

Reference Speech dated 19<sup>th</sup> September, 2019 by Hon'ble Mr. Justice S. Ravindra Bhat, Chief Justice, Rajasthan High Court on elevation as Judge of the Supreme Court of India.

1. My Esteemed colleagues on the Bench
2. Hon'ble Mr. Justice Mohd. Rafiq
3. Mr. M. S. Singhvi  
Advocate General.
4. Shri C.L. Saini,  
Chairman, Bar Council of Rajasthan.
5. Shri Ranjeet Joshi,  
President, Rajasthan High Court Advocates' Association,
6. Shri Sunil Joshi,  
President, Rajasthan High Court Lawyers' Association
7. Shri Anil Upman,  
President, Rajasthan High Court Bar Association, Jaipur
8. Learned Senior Advocates and Members of the Bar.
9. Members of Judicial Services & Officers of the Registry.
10. Ladies & Gentlemen.

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I am extremely grateful for the praise that all of you have showered on me. I know that I am undeserving of those.

My story, to state simply, is not one of extraordinary successes. I never had anyone in the law: no judge, no lawyer. My father, coming from an agricultural background, valued education; he joined the Central Government and retired from the Indian Statistical service. His employment was such that we had to travel throughout the country; hence my family's love of travel. My father was the greatest influence on my love of language. His courage and fearlessness were inspiring, though it tended to impede his career. He also imparted appreciation of a pluralistic culture and independent thinking. My parents supported me and my siblings to explore our interests and pursue our careers. My father, by his unspoken words, showed his pride in my success. I have tried to emulate his qualities,

to mean what I say and say what I mean. His blessings are with me always, though he is no longer with us.

My mother belonged to a poor family; her father was a teacher. She has been my 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 up, 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, constantly providing 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 towards her are too deep to be captured by mere words.

I was mostly lost in books and day-dreamed a lot, never liked sport or physical exertion. I was emotionally undeveloped for a long time. My passions are and have been literature, history, biography and music. I used to detest maths, physics and I feared science. These however haunted me with a vengeance later, when, as a judge, 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.

I am the first in my family to be a lawyer. I was often asked why I became a lawyer. Post Emergency events and public affairs at the time captured my imagination. My resolve to practice law became a certainty in the first year of my law studies 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 the 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 grueling and also financially unrewarding. My father retired soon after I joined practice and my siblings were still studying. I never thought of taking up employment; my parents too, never pressured me to take up a job or do something more lucrative. My parents had seen very hard days: for some time, really bad days, because my father had suffered a bad fracture and had run out of medical leave, which meant he was without pay for some time. These hardships had braced me to lead a frugal life.

I salute my teachers at all levels who shaped my destiny and thoughts. I owe an eternal debt of gratitude to late Ms.Rehani who taught Economics in School for four years. From her I and many generations of alumni of Kendriya Vidyalaya, Faridabad (where I studied) learnt values of integrity, discipline and introspection.

My first guru in the profession was Mr. K.N. Bhat, who later became the Additional Solicitor General of India. My tenure there saw almost daily visits to the High Court of Delhi. From him, I learnt that a task is well done only when one is satisfied about its perfection. I learnt the value of thorough research and the art of drafting original pleadings - invaluable lessons that held me in sound stead throughout. 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 unorthodox thinking, thinking on one's feet, not depending on elaborate notes and intense concentration were what I picked up. I also frequented the offices of giants of the profession like Mr. Venugopal, Mr. Sorabjee and Mr. Ashoke Sen during this period as a junior. They were my inspiration; my heroes. 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, not familiar to him. His trust in me, I have never let down; as a well-wisher, he remains my lifelong friend. Mr. Gopal Gowda, his junior,

who later became Justice Gopal Gowda of the Supreme Court, 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 support, and a decade long association was enriching; his intellect and determination inspiring.

I was for the first 10 years of my career, a labour lawyer. I almost exclusively did cases of dismissed workmen - men and women fighting for their pay or seniority or seeking regularization. A poor class, my clients could barely afford even to pay expenses, not to mention a legal fee. But doing these cases was satisfying. It gave me a window to a world we (and many of us sheltered in comfort) are not exposed to. 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. At this time, I came into contact with the 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 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.

I got recognized when Mr. Sorabjee in his first stint as Attorney General, included me in the Bhopal Gas leak disaster case, where I was counsel for the Union of India with several other colleagues who attained distinction later: Justice Mudgal, Justice Khanwilkar, Raju Ramachandran and P.P. Rao, senior counsel, to name a few. I suddenly developed a health set back. High stress led to very high cholesterol. But my mother gave me courage and strength.

During practice, I was fortunate to be 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, I 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 took 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 the Delhi High Court after them. To this, I owe a debt of gratitude to another senior friend and well-wisher, Mr. Justice Dalveer Bhandari, who was in the Delhi High Court as a senior judge, went on to become a judge of the Supreme Court and is now in the International Court of Justice. The call came in 2003. I had no hesitation in accepting, though I wasn't aware of the intensity of the work that the job entailed.

There is much to be said about being a judge. I will state the 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 only judge people's conduct. That means that what the individual is: broker, builder, dealer, is irrelevant. What is important is what he has done, which needs our attention and expertise as judges. The second lesson is that humans can develop bias or prejudice any time. The one prayer that I have on my lips when I climb onto the *dais* this evening is to give me strength each day to keep any kind of prejudice at bay. Prejudice can be of several types: subject matter, personal (individual, a counsel, or a class of litigant), pride in our own learning or notions of superiority. None of us is completely immune to it at

all times, and can fall prey at any time. Humility is an absolute necessity to be a judge. When I first became a judge, I was told by sitting judges of the Supreme Court 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 second, that being a judge means that one has 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 I was also told was that apart from judging, it is important to look and scout for talent, because good people rejuvenate and revitalize the judicial system.

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 his native village in Kerala, my 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. All this has enabled us to embrace an *Indian* outlook which helped immensely in my career first as a judge in the Delhi High Court, and over the last few months, as Chief Justice of this great institution.

What you see in me is a final product, 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 who held the most senior positions in the United Nations Organization. Their commitment to ethical living and their unwavering empathy towards the less fortunate; 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 other relatives, my mother-in-law and my late father-in-law, have been my great support systems. My mother-in-law's faith in my abilities is an abiding one as is her concern for my health and well-being. My wife's aunt, Sunita, has been a friend of three decades standing; that she is my relative and also a fellow-lawyer is incidental.

Of my immediate family, I miss my younger sister Rekha, who left us tragically, due to drug sensitivity. A first batch graduate of NIFT and a fashion designer, she has influenced my appreciation of design, colour and aesthetics. My brother Darshan, though 10 years younger, is years ahead of me in terms of maturity. A NIFT product, he was successful in as an entrepreneur; he has now transformed into a education thinker, training principals of government schools. My sister in law, Garima, has also been a great influence. Her never say die approach and smiling exterior despite greatest odds are an immense support.

Two persons who love me the most and have shaped my adult personality are my wife, Mohini, who has walked beside me all these years, and my son Anirudh. Mohini's cheerful and sunny disposition has been a perfect foil to my serious nature; she has borne all my angularities. She 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 the 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 her to make me agree, she managed to get it always from my mother and my sister-in-law. My son, again diametrically opposite to me in nature, changed my world view. I believe that an individual goes through transformation after becoming a parent, because she or he has to think for and the way a child or a growing youth thinks. Life would be a large blank without children and the experience of parenting. Though he completed law, and is now abroad doing his Masters, my son Anirudh kept his identity separate. For the longest period, he kept telling me that my becoming a judge was wrong and that I should go back to being a lawyer, because that gave more flexibility in life. His love of and approach to life have also contributed to my growth as a human being. Both my wife and my son are blessed with abundance of emotional intelligence and empathy, which I was deficient in. Together, my wife and son have ensured that I do not become pompous and inflated with self-importance.

I have an extended family of over 15 former law clerks; they are loyal and have been constantly with me, far beyond their tenures (of one or one and a half years). Their contemporary view of life, law practice and

society have also contributed to my understanding of life. Three of them: Disha Jham and Shriya were with me and came to Rajasthan; now Raji Gururaj too has been with me for two months. They have given me great support.

My appointment as Chief Justice of this court and the tenure that I enjoyed has been one of the most wonderful experiences of my life. It has changed my outlook permanently, in many ways. The warmth and affection of the Bar, the bonhomie, courtesy and warmth showered on me by my colleagues who are all extremely hardworking, has been an inspiration. I had only heard of the crushing workload that judges have to deal with; here, I had to experience it first-hand. I admire my colleagues for maintaining their calm and patience and trying their best to deal with such impossible judicial workload. I also admire the patience of members of the Bar, who mostly appreciate the magnitude of the task. My colleagues have always helped and kept pace with me whenever any change or development was necessary in the interests of the institution: be it change in policy or rules, or in regard to building, etc. As the largest State, with perhaps one of the largest number of court complexes (330), the challenges for administration of justice are manifold - infrastructure, judge strength, facilities for the Bar and the litigants, combating arrears. The diversity that is Rajasthan- different cultures, customs, climates, terrain, communities and geographical dispersion make the task of administration a complex one. I am glad to say that each of my colleagues in the High Court, and in the lower courts have been doing their best, despite conditions being far less than ideal.

The Bar – and here, I mean the Bar of Jodhpur and Jaipur (because we have one High Court) is exceptional. I find that lawyers are co-operative and not long winded or loud. Besides this, their hospitality and courtesy is overwhelming. I shall never forget the lawyers, young and old, who belong to the Bar of this court. I wish them all the very best; I wish the younger members a bright and fulfilling term of practice and hope that the best of them reach the Bench. Remember that you are first a product of your community and your State. See what you can improve and commit to it with determination. There is plenty to do, as thinking individuals and

professionals. Sincerity and dedication to a cause can give you rewards that are spiritually so satisfying that no words can describe it, and which no amount of money, can equal. You are the future of this institution, and this country. Raise the standard of the institution in the times to come.

I am eternally grateful to the officers and staff of the High Court. The officers and staff in the Registry are extremely hardworking; at times, having to discharge duties into late hours of the night, they do it uncomplainingly and with a great a sense of duty. I am also extremely grateful to my personal staff, both in Jaipur and Jodhpur - both in the court and at home. I cannot take their names individually, because they are too many and naming some and not others would be hurtful. Each of them, I admit, have been exceptional: loyal, dedicated and deeply affectionate. Initially, after I came to Rajasthan, I had to undergo a small surgery. All of them were extremely thoughtful and considerate, attending to all my needs and that of my family with incredible dedication. Without their help and aid, I could not have achieved half of what has been done.

I have in my career these last 20 years, realized that the best style is to stay true to one's nature, to be true 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 constant over 35 years. They have remained with me and beside me, both in happiness and during times of crisis.

My advice to the younger members of the bar is simple. 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 to it. The second advise is, develop a natural style, be confident, fearless and thorough. The world around is changing; laws and the legal system too will change, if it has to remain relevant to people's lives and aspirations. Each of you has the capacity to achieve excellence; the starting point is when you believe in yourself 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.

In my judicial career, I have 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. Your blessings and good wishes for my new position are like an amulet that I will specially cherish when I face new challenges in my coming career.

For my part, I wish all the best to my colleagues in the High Court, members of the judicial family, all members of the Bar in Rajasthan, and members of the Registry of the High Court and lower courts.

I will conclude by saying this is not a good bye because good bye means going away and going away means forgetting. So I say, meet you soon.

Thank you.

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