

VALEDICTORY ADDRESS DELIVERED TO NEWLY RECRUITED JUDICIAL OFFICERS ON 8TH MARCH, 2009 AT JODHPUR

By. Hon'ble Chief Justice Mr. Deepak Verma
Rajasthan High Court

My esteemed Brother Judges, Members of the Registry, Members of the Subordinate Judiciary, Director and his team of Judicial Academy, delegates of this batch, ladies and gentlemen, my very good evening to you.

It is indeed the matter of great pleasure to be with all of you this evening. I am happy that I have been bestowed with this task of throwing light to you about my experiences, firstly as an Advocate and thereafter, as a Judge.

No doubt it is true that you all are new having successfully completed one year's strenuous training, but I am latest as I have taken oath of Chief Justice only on 6th March, 2009. Thus, I am just two days old as a Chief Justice.

When it was told that your training programme would come to an end today, then I thought that I must come and address you, otherwise you may feel that head of the family has not addressed you. It was also at the insistence of Hon'ble Mr. Justice Prakash Chand Tatia and Hon'ble Mr. Justice Mohammad Rafiq, whose advocacy prevailed over me. Most of you must be aware that before my elevation as Judge I had practiced for about twenty two years at Jabalpur, thus I thought it fit to share my own experience with you.

Since you have already undergone training of legal ethics law subjects, time management, your conduct and behaviour, I would not like to touch the subject of law in the speech.

We all belong to Hindi speaking State, but in judiciary English language has yet not been given a complete go by, thus knowledge of English is almost essential. If you are not so fluent and well-versed with the language then there is no harm, if you join any of the tutorial classes to acquire perfection in it.

Actually with the passage of time, when you are likely to come within the zone of consideration for elevation as Judge of High Court, at that time it would pay you every heavy dividends.

I would like to give you one example. One of the senior-most lady District & Sessions Judge who had already come within the zone of consideration for elevation as Judge of the High Court was required to send her selected judgments on civil and criminal matters both. She was kind enough to send twenty of her judgments touching both the sides, but believe you me, not even one was in English. I, therefore, had my own reservation in sending her name, I declined. But after I left Madhya Pradesh, her name was sent, but still she could not be appointed as it was not approved by the Supreme

Court. I do not want, any one of you to undergo this turmoil. Do not take it as a warning, but it is a request to you as a *karta*' of the family.

No Doubt, it is true that Hindi is a beautiful language but in our system English is still has more weightage than Hindi. We must have also noticed that all law journals are in English only.

I was delighted to learn that prior to your selection and appointed, most of you were practicing advocated in District Courts. Thus, you have dual experience of advocate first and now as Judge. Obviously, you have seen both sides of the coin.

While practicing as an Advocate, if you have noticed some shortcomings or failure on the part of the then Presiding Judges, then this is the time when you have to mend your ways; please do not try to repeat with what you have been hurt earlier when you appeared before those errant Judges. This is one of the ways to improve you own conduct and behaviour.

First and foremost in the list would be commitment. The task of dispensation of justice is not only tough but onerous also. Unless you have great degree of commitment to the same, you are not likely to get the divine pleasure of doing justice. Get yourself fully engrossed in to it. Treat it as your "*Dharma*" and then work as "*KarmaYogi*".

Next most important is honesty and integrity. I need not say, that judges, by their very nature of work, required to be performed, have to be absolutely upright and honest. If anyone has inclination to deviate from the path of honesty even once, then you take it from me that it shall be difficult for them to follow the path of honesty in future. It is like a lion tasting human blood once, then he becomes a man eater. Avoid it at any cost, however big the allurements may be there.

Next in line would be conduct and attitude of Judges with the members of the Bar. How crucial and important it is? I put a question to myself as to how I am going to gain, if I become rude or curt to an Advocate. Then I thought to myself that it would only shoot up my blood pressure and nothing else. Thus one should be as polite and polished to them as it may be possible to do.

You have only to show your teeth and they must realise that they are not only for show but are capable of biting also, even though they may not be used for it. Everyone has too much stress and tension in life, why should we unnecessarily add to our miseries, if the same can be conveniently avoided by controlling ourselves. I hope, I am clear to you.

Here, I would like to narrate my own incident. While I was at Indore Bench, I was assigned the writ petitions of all types. Those days, there used to be only one writ court, where all types of matters used to come. Senior Advocate was arguing one matter for admission and stay. I directed issuance of notices to the respondents, so as to know their say also. But he vehemently pressed for interim stay, which I was not inclined to grant, at that time. In the process, both of us lost temper and atmosphere was fully charged. I almost scolded him and did not grant stay as prayed for.

During recess, when I came to my chamber, I stood before God and asked him to be pardoned for my misconduct in that case, particularly with a senior Advocate. While I was praying my jamedar came and informed me that same senior Advocate has come to meet me. I immediately called him and told him about my prayers. Believe me, he had come with 'Prasad' for me which he had offered to Lord Hanuman, in temple situated within the High Court premises, for his own rude and impertinent behaviour. I had tears in my eyes. I was emotionally moved.

Ever since then I have taken a vow not to be rude, uncourteous or curt to any one, much less to the litigants or Advocates. I am happy, God has been kind to me to give courage and strength to keep the said promise. Though this is a small story but has a great message into it. So please follow it religiously. On the contrary, errant and rude Advocate would himself mend his ways so as to have a soothing effect in your court.

Be patient. It is a virtue to be developed. You must reach the Court fully prepared with all your cases listed in the Court but, do not come with predetermined mind as it may greatly prejudice one of the parties. Coming prepared with your notes has many advantages. Firstly, it would cut short lengthy arguments, obviously it would be less time consuming and even complicated matters can be heard and disposed of early; one advantage of it that I can see, is that unnecessary lengthy arguments likely to be advanced by learned members of the Bar can be greatly controlled but, while doing so, please maintain the decorum of the Court; do not lose your temper and never forget that you have to be courteous and humble to them in stopping them. We are paid for hearing and advocates are paid for arguing, thus, both of us are required to perform our duties but, let it be in a peaceful and congenial atmosphere.

Another mode by which you can effectively control the work of your Court is to have the cause list of your Court published one day before and get it pasted on the notice board in your Court and one copy be available with the Court Reader. Try to take up the matters in your Court as per the cause-list. Interlocutory applications may be taken up in the first half, and thereafter, the evidence of witnesses may be recorded. If lengthy arguments are to be heard on some interlocutory application, then it can even be posted after the break. The arguments of main matter on merits should be heard after the break. As mentioned above, if you are yourself prepared, then it will not take long time.

I was happy to learn that you have also been given lectures on time management. Time management is one issue to which we do not give due importance. In the present scenario, time management has its own role rather an important role. Unless you have the concept of time management, you will not be able to finish up the day's work. If you are not able to meet the day's target, then it is the time when you have to cut short of your one hour's sleep or so.

Then next in line would be compatibility. Compatibility, which used to exist earlier between Bar and Bench is now fast depleting. You have to go deep into the matter and an endeavour should be made to restore it as it used to be earlier. It should not be

constructed that Judges are required to be close to Advocates or litigants. It is a question of congenial, pleasant and working atmosphere to be created in courts.

I will give you one living example that had taken place in Madhya Pradesh High Court at Jabalpur. It was some time in the year 1975 or so. One of the Senior Judge summoned Mr. M.M. Sapre, Senior Advocate, who was the standing counsel for the Electricity Board. For that particular month Hon'ble Judge got the electricity bill, far exceeding the amount expected by him. He was disturbed. Mr. Sapre took the bill and told him he would look into it. Next day he got it rectified, which suited the Hon'ble Judge and gave it to him in his chambers. Same day, Mr. Sapre's, Second Appeal for admission against a reversing judgment was listed. He argued it with full force but as was expected, it was dismissed by the said Judge then and there. In the corridors Mr. Sapre told me that the order of dismissal was perfectly justified and in accordance with law and that is what he had expected. Tell me as to which Judge or Advocate would behave in this fashion today. This is what is expected from the Bench.

I need not emphasise that judges have to be punctual. Punctuality is the key to success. It should be observed strictly. If you do not sit on time, on the ground that you will be sitting late in the evening, is not justified. As by doing so you are unnecessarily putting the advocates and the litigants to inconvenience. If you sit on time and arrange your court Diary, accordingly lawyers will also be able to match with your timings. In that case, you would not be required to unnecessarily wait for the Advocate.

Another aspect of the matter is whenever any witness is present, then every endeavor should be made to get his evidence recorded so that he may be discharged on the same day. As it is, even for the litigants it is difficult to come to court, then you can well imagine the plight of witnesses who are required to come to give evidence at the behest of litigants.

While writing orders or judgments, let the same not reflect or display any judicial dishonesty. What I mean to say is whatever arguments have been advanced by both parties, must be narrated in short in the order or judgment and whenever citations have been given in support of their respective contentions, the same may also be mentioned in it. If according to your opinion, the said judgment would not be applicable to the facts of the case, then reasons may be assigned in this regard. The orders should be short, crisp and reasoned.

Always keep in mind that judgments and orders should be pronounced on the same day when they have been fixed for the said purposes. It is desirable that too much delay in pronouncing the judgments and orders is not good for the institution as one starts getting feeling that may be other party has already approached the learned judge, even though it may not be true at all. Why to give chance to any litigant to come to such an unreasonable conclusion? Whatever matters have been argued and heard by you on Saturday, see to it that it at least rough judgment or order of the same are ready before next working day, i.e. Monday. Otherwise cases would be piled up in your Court and then it will be difficult for you to deliver judgment in the same as one tends to forget.

Everyone is worried about the arrears of cases which are mounting every day in courts. It has already been declared by the Supreme Court that right to speedy trial is an essential part of fundamental right to life and liberty enshrined under Article 21 of the Constitution. This has been held so in Hussainara Khatoon vs. Home Secretary, State of Bihar and in Sheel Barse vs. Union of India. The following passage of the Supreme Court is essential to be quoted:

"The consequence of violation of fundamental right to speedy trial would mean that the prosecution itself would be liable to be quashed on the ground that it is in breach of the fundamental right."

Judiciary is considered as the last interpreter of the Constitution and is thus sentinel at qui vive to defend the constitutional essentials, promises and aspirations of we, the people. Here I would like to quote what former Chief Justice of India Mr. Justice R.C. Lahoti once stated:

"The seekers of justice approach the Courts of justice with pain and anguish in their hearts on having faced legal problems and having suffered physically and psychologically. They do not take law into their own hands as they believe that they would get justice from the Courts..... we owe an obligation to them to deliver quick and inexpensive justice shorn of the complexities of procedure."

Concerted efforts are required to be made by us and the members of the Bar both to control the huge pendency. If we are not able to do it today, then I am sure, with the huge pendency the whole system is going to be crumbled down.

Now with the amendment in the Code of civil procedure and the Code of Criminal Procedure, many modes are being provided for early and quick disposal of the matters; try to adopt those methods, but while doing so, do not exert any pressure on either of the party. You have only to explore that as to what would be the repercussion if the matter is kept pending for many years; ultimately, who is going to gain and who is going to loss, if the party who approaches the Court is not able to get quick justice.

Whatever I have said above, though are not exhaustive, but in a nut shell I have tried to summarise the same. By continuous working on the post you are bound to further improve and achieve maturity.

Thanking you and with all good wishes.