

SAYONARA - CHATTISGARH HIGH COURT

*Farewell speech of Chief Justice Yatindra Singh in the farewell reference on 8th
October 2014.*

Namaste, Jai Johar and good afternoon to all of you.

God's ways are strange. It is only He, who knows them.

I was unhappy for my elevation as Chief Justice was unduly delayed. There was neither any whisper nor any chance that I would become Chief Justice of the Chhattisgarh High Court and then all of a sudden, I was asked to come here to take over the charge as Chief Justice.

My colleagues and friends advised me to decline the offer as it is a small court. But I accepted it: after all I was being elevated as Chief Justice. But this is the best thing that has happened in my life and I am thankful to almighty for this. It was worth the delay in elevation.

The Chhattisgarh has natural beauty; it is green: full of forests, trees ponds and water-dams. This is a place where one should live. I nearly ended up buying a property here and perhaps might do in the near future.

Here people, lawyers, and judges are simple and lovable. They gave full support in implementing new ideas that are talked about but are taboo in the judicial world. The result is that we are more transparent than any other court.

We are the first court where the assets of not only the High Court Judges but the District judiciary as well as class-I and class-II non-judicial officers are also on the website.

We are the first court, where full court minutes are uploaded on the website. Apart from it, the resolutions of the committees that are so recommended and are approved by the Chief Justice are also on the website. This includes most of the decisions except the very few that relate to private matters.

When the names from the Bar were recommended for elevation, not only all Brother judges but all designated senior advocates were also consulted. Unlike what many of you assume, when the names were recommended the last time, all prospective names were discussed twice with the President Bar Association. To my information, this is not done in any other court in our country.

Our court is the first court that is solar powered. It does not cover our entire electricity consumption but covers about one third. To be fully solar powered we need more space.

We were able to set up an eco-friendly colony and better garbage disposal system. A bio-gas plant has been set up and the use of vehicular traffic in the colony is reduced to minimum. The emphasis is on use of cycles and walking.

The lawyers have been understanding. In a country, where they cease work on drop of a hat, there was only one day abstention of work on 11.03.2013 on the call given by the Bar Council of India. The result is, there has been reduction in arrears at the High Court as well as subordinate judiciary.

Bar and bench relationship is important; Health is wealth; and it is equally necessary that interest in our colony be increased. In order to achieve these objectives, a festival cricket and football match between the Bar and the Bench; and annual fête, with lawyers participation were held. Lawyers were permitted to practise cricket and football on the field.

Sports meets not only of the judicial officers of the state but also of the employees of the district as well as the High court were held.

Apart from it *rangoli* competition, fancy dress competition, coaching camp for cricket, swimming, football, badminton, drawing classes for the wards of the employees were conducted.

I hope these traditions will continue.

A crèche, hospital, staff club, and railway reservation counter have been set up in the High Court Colony. This was not possible without cooperation of the brother judges, members of the registry, employees as well as of the lawyers.

Nonetheless, there was one aspect that pained me.

The full court had resolved to hold four condolences (on a Monday in the month of March, June, September, December) at 4:15 only. This was done after consulting and at the request of the Bar. But the Bar breached it. These decisions are not taken on the day of emotions but on other days in the interest of the institution.

The Bar did not honour its promise and I took the most painful decision of my life:

not to visit Chhattisgarh High Court Bar Association as the Chief Justice though we never stopped any work or efforts for the welfare of the Bar.

I hope you will reconsider your resolution and abide by the promise given by the Bar.

I would be failing in my own esteem if I don't mention one aspect of my behaviour. Sometimes, I was critical of my brother judges, registry. I got angry with lawyers, when perhaps the end result could be achieved without any fuss. I have hurt you; I am sorry; my apologies.

There is no defence for criticism of my brother judges but I would like to say that it was *bonafide*; the criticism was within ourselves, within the house; it was always in front of you; and never behind your back.

It is a friend, who will point out your mistakes in front of you and an enemy will praise in front of you but stab you at your back. Kabir rightly said,

'निंदक नियरे राखिए, आगन कुटी हवाय
बिन पानी, साबुन बिना, निर्मल करे सुभाय'

I did get angry at lawyers and scolded them for not preparing better date chart, better written submissions or not being better prepared. The reason was simple—a judgement is as good as the preparation of lawyers appearing in the case. I wanted all of you to be good so that the standard of our judgements may become even better.

I have some regrets as well .

No one could be designated as senior advocate during my tenure; no lady advocate could be recommended to be a judge of this court; many deserving advocates also could not be so recommended. There were reasons for the same.

In the matter of designating senior advocates, I am bound by the rules of the court and in the others, I wanted our recommendations to be unanimous rather than fractured one. Every recommendation that we made was fully agreed by all members. These are my reasons, but there may be some other reason; some other purpose much better than the ones that I stated. Let me illustrate it by the story of three trees.

There were three trees: they had different ambitions: the first one was very beautiful and its ambition was to become a beautiful box in which the kings and queens might keep their jewels; the second one was tall. Its ambition was to be so tall that when people look at it they will be reminded of heaven; the third one was very strong and its ambition was to become a ship that would carry the kings and queens across the seas.

One day, a lumberjack came and felled them down. He converted the beautiful one into a wooden bowl that ultimately came in the hands of a fakir, who used it to keep and drink milk from it; the tall one was chopped into logs and was kept to become dry so that it may be used as fuel; and the strong one was made into a basket meant for carrying rubbish.

What was their ambition and what fate befell on them. They were unhappy with their fate, their misfortune; they thought unfairness of their Creator. But he had something in his mind; he had not forgotten their virtues.

One day the fakir, who had the wooden bowl made out of the beautiful one, had about hundred visitors. They were hungry. There was nothing to eat but only milk in the wooden bowl. The fakir gave them the milk to drink. Unlike the other days, the bowl would not become empty, as the visitors drank from it, but was filled again, when it was passed on to the next visitor; it became empty, only when in the end, the fakir drank from the wooden bowl.

The beautiful one realised that the fakir was no one but prophet Mohammed; the messenger of God. The beautiful one wanted to serve the queens and the princess but God chose him to serve his prophet, his messenger.

One day, some people came and took away the logs. They converted the logs of the tall one into a cross and the next Friday, a man was nailed on it. The following Sunday, the third day, the man became alive again.

The tall one realised that the man, who was crucified on it, was no one but Jesus

Christ, the son of God. The tall one only wanted that people looking at it might be reminded of heaven but God gave him the fate that even by looking at the cross, people will be reminded of divinity.

One night, a man carried a child in the rubbish basket that was made out of the strong one. When he was crossing a river, a storm broke out, the rains started pouring and the river started rising. It appeared that everyone would be drowned. But when the river reached the feet of the child, it river subsided, the storm abated, and peace prevailed.

The strong one realised that he was carrying Lord Krishna, the master of the universe. He wanted to carry the kings but was chosen to carry the Creator.

The trees had their qualities; their ambitions. Despite initial hiccups, they continued to do their duty and the God did not ignore them but gave them much more than they wanted. This is true for those who could not be elevated; it is true for me; it is also true for my well wishers; and also for those who were not so. In fact it is true for all of us.

¹हम सबको मन के मालिक एकेच हवय। वो हर हमर बर सुगहर भबिस बनाय हवय जैसनहा हमन चाहत हन। हमन ल झाड़ बरोबर जैसनहा गीता म कहे गे हे, अपन करम ल करना चाही, फल तो ओखर हाथ म हवय। मोल शक नइ ए की हमन छत्तीसगढ़ उच्च न्यालय के नाम ल ऊपर लेगबो अऊ एक अइसन इन्सान बनबो जेखर उपर हमर देश अऊ जम्मो भारतवासी गरब करही।

एखर पहिली कि मोर सूरता भुला जाय, मैं कहना चाहत हौं कि ये हफ्ता बाद मय इलाहाबाद चले जाहौ। मय ह उहाँ कुछ महीना रुकहूँ। उहाँ मोर पता रही - बी-१०६ स्टर्लिंग अपार्टमेंट्स, ९३-म्योर रोड, इलाहाबाद-२११००१। आए वाले साल म मय नोएडा चले जाहूँ, वहां के मोर पता रही - ३८, जजस कॉलोनी, सेक्टर नं. १०५, नॉएडा। आप मन जब कभी इहां आहौ, मोर मेहमान बनके नही, मोर अपन बनके मोर साथ रयिहौं।

1 English and Hindi translation of the text in Chhattisgarhi is as follows:

God has thought about all of us. He has planned better future for us than we want for ourselves. We just have to—as Geeta says—do our duty: the result is in His domain. I have no reason to doubt that we all will not only bring glory to this court but will be human being that our nation will be proud of.

Oh before I forget, I will leave Bilaspur for Allahabad and spend some time there at B-106 Sterling Apartments, 93, Muir Road Allahabad 211001 and then, early next year will shift to House number 38, Judges' Colony Sector number 105 Noida. All of you are welcome to visit, be our guest and stay with us.

हम सब का मालिक एक है। उसने हमारे लिए सुनहरा भविष्य बना है, जैसा कि हम चाहते हैं। हमें वृक्षों की तरह, जैसा कि गीता कहती है, अपना कर्म करना चाहिए, फल तो उसके हाथ में है। मुझे शक नहीं कि हम न केवल छत्तीसगढ़ उच्च न्यालय का नाम ऊँचा करेंगे पर एक ऐसा इंसान बनेंगे जिसपर हमारा देश व हर भारतवासी गर्व करेगा।

इससे पहले कि मैं भूल जाऊं, मैं कहना चाहूंगा कि इस सप्ताह की अंत में मैं इलाहाबाद चला जाऊंगा, वहां कुछ महीने रहूंगा। वहां मेरा पता है - बी-१०६ स्टर्लिंग अपार्टमेंट्स, ९३-मुइर रोड, इलाहाबाद-२११००१। अगले साल की शुरु में फरवरी तक मैं नॉएडा चला जाऊंगा जहां मेरा पता है - हाउस नं. ३८, जजस कॉलोनी, सेक्टर नं. १०५, नॉएडा। आप जब कभी यहां आये तो आप मेरा मेहमान बनकर नहीं, मेरे अपने बनकर मेरे साथ रहें।

इसी की साथ मैं आपसे विदा लेता हूँ।

एखर साथ मय आप मन ले विदा लिथौं।
Jai Hind