

ADIOS - ALLAHABAD HIGH COURT

(Text of farewell speech of Justice Yatindra Singh Before the judges Club,
Allahabad on 19th December, 2012)

नमस्ते, good evening, and as I to all
of you.

Allahabad, the holy capital, stands on
the banks of Ganga and Yamuna,
Similarly, New York, the business
capital of the world stands on the
eastern bank of Hudson river. There is
a church on the western end of New
York facing the eastern banks of
Hudson river; appropriately named as
the Riverside church.



Riverside Church - New York

The construction of the Riverside
Church started in 1927 and the first service was held on October 5, 1930. It is the
tallest church of the United States as well as has the world's largest tunes carillon
bell. It also received New York City Landmark status in 2000.



Sculptures - Riverside Church

The façade of the church is decorated
with the sculptures of leading
personalities in different fields. Some of
them are of scientists. There was some
debate about the names of the scientists
to be included there and a poll was
taken from the scientists.

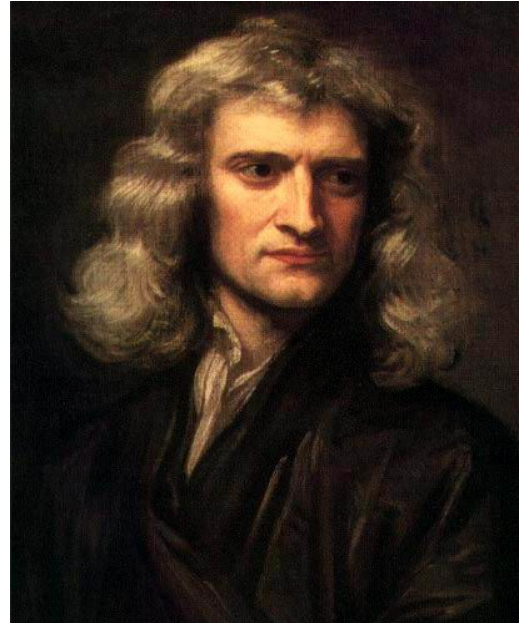
The names varied in the poll but every
list included the names of Newton and
Einstein. They are the two greatest
scientist ever to have walked on this
planet. Some do question it and say Sir
Isaac Newton (OS: 25.12.1642-
20.3.2012) (NS: 4.1.1643-3.1727)} (see

below)¹was the greatest.

Newton was an English physicist, mathematician, astronomer, natural philosopher, alchemist and theologian. His work is everywhere; it encompasses all fields of science: the gravitation law, the three laws of motion, why there is a rainbow, why light bends, Calculus, Binomial series.

Newton was once asked how could he discover so much. His answer was,

'If I have seen farther than others, it is because I am standing on the shoulders of a giant.'



Sir Isaac Newton

We also stand on the shoulders of giants.

The one leg of the giant is lawyers like Shri TB Sapru, Shri Moti Lal Nehru, Shri Sunder Lal Dave, Shri Pyare Lal Banerji, Kailash Nath Katju, Shri Kanhaiya Lal Mishra, Shri GS Pathak.

And if I may add some of those, whom I had privilege to hear, then the list will surely include, the three criminal side leaders, Shri PC Chaturvedi, Shri CS Saran, Shri SN Mulla, on the civil side, Shri Jagdish Swarup, Shri SC Khare, and Shri SN Kackkar.

The other leg is Judges like Chief Justice John Edge, who realised the importance

1 In Newton's lifetime, two calendars were in use in Europe:

- The Julian or 'Old Style' was in use in Britain and parts of northern Europe (Protestant) and eastern Europe; and
- The Gregorian or 'New Style', was in use in Roman Catholic Europe and elsewhere.

Gregorian dates were ten days ahead of Julian dates. However, by the time of his death, the difference between the calendars had increased to eleven days. Thus, he was born on December 25, 1642 and died on March 20, 1727 by Julian Calender but by Gregorian calender it is January 4, 1643 and March 31, 1727.

and correctness in applying rules of interpretations suggested by Hindu scholars rather than importing Foreign ideas and was the first judge in British India to apply Mimamsa rule of interpretation², Justice Pramoda Charan Bannerji, Chief Justice Edward Grimwood Mears, who was responsible cleansing the judiciary from the rot set in after the first World war, Chief Justice Shah Mohammad Sulaiman, Chief Justice OH Mootham, Justice Gangeshwar Prasad, the trial court lawyer elevated as the High Court judge.

And if I may add those before whom I have privilege to appear then I would say Chief Justice KB Asthana, Chief Justice DM Chandra Shekhar, Chief Justice Satish Chandra, Justice JML Sinha, Justice Yashodanandan, Justice BN Sapru, Some of them are those who stood tall during the dark period of our country.



2 In Beni Prasad Vs. Hardai Bibi ILR 1892 (14) Allahabad 67 (FB), Sir John Edge observed,

[T]he only way of attaining a proper knowledge of Hindu Law is by placing one's self, as far as a foreigner possibly can, on the standpoint from which a Hindu would look at the question. To import foreign ideas and bring them to bear upon interpreting Sanskrit texts when modes of interpretation sanctioned by Hindu logicians of the highest authority are forthcoming is an obvious error.

In this case, the text of Vasista was to be interpreted to resolve the question whether the only son could be adopted or not. The full bench, applying Mimamsa of Jamini, held that it was merely a recommendation rather than prohibition. The court said:

'That rules for the construction of the sacred texts and law of the Hindues do exist cannot be disputed, although those rules have been frequently overlooked or not referred to by Judges or English Text writers, probably because they are in Sanskrit and have so far as I am aware, not yet been translated. That they are rules of the highest authority is obvious from the manner in which they have been referred to by Mr. Colebrook. Mr. Mandlik also vouches for them and so does Golapchandra Sarkar in his Hindu Law of adoption. (Tagore Law Lectures of 1888).

..

Applying the rule of construction of the Mimamsa of Jaimini to the text of Vasistha, I am of opinion that that text, so far as it applies to the adoption of an only son, is to be constructed as religious recommendation and not as positive and imperative prohibition, as we find the reason given in the text for the precept.'

Justice BN Srikrishna in an article Maxwell Vs Mimamsa ... SCC (J) ... approves application of Mimamsa rules of interpretation by Chief Justice Edge.

But despite standing on the shoulders of a giant, unfortunately unlike Newton, our fate has been different. The last Judge before me to be elevated as the Chief Justice of a High Court was Dr. Justice BS Chauhan in 2008, more than four years ago.

The last happy occasion for our Court was in the year 2009, when again Dr. Justice Chauhan was elevated as a Judge of the Supreme Court. For about two years, we did not have a chief justice from our Court and despite being the biggest Court in the country, we just have one representation in the Supreme Court.

It is true that in between there was Ghaziabad provident fund scam and then something got rotten, somewhere. I leave it for you decide where was and in whose mind the rot was. Yet, they were unnecessarily heaped upon those, who had nothing to do with it; ignoring our good points.

Is God partisan; is Themis, the blindfolded goddess of Justice really blind? Why should we blame God; perhaps, we, ourselves, are cutting the legs of the giant, on whose shoulders we stand. let me remind, an age old saying:

'As we sow, so we reap'³

Perhaps our sowing is not good: we should change it. There is something else that we should avoid.

It is often said:

'A lie repeated hundred times becomes truth.'

Similarly, when we rub a joke, or pull a leg repeatedly: it also turns into reality. We can do without both of them.

3 In English World, it originated with the Ninth book of the New testament 'Epistle to the Galatians' or just 'Galatians' chapter 6:7 of the King James Version of the Bible. It is mentioned there,

'So not be deceived God is not mocked; for whatsoever a man shows, that shall he also reap.'

The King James Version, King James Bible, KJB, or KJV, is an English translation of the Christian Bible by the Church of England. It began in 1604 and was completed in 1611.

But, we don't have to be depressed or feel beaten: there may be something else. There is some truth in the story of the three trees; the story of their ambitions; and the story of their fate.

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 sea.

One day, a lumberjack came and fell 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 a fuel; and the strong one was turned into basket for carrying rubbish.

What was their ambition and what fate befell them. They cursed their fate; they cursed their misfortune; they cursed the Creator. But the Creator 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 the fakir drank from the wooden bowl in the last.



The beautiful one realised fakir was no one but prophet Mohammed; the messenger of the God. The beautiful wanted to serve the kings and the queens so that they might keep their jewels in the box made out of it. But served him, who was chosen by the God for his message.

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 next Sunday, the third day, the man became alive again.

The tall one realised that the man, who was crucified on him 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 the God gave him the fate that even by looking at its picture with Christ crucified on it, people will be reminded of divinity forever.

One night, a man carried a child in the rubbish basket that was made from 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 river reached the feet of the child, it touched the child's feet and then the river subsided, the storm stopped, and the 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 and their ambitions. God did not overlook their qualities; he did not ignore them but gave much more than they wanted. This is the case with us also: I have no reason to doubt that despite the bad patch, the God has thought something good for all of us.

I am sure, some of us will become Chief Justices; some will make it to the Supreme Court; and surely a few will adorn the place of Chief Justice of India, but I have no reason to doubt that we all will not only bring glory to our court but become judges that our nation will be proud of. God has thought about us all us. We just have to—as Geeta says—do our duty: the result is in His domain

I would be failing in my own esteem if I don't mention one aspect. Sometimes, I have been critical; I have hurt my Brothers and Sisters. I am sorry; my apologies.

There is no defence 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 you back; back biting, back stabbing is not in my nature.

If I—refused to hold condolence at 10:30am even on the death of a sitting Brother judge; insisted sitting in court in time and for the entire day; reminded you for not reserving judgements for a long period; criticised holding administrative meeting or doing administrative work during court hours; criticised taking LTC or attending private functions on a working day; commented adversely about some of us for not working; refused to attend funeral during court hours; objected to attending oath ceremony in other court, when our court was open; objected to holding a religious prayer before a function; objected to leaving the court for religious prayer,—then it was merely to emphasise that Court's functions are secular functions; the court is our temple; our first and the last duty is here.

Perhaps, these lines from Dushyant Kumar's *gaza*⁴ are apt.

'सिर्फ हंगामा खड़ा करना मेरा मकसद नहीं,
मेरी कोशिश है कि ये सूरत बदलनी चाहिए।
मेरे सीने में नहीं, तो तेरे सीने में सही,

4. The complete text of the *gaza* of Dushyant Kumar is as follows:

हो गई है पीर पर्वत - सी पिघलनी चाहिए,
इस हिमालय से कोई गंगा निकलनी चाहिए।
आज यह दीवार, परदों की तरह हिलने लगी,
शर्त लेकिन थी कि ये बुनियाद हिलनी चाहिए।
हर सड़क पर, हर गली में, हर नगर, हर गांव में,
हाथ लहराते हुए हर लाश चलनी चाहिए।
सिर्फ हंगामा खड़ा करना मेरा मकसद नहीं,
मेरी कोशिश है कि ये सूरत बदलनी चाहिए।
मेरे सीने में नहीं, तो तेरे सीने में सही,
हो कहीं भी आग, लेकिन आग जलनी चाहिए।

हो कहीं भी आग, लेकिन आग जलनी चाहिए।'

I thank all of you for accommodating me; tolerating me; and loving me, with my shortcomings; my tantrums; and of course my love for open source and open format.

I would also like to mention, I was touched when I had a heart attack. I never thought so many, cared so much, for me.

May God be kind to us and give us, our due.

Oh before I forget, Chhattisgarh has natural beauty. It is full of jungles and forests. Achanakmar (अचानकमार) Tiger Reserve is 50 KM from Bilaspur. Though, Kanha National Park and Amarkantak are in MP, but are a few hours' drive from Bilaspur. If you ever think of visiting these places, please be my guest. And if you could be there on 5th of January 2013 then nothing like it. Do join us for the musical evening and dinner.

Jai hind.

Endnote-1: The first three pictures are from the Wikipedia and the Fourth one is from centenary volume of the Allahabad High Court.