

## **Farewell speech on the elevation of Hon'ble Chief Justice Sh. Dipak Misra as a Judge of the Supreme Court of India**

Hon'ble Chief Justice Sh. Dipak Misra, my brother and sister colleagues on the Bench, my brother and sister colleagues at the Bar, including Sh. A.S. Chandhok, ASG and President, Delhi High Court Bar Association, Mr. Rakesh Tikku, Chairman, Bar Council of Delhi, Sh. Kirti Uppal, Vice-President, DHCBA, Mr. D.K. Sharma, Hony. Secy., DHCBA, other Executive Members of the DHCBA, office-bearers of other District Bar Associations, Senior Advocates, District Judge, Law Secretary, judicial officers, law researchers, ladies and gentlemen.

It is another golden day in the history of this comparatively young, but premier institution of the country when along with personal life time achievement of the Chief Justice, this Court has also achieved another milestone and added another feather in its cap. This prestigious High Court has, yet again, proved to be a spring board for another Chief Justice to take a high jump and reach the highest court of the nation.

Somebody asked Albert Einstein to tell what his theory of relativity was all about. He explained in simple terms: "If you put your finger in the boiling water, one minute will look like one hour. On the other hand, if you are sitting with your sweet heart or the person you love, one hour would seem like one minute."

It is little over 16 months when Justice Misra came to this Court as the Chief Justice. But it seems as if it was yesterday when many of us present here attended his swearing-in-ceremony at the sprawling lawns of the Raj Bhawan. It was all because this Court was blessed with a Chief Justice who has a disarming smile, pleasant disposition, who is amiable and adorable, who is really a true friend, guide and philosopher, a person whose intelligence is characterized by great knowledge and wisdom, great intellect and contemplation.

The Chief Justice would agree with me that not only his colleagues on the Bench, but also the most superior bar of this premier Court welcomed him with open arms and there was a genuine warmth in the big hug which he was given. Our Chief Justice also knew well that “Dilli hai dil walon ki”. With equal warmth he showered his love coming directly from his ‘Dil Se’ on his colleagues and won the hearts of the members of the Bar. I would admire his understanding of human psychology. He knew that a good laugh with his colleagues is often just the thing to help overcome friction and communication problem and he achieved this with remarkable ease.

Almost everybody present here must have heard and many would have read the famous book “The Seven Habits of Effective People” authored by Stephen R. Covey. I thought that since our Chief Justice is also an effective person let me try to list his seven habits or qualities. When I started listing, the count was much more than seven. I had to

restrict it to seven most effective qualities. I pruned the list but I got stuck at the figure of eight. I was not able to reduce it to seven. Then, it suddenly struck me that Stephen Covey had written another book as well, titled “The 8<sup>th</sup> Habit: From Effectiveness to Greatness”. Now, realization dawned as to why I was unable to reduce the list from eight to seven. It is because our Chief Justice had evolved himself from being effective to a great personality, long-long ago.

According to me, apart from many other, these are the eight qualities which our Chief Justice possesses and which have made him attain greatness and great heights:-

1. He is a brilliant and a complete Judge
2. He is a great poet and author
3. He is a multi talented person
4. He is a true leader
5. He undertakes every job, small or big with passion, commitment and conscience and with honesty of purpose
6. He is a great visionary
7. He is a man with impeccable character
8. Above all, he is a fine human being.

He is an outstanding judge, complete in all respects. Uncanny ability coupled with extra-ordinary intellect and a desire to decide even the most complex and difficult issues are palpable and reflected in his judgments. The issues decided have varied from Constitutional Law, jurisdiction and scope of writ courts, Public Interest Litigations to Criminal

Law and the Trade Marks Act. Our Chief Justice is legalist as well as pragmatist and can be classified as a Judge with “Legal pragmatism”. His judgments are testimony to the fact that he decides according to law and as a pragmatic Judge assesses the consequences of the judicial decisions to be rendered for their bearing on sound public policy as he conceives it. At the same time he has shown liberal attitude in dispensing justice to the underprivileged and vulnerable groups in the society. The dynamics of sociological theory of judicial behaviour are all pervasive in his judgments when it comes to social context judging.

It will be difficult to spell out plethora of judgments which will bear testimony to his aforementioned judicial behaviour ( he has decided more than 5000 cases in 16 months. These include 17 Full Court References deciding 230 Full Court matters ) . At the same time I would like to mention few of them.

The learned Chief Justice is a pro-citizen Judge as would be apparent from his judgment in ***Court on its own motion Vs. State*** wherein he held that FIRs should be uploaded on the Delhi Police website within twenty-four hours of their lodging so that the accused can download the same and file appropriate applications before the Court for redressal of their grievances.

Though the Chief Justice entertained a large number of Public Interest Litigations and granted a number of reliefs to the downtrodden

like labourers employees at the Commonwealth Games sites, yet he did not allow his Court to be misused. For instance, when a PIL was filed challenging the title of the film '**Dhobi Ghat**', he not only dismissed the same with costs, but also held that this Court is not a laboratory where people can come to play at their own whim and fancy.

In another Full Bench judgment rendered in *Home Solution's* case, with remarkable alacrity, he has explained modern economic theory of rent and its nexus with demand and supply in the context of renting out of the premises for commercial purpose while deciding the constitutional validity of the provision introduced by Finance Act, 2010. Adoption of 'Theory of Rent' propagated by David Ricardo and the manner in which the same is telescoped into the said judgment is a treat to the reader. In his judgment in *Moits* case, he has proved his command even in IPR matters.

Every Judge is a writer in one sense, as he/she continuously writes judgments. Though for most of the Judges, it is only an instrument of dispute resolution, i.e., deciding lis, judgment written by some Judges depict arresting and extra-ordinary skill of prose or poetry writing. This style of writing judgments in the form of wonderful essays, at times, if not always, create a powerful impact. Apart from legal substance, judgments of the Chief Justice manifest these qualities pregated with unique and unimitable flavour of language. And all this is because of the reason that he is an accomplished writer and celebrated poet (he has already

authored six books) who has made use of his poetic qualities to achieve a rare feat in judgment writing, proving great poet P.B. Shelly correct, who said once: “Poets are unacknowledged legislators of the world”.

Poetry and non-legal writing is not the only attribute and passion of Justice Misra. His knowledge in other fields like philosophy, literature, history, science, art, even films and spirituality is par excellence. He possesses outstanding memory and is able to recite with ease *Sanskrit shlokas*, philosophical and historical anecdotes and other quotable quotes apt for the occasion. That apart, these instances from text and anecdotes have been effectively used by the Chief Justice in the court as a pressure valve to release the heat and steam generated during the arguments and to make a reluctant lawyer grasp and understand the logic and reason why a submission may not be acceptable. This invariably saw a grim and agitative face breaking into a smile of acceptance, if not agreement.

His administrative qualities are superb. He brought many significant changes in the administration of this Court, be it case management, grouping/bunching of the cases, or dealing with the pendency and clearing of the arrears and backlog of cases. He has shown his vision with remarkable clarity of thought and ideas. His out of box thinking and brilliant ideas uplifted the functioning of the Delhi Judicial Academy, Delhi Arbitration Centre, Delhi High Court Mediation Centre. His vast experience as Chairman of the Madhya Pradesh Legal Services Committee as well as the Executive Chairman of Madhya Pradesh State Legal Service

Authority came handy in shaping and improving the working of the Delhi High Court Legal Services Committee as well as the Delhi Legal Services Authority. He acted as a perfect guide to both me and Justice Sen in administering these bodies.

The best leaders operate in four dimensions: vision, reality, ethics and courage. All these four attributes he possesses to the hilt. He has proved that faith is the soul of success. The people who accomplish the most do so not because they never run into problems, but because they believe that there is a solution for everyone.

My dear Chief Justice, these are not my feelings alone. This expression of love and gratitude flows from each of us present here, i.e., all my colleagues on the Bench and the Bar and I have only become their mouthpiece. My dear Chief Justice, we will miss your entry in the lounge at 1.45 pm everyday. We will miss your unique way of holding biscuit while having tea. We will miss your one line repartees and inimitable sense of humour. We will miss your lovely messages written on our birthday cards.

“Big things happen when you do little things right.” Can you imagine our Chief getting up at six every morning and be on the table with hours of work day after day, month after month, year after year – for 15 years – motivated only by one goal: to dispense justice. And the beauty

is that he takes pleasure in it. For him, doing work gives joy and is not a burden.

He believes in *Karma* theory which professes that giving of reward is to be left to God. And God is ultimate dispenser of justice. And God has done justice to him. He is on way to achieve highest glory. He is going to take that step which will eventually make him reach the pinnacle. We wish you all success and are confident that you will write a glorious chapter in the history of the apex court, during your tenure there

Though this is a farewell function but I am reminded of a famous song “Kabhi Alvida Na Kehna”. And Chief, even physically you are going only one kilometer away. And you are not going away at all from our hearts so, why farewell. So for us, this is the function to celebrate your success and to wish you all the Best!