arranged by my late sister and my mother who egged me on for over a year.

I set up my own practice, opened my office and thenceforward, never looked back. One after the other, I was involved in some major litigation: minority education cases, like Frank Anthony, the constitution bench case in *Unnikrishnan*, the Mandal *Indira Sawhney case* and the first presidential reference in the *Cauvery River dispute* decision. Later, argued to get the *Sampath Kumar* constitution Bench decision referred to seven judges and was a counsel in the *L. Chandra Kumar* decision. This decade and a half from 1989-90 to 2004 were perhaps the most eventful in my career as an advocate. I can safely say that I rubbed shoulders with giants of the profession and the high point of my career was when Chief Justice Kirpal permitted me to argue before 11 judges in the *TMA Pai Foundation case*. I was the youngest counsel, a non-senior and the only counsel appearing for teachers. Apparently what was stated made an impact because I started noticing that in the Supreme Court the judges were taking me more seriously after that performance.

Two of my classmates Justice Chandrachud and Justice Sanjay Kaul, had been appointed to the Bench. Little did I dream that I would be asked to join the bench of this court after them. The call came in 2003. I had no hesitation in agreeing though I wasn't aware the intensity of the work that the job entailed. The customary wait in my case was about 10 months. The rest is what you have all been witness to.

If I were asked to sum up my experience as a judge, there would be far too many things that I would say. But I will for now confine my remarks to what according to me are the most important lessons I learnt. The first thing I realized is that as a human being, it is the hardest task to judge another human. Personally, I do not believe that we discharge a divine

function. A judge has to be acutely aware that she or he is as frail and human as the one before him; he is as much on trial as the one he judges. Therefore, we are to divest ourselves of the thought that we judge *people*: no, we judge only people's conduct. That means that what the individual is: broker, builder, dealer, is irrelevant. What is important is what is it that he has done which needs our attention and expertise as judges. The second lesson is that the demon of prejudice can possess us any time. Not usually a praying man, the one prayer that I have on my lips when I climb onto the *dias* is to the almighty to help me through the day and keep any kind of prejudice at bay. Prejudice assumes many forms: subject matter, personal (individual, a counsel or a class of litigant). None of us is completely immune to it all times and can fall prey any time. The other thing is not to be conceited, but be humble. Just before I joined the bench, two sitting judges of the Supreme Court asked me to call on them. Both gave me identical sageadvice: that I should not think that I was the best lawyer offered a seat on the bench and that there could be others much better and that having been offered to join the bench, I should do the best that I could and, two that being a judge meant that one is to be aware that litigants approach the court, as a cry of last resort. Therefore, one's approach should be to hear, listen and see if there was something in the grievance rather than run a checklist of negatives, to dismiss the case. What the Chief Justice of India, Justice Khare told me, before I took over (perhaps on the last day in his tenure) was that apart from judging it is important to look and scout for talent, because good people rejuvenate and revitalize the judicial system.

My tenure in this court has been the highpoint of my entire legal career. If given another chance I would go for the same career. I was not a daily practitioner of this court; but I got the privilege of assisting three full benches and some measure of recognition from the mid 1990s. I also appeared for the High Court as counsel, in the Supreme Court, for about 5 years. When I joined the bench, I was familiar with most of my peers in the bar and the bench and seniors on the bench. I never felt an alien even a single day. Having travelled the breadth of this country, and being of a mixed stock: father tracing Maharashtrian ancestry, mother tracing Telegu ancestry and one whose mother tongue is Kannada with native village in Kerala, my multiple identity could not claim roots in any one place. To add to this, since I finished my schooling in Faridabad, I can perhaps get a domicile certificate from Haryana. My wife is a Punjabi from Delhi. It is perhaps only this court which can welcome and embrace an individual with such multiple identities, and not call him a rootless wonder. This court is truly cosmopolitan in outlook and character: I counted 12 languages which my colleagues speak in. These make our court truly *Indian*, perhaps more than any other. And the

bar too reflects this cosmopolitanism. The regionalism and other forms of sectarianism which do not seem to abate in other walks of public life, elsewhere have no sway; the Delhi High Court is a microcosm of India, truly. It assimilates, welcomes and embraces people from all regions, linguistic, religious and ethnic groups. Perhaps if I had started practice in some other High Court, my career path would most certainly have been different, with the kind of background I had; it is improbable that I would have been on the bench.

When I joined the court, my practice was mainly labour and service, banking, education, public law, property and indirect taxation. Little did I dream of the sheer diversity of work I would have to handle, judicially. Today, when I look back at my work, which includes a two- and half-year stint in the criminal side, an equal amount of time on the original side, experience in IPRS, and at least seven stints on the tax side, the knowledge I gained is beyond what I ever visualized was possible 15 years ago. And what I learnt was from the best. The bar's capacity and specialization- whether in IPR, or arbitration, or taxation, is of the highest order. I am proud to have been part of this journey.

What you see in me is a final product, which has been shaped and molded by several influences. My role models were my late uncle Ramaswamy, who was in the IA & AS and ended his career as Executive director of STC and his wife, Padmini Ramaswamy. Their commitment to ethical living and unwavering empathy towards the less fortunate people of the society despite holding the senior most positions in society has been an ideal I have aspired to. My aunt Padmini, despite her advanced age of about 86 has the zeal and enthusiasm of a 30 year old. Despite being a former senior most executive of UNICEF she lives as frugally as she asks others to and has is a child rights activist. My uncle Radha Krishna's depth of knowledge, be it Vedanta, politics, sciences and his amazing focus even at the age of 87, is another source of inspiration; my aunt Tripuri's zest and enthusiasm for life, despite severe health challenges and my youngest uncle Raghu's enthusiasm, in life and spirit of adventure for a young 74 year old, add up to a truly amazing collection of relatives who have nurtured and shaped me. My father in law, late Mohinder Pal Harish, was proud of me; awkward with my wife's relatives, it took me some time to realize his child like approach and innocence. In the later part of his life, we particularly close golf partners. I miss him. My mother in law too has been always kind and generous and has never lost faith in me, and never stops exaggerating my achievements.

Of my immediate family, I miss my younger sister Rekha, who left us tragically, a victim to an incurable infection caused due to drug sensitivity. She was sensitive and empathetic and imbibed her eye for color, design and aesthetics in me. Though younger, than

me, her inclinations in this field appear to find echo in me. She was a first batch graduate of NIFT and a fashion designer. To my eternal regret, I could not be with her when she left us. Most days, I remember her. My brother Darshan, though 10 years younger, is years ahead of me in terms of maturity. Again, graduating from NIFT, and successfully launching himself in the garment business, he has truly branched out in the field of education. His mind is constantly a whirl of ideas, which unlike most of us, he has been able to implement. His vision led to setting up of two amazing organizations that train educators and leaders in schools and also provide training to entrepreneurs. My sister in law, Garima, has also been a great influence. Her never say die approach and smiling exterior despite the greatest odds and good cheer have been a support. Another person to whom I am grateful is Sunita Harish, my father in law's youngest sister, who is a senior member of this bar. A model of dignity and rectitude, she has been a solid friend and a constant well-wisher. It was to her that my sister Rekha turned, to ensure that I got married to Mohini. I am also grateful to my kid sister Bharti, who has shown great affection and concern, caring about my health and well-being. 12 years younger, and my uncle's daughter, Bharti is my confidant, sometimes daring to shout at me for neglecting her, or for doing something she did not approve.

Two individuals have been with me and deserve special mention: Mr. Naveen R. Nath was my associate for 14 years; having witnessed his growth and development as a raw junior, I am proud of his qualities of rectitude, compassion and modesty which today are extremely rare. These very qualities have impeded his growth into more spectacular heights; he is otherwise a professional of excellence. Likewise, Ms. Hetu Arora, who joined my office in 1995 continued till I joined the Bench. She practices law with Naveen and has blossomed into a talented professional. As with my family, my appointment as a judge had the unintended result of sacrifices which these two individuals ungrudgingly underwent all these years. Words are inadequate to express my gratitude to Naveen and Hetu for keeping faith in me; I am proud of them.

A judge is the visible face of the justice delivery system. What goes on behind, is sheer dedication and sincerity of the staff. Mr. Arun Cheema, Joint Registrar, Mr. Bhatia, retired Dy. Registrar, Ms. Meena Bhardwaj, Deputy Registrar, M/s Subhash Thakur and Sandeep Sharma, my court masters, Sanjeev Wadera, my PS, Ajit Nair, Atul Jain, Praveen Babbar, my Senior PAs and PA, Sunny Thukral, my restorer, my personal staff, Ajit Singh, Laxman, Prakash, Asha Thapliyal, Dheer Patel, Kapildeo Mahto, Vindhyachal Yadav, Khimanand Gautam, Tyagi my chauffeur, and Ramesh Giri and Sushil, my PSOs have given me constant, dedicated and unflinching support. I will miss them all.

I have been singularly fortunate in having a loyal and loving band of ex law researchers and law researchers, who are my extended family: Reshma Thammiah, K. Parameshwar, Saumya Tandon, Sajni Patel, Tejaswi Shetty, Anuj Kapoor, Raag Yadava, Anish Chawla, Malavika Prasad, Gautam Bhatia, Sharad Bansal, Sumedha Sarkar, Vansh Gupta, Hamsini Shankar, Devahuti Pathak, Sagnik Das, Vera Mahuli, Disha Jham and Shreya. They are my window, into the outside world, not only of this bar, but what happens elsewhere and how the young world thinks. Though spanning different generations, their protective nature towards me is touching. Some of them have scaled great academic heights and distinction; others have tasted success in the profession. But all are bound together and to each other through a shared office. These youngsters confide in me, help me in course correction, telling me whether I am insufferable in court, whether I need to improve my behavior; they are equally concerned about my health and well being. All of them have admitted me as members of their families; I have attended the weddings of many and the children of a few of them, are like my grandchildren. They have also helped me understand my son better.

Now, I speak of two individuals who have impacted my life most in these two and a half decades. It is said that a behind a man's success stands his spouse. My correction to this is that to my success I owe Mohini's walking with me all the way. Before she entered my life, I was a bore, a serious gloomy individual whose refuge was in books, awkward and shy of people. I am grateful to Rekha, my sister whose constant banter finally saw me relenting and agreeing to considering Mohini, without knowing if she would accept me as a spouse. That she did, I am grateful for. I am sure that of all my decisions, the wisest one was to propose to her, and my luck was that she agreed. Life changed for me after that. Mohini has been my best friend, my constant support, my steady critic and the rock-solid mainstay to my life. In many ways, she is a perfect foil to my personality; in others, she is a polar opposite of what I am. Whether it is too much work, or ill health, or any other issue, which she felt she needed support for, she managed to get it always from my mother, and my sister in law. Mohini has ensured that I don't nurse any ideas of self-importance; she makes it a point to prick the ego balloon when she sees it growing. Be it ill-health or good fortune, she has kept faith in me always. I am grateful to you, Mohini.

If my life changed and brought cheer when I got married, I became a different person, once my son was born. Largely unemotional till then I hardly remember having overtly shed a tear before that. But that changed; I discovered that I had an emotional side that I was unaware of, which helped me see the world in an entirely different manner. Those of us who



have become parents discover how the outlook to life changes. I remember being told by a senior lawyer in court, when as an advocate I saw a great judge deny a Passover and proceed to dismiss a junior's case on first call, remarking that such phenomenon could be expected of someone who never became a parent because it is only a parent who knows what is meant by indulging a young one.

I pride myself in being a late father: such situations tend to keep the parent on her or his toes and younger than their contemporaries. Anirudh has taken life in a wholly different manner; full of joy and fond of every sport, he was and is the very opposite of what I was. I went through the usual trauma of parenting a son, who went from the stage of a doting child, to a rebellious adolescent and a thinking young man. For the last 14 years, he has constantly told me that becoming a judge was a bad idea and that I should have continued to be a lawyer. He has always nagged me to relax and take life less seriously.

I am aware that my joining the bench has entailed a sacrifice: not so much to me as to my family, to whom I owed more time and attention, which I could not give when needed. I hope they forgive me for that. To my son, I say that perhaps I neglected my parental role and faltered, not giving the time that other parents would have and not doing enough of what was needed. In my own way, I have followed the path that my parents showed me, which was to never force children to do something but rather guide them to any path that they chose. My consolation lies in the fact that we still travel together as a family on vacations which becomes a special occasion that we look forward to bond.

I have in my career these last 20 years realized that the best style is to stay true to one's nature, to be constant to your conscience and never harm anyone consciously, to do only that which you can justify and if in doubt, see how your parents, spouse or children judge you and above all, ensure that you sleep each day without a burden in the mind. I have tried to be as fair to everyone before me: lawyers, litigants, juniors, seniors, members of my staff. I have few friends: they have been so for almost 45 years. In later life, I have had the good fortune of acquiring some more- Arvind, Shalini, Anil Kumar, Anita Sahni, Kameshwar, Amita, Sanat and Shailaja. There are others of this court as well, whom I proudly claim as my own. The love of one's family and the regard, concern and confidence of steadfast friends, are more precious than all the material wealth that one cannot take from this world.

My advice to the younger members of the bar is only two-fold: question, never accept anything because something is told by someone or an elder, or because it has always been so; accept it only if you see that there is logic and reason in it. The second, develop a natural

style, be confident, fearless and thorough. The world around us is changing; so will the laws and the legal system, if it has to remain relevant to people's lives and aspirations. The growth and pace of technology should be mastered by us rather than us being left by it. Each of you have the capacity to achieve excellence; the starting point is when you believe and work earnestly towards it. Being courteous and being compassionate is being both a good human being and a good professional; never fail on these two fronts.

I would be churlish if I were not to acknowledge the influences of my colleagues, both senior and junior. Some of the senior colleagues sheer doggedness and capacity to reinvent one's role, assured me that one can remain fresh and focused after a decade on the bench, every once in a while, redefining the judicial role and improving performance. The relentless determination in the pursuit of technology by Justice Ahmed ensured that I was the guinea pig, the first eCourt judge since 2009 inspired me. The zeal and conviction of other colleagues, the fresh approaches to law's problems, by younger colleagues, the methods of ploughing through masses of documents in criminal cases (which I learnt from Justices G.P. Mittal and S.P. Garg), judging in tax matters (which I learnt from Justice Easwar) and the meticulous eye for detail which I see in many of my colleagues have been eye openers. The enriching experience will be treasured by me.

To all my colleagues on the bench I owe a special debt of gratitude, for the courtesies they showed me and the deep concern they had for me in these few months, especially when I was ill. You have all been a great source of courage and support. At times unspoken, the affection and concern shown has been moving. I shall never forget that. May I add that I am truly blessed to have been in your company. It was an honour and privilege sharing the bench with you.

I have many things to say of the chief justice. He has been the leader this court needed sorely. His smiling and calming exterior, coupled with the amiable quality of access which he provided to all his colleagues has been most endearing. I can confidently say that these last few months have been a pleasure and privilege to serve with him and share confidences. You came here, sir, when the institution needed a steady and experienced hand. You have not allowed recent events which deeply affected you to come in the way of your leadership of the court. I am truly grateful for that. Thank you, sir, for all the courtesies and kindnesses.

As I said earlier, I have in my judicial career tried my best to be fair and unbiased. If for any reason, I have been the cause of any injury or harm, I seek forgiveness; I consciously never intend any harm or ill will to anyone. I am what I am, because of all that I could do, with your aid, your good will and your support. I have tried always to remain true to my

oath. My strength is the collective affection and good wishes of you all, for which I shall remain always grateful. I shall now quote a great icon of this court, Justice T.P.S. Chawla, that *when my time as a judge is up, if I can secure from you, for my judicial career, the epitaph "He did his best" I shall rest well content.*"

Thank you.