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FAREWELL SPEECH DELIVERED BY HON'BLE MR. JUSTICE MOHAMMAD RAFIQ, JUDGE, ON 11.11.2019 ON THE EVE OF HIS ELEVATION AS CHIEF JUSTICE OF MEGHALAYA HIGH COURT

Hon'ble Mr. Justice Indrajit Mahanty, the Chief Justice
My esteemed Sister and the Brother Judges on the Bench both at Jaipur & Jodhpur
Brother Justice M.N. Bhandari, Judge, Allahabad High Court
Hon'ble Mr. Justice L.C. Bhadoo, former Judge of Chhatisgarh High Court
Hon'ble Former Judges of this Court present here
Mr. M.S. Singhvi, Advocate General, State of Rajasthan
Mr. Chiranji Lal Saini, Chairman, Bar Council of Rajasthan,
Mr. R.D. Rastogi, Additional Solicitor General
Mr. Mahendra Shandilya, President, Rajasthan High Court Bar Association, Jaipur
Mr. Ranjit Joshi, President, Rajasthan High Court Advocates Association, Jodhpur
Mr. Sunil Joshi, President, Rajasthan High Court Lawyers Association, Jodhpur
Mr. Anil Choudhary, President, The Bar Association, Jaipur
Madam Kabita Mahanty
Gracious Bhabhis and my wife Seema
Learned Senior Advocates
Learned Members of the Bar present both at Jaipur and Jaipur Registrar General and other Members of the Registry and the Judicial Officers present
Member Secretary and other Officers of the RSLSA
Ladies and Gentlemen

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Good afternoon to all of you.

I am beholden to the Hon'ble Chief Justice and Representatives of the Bar for the accolades showered on me. I am deeply touched by the sentiments so expressed. With all humility at my command, I sincerely feel that you all have been very generous in assessing my abilities, qualities and legal acumen. I do not deserve most of the praise heaped upon me. Even then, your words will always remain etched in my heart and give me courage and confidence and guide me to move on the right path.

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While I was arranging my thoughts for this address, my memories flashed back to almost four decades which I spent in the precincts of this High Court building.

I had my early schooling at Churu where my father, late Shri Ibrahim Khan, served the government there as District Revenue Accountant. After his retirement in 1977, the family moved back to our native place Sujangarh, where I did Secondary, Higher Secondary and completed graduation degree of B.Com. in 1980. I joined studies of law at Jaipur and also simultaneously joined the office of leading advocate of that time Shri Vinod Shanker Dave, who later adorned the bench of this Court. On completion of LL.B., I got enrolled with the Bar Council of Rajasthan on 8th July 1984. I am a first generation lawyer. I was lucky to have got the assignment as Assistant Govt Advocate, quite early, within two years of starting practice in 1986 and then as Deputy Government Advocate in 1987. The opportunity to work that I got in Government Advocate office laid the foundation of my rest career. That is where I learnt the art of drafting. I used that opportunity and this I would say to every young advocate that whenever you get an opportunity, you should make most use of it. In those days apart, from Advocate General, there used to be only one Additional Advocate General. Government Advocate office had total 17 law officers, who would attend all Court work including criminal. Late Mr. M.I. Khan, then an Additional Advocate General, was our team leader. He had

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great influence on me in my formative years. He unfortunately died in a road accident on 08.11.1991. Since I had by then not completed practice of seven years, in G.A. Office I could appear only in civil or writ matters. During that period there was no department-wise distribution of case work amongst Government Advocates. One or two Government Advocates used to be deputed to every Court. I had the good fortune of learning the lessons of law while working in the Court of Justice S.C. Agrawal, Justice M.B. Sharma and Justice D.L. Mehta, who mostly presided writ benches.

I represented the Central Government before this Court for almost a decade from 1992 to 2001. I was fortunate to have been appointed as Additional Advocate General for the State on 07.01.1999. While representing the State, I had the privilege of regularly appearing before the then Chief Justices, namely, Justice Shivaraj V. Patil, Justice Dr. A.R. Lakshmanan, Justice Arun Kumar and Justice Anil Dev Singh. I got attention of the collegium headed by the then Chief Justice Mr. Anil Dev Singh with Justice Yad Ram Meena and Justice Rajesh Balia, who believed in my ability and recommended my name for judgeship.

First six months of my Judgeship at Jodhpur in 2006 proved the period of my judicial training. That is where I learnt the court craft and time management. In fact time spent at Jodhpur became the foundation for next thirteen

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years of my Judgeship at Jaipur. During first four years of my judgeship, I continuously shared the benches with different Chief Justices, first of them was Justice S.N. Jha, who entrusted the task of writing many important judgments to me on variety of subjects, almost regularly. I remember my other Chief Justices, namely, Justice J. M. Panchal, Justice Narayan Roy, Justice Deepak Verma, Justice Jagdish Bhalla, Justice Arun Kumar Mishra, who is presently Judge of the Supreme Court, Justice Amitava Roy, Justice S.K. Mittal, Justice Navin Sinha and Justice Pradeep Nandrajog. I have shared different kind of relationship with our present Chief Justice Mr. Indrajit Mahanty. We were elevated almost around the same time in 2006. Since then we have been in constant touch with each other and have remained family friends.

I have also had the privilege of sharing bench with Justice R.M. Lodha, who later became Chief Justice of India, Justice Shiv Kumar Sharma and Justice Ajit Singh, the then Acting Chief Justice of this Court and former Chief Justice of Guwahati High Court. On this occasion, I fondly remember Justice Dinesh Maheshwari and Justice Ajay Rastogi, who are both currently adorning the bench of the Supreme Court of India, Justice Narendra Kumar Jain, later Chief Justice of Sikkim High Court and presently the Chairperson of M.P. State Human Rights Commission, Justice Govind Mathur, presently Chief Justice of Allahabad High Court, Justice R.S. Chauhan, presently Chief Justice of Telangana High Court, Justice M.N.

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Bhandari, presently Judge of the Allahabad High Court, Justice Bela M. Trivedi, now Judge of Gujarat High Court, with all of whom I worked, some or the other time, both on judicial and administrative side. They were all very affectionate to me. In this series, I would also mention the names of Justice K.S. Rathore, Justice Dalip Singh, Justice Prem Shankar Asopa, Justice G.K. Vyas, Justice Sangeet Lodha, Justice Alok Sharma, Justice Sandeep Mehta, Justice V.S. Siradhana, Justice Arun Bhansali, Justice Mahendra Maheshwari, Justice Sanjeev Prakash Sharma, Justice Dinesh Mehta and Justice Ashok Gaur, with all of whom I had actively worked both on judicial side and in various important administrative Committees.

Ever since early days of our career, we had a close group of about thirty Advocates, who started practice almost at the same time and used to regularly meet during lunch hours. Our families also used to meet once in a while. This group has come to be famously known as a tree club, which name it owes to the trees beneath which we used to have our tea and refreshment during lunch hours. In fact, the location of this club got changed thrice but each time it ended up sitting under different trees on 'thadis', till ultimately it got a room. I am proud to say that this club has given many Judges to this Court, starting from Justice Ajay Rastogi, Justice R.S. Chauhan, myself, Justice V.S. Siradhana, Justice M.N. Bhandari, Justice Sanjeev Prakash Sharma and Justice Ashok Gaur. In fact,

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Justice Siradhana and myself had been roommates during the early period of our career for almost two years.

Apart from my mentor Justice V.S. Dave, I was inspired by the advocacy skills of the legends of the bar like Mr. Sagar Mal Mehta, Senior Advocate, late Mr. B.P. Agarwal, with both of whom I shared special relationship, having worked as Additional Advocate General when they were Advocate Generals. I was also deeply impressed by lawyering skills of Senior Advocate Mr. Bajrang Lal Sharma, with whom I have a special bonding. Mr. Marudhar Mridul, stalwart of that era, and his two disciples Mr. M.R. Calla and Mr. G.S. Singhvi, leading lawyers on constitutional side in eighty's, were source of inspiration for us all young lawyers. Both were later called to the Bench. While Justice Calla retired as Acting Chief Justice of this Court, Justice Singhvi retired as Judge of the Supreme Court.

There is one more Senior Advocate who deserves a special mention because he had a great influence on me. He was late Shri Ganpat Lal, the renowned senior counsel on criminal side, who was known throughout the country for his forensic skills in gunshot matters. I was so impressed by his oratory, lucidity, delivery, articulation, language, preparedness and memory that soon after my enrollment I went to Sriganganagar to practice under his tutelage. He welcomed me but at the same time advised me to either practice at Jaipur or at Delhi and virtually prevailed upon me

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to come back to Jaipur. I remember having assisted him in many matters when he would come to Jaipur to argue murder appeals.

In the life of an institution, no one is permanent. No one is indispensable. People come and go. What is permanent is the institution. We the judges and the lawyers, all have our identity and command respect in the society only because of this great institution of judiciary. People have immense faith in this institution. My message to young advocates is that there is no short cut to success. In my humble view, consistent hard work tempered with sincerity, integrity and perseverance is the key to success. Never compromise on principles for short term gains to earn easy money. Once that kind of image will stuck on you, it will be difficult to get rid of the same. Set a goal in life and start moving in that direction. Your pace may be slow but if you keep moving in right direction, you are bound to reach the destination.

It is gratifying to note that we have got many young, energetic and promising lawyers both at Jodhpur and Jaipur, who are going to be leaders of the Bar in future. But what is disturbing to note is that "gurukul parampara" is fading fast. In old days, a new advocate could never think of starting practice independently. He would necessarily join the chamber of a senior and spend minimum five to seven years. That gives you an opportunity to learn and seek guidance. In fact, that also gives you the identity, to borrow the words of

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eminent Jurist Fali S. Nariman, to which stable you belong to. That gives you a sense of belonging with the chamber mates of your senior and the senior too. That is where you learn to respect seniors and be considerate to the opposite advocates and above all, learn Court mannerism and etiquettes. That in my view is one such lesson which every young advocate should learn.

My appeal to all the seniors, designate or otherwise, is that they must all spare some time, may be only an hour a week, to teach the young lawyers the concepts of law with the help of leading case law, which is where they struggle the most. And they should also inculcate in them the court manners, courtesy and etiquette, which means respecting not only court but also your opposite counsel and seniors. Especially, the young advocates should raise the level of their preparedness. And wherever you feel any difficulty, don't hesitate in approaching any senior advocate for guidance. No one will say no to you. And one more thing I would like to say here. Now perhaps the time has come that in order to optimize the use of judicial time, oral arguments should be curtailed and hearing should be preceded by advanced written submissions. A piece of advice to brother Judges as well, is to read the briefs at home for best time management.

I place on record my sincere thanks to Mr. S.K. Jain, the then Member Secretary of the Rajasthan State Legal Services Authority, for providing me best of cooperation in smooth

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running of the Rajasthan High Court Legal Services Committee as its Chairperson and the Mediation Centre, Jaipur, as its In-charge, for almost four years. I place on record my sense of appreciation to Mr. Ashok Jain, the Member Secretary, Rajasthan State Legal Services Authority, for providing best of the assistance in successfully running various programmes of the Legal Services Authority for past almost one-and-a-half year. I am proud to say that in recently held commendation ceremony of National Legal Service Authority on 9th November, 2019, the award of best State Legal Service Authority in the country was given to Rajasthan.

Ever since I was nominated as Chairperson of the Computer Committee of the High Court by the then Chief Justice Mr. Navin Sinha in 2016, with able assistance of Mr. Hemant Baghela as also Mr. Neeraj Bhardwaj, Central Project Coordinators, I made sincere efforts to bring our State judiciary in terms of the technological advancement at par with other leading High Courts. I am proud to say that we have in this field taken a leap forward and made tremendous progress. Our High Court website is considered to be one of the best in the country, especially our "pagination programme" and our mobile app, in which you can maintain your entire office, is also one of the best. We made both our Jaipur and Jodhpur campus of the High Court as free wi-fi enabled zone. At our initiative, a website was developed in Law Department of the Government having all State

Enactments, Statutory Rules, Notifications, Circulars, Standing Orders, revised from time to time, regularly updated on the website.

During my period of more than thirteen years as a Judge, I have visited different parts of the country and seen the working of different High Courts and their subordinate judiciary. I have no hesitation in saying with proud that subordinate judiciary of the State of Rajasthan is one of the best working force in terms of capability, sincerity and integrity.

I also extend my thanks to Dr. Ajay Purohit, In-charge of the High Court Dispensary, who gave his valuable services to keep me and my family medically fit. I am also sincerely thankful to Shri Mukesh Sharma, Joint Registrar (Protocol), who always remained helpful in making our visit to different parts of the country during LTC or otherwise, comfortable.

My working as a Judge would not have been smooth but for the cooperation received from my personal staff, namely, Shri Kamlesh Sharma, former Deputy Registrar, who worked as Court Master for 11 years, Shri Giriraj Prasad Jaiman, my Private Secretary, who got promoted as Deputy Registrar, who was ever ready to do any kind of work assigned to him, Shri Anil Goyal, Private Secretary, Shri Ravi Sharma, Private Secretary, Shri Ashim Kumar Arora, Court Master, Shri Manoj Narwani, Senior Personal Assistant, Shri Bhawani Singh, the Librarian, Shri Bhanwar Lal Choudhary, Driver, Shri Bhawani

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Singh, Driver, Shri Ladu Singh, my earlier Jamadar, Shri Madan Singh, present Jamadar, my Personal Security Officers Shri Anil Mann and Shri Sandeep Yadav, who remained always willing and ready in discharge of their duties.

My wife Seema has walked besides me all these years and has been my best friend in the journey of life. She has always been the source of strength and support to me. My son Naved, my daughters Nadia and Sania as also my son-in-law Safdar Kazmi and daughter-in-law Sana, are those talking to whom provided relaxation in times of stress and fatigue after enormous amount of court work.

I am grateful to all the learned members of the Bar for always providing me fullest cooperation in smoothly running the Court.

I can say with all humility at my command that I have never ever allowed the burden of judgeship ride my head either in Court or outside. My endeavour has always been not to hurt or demean any advocate, regardless of his stature or seniority. Even then, if per chance, unwittingly, I have ever hurt anyone, I beg to be pardoned.

During past 13 years as Judge of this Court, I have tried to live up to the oath of office. Advocates are Judges of the Judges. How far I have succeeded in due discharge of my duties is for you to Judge.

I wish all the very best to my colleagues on the bench, members of the bar and subordinate judiciary.

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I would close my address by someone's quote that "Life is like a book. Some chapters are said, some are happy and some are exciting. But if you never turn the page, you will never know what the next chapter holds."

Saying goodbye is not a happy expression as it means going away, which means forgetting. So I will say meet you all very soon.

Thank You All.

Jai Hind.