

STRUGGLES & DESTINY

Justice (Retd.) P. C. Pant



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Preface

Every person's life is a story, his own unique and singular story. This book is the story of my life. An autobiography is basically the narration of only half of the author's life that he spends consciously and in a wakeful state, rest half he wastes and whiles away in unconscious and sleeping state. An autobiography can never be fully complete as the writer cannot predict about his death and when and how he would depart from this world. Along with that he is also quite ignorant of the facts and circumstances of his birth as well and knows only he is told about it after gaining consciousness.

I am not a literary writer. I have many shortcomings in the art of writing and the language, yet I have penned my life story without any hesitation, hoping and taking it for granted that my readers will understand exactly what I want to convey?

This book may not be very enjoyable or entertaining but my deepest desire is that it should be read in its completeness and in its entirety. If it is read in fragments then the whole purpose of writing this autobiography will be lost. This brings to my mind the story about the shape and size of an elephant as gauged by the three blind people – one thought the elephant was as big as his tail, the second thought it was huge like a wall and the third one likened it to the thick stem of a tree. So, all the three descriptions failed to describe and understand the shape and size of the elephant. I have also shared the thoughts of some important and outstanding people time and again in this book so as to share the inspirational thoughts with my readers for their benefit as well. I could write as much as my memory and wisdom could support me. In my opinion the autobiography of great people is worth reading as it is inspiring and one can learn and follow the teachings.

But from the autobiography of a simple and insignificant person like me people can learn only how to avoid making mistakes.

I have mentioned many of my shortcomings. After passing the threshold of 60 years I have tried to wipe clean the mirror of my life, I have discovered many images – some vivid and some clouded. If in this book I have mistakenly mentioned something negative about some person and I have hurt the sentiments of someone, I apologize that sincerely. I also want to seek the forgiveness of those about whom I could not mention in my memoirs, though they did make an impact on my life.

The credit for the important work of typing and editing my ineligible words and sentences goes to Shri Devan Singh, Sushri Shweta and Parul. I am also grateful to Smt. Usha Nair for making the nascent corrections in my manuscript. I am also very thankful to Smt Dr Meenu Shodhi Sharma, Shri Ranjeet Singh and team of Blue Rose Publishers in bringing out translated version of my autobiography in English as originally I wrote the book in Hindi.

Prafulla C. Pant

March 2026

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Chapter 1

The initial beginning of life

“Rajni ka tam khil jata hai,
Shashi ka sheetal chumban pakar.
Nabh ke aansu dhal jaate hain,
Prithvi ki cchhaati par aakar.
Chun le jaata jinko Dinkar,
Aarunoday ki kar kirano se.
Mere tutey armano ke
Bikharey aansu kuan chunega,
Jagti ke iss kolahal mai,
Mera gaana kaun sunega.”

(The darkness of the night blossoms when it receives the cool kiss of the moon.

The tears of the sky fall down upon the bosom of the earth.

The sun gathers them away with the rays of the crimson dawn.

But the scattered tears of my broken dreams, who will gather them?

Amid the noise and bustle of this world, who will listen to my song?)

My doubt about the readership of my book is very much akin to the above quoted lines of Shri Manohar Lal Uniyal ‘Shriman’. Both of us share the same apprehension about our writing work that whether in this time of chaos of noises and cacophony anybody would have the time to invest in the reading of our books. On top of that my power of

expression is also full of shortcomings but walking on the way of self dependence I wanted to share all the difficulties that I had to face and all the instances when I failed and fell down, and all the efforts I put in to stand up again on my feet. I had to portray and share these episodes otherwise I would be running away and hiding my face from the truth. Let me begin my hard task and new journey of narrating my life story in simple words. So, let me invoke God Ganesha ji to give me the strength, wisdom and insight!

My parents told me that I was born in Pithoragarh, in my grandfather's home, that was named 'Umakant-Niwas' after his name. I was a child of five or six years till the time the family was settled in Narayan Nagar (Askote). We were three brothers and three sisters. The time that I refer to was the time of fifties in the twentieth century. 30th August 1952 was mentioned as my date of birth in the primary school. My father Ishwari Dutt Pant at that time was the Principal of Bapu Mahavidyalaya Inter College. Previously, this College was looked after by a Swami ji, who was known by the name of 'Narayan', but after he passed away in 1957, the school was taken over by the Uttar Pradesh Government. Narayan Nagar is a breath-takingly beautiful place on hilly terrain situated at the height of 5,500 feet from the sea level. Towards the north, the snow clad Panchachuli mountains can be seen. It is surrounded on all the sides by lush green mountains. The last railway station to reach here is that of Tanakpur, which comes in the North- Eastern Railway zone. From here one has to travel around 200 kms by road. The route takes you through Champawat and Pithoragarh to reach Narayan Nagar.

I started my studies at the primary school, situated at the village named Mirthi. It was 3 kms away from Narayan Nagar, where we resided. The house in which we lived was a two-storied house, which was next to the college, where my father was the Principal. There were no other houses in the vicinity, so we did not have any neighbourhood. As a result we all the siblings used to play together as friends. Only our

eldest brother Chandru dada, used to go to play with the boys of the far off hostel. Since the time I could recollect, he must have been in class nine or ten. He passed his High school in the year 1957. After Chandru dada, it was Devki Didi who was next eldest sibling then it was Gayatri didi, followed by my place in the hierarchy of siblings. Uma and Lakshmi Narayan are my younger sister and brother. Laxmi Narayan was born in Narayan Nagar in the year 1956–57. Three of us Devki Didi, Gayatri Didi and I studied in the primary school of Mirthi. When I joined class one in the school my eldest sister Devki was in class five. She used to take both Gayatri didi and me to the school.

There was a forest on the way to our school. One day, it so happened that Devki didi walked ahead and we both lagged behind her. After walking with some boys of Mirthi village, we lost our track and were lost in the forest and both of us, Gayatri didi and I started crying. On the way to our village, there was a village enroute so a child from that village must have informed Devki didi about our plight. She came right back and rescued us and took us home.

The next year Devki didi shifted over to class six. By now Gayatri didi and I knew the way to our school by heart. I used to carry a wooden slate in one hand and a concoction of white mud in my other hand with the help of sharpened thin bamboo stick that I used to dip in the white mud concoction and write on the wooden slate. To clean the slate was a tedious process. I used to rub a rag on the backside of the griddle and clean the slate with it and I used to shine the slate with the help of a glass bottle, as during those days no copy, holder (pen) or ink pots were given to the students of class one and two. Then I used to draw horizontal lines on one side of the slate and both vertical and horizontal lines on the other side so as to make squares. This side was used for writing the numbers and the tables and the other side was used to write the Hindi alphabets.

In the primary school of Mirthi the students had to sit on a mat on the floor. Only the teachers used to sit on a chair. The teacher used to have

a ruler, so as to punish the student the moment he was up to some naughtiness. It was a matter of discipline. Today I can understand the importance of that. Somebody has stated aptly that–

“The Ganges flows from Gomukh to disappear in the Gangasagar. If the Ganges does not flow between both its banks in a disciplined manner then all of its water will be lost on the way instead of reaching the sea.”

The students should always remember that without discipline, their energies will be scattered and they may not reach their aim or destination. When I started going to Mirthi at that time the headmaster was Shri Durga Lal, and

Shri Laxman Singh was his assistant teacher. Most probably Durgalal Ji used to come walking from Didihat and Laxman Singh used to come from some neighbouring village. Shri Laxman Singh Ji used to teach me. There were just two teachers in the whole school. Gayatri didi and I used to leave for our school early in the morning around eight or half past eight after having our food. That was the time when our father used to be praying and our mother used to be in the kitchen. My mother's name was Pratima Devi. Our maternal grandparents had passed away in our mother's childhood, therefore we had never seen them. My maternal grandfather Shri Devi Dutt Pandey was the son of Shri Hansa Dutt Pandey, who was the native of village Gudoli. I was narrating about going to school. Walking from home, Gayatri didi and I used to reach the school at Mirthi around half past nine. On our way to school during the winter season, we used to eat and relish the ice that was settled of the water of the agricultural fields. We used to call that ice 'Thhande' and during the summer we used to eat 'kafal' and 'Mehal' which were local wild fruits by climbing up the trees. We used to eat the ripe fruit of 'Hisalu' and 'Kilmore' from their bushes as well, while we were on our way to our school. At times we used to be pricked by the thorns of these bushes but we were least bothered about it. After two years instead of the wooden slate, I started carrying a school bag, complete with books and exercise copies along with a

pen made of wood and ink pot as Gayatri didi and I walked to our school. One day when Gayatri didi and I were walking towards the school, Heera Singh, who was the son of college gardener also joined us. As we were walking we came across a fountain- pen, near a place called Kandadhar Gayatri didi and I saw it and promptly picked it up. Heera Singh started scaring us by telling us that it was contaminated by the blood of the wart and we should throw it away. We got scared and quickly threw it away and as we walked a little further he immediately picked it up. We realized our mistake but we had already been made a fool of. This was the first setback that we had experienced in the journey of our life. A girl named Mohini used to join us from Kandadhar, she was the daughter of one Shri Verma. One sunny day while walking back from school. She complained that she had 'Muna' in her head. We could understand after a long time that she had a headache. This was because of basic difference in the language of Pithoragarh and Almora because in Pithoragarh headache is referred to as 'Khwar muda'. There were other classmates who used to walk with me as well. They were Shyam Singh, Daulat Singh Kanyal, Maan Singh and Noor- Mohamad. On our way to school we used to meet many marriage processions. I used to be shivering with fright when I used to hear the sound of drums but immediately afterwards I used to be busy spreading the green leaves on the path of the marriage procession along with all my school friends, as a result of which the people going in the procession used to distribute jaggery and went on their way.

I'm talking about an incident when I was in class two or three. There was a poem called 'khatte-angoor' or 'sour-grapes' in our basic Hindi Reader book. There was a word 'Lata' meaning creeper or a climber. Our teacher Laxman Singh wanted to inquire whether anybody in the class knew the meaning of this word? I immediately raised my hand without thinking and told him that 'Lata' means 'Laat' which translated into 'leg'. The teacher got so angry that he wanted to hit me with his leg! Till today I laugh at this silly incident and wonder why I

had done such a stupid thing but then small kids don't bother or think about such things or follow any logical principles.

One day during the interval in the school, we all went to a nearby 'Naula' which means a pond of natural freshwater. From the pond we saw black bear running on the mountain, there was a hunter following him with a gun in his hand. We all made a lot of noise as a result of which the bear ran fast and disappeared. The hunter got very angry and upset with us and shouted many obscenities at us, but due to our prompt though childish action we could save the life of an innocent animal. During those days there were no strict laws for the protection of the wild animals, as we have today. During those days if a hunter used to kill a tiger then it was customary to hang it on a solid wooden pole with two people holding it on both of the sides and it was taken around the whole village in the form of a procession and it was accompanied by the musical band as well. So, it was a celebratory event. During that time, a small stretch of motorable road was made between Pithoragarh and Didihat. A small part of that road was overlapped on the way to our school. If some jeep or bus used to ply on that road, then the cows and the calves used to be so scared that instead of getting to the side they used to run ahead of the vehicles. My first experience of travelling by bus was when once my grandfather came to visit us at Narayan Nagar from our ancestral village Pantyudi. My father and I went to receive him from Ogla. Kandadhar was almost two- three kms from Ogla, so we travelled for that distance with my grandfather in that bus. While travelling I felt as if all the trees were running backwards. I remember this experience till today.

All my friends studying in the primary section of the school used to play 'gilli- danda' in the free time that they used to have in the school or while coming or going back from school, they used to play on the road either 'gulli-danda' or 'ghuchi'. In the game of ghuchi, a coin or paisa or at times 'ekanni' had to be thrown into a hole around five-six feet away or the other option was that with the help of small pebbles or stones the coin that was lying outside the hole had to be hit. The

coins that were inside the hole and the coins that were hit by the stones or pebbles were now the possession of the player as he was the winner. Every player had to invest money for this game. In those days the fee of the school was two 'aanas'. Many boys used to cleverly get 'chavanni' (four aanas) instead from home, in the guise of taking the fee. They used to save half the money for the game. 'Pai' used to be made of copper that had a hole in the middle. One paisa was also made of copper. One aana had four paisas and one rupee comprised of sixteen aanas. In the primary school, the girls used to play a game called 'Addu' which in today's time is known as 'stepu'. These two games are almost similar. The other most popular game that girls used to play in those times was known as 'gittey'. In this game five small, equal sized stones used to be taken in the palm of one hand and were thrown on the ground. One stone was picked up by the player and thrown into the air and the player had to pick the four scattered stones one by one by turns. Then in the next turn two stones had to be picked up together. In the third turn three stones had to be picked up at the same time, then four stones had to be picked together. These different stages were known as 'Eka', 'Dukki', 'Tikki' and 'Choki' and at last all the five stones were thrown in the air and they had to be caught by inverting the hand. The final marks awarded to the player were equal to the number of stones caught in the fist of the player.

When Gayatri didi went into class six so I was left alone. If I had to go to the primary school, I would have to go alone. My father thinking that it was not safe and proper for me to walk through the forest alone got me admitted to the college as Uma and Lakshmi were quite small, I was admitted to class six right after my class three, though after passing the test. This was the main reason for my being weak in my studies in the future.

During the holidays, Gayatri didi and I used to take the cows for grazing. I still remember the names of those three cows. They were Kali, Putli and Mali. There were no hospitals in Narayan Nagar. There was a Bengali doctor who used to stay in Askote. In case of illness, my

father used to get home the Sanskrit teacher Umakant Shastry who used to take some sacred ashes in his hand and read out some 'mantras'. After some days the illness used to go away. Once the Bengali doctor came to our home. He jokingly took a page of Dharam-Yug magazine in which the pictures of Shiv ji, Parvati ji along with Ganesha ji sitting in the lap of Parvati ji was depicted. This was my most favourite page. He must have forgotten to give me back that page while going back but till today it is enshrined in my memory. Once I was walking from Askote to Narayan Nagar on the way I hit a big stone with my right foot and my right toe was swollen. The 'pus' started forming in my toe. It was a very painful condition for me. Gayatri didi very compassionately tried to give me relief by blowing air through her mouth on the wound. The next day my father made an ointment of the mud and put the mud bandage on my toe. After two days the toe was healed and the nail came out without any problem. Afterwards, the new nail grew in its place.

Chapter 2

Narayan Nagar, Askote (in the memories)

When I reached class six by that time my elder brother, Chandru dadda was in class twelve. By this time all elder four of us siblings were in the same college. Our father was the Principal of this college. Uma and Lakshmi were quite young at that time. The English alphabets were taught to us in class six. Shri Bahadur Singh Bisht used to teach us English. Shri Umakant Shastri Ji used to teach us Sanskrit, seeing my handwriting he used to get angry at me. Out of all my siblings, I was the weakest in my studies, because of this I used to be scolded by the teachers at school and my father at home. I used to be punished twice for every mistake. In class six, Narendra Singh Pal used to come first in the class. My other classmates Bhaskar Joshi and Anand Singh Rawat were also good at studies but Mohan Singh Negi was just like me in studies. Amongst the girls Tara Pant, Sheila Ghaley and Kalavati Ojha were also my classmates, being quite young in age, I had to sit with the girls row of my class.

I can still recall and recollect the last para from the second lesson of my Hindi Reader book, when I was in class six. It stated that–

“Gandhiji abandoned everything, but not the truth,
Harish Chandra gave up everything but not the truth, Yudhishtir
also abandoned everything but stuck to the truth.

So, you should also give up everything but always stand by the truth.” Therefore this last paragraph was basically the first sound and strong foundation of my education.

During my childhood and teenage, I had to suffer a lot of punishment because of my irresponsible actions. The ‘Bapu Mahavidyalaya’ in Narayan Nagar was spread over six-seven acres of land, which had an orchard of ‘Malta’. I along with hostel students used to play football till quite late in the evening. One day we went into the orchard and ate Maltas (sweet oranges). Somebody complained to the agriculture teacher, who in turn complained to my father who was the Principal. All the children were summoned to the Principal’s office and punished. When I went home, I was again scolded by my father. He warned me that I would have to pay twenty five paisa as a part of my punishment and further ordered me to earn that amount of money myself (though later he himself paid the money.) Once a student of our class Devi Dutt Joshi told us in the seventh period that the teacher Shri Prakash Chandra Pandey Ji will not come that day to take our eighth period. I was amongst those three-four students who went home after hearing this. The rest of the students were caught by the teacher concerned before they could leave. He made a complaint against the absent students to my father. On reaching home I was soundly rebuked by my father for coming home early. Next day I was punished along with the rest of three-four students who had absconded early from the class. Our punishment was that we had to do sit-ups for hundred times. Our classmate named Narayan Chand was given the task of counting. He very smartly saved us after the count of fifty by declaring that we all had completed hundred counts. One day I took away ‘tenaanis’ from the jacket of the priest of the Narayan Nagar temple but at that time I was a small innocent child. I went on a tour of Bareilly, Agra and Modi Nagar along with the boys of my college. May be it was around 1962, when this tour happened. That was the first time that I saw ‘Rikshaw’ and train. We saw historical building ‘Taj Mahal’ in Agra, and some

factories in Bareilly and Modi Nagar. I saw 'Mother-India' movie in Modi Nagar which was the first film I saw in my life. In the same year when I was studying in the junior High school, my elder sister Devki didi got married to Murlidhar Joshi at the age of sixteen or seventeen. He was working at the Central Excise department. There was a lot of crowd at the time of her 'vidai'. At that time I could not understand the immensity of that moment. The reality dawned on me after all the relatives had gone back and I realized about the void of her absence. That was the time I gave free rein to my emotions. My younger brother was too young to understand the seriousness of the situation. He happily ate all the sweet- meats for many days. There was a crowd of people in the house. After a few days he very innocently asked our father why the marriages did not happen every day?

From class six to class ten, I had a very strange classmate studying with me. His name was Ram Singh Dhami, staying in Narayan Nagar which was situated at the height of five and a half thousand feet above sea level, would wear only a half-pant or shorts and half sleeve shirt, throughout the year, during the winters, summer or monsoons. He never wore any sweater, coat or pant.

I opted for science in High school. My Maths teacher was Shri Bhopal Singh Bhaisoda, my English teacher was Shri Umesh Chandra Lohani. My PT teacher was Shri Chandra Shamsher Singh Pal and my Biology teacher was Shri Harkrishan Lal Shah. In class nine, in my first monthly exam, we were asked to make the diagram of 'Rana-Tigrina' frog. My depiction of frog resembled a potato rather than the frog. I got a zero in that test. The 'zero' resembled the potato! The Biology teacher Shri Harkrishan Lal Shah used to make very good diagrams. He and the chemistry teacher Shri Gyanendra Shah were very close friends and companions. In the cultural functions one used to sing and the other used to be assisting him with the 'tabla'. Describing about my talent of drawing I can only say that before my pencil, my eraser used to finish! I was not good at my studies, at sports, at drawing or at singing! Still I

used to try my hand at drawing and singing although my singing was pathetic! During those days I was very fond of reading poems from the different collections of poems, written by various poets. I was specially fond of reading the poems of Dr. Ram Kumar Verma and Harivansh Rai Bachchan. I still remember the following lines of Madhushala –

“Hindu aur Musalman do, Ek magar unka pyala.
Ek magar unka madiralay, Ek magar unki hala.
Dono rehte ek na jab tak
Mandir masjid mein jate,
Bair badhate mandir masjid,
Mel karati madhushala.”

*(Hindus and Muslims are two, yet their cup is one.
Their tavern is one, and the wine they drink is one.
They live in harmony, until they go to Temples and Mosques.
Temples and Mosques create division, but the tavern brings them
together.)*

I used to get cold feet in front of the audience before reciting anything. Once on ‘Kalidas-Jayanti’, I had to recite verses from his work with lines “Arasutarashyam Dishy Devatma.....”. I got struck on the first line just like a gramophone needle. I forgot everything that I had memorized. My classmates made fun of me and asked me to sit down. That day I felt very humiliated and hurt. I passed the High school exam from Bapu Mahavidyalaya Inter College. The same year my father got transferred to Pithoragarh as the Principal of Govt Inter College.

Chapter 3

Pithoragarh – Immature attempts and days of struggle

The old name of Pithoragarh was Sor. The presence of Kali river on the eastern side of Uttarakhand demarcates the border of India from Nepal. There is an old legend about the ownership of Sor. According to the legend many hundreds of years ago, this land belonged to the king of Doti, that was a part of Nepal. He got his sister married to the king of Champawat and gave away the land of Sor as a part of the dowry. Whatever the truth might be about this land but it is a beautiful hilly-valley. Though reaching this place from the last railway station Tanakpur is one difficult and tedious task.

The story behind naming Sor as Pithoragarh most probably was related to rein of Gorkha Kings in this region. The Gorkha Kings made a fort that was known as Killa or Garh in the local parlance, at the top of a mountain. Maybe with the passage of time it came to be known as Pithoragarh. It is said and believed that the Gorkhas, in the year 1815, after fighting and the ceasefire, signed a peace treaty with the East India Company and made Pithoragarh an integral part of India. It is believed that this particular mountain was known by the name of Pitrauta because to the western side of this mountain was a source of water by the name of Pitrauta (In the present day it is known by the name of Chimisiya Naula).The people of the nearby Pandey gaon used to perform the last rites of their ancestors with the help of this source of water.

I took admission in the Pithoragarh Government Inter College in class eleven. First, I got admission in the arts stream, as I had less score in my previous class but after a few days, there was a vacancy in the science stream, in the Maths category and I got admission in it. There were many intelligent students in that class. One of the students, Ashok Pandey of that class was later on selected as an I.A.S officer. I was going through a phase of frustration, hopelessness and disappointment. One day, I ran away from home in this disturbed mental state but I could not succeed even in this attempt. It was the month of December in the year 1964. I walked six miles from Pithoragarh to Gurna on the first day. I spent the first night on the bench outside a tea shop veranda. It was very cold and I did not have any bedding with me, I did not possess a bed sheet even. The next day I bought a ticket for ten aanas reached the Ghat in a bus. I met a person by the name of Khan at the army-police checkpost. He gave me shelter in the barrack for a day and offered me food as well. He told me that he belonged to Hyderabad. On the third day he arranged for a lift in a vehicle for me and I reached Lohaghat. I stayed there in a hotel for two nights. I did not have much money with me in my pocket. In the hope that I would find some job in the near future, I travelled by a truck on my way from Lohaghat to Tanakpur. The truck belonged to a Pithoragarh firm named Krishan Lal and Sons. The Driver cross-examined me thoroughly on the drive from Lohaghat to Champawat and made me divulge all the information about me. Immediately after this, he made me get down and sit forcefully in a truck coming from Tanakpur towards Pithoragarh. He instructed the driver to drop me at my home. I disappointedly reached back home. Destiny had something else waiting for me. As if the above humiliation was not enough for me, that year I failed in my eleventh class exam as well. My state of distress reached another level. The life was showing me different scenarios and I was watching it helplessly. I was wondering whether I was going through the stages that the iron goes through

while changing into steel and facing very high temperature throughout this process.

The same year my 'Yagyopaveet' (sacred thread) ceremony along with my cousin brother Prakash da was performed in Hardwar by my uncle. The Gayatri Mantra was recited into my ear by my uncle Dr. Trilokinath and Guru Pandit Ram Dutt Joshi. This was my first experience of hearing the mantra only, as I was quite ignorant of the meaning of the mantra at that time. I can remember and recollect that the havan (ritual burning of offerings in the holy fire) took place the first day. The second day when the Yagyopaveet ceremony took place, I had to take bath multiple times and I never remember taking bath so many times in a single day. Prakash da did not get his hair tonsured as he was studying in the Agra Medical College. I got my hair tonsured as my father had instructed me to. After this came the turn of piercing my ear. First, my right ear lobe was pierced with the help of a gold ear-ring. It was such a painful experience that after this I did not let anybody touch my other ear. Then uncle decided to let it be. After the ceremony, as was customary, we begged for alms from all the ladies of the family. So, I begged for alms from my aunt and all the other women of the family present there. After this our Guruji asked us to go to Kashi for our education. We had only taken four steps when uncle summoned us back and assured us that we will be educated at our home itself. We were looking like cartoons as we were wearing loin cloth and the sacred thread on our body. For a few days, I chanted the Gayatri mantra without understanding the meaning. After sometime I also started understanding the meaning of it, that is- Verse number 1462 of Samved which is as follows—

Mantra: “*Om Bhur Bhwah Swah,*

Tat Savitur Varenyam

Bhargo Devasya Dheemahi

Dhiyo Yo Nah Prachodayat.”

(Meaning: ‘ We meditate on the devine light of the Sun, who is creator of the universe. May that Devine power enlighten our intellect and guide us on the right path.)

In my second year in class eleven, I did not have much problem in understanding my subjects as I had read most of them in my first year in the same class. That year I passed easily. In the meanwhile I cultivated a good friend circle in Pithoragarh. Here I would like to quote Dellile—

“The man has not been given a choice to choose his parents by the God, but he has been given the choice of choosing his friends.”

I used to go for a walk every evening with my friends Sattu, Kailash Pant, Hari Vallabh, Govind Dhoni and I.P Pant et cetera. We used to meet at Suraj Sharma’s ‘Suraj Book Depot’, that was our meeting point. At times we used to walk towards the Bhatkot Road and at other times we used to walk towards the Ulka Devi Temple. Once in a while we used to go towards Aincholi. We used to watch movies at the Natraj theatre in Pithoragarh. We had watched Raj Kapoor’s ‘Sangam’ and Devanand’s ‘Hum Dono’ in this picture-hall only. My other classmates were Kailash Pant, Narayan Pandey, Tilak Raj, Amarnath, Mukul Chaturvedi, Chandra Ballabh Kaapdi, Balwant Rai, Kevalanand, Prakash Pandey, Kailash Joshi, Kishan Gayala et cetera. In our class we had Abha Gupta, Rajeshwari Bisht and Janaki Murari et cetera as our classmates. But none of them gave any attention to a boy like me. Aside from the study we had to choose either N.C.C or P.S.D (Prantiye Shiksha Dal) so that we could get training of being a soldier. I chose P.S.D. I participated in one of the camps of P.S.D in Lucknow. All the students from whole of Uttar Pradesh participated in it. This camp was organized in January in the police lines, Lucknow. I met Dr. Naveen Pathak for the first time in this camp.(Later he became my brother-in-law). He had come to meet the boys from Pithoragarh. He used to study in K.G Medical College during that time. That camp was very nice but travelling from Pithoragarh to Tanakpur and from Tanakpur to

Pithoragarh was a terrible experience for me. I had the problem of motion sickness while travelling in the mountains and I always used to wish that bus should fall into the gorge, so that I did not have to travel on this path again but my hard luck, I had to keep travelling on the same path that I truly detested.

In Intermediate Shri J.C Upadhyay used to teach maths. I never ever saw him laughing. Physics was taught by Shri L.M Shah, chemistry was taught by Shri D.C Pandey, Hindi was taught by Shri Shambhu Dutt Pandey and Shri Prayag Dutt Pant and English was taught by Shri Tiwari, who was famous by the name of 'boss' in the college. Before him the English teacher Shri G.L Srivastva was famous as everybody used to call him 'Tiranga' because he had a habit of using some particular oil in his hair and as a result of that oil his hair had three different colors-some hair were grey, some black and some used to be red in color. My father's hair were totally grey. Some boys used to call him 'rabbit'. Gayatri didi and Uma used to study in GGIC College (Government Girls Inter College). Later, Gayatri didi started studying in the Degree College. We used to stay in government accommodation. My mother was very fond of keeping cows. In Narayan Nagar we had many cows and buffaloes. But here my mother had kept only two cows. I never ever saw my mother fighting with my father. It was only once in the tenure of my father's Pithoragarh posting that my mother, after having some altercation with my father, threatened to go to her in-laws house in my father's native village Pantyudi. I always remember this sentence because her whole world was centered around her in-laws as she had lost her parents in her childhood.

Chapter 4

The failure's of E.C.C Allahabad's days

I passed my twelveth class in the year 1967. The same year my father was transferred to the Government Inter College, Joshimath. All the household luggage was booked on the bus. In those days it was carried on the top of the bus. The first day we travelled from Pithoragarh to Ranikhet and stayed the night there. Almora came en route. I saw Almora and Ranikhet for the first time. The second day we started from Ranikhet early in the morning and reached Karan Prayag by the evening. We stayed the night over there and on the third day reached Joshimath at around three in the afternoon. The natural beauty of Joshimath was breathtaking. Gayatri didi and I had to stay there only for a month. In this time we visited Badrinath-Dham along with the family. I enjoyed taking my bath at the hot spring at Badrinath. One day we went towards Neelkanth mountain and the other day towards Mana village. There I saw Vasudhara waterfalls falling on the glacier. As we came back I also saw the cave about which it is said that Ved Vyasa recited the Mahabharat and Ganeshji wrote it down. By the beginning of July my father took both of us Gayatri didi and I to Allahabad for further studies. I was to be admitted in B.Sc and Gayatri didi in M.A. We stayed with my elder brother Chandru Dadda. By this time Chandru Dadda, after doing his B.Sc from Lucknow and the B.E degree from Gorakhpur was working as an engineer in Triveni Structural Ltd in Allahabad. I got admission in Ewing Christian College

and Gayatri didi got admitted to the Allahabad University. After this my father went back to Joshimath.

My father's posting at Joshimath was for a short time. After only a year he was promoted to the post of District Inspector of schools. He went to Uttarkashi. Uma and Lakshmi studied at Uttarkashi till Intermediate. During this time I failed in my first year B.Sc. At about the same time Chandru Dadda got married to the elder daughter of Shri Jagdish Chandra Bhatt named Daya. So now we were four people in Allahabad – Dadda, Daya Bhojyu (sister-in-law), Gayatri didi and I. My sister-in-law instructed and taught me the right etiquettes in the field of eating and manners i.e. conducting myself in public. Specially when I had cleared the written exam of National Defence Academy and I was called for the interview by the Services Selection Board. Even then I was a failure in the interview every time. I went once before Jabalpur Board in 1968, second time I went before Kolhapur Board in 1969 and after this when I was studying in Lucknow, I went a third time before Dehradun Board through the written examination of the Combined Defence Services. In Dehradun after the interview proceedings of the Board for three consecutive days, the result of the interview was declared and the successful candidates were sent for their medical examination. The officer-in-charge, before declaring the result consoled the unsuccessful candidates by telling them that this was not the end of the career. He further consoled us by informing that many of the aspirants who had appeared with him for joining the Army and failed in the attempt had later become successful in the different fields and they were occupying very high posts. In fact, he gave us the example of one of his friends, who was now a judge of High Court. May be my destiny was also indicating some such path for me.

I was quite tired of facing so many failures in my life. Now I was not pained by all such sad happenings. I now wanted to read all the humorous poems and jokes. During those days I bought a book written by Kaka Hathrasi, titled 'Kaka Ke Kah- kahe' and I read it. I thoroughly enjoyed reading it. Till today I have not forgotten his following poem-

“Aaye Jab England se, Bharat William Dang.

Khakar garam Jalebiyan, Dang ho gaye dangg.

Dang ho gaye dangg, Isse kis tarha banata.

Taajjub hai, andar sharbat kaise ghus jaata.

Baira bola, sir isse artist banatey.

Ban-jata tab, injection se ras Pahuchatey.”

After finishing her MA from Allahabad University Gayatri didi became a teacher in the Government Girls Inter College in either Chamoli or Uttarkashi. Uma took admission in B.Sc at the Allahabad University in 1970. After finishing my B.Sc, I had to go to Uttarkashi for spending my summer vacation with my parents. I had to travel by train upto Hardwar and by road thereafter. In that journey I developed friendship with her. That time people used to travel in the general class because at that time reservation of seats was not prevalent. We continued our relationship for few years and remained connected through letters and thereafter lost the track. I never had any physical or immoral relationship with my female friend. In 1970, after finishing my B.Sc I came to Lucknow University for my L-L.B.

At various stages of life we have different mindset. When I was staying with my brother and sister-in-law, I was quite ignorant of the problems that the newly wedded couple were facing. In fact, in my ignorance, I went ahead and joined a hostel just to show them that I was quite upset and unhappy with them. But they in-turn showed their maturity and magnanimity by supporting me in every way till the time I could find the right path in my life and I could support myself financially and otherwise completely. They validated the saying that – *“Kshama Baron ko Chahiye, Chottan ko Utpat”*

Chapter 5

The study of Law from Lucknow University

In the year 1970, when I took admission in the law – department in Lucknow University, I had become an adult by that time. I started performing better in my law studies as compared to my previous failure self. I never used to read question answer type of books unlike other students as I developed a taste of reading good law books that were written by renowned authors. I started reading “The Statesman” newspaper along with the local ones. During those days the Law faculty of Lucknow University had eminent teachers as Dr. V.N Shukla, Dr. Avtar Singh, professor L.N Tandon. I was held in high esteem by Dr. T. N. Dixit, warden of the hostel. The change in my personality, could have been my transition from an immature teenager to a mature adult as Ethal Barimore has rightly and aptly remarked that the day you laugh at yourself, you become an adult.

In the year 1971, I suffered from pleurisy. I was admitted in hospital of K.G Medical College. My father along with other members of family was in Uttarkashi. My uncle Lalit who was almost of my age came with his father Nandi grandpa to see me. Though the treatment was long but I recovered fully from the disease. In Lucknow University I had another person from my native village Pantyudi. He was Lalit Chacha. He was pursuing the studies of M.A in the subject of economics. My cousin Madan da was pursuing his studies in M.Com in the same University. Those days in summer vacations, I used to visit my parents

in Uttarkashi. During that time I got the opportunity of visiting Gangotri and Yamunotri. On my way back from Yamnotri I stayed for a night at Badkot. I saw a very strange dream that night. In my dreams someone came and informed me and said- 'Your father has passed away'. After a moment another person came and said- 'One of your friend's father has passed away'. The next day when I reached back to Uttarkashi, I got a letter from my friend Satish that his father had passed away. This was the only instance, when my dream came out to be true. Otherwise such dreams were hardly true. About the dreams, I realized a fact the dreams are just the imaginations and fears of the subconscious mind. In the second year of L-L.B. one of my classmates was Shri Awadh Bihari Pant. He was a native of Garhwal and was influenced by Indermani Badoniji. I never met such a principled person in my student life after him. I secured more than 60% in my first year of L-L.B. In my second year of L-L.B. I secured more than 68% marks and in the last year I secured around 70% marks. The real meaning of L-L.B. is not Bachelor of Laws, as is generally understood and popular with people but it is Legam— Legam "Backlawrius". In French language, the single word is repeated twice to make it plural. I was told about this fact by my teacher, Surya Kumar in the Lucknow University. In the second year of law, we were taught Hindu law and Muslim law along with all the other subjects. In the Muslim law, I still remember we were taught the definition of a Muslim person. To teach this definition, we were taught the following words from the Quran –

La illah il Allah Mohammed Rasul Allah.

(La-not, illah – revered, il – except, Allah – God, Mohammed- and Mohammed (is), Rasul (prophet- a person who is a messenger), Allah-God's). And we were taught that the person who believes both these above mentioned facts is a Muslim.

In the same way, we were taught that according to law the 'Hindus' were the people who lived in the neighbourhood of Indus Valley and were not Muslims, Christians, Parsi or Jews and who had faith in any

of the religions that originated in India. They could be either 'Shaiv' or 'Vaishnav', they could be Sikh, Jain or Bauddh. Though the Hindu religion is basically based on the Vedic SanatanDharma, (that medieval religion, which is based on the Vedas). The word 'Ved' means a book of knowledge. According to the Supreme Court's definition Hindu is a person who basically follows one of the Hindu ways of life, that has originated in India.

The L-L.B. final examination was held in the year 1973. That year the P.A.C soldiers revolted against the state government and because of this reason the schedule of exams was disturbed and the results were delayed. During these exams, I realized one thing that my belief and fear in good luck or bad luck was unfounded. One day when I was going for appearing in my exam of Transfer of Property Act, suddenly a cat crossed my path, I became tensed. It was supposed to be a bad omen. I thought if I do not appear in the paper, I am sure to fail, so I had to become strong and courageous. After the results came out, I found that I had secured the highest marks in that paper. Since that day onwards I have started believing that we should not be deflected from the path of our duties and responsibilities because of our ill-founded beliefs related to good or bad omens. And I also understood about the mortality of human beings that we cannot live in this world forever. Meanwhile I used to apply for many jobs, but I could not secure a job whether it was for the post of Medical Representative or school teacher in the private schools.

Chapter 6

Service in the Central Excise Department after practicing law

In 1972, my father retired when he was at Uttarkashi and settled in Pithoragarh and started staying in his ancestral home 'Umakant Niwas'. In June 1973, the wedding of my sister Gayatri was solemnized in the same house. She was married to Shri Basant Ballabh Tiwari, who was working as District Accounts Officer, Co-operative Societies in Nainital. I went back to Allahabad to stay with my elder brother after securing my L-L.B. degree from Lucknow. The main aim was to appear in the competitive exams and practice law till the time I cleared some competition. In Allahabad my elder brother was blessed with a daughter named Neenu. My niece Neenu must have been two years old at that time. In Allahabad I started practising, with my brother's neighbour Shri Ramesh Chandra Shrivastava, Advocate who was a good friend of my brother, in the High Court. I used to go with him in the beginning but later started going by my brother's scooter. Dadda used to commute by the official company bus of Triveni Structurals. The factory was in Naini. His weekly holiday was on every wednesday, but I used to be free on the weekends. This was in the year 1974. During this time my younger sister, Uma got the job of a lecturer in Pithoragarh in the Department of Chemistry, but my journey of finding a job continued. At around that time I got the offer to get engaged as Government Counsel in the Department of Official Liquidator. The retainership was ₹500 at that time but the rider with the job was that

I was not allowed private practice. I discussed the matter with my brother and declined to accept the offer as my success would be hampered in this job.

I made many friends during my practising years in Allahabad High Court. I was very friendly with Prakash, Krishna Prabhuji and Janardan Goyal. Majid Bhai was also my good friend. In my first year of practice, a historic election petition by Raj Narayan against Indra Nehru Gandhi was presented in the Allahabad High Court. It was the case of Raj Narayan versus Indra Nehru Gandhi. Shri Ramesh Chandra Shrivastava was Raj Narayan's lawyer. I used to watch the proceedings of the case in the High Court. After one year, the case was fixed for evidence, then Indira Gandhi herself appeared in the court to adduce her evidence in her defence. She was the Prime Minister at that time. Shri Shanti Bhushan cross-examined her on behalf of Shri Raj Narayan. Justice Jagmohan Lal Sinha presided over the hearing. Indiraji lost the case in the High Court but won the case from the Supreme Court after her appeal. During this time she declared emergency in the country and made many amendments in the Constitution of India. During this time I was highly impressed by a couple of Hon'ble Judges of the Allahabad High Court for their intelligence, sharp mind and courage. They were Justice Satish Chandra and Justice Krishna Chandra Agarwal. They had a very good grasp and deep understanding of law and they could reach the right decision and delivered judgements promptly.

In that short period of my practice in the Allahabad Court, I can recall a case of the contempt of court, in which case the then District Magistrate of Allahabad Anirudh Pandey was sent to jail. The bench comprised of Chief Justice Shri S.K Verma and Justice K.N. Singh. The DM of Allahabad took the plea that he was unaware of the order of the High Court for which he was facing the contempt case. The petitioner stated that the copy of the order had been received by the Reader of the DM and he had the Receipt. The High Court ordered the Reader to give an affidavit confirming whether he had shown the order to DM Shri Pandey or not. Had the Reader admitted that he did

not show the order to DM, he would have faced the contempt case himself. So most probably he gave an affidavit stating that he had shown the order to the DM. Anirudh Pandey was sentenced to 15 days in the civil prison. Later he appealed before the Supreme Court but he was compulsorily retired by the government.

In the meantime, my nephew Kartikey was born in 1975. During this time I joined the chamber of Shri Vishnu Dayal Singh sahab. He was the Standing Counsel of the State Government. He could not appear in the cases against the State Government. So, in such cases if any such client came, he used to handover the case to me. Shri V.D. Singh was well known for his uprightness. At home, I was studying and preparing for U.P State Civil (Judicial) Service Examination of 1973. This exam was finally held in June 1975. The delay was because firstly the advertisement came very late and secondly someone filed a Writ and got a stay order on the exam. I appeared in some more exams in between. Before the results of U.P State Civil (Judicial) Service Examination of 1973 came out, the result of Central Excise Inspector Exam was declared in February 1976. I cleared this exam and I was posted at Sagaur, in Madhya Pradesh. I took leave from my brother and sister-in-law and left their house in Allahabad and went to Sagaur.

I joined the Central Excise at Sagaur as Inspector in the forenoon of 23rd February, 1976. The same day I submitted my Resignation Certificate P – 1341/1973 for cancellation to the Bar Council of Uttar Pradesh. The Department of Central Excise, Sagaur was under the control of Nagpur Collectorate-Commissionery. That time Madhya Pradesh and Vidharbha were under one Collectorate. Our whole batch of Inspectors was given training at Nagpur. I liked the Nagpur City (We used to go to the market of Sita Baldi every evening). During that time the Laxmibai cricket ground was under construction in Nagpur. I went to see it as well. In the course of our training, we were explained about the L-1 to L-5 licenses as well as tariff rates. We were told as to how to inspect the produce and verify it and then make the Panchnama i.e. recording the proceeding and observation in the presence of five

people, and assessing the tax to be levied on the produce. Apart from this we were also taught how to keep and send these records. During the period of my training, I came to know that the number L that was printed on the box of cigarette was actually the license number of the manufactured product. I also learnt that the wheel with spokes printed on white paper seal of the matchbox was basically the evidence that the excise duty on the matchbox was paid. We were also taught about Custom duty, but due to my short period of stay in the department I did not deal with this aspect. After being trained for 15 days we came back to Sagaur. In Sagaur there is a big and beautiful lake. The University of Sagaur is situated on a beautiful and scenic mountain. The University was named after Dr. Hari Singh Gaur. Dr. Gaur was an expert in the field of law. He was the first Indian to get degree of Doctor of Laws (L-L.D.). During my student life, I never possessed the wrist-watch. In the year 1976, for the first time I bought an H.M.T Janta watch for ₹106 when I got my first salary. After two months, I bought a Phillips transistor for ₹200. In the short duration of 8 to 10 months of my job in the Central Excise department, I caught two illegal consignments of tobacco. In both of the cases, the culprits were found to be guilty by the department and they had to pay the penalty to the department. Later, I received a part of the penalty money as a price. The evening before the budget was to be presented before Parliament, and the probability of tariff change was there then that was the most busy time for our department. We had to verify all the present stock in all the concerned factories physically. In Sagaur the maximum work was connected with production of tobacco. There were many 'Beedi' factories in Sagaur and Jabalpur. In the villages also many households made Beedis. At that time Sagaur, most prominent firm was Shobha Lal Bhagwan Das and Bithal Bhai Patel. Bithal Bhai Patel had written the songs of movie "Bobby". The firm basically belonged to his younger brother Jetha bhai. He hailed from Jabalpur but one branch of his factory was there in Sagaur. The 'Sher- Chhap' beedi and '27 number' beedis were manufactured in Madhya Pradesh

only. These two brands of beedies were very popular in Kumaon region at that time. In Sagaur my Senior Officer Superintendent had a special affection for me, though I had not done anything special to earn his love and affection. It was his great quality that he was very kind to me. In fact I was taught my work by my seniors only. One of them was Shri R.K Yadav, who basically belonged to Uttar Pradesh, Shri A.K Qureshi was the native of Bhopal, Shri S.K Rao was the native of Andhra Pradesh and Shri S.K Chaudhary was a Bengali. Not only my seniors but my juniors belonging to grade III and grade IV also helped me a lot in my work. I was reminded of the saying of Guru Shukracharya when I appreciated the support and cooperation of all the people inside and outside of my department–

Aisa koi akshar nahi jo mantra nahi, Aisa koi paudha nahi jo aushadhi nahi, Aisa koi manushya nahi jo Kaam ka nahi, Keval Avashyakta hoti hai usse yathasthan upyog karne ki.

I got the result of my U.P State Civil (Judicial) Service Examination of 1973 while I was working in the Central Excise Department. I went to Allahabad for my interview. By around August September, I was selected finally for Judicial Service and afterwards I went for my checkup before the Medical Board. Then on fifth December I got the telegram from Uttar Pradesh government giving me the good news of my final selection in the Judiciary. Immediately I submitted my resignation and requested the Central Excise Department to relieve me from my official duties as per the Services Manual. I got my resignation forwarded and personally went to Nagpur to get it accepted. I was relieved from my job on 11th December after depositing one month salary and uniform allowance in the treasury. My colleagues gave me a very emotional farewell. I could not believe that in this short period of 8 to 9 months, they had become so attached to me. My one more colleague, Achambe Lal also resigned from this job and joined the Indian Forest Service.

Chapter-7

Entry into Judicial Service

Historians give the credit of discovery of Nainital to an Englishman Mi.

P. Baron and say that he discovered it in 1839. But the local people associate it with the temple of Naina Devi and it is said that Nainital was formed due to the falling of the left eye of Sati, the late wife of Mahadev Shiva, from her corpse and it is considered one of the fifty-one Shakti Peethas. It is also said that Nainital was the taposthali of Tri-Rishi (Rishi Pulastya, grandfather of Lankapati Ravana, Rishi Atri, son of Brahma and Rishi Pulaha).

It was 8 A.M on Tuesday December 14, 1976. Weather was cold in Nainital but the sun was shining. After having breakfast, I left for Malli Tal from my elder sister Gayatri Didi's house in Lake View Cottage. That day I had to report at ATI (Administrative Training Institute) at 9 A.M. As I told earlier, U.P Civil (Judicial Services) Examination, 1973 was delayed due to some reasons, which could be held in 1975 after the stay from the High Court was lifted. Despite my name being at serial number 18 in the selected list, I got the appointment letter late because between the examination and the result, I had been posted as Inspector in the Central Excise Department in Sagaur through another examination and the government had to do police verification from there also before giving me a new appointment. I have mentioned above that after getting a new appointment, I had resigned from the Central Excise Department. Meanwhile, the training of some

newly appointed Munsifs of my batch had started at the Training Institute in Nainital. Today I had to enter the life in Judicial Services. I walked past the Flat and reached Malli Tal. The Institute was still at a greater height. When I looked back from the Old Secretariat, the rays of the sun were creating many images of the sun in the waves of the lake. That momentary sight mesmerized me.

I then proceeded further and reached the Reception Room of the Institute at about 9:45 in the morning. By now many employees had reached there. I introduced myself to them, showing the telegram messeging my appointment and other necessary letters. Immediately the employees of the Institute brought me the charge taking over forms in several copies and gave me some other forms to fill in which I had to mention whether I want hostel or not and what type of food I take etc. At about 9 o'clock these formalities were completed and I was taken to the place where other trainees were gathered.

Among the trainees, except for Jeevan Chandra Singh Rawat, who was my acquaintance before, all the faces were new. In a short while, I was formally introduced to most of them. But when the Course Director came, he told me that I and my twenty-four other colleagues, who had reported late to the Institute, would have to go to Lucknow a few days later to complete the training because the Institute in Nainital was to close for the autumn vacation. There were about fifty officers who reported on time, including Rawat ji. The remaining twenty-five were like me. Most of the twenty-five were from Uttar Pradesh. Kshama Dutt Vashishth and J.C. Sharma were from Haryana and Krishna Kumar Chawda was from Delhi. We, along with other colleagues like Mam Chand, Ram Lal etc., used to visit the institute daily till 18th December, until the training was arranged in Lucknow. I kept coming and going from my sister's house. At that time, my brother-in-law B.B. Tiwari was the Regional Audit Officer in the Cooperative and Panchayat Department here. We did not learn anything much in those four-five days. Only the Case Law Digest was opened. There was a coffee break between the lectures. As far as I remember, we were relieved on 18th

December, 1976 to go to Lucknow. There we had to complete our training under District Judge Lucknow Shri Banwarilal Goyal. We travelled from Kathgodam by Nainital Express and reached Lucknow the next day where the District Court staff came to receive us at the railway station. Almost all of my training to work as a Munsif took place in Lucknow. Our accommodation and food was arranged in a newly built Jain Dharamshala in Dali Ganj and temporary library, training rooms etc. were arranged there. Shri Goyal's discipline was very strict. Unlike today, in those days, District Judges were not provided with government vehicles. Mr. Goyal used to arrive in his Fiat at 9 A.M sharp for training. On most days, he used to take lecture in the first hour. He taught us General Rules (Civil) and General Rules (Criminal) for many days. Later, we got fed up. But Mr. Goyal used to warn us in between that if we violated the discipline even a little, he could write to the Allahabad High Court and get our services terminated. (The administration of the members of the Judicial Service is vested in the High Court under the Constitution.) In the last hour, we were often given decided files from the archives of the Lucknow District Court, from which the decision was removed) and we had to write our decision after looking at the evidence available in the file. In the intervening hours, many senior judges used to come to teach different subjects. Among them, I still remember the names of Mr. B.L. Loomba, the then First Additional District Judge, Lucknow (later became a High Court Judge), Mr. Narayan Das, Joint Secretary and Joint Legal Remembrancer, etc. Three other trainees lived with me in the room of Jain Dharamshala - Shri Chandra Nath Mishra, Yogesh Chandra Gupta and Devi Dutt Upadhyay. I, Chandra Nath (whom we called C.N) and Yogesh were all unmarried. Only Upadhyay ji was married in our room. All the other trainees in the remaining rooms were married. In such a situation, it is natural that I, C.N and Yogesh became very close friends. At that time, I must have been about twenty-five years old. Yogesh and C.N would have been one- two years older than me. Upadhyay ji was even older. All of us used to laugh and

joke in the room. Comparatively, C.N was of a more serious nature. Upadhyay ji's family lived in Lucknow itself. His wife was due for delivery. But he was not allowed to leave the hostel. One day, taking permission, he went to his home and ten minutes after the first hour started, he quietly came from the back door and sat in the class. But the news was such that he was not able to digest it even till the hour ended. So he wrote the word 'Girl' on a slip of paper as he was blessed with a daughter and sent it to me through the friends sitting in the middle row. I secretly sent it to C.N then C.N probably passed it on to Yogesh. After the hour was over, we all congratulated Upadhyaya ji.

During my training period in Lucknow, I had many new experiences. We were taken inside the District Jail of Lucknow and shown how prisoners are kept. In those days, Mrs. Indira Gandhi was the Prime Minister. It was January 1977. Emergency was enforced. There were also political prisoners in Lucknow jail. There was a shortage of cells in the prison to keep them. During this period, we were taken to Daliganj police station in Lucknow and shown history sheet registers etc. A team from the Amins' Training Institute, Hardoi, came and took us to a village near Chinhat where we were taught to survey and to locate the fields with the help of chain and fixed point at the site. This later proved very useful in my judicial career. We were also given information about the functioning of the Sub Registrar's office for registration of documents. By the middle of January 1977, we received orders from the High Court of Allahabad posting us in different districts. I was appointed in the newly created district of Ghaziabad. C.N. Mishra had received orders to join his duties at Faizabad in eastern

Uttar Pradesh. Yogesh Gupta had to join his duties at Mathura. Mr. J.C. Sharma was also posted with me at Ghaziabad. My other two colleagues Mr. Mam Chand and Mr. Ramlal had to join their duties at Muzaffarnagar and Badaun respectively. I do not remember the places of posting of all of them. Now only that part of

the Lucknow training was left in which we had to sit with the presiding officers of various courts and watch them work and make notes of them. I learned to work by sitting with Mr. Sushil Kumar Srivastava, the then Munsif Dakshin, Qazi Khurshid Ahmed Sahib, Judicial Magistrate, Suresh Chandra Shukla, Civil Judge (who later also became my District Judge) posted in Lucknow for two days with each. The thing that I did not like during the training period was that my Course Director Mr. Goyal, District Judge, took donations from us for lunch to the Judges of the

Lucknow Bench of the Court in the High Court premises itself. I felt this type of arrangement to be mere flattery on the part of the trainees. Yes, I felt honoured that the District Judge gave a tea party to the trainees on the farewell evening at his residence. On the last day of training in Lucknow, Administrative Judge Mr. Justice Satish Chandra came among us. A group photo was taken. In those days, there was only one Administrative Judge for the whole of Uttar Pradesh. The senior most Judge after the Chief Justice used to be the Administrative

Judge. Justice Satish Chandra's article on 'Behaviour and Etiquette' written for the guidance of judicial officers is a guide for all the young men, some excerpts of which are as follows:

“General Etiquette is essentially based on the thoughts, feelings and conveniences of others.

Personal

Defecation should always be done in privacy. Blowing of the nose, cleaning the ears and trimming the fingernails should be done at home. Natural functions such as burping, yawning, sneezing, and clearing the throat and clearing the nose by coughing should be done quietly, if possible by keeping a hand over the mouth and, if possible, always using a handkerchief to sneeze or cough and to clear the nose.

Meeting room etiquette

When a senior officer or a woman enters the room, the junior officers will stand up... One should never take the introduction of anyone while sitting. Not even of someone junior to oneself. And one should always stand up when guests come and go.

The introduction should be like this Men should be introduced to women, juniors to seniors, youngers to elders, but others should be introduced to very important persons. While getting acquainted, handshakes should be done normally but not with women (without their initiative). Otherwise, in case of women, Namaste or any other similar word is sufficient. One should never shake hands while wearing gloves. Although women can do so. In reply to a greeting, one should say "How are you" or "Nice to meet you". If in public, especially in the presence of ladies or elders, one should always ask "Do you mind my smoking?" if one feels the urge to smoke. Cigarettes and matches should be offered to colleagues in cigarette packets or with cigarette cases and not separately. Use an ashtray for cigarette ashes. Extinguish cigarettes completely after smoking. Try to avoid anti-social behaviour. Connect with neighbours by exchanging views. Avoid talking about personal matters as much as possible and avoid criticising food while eating. An educated junior officer should be keenly interested in talking on a wide range of subjects.

Receiving visitors

Receive your visitors at the door and if they are very important and have come in their own car, open the car door and then bring them inside. Ask them to sit and offer them a drink of their choice. Finally, bid them farewell with words like "Thank you for coming" or "It was nice to have you here." If you do not feel able to reciprocate the hospitality of the host, you can send a small gift if you think it is appropriate.

When you are a guest at a party

If you are invited, be on time. Punctuality is the decency of kings. It should be made a habit. If the party is very large, one should seek out the host and say good evening to him. Do not sip your drink with a loud noise. It should be sipped silently. When eating sandwiches, cakes and other small foods, hold them with the finger on top and the thumb on the bottom. ... When leaving a party, one should not forget to say "goodbye" or "thank you" to the host.

Conversation

Avoid personal discussions about family and income. Never talk with your hands in your pockets or behind your back, or with a cigarette in your mouth. If you have to leave in the middle of the conversation, say "Excuse me."

Road etiquette

If you are walking, stay on the side of the road. If there is a woman accompanying you, stay between her and the traffic. ... Always wear proper clothes on the road. Even if you have gone out for a small purpose, do not walk around in pajamas or nude.

Etiquette while driving

Road rules are made for the convenience and safety of others. Following them is not just following the law, but also good manners. At night, you should always turn down the headlights of your vehicle when you come in front of another vehicle.

Cars and buses

Always form a line to board trains and buses. If there is a woman with you, let her board first and then you board and do the opposite while alighting.

Social correspondence invitation

VIPs should generally be invited in a printed form in the third person, written in the third person style. The recipient should inform the inviter of receipt of the invitation. All invitations should be distributed three days in advance. Bachelors are not expected to entertain themselves with women at parties at their homes. But they can do so in clubs and restaurants. If you have a very close relationship with your friend, you can accept the invitation over the phone. ... If the party is for your birthday, do not mention it, as it may be interpreted as that you are hinting at bringing a gift along. Your letter and envelope should be of good choice. No praise or achievement of yours should be written on the letter.

Accept invitation

If you are invited by a very important person, then definitely accept the invitation. If there is a special reason for not accepting, then when you reply, mention the reason briefly while feeling respect for the invitation. Respond to the invitation immediately after receiving it, because your host will need time to plan the party. Always arrive on time and especially before the arrival of the elders and the chief guest.

Dining Table Etiquette- Basics for large gatherings

In case of a large gathering, do not stand in a small group of select friends, but approach other distinguished guests as well. If you are hosting a sit-down dinner, you will have to plan for a formal dinner table. The following pointers should be observed. The host will sit in the middle of one side of the table and his wife will sit opposite him. The chief guest will sit to the right of the host's wife. The wife of the chief guest will sit just to the right of the host. The other senior male and female guests will sit with respect to the left of the host and his wife. Other junior officials will sit towards the head of the table.... If the guest of honour is there, he should be seated opposite the host

and the wife of the host will sit to his immediate right.... Study the table and see which lady is seated on your other side. The lady sitting on your right will have to be attended to by you. Introduce yourself to her and get her introduction too.... Pull the chair back for her and when she is seated, pull the chair forward. The host should sit only after all the ladies and the chief guest have been seated. ...pull your chair and bring it as close to the table as possible..the napkin should be placed on your lap. The lady sitting on your other side must be greeted with a few words before you greet others. Before taking masala, butter or any other thing for yourself, first offer it to the woman sitting next to you. Even if the woman is not around, still follow this decency and do not start eating before the chief guest.

Fork and knife

The knife should be kept in the right hand above the food and similarly the fork should be held in the left hand in such a way that the upper part of the fork is pressed in the middle of the palm and the neck of the coated part should be held with the front finger. One piece at a time should be taken from the fork to the mouth with the opposite hand. Chapati, Paratha and Puri should be eaten with the hand, but the hands should be wiped with a napkin first. The knife should never be taken to the mouth. Use the back part of the fork while putting rice in the spoon. Generality Do not pile up food on your plate. If you have to eat standing up, whether it is lunch or dinner, make sure that you hold the rim of the plate properly. Otherwise, you are sure to spill something on your clothes. Bend slightly each time while putting food into your mouth. Do not put your elbows on the table at any time while eating.... Never talk when your mouth is full... Do not stuff your mouth with too much food. Take only as much food as you can. Move your mouth properly at each time. Chew silently, keeping your lips closed.

Wearing clothes

The right clothes, with the right matching, enhance an officer's personality and confidence. ... Black leather shoes and black socks are more appropriate with a suit for dinner. ... If the evening is to be spent at a club where there is no pretense, a blazer and if you have to exercise, loose-fitting woolen pajamas are appropriate for such occasions. Perfect match of clothes

Always wear socks with shoes, but never a tie with shoes with cloth material. Slippers and a suit are no match. A tie must be worn with Western attire. Avoid wearing lightcolored shoes and a white tie around your neck. If your socks do not have elastic at the top, always wear laces to tie them. Your socks should never fall down at your heels...

Government officials are not supposed to sit and drink with people... These valuable rules should always be strictly observed. Never accept hospitality that you cannot return in a reasonable time."

These rules also guided me in many situations.

In the third week of January, on 17 January 1977, we were relieved from our duties to go to our place of posting. The six-day joining period took me to Allahabad. During the Kumbh Mela, my father was staying with my brother in Allahabad. After completing my B.Sc. and Law studies, I had spent two years staying with my brother Chandru Dadda and Daya Bhabhi in Church Lane. I prepared for competitions with them and under their guidance and also gave my U.P Civil (Judicial Services) Examination, 1973 while staying there. It was my destiny only that on

22 January 1977, I left for Ghaziabad from there after taking the blessings of my parents, brother and sister-in-law.

Chapter -8

Posting in Ghaziabad

On January 23, 1977, I got off the train in the morning and hired a rickshaw and asked the rickshaw driver to take me to a hotel. He took me to New Ghaziabad Hotel via Railway Road, which was situated on G.T Road. After reaching the hotel, I did not reveal that I was a Munsif.

I rented a room and after bathing and breakfast, I hired a rickshaw for the court. At that time, the court was also on G.T Road. There, I came to know that the District Judge was temporarily staying in the Public Works Department's rest house. There was a shortage of accommodation for officers in the newly created district. I again hired a rickshaw and reached that rest house situated on G.T Road. The time was around nine in the morning. We were told in our training that this time is comparatively convenient to meet the District Judge for official work. I introduced myself to the peon standing outside in uniform and expressed my desire to meet the District Judge. In those days, Shri Indra Pal Singh was the District Judge there (later he also became a High Court Judge). I sat on the chair kept for visitors in the verandah. The peon must have informed the Judge sahab inside. After some time he came out. I greeted him and asked for permission to take charge the same day.

Shri Singh seemed to be a very gentlemanly person, he asked the peon to bring tea. During the conversation, I was saddened to know that he was on sick leave those days and in such a situation I disturbed him. After the formal talks in ten minutes, I came out of the

rest house. That day, due to the holiday, I had nothing else to do. I came back to the hotel and after lunch, made a plan to look for a rented accommodation.

Ghaziabad was a new city for me. After lunch I set out to look for a house. That day I could not find any house of my choice. On the very day, the High Court conferred powers of Judicial Magistrate First Class on the Munsifs of our batch. The next day was a holiday on Basant Panchami. I spent that day looking for a house. The next day I reached the Civil Court from the hotel at exactly 10 o'clock. I was given the responsibility of the First Additional Munsif. In those days, the District Judge used to allocate the court. The Judicial Magistrate was R.K. Rastogi. City Munsif Prabhat Kumar Sharma, Second Additional Munsif

B.D. Bhatnagar and Third Additional Munsif J.C. Sharma held their respective charge. Civil Judge Sheelendra Sharan Kulashreshtha was the Civil Judge. Later, Phool Singh, Additional Civil Judge sahab also came. The only Additional District Judge in Ghaziabad was Shri Maharaj Deen.

Among the officers posted at that time, Prabhat, B.D. and J.C. were all from the same batch and naturally became close friends.

Tuesday, January 25, 1977, the day I am describing, was the first day of sitting in court as a Munsif (Judge). Chanda Babu Saxena was my Peshkar. Raghuvar Dayal and Chhidda Singh were posted with me as orderlies. Later, on Chhidda's promotion, Suresh Sharma was posted with me as a fourth class employee. There was a shortage of court room due to the arrival of two new officers, me and J.C. Sharma. So that day I had to hold court in the chamber of an officer. The first file was original case number 1344/1971 Mahendra vs. Prescribed Authority. When the matter was called out, I got nervous that what order should I pass? Peshkar Chanda Babu was very old and composed (later he was promoted and Suraj Bhan became my Peshkar). He told me that in this, one party has given an application

for adjournment and the other party has raised an objection and requested for getting cost. Therefore, you should impose some cost for the inconvenience caused to the other party and fix a future date. I asked him by looking into his eyes that how much amount would be appropriate to be imposed. Peshkar sahab softly said that fifteen or twenty rupees can be imposed. I passed the order accordingly. With this my judicial tenure started. At that time, about two thousand cases of Baghpat tehsil were pending in the court of the First Additional Munsif Ghaziabad. Therefore, I never had any difficulty in meeting the standard of disposal of cases that was set by the High Court. In the first year itself I was successful in giving 100 percent more work than others.

Success creates ego in a person. Probably I am projecting myself better than others. I have forgotten that in front of the power of God, all those whom we consider good or bad are almost equal. When it comes to the power of God, I remember these thoughts of Shri Ram Sharma Acharya of Shanti Kunj-

"This world is the light of Brahma. Science is trying to reach it in its own way. Whenever it has declared to search and find the truth related to matter, it has actually found the fact, because there is only one truth. The rest depends on the one who proves that truth. When it is said that this world is made up of atoms which are not units of matter themselves but get divided into many units. If these units are revolving around the nucleus, then indirectly the fact related to matter is revealed. This fact proves the ultimate truth. The ultimate truth because when we consider the motion of the fundamental particles, the question immediately arises, what is the source of motion? Where does it get inspiration from?

Because nothing can happen spontaneously in the physical world, it is necessary to have inspiration or cause behind it. When there is no knowledge of any direct cause, then it can be understood and accepted that there is an indirect inspiration in its root. This

acceptance is the biggest proof of the ultimate truth. Therefore, whatever we see in the physical world, we can also find or discover the truth, but it is always fact based. Science can only investigate facts, not truth because truth is based on experience... The flower withers away after a few hours of plucking. Botanists can say in this context that after being separated from the branch, formalin comes out in the form of gas, that is why it happens but again the question arises that from where does the stimulus for this come from. After knowing the physical actions, a situation will come when we will have to accept the non-physical cause. ... This vast universe is the embodiment of God's consciousness. By looking at the rules contained in every atom of the universe and its fixed rules and regulations, we get a clear impression of some regulatory power."

Oh! I have off-tracked to spirituality? The matter of finding a house remained. I had to stay in the hotel for a week. One day, like every day, in the evening I was out to look for a house. Then I saw some students leaving after completing their evening classes near M.H. College.

Without introducing myself, I told one of them that I needed a house and asked for information about a vacant room for rent. That student told me about a vacant one-room flat on the second floor in Gandhi Nagar Locality. Since he agreed to take me to Gandhi Nagar, we exchanged introductions. That student was

Sanjay Mathur whose grandfather had once been a District Judge. Sanjay took me to the house of Gupta ji, an officer of Life Insurance Corporation and I rented a one- room flat on the second floor for Rs. 150 per month. At that time the pay scale of a Munsif was Rs. 550 to 1200 per month. This was the pay scale of all gazetted officers of class two, including the Sub-District Magistrate.

At that time I was unmarried. For the first time I felt the need to arrange for household items. In Sagaur I used to stay and eat in a hotel and in Lucknow University I used to stay in a hostel. Here in this

room there was not even a fan. It was a winter day. I did not face much difficulty in making necessary arrangements. My attached staff Suresh did not know how to cook in a pressure cooker. I did not even have gas at that time. Food was cooked on the stove. On the first day when Suresh cooked rice in a pressure cooker, he opened the lid of the cooker as soon as he took it off the stove without raising the steam whistle. Then what happened? The extremely hot rice came out with great force and scattered. His right hand got burnt. I rushed to the kitchen. I gave him relief by pouring cold water on his hand. I feel sorry for the trouble he had to go through. I did not stay in that house for long because Shri Om Prakash Jain, a Civil Judge who was living in a three room house in Mukund Nagar even after his transfer, left with his family in a few months. Actually that house was for the Principal of Seth Mukund Lal Inter College. But Ram Avtar Gupta ji, who was the Principal of the College, had a private residence in Ghaziabad. So it remained vacant. Due to this reason for a long time, judicial officers had been living in it by making arrangements. I too started living there after taking permission from the Principal as soon as that house became vacant in June 1977. Its rent was very low and was given to the college as a donation. Electricity and water expenses were paid separately. In those days (Ghaziabad) government houses for judicial officers were not sufficient. Anyway, this was a new district and I was a junior officer. I spent the remaining three years of my posting in Ghaziabad in this Quarter No. 5 of Mukund Nagar. I remember an incident from Mukund Nagar. One day I was sleeping at night. The bell rang at midnight. I got up and went to open the door and saw my fellow judicial officer B.D.

Bhatnagar with his scooter. I asked him "what happened ?" He said – "A ghost is roaming on the roof of my quarter in Patel Nagar. There is a knocking sound. So I closed my eyes and searched for the keys, locked it, started the scooter and left." I said "B.D.! You too are a coward, my friend." Well that night he slept at my place. The next day when I told this to all my colleagues at lunch time, everyone

laughed a lot. P.K. Sharma jokingly asked the Chief Judicial Magistrate K.N. Singh who was dark-skinned "Judge sahab ! how can a ghost dare to come there when you were around " During my posting in Ghaziabad, I got the experience of deciding different types of cases, especially civil cases. I also got the opportunity to decide Small Cause Cases, regular cases, Rent Control Cases and execute decrees of other cases related to it. Along with being a Munsif, I was also given the powers of settling cases through summary procedure of Small Cause Judge, deciding criminal cases as Judicial Magistrate First Class and the powers of Prescribed Authority in rent-eviction cases. In landlord-tenant cases, most of my decisions were in favour of the landlord. I rarely gave injunctions against the government or public bodies. In a civil dispute, I went to Pilkhuwa and did a spot inspection in front of the parties on their request, but later I never went for spot inspection in any case even on the request of both the parties because by doing so there is a fear that the judge himself becomes a witness to the truth and the aggrieved party can make a false complaint that the judge has made up mind to decide the case in favour of the other party due to various reasons. I did not get much experience of deciding criminal cases here. Only in the month of June, during the civil summer vacation, criminal cases were transferred for deciding, most of which arose from complaints or were under Section 60 of the Uttar Pradesh Excise Act. Due to my inexperience, I remember that a respectable citizen of Delhi, who was probably a veterinarian, had to go to jail. It so happened that he was the brother-in-law of the District Bar Association President Mr. Kochar, against whom a criminal complaint case was going on, in which the accused, who was a veterinarian, had already taken bail. As soon as the accused appeared in the court on the scheduled date, both his sureties gave an application that they wanted to be relieved from suretyship. Therefore, the accused should be taken into custody. I accepted the application. As soon as the accused was taken into custody, he

needed two new sureties. All the lawyers being Kochar sahab's associates, turned against the accused. A clerk mustered the courage to undertake suretyship but the lawyers raised the question of professional conduct and did not let him get bail for that person and he had to go to jail. Later I kept thinking that I should have released such an accused on personal bond and given him some days to bring a surety. That night I could not sleep properly. I kept remembering his face again and again. This was not only an example of inexperience but this incident also made it clear to me that not being able to act even after knowing the right thing is sometimes due to lack of courage.

But my grip on civil cases was not so weak. When I took charge as the first Additional Munsif, there were many cases in which the parties had taken ex-parte stay orders against the Government, Nagar Palika, Vidyut Parishad etc. In these cases, they did not allow the hearing to continue and kept on getting extended the next date on one pretext or the other. While fixing the next date, I did not extend the interim stay order on the ground that, interim order was being misused. This created panic among the lawyers. Most of them stopped taking dates in their cases and started getting ready for hearing and testimony, but some tough lawyers tried to intimidate me by misbehaving in my court. I remember one such case in which Shri Jawahar Singh Chaudhary was the plaintiff's lawyer. As soon as the stay order was cancelled, he threatened me loudly and said- Come on brothers! Now let us file an application in the court of the District Judge to transfer the case from this Court. Injustice is done here, etc. He also appealed against my order but he did not get any relief from anywhere. I will always be grateful and indebted to my senior judges who gave me support and strength to work courageously. In the above case also, the appeal was dismissed by the Court of Shri

S.S. Kulshreshtha (who later became a Judge of the High Court of Allahabad). He was my guru. In the early days of my judicial career, I used to take advice from him during lunch breaks by sharing my

dilemmas with him. During my tenure of three and a half years in Ghaziabad, there was only one inspection by the High Court in which Zonal Administrative Justice H.N. Seth had come. The only small adverse entry in my life was made in Ghaziabad, which was only for the fact that I did not conduct surprise inspections of my office. Before giving the entry, the District Judge asked his steno Mahesh Sharma ask me to mention a date in the statement. I refused to do so and thought it is better to let my mistake come on record. Once I made a mistake in deciding a suit during those days. I decreed a suit for cancellation of a sale deed on the basis of fraud. I did not know that such cases are decreed only as an exception. Father and son were the parties. I believed the evidence of fraud, and when that case was decided, the losing party sent a complaint to the District Judge against me that I decreed a claim after taking two thousand rupees. I was asked for a comment. I could not sleep that night. The complaint was completely false. I clarified the situation in the comment then no action was taken.

Apart from judicial work, I got the opportunity to work as a Sector Magistrate in two general elections when I was posted in Ghaziabad. I learnt a lot while performing my duties. I got to see the lifestyle, language and food by visiting village after village. Being alone, I had the freedom to go home during long holidays. But I used to get bored being alone on Sundays. I would also visit my fellow officers' homes for a short while but the time would not pass. By then, even B.D Bhatnagar was not married. But he would go to his home in Saharanpur on Sundays. My home was far away in Pithoragarh. But in a few days, my elder brother Chandru Dadda left his job in Allahabad and came to Delhi in B.H.E.L. (Bhel). Now, I used to go to Dadda and Bhabhi's place in West Patel Nagar (Delhi) on Sundays. My niece Neenu used to go to school. My nephew Mithu was still young. It did not take much time to reach West Patel Nagar from Ghaziabad. But brother did not stay in Delhi for more than a year. His sister-in-law Tara was married to Captain Arun Upreti from there. Arun was

very humorous by nature. Tara also liked people who were cheerful. They had a Gas Agency in Lucknow. A few days after that marriage, elder brother's office moved to Hyderabad, Andhra Pradesh. Chandru Dadda, Bhabhi and both the children also went there.

I again started feeling bored during the holidays. Just then my younger brother Laxmi, who had done his M.A. from Pithoragarh, got a lecturership in Maharaj Singh Degree College, Saharanpur. Now he would often come to Ghaziabad on Sundays and sometimes I would go to

Saharanpur. Meanwhile father also came to me from Pithoragarh for a month or two but could not stay for long because after retirement he had settled in Pithoragarh. My mother was alone there. On the other hand my elder brother-in-law M.D. Joshi was transferred to Chandpur (Bijnor) and my eldest sister Devaki Didi had come there. Now Chandpur was a place nearer to Saharanpur for me where I could go for short vacations.

I would play with their children Kiran and Munna there. During long vacations I used to go to Pithoragarh only. Once I returned from home to Ghaziabad on Christmas vacation and found that there was a theft in my house. Anyway, there was nothing much to lose in bachelor's home. Sometimes on holidays, we four batch mates P.K. Sharma, B.D. Bhatnagar, J.C. Sharma and I used to go to Delhi to roam around or watch movies. P.K. and B.D. had their own scooters. J.C. and I used to sit behind. For the first time in my life, I saw cabaret dance in a restaurant in Delhi with those people, after that never again.

I did not face any difficulty in the evening on days when the court was open. I used to spend my time in bringing the file home after hearing arguments during the day and writing the judgment by hand. One day, like other days, I was writing the judgment after coming from the court and having tea. Just then Kulshreshtha sahab and J.C. came to my house on a scooter. They were in the habit of writing or getting the judgment written in the morning. J.C. Sharma jokingly tore my

half-written judgment saying that it was time to play and roam in the evening. I got angry and punched J.C. The matter became serious. The three of us came and sat in my drawing room and became silent. I was unable to understand how to resolve the matter. Just then P.K Sharma reached my house on his scooter. When he saw that the matter was serious here, he took me inside and said in his own style- "P. C ! Bring a quarter of Bagpiper. The matter will be resolved immediately." I did not drink, but agreed to P.K's suggestion and brought a quarter of Bagpiper worth fifteen rupees from Navyug Market. P.K ordered glasses and had drinks with J.C, Kulshreshtha sahab and I kept watching. In a short while J.C's mood improved and the four of us happily set out for a walk. I also went to Haridwar once with P.K. There, after bathing at Har Ki Pauri, while combing my hair, I flashed the mirror two-three times in the office of Ganga Management Committee. Then what happened was that two guards came running from there and caught me. Before he could take me to the office and say anything, P.K reached there first. Perhaps he must have introduced himself or me by then, so the guards did not say anything to me and we left from there. From then on I vowed not to make such jokes. I was very fond of listening to the commentary of cricket matches in those days. India-Pakistan cricket match of 1978 that I spent all my two years' savings from my salary to buy a black and white TV. Then my free time started passing comfortably and boredom got eliminated to a great extent. In the evening, the poor children of the locality would come without being asked to watch 'Chitrahaar'. The passion for cricket in those days was so much that I even went to Delhi's Ferozshah Kotla ground to watch the match between West Indies and India. That was when I saw Gavaskar for the first time. Before this, in 1973, I had only seen the England-India match in Kanpur's Green Park. That too by specially going to Kanpur from Lucknow. Those days I was in the final year of L.L-B. In that match, I saw Nawab Pataudi and Farooq Engineer batting.

During my posting in Ghaziabad, my colleague B.D. Bhatnagar had also got married. C.N. Mishra and Yogesh had also got married. Perhaps someone has rightly said - some problem is also necessary to keep life dynamic. I always used to reject every proposal for marriage saying that I do not want to get married in life. When people started making fun of me even on the arrival of a dish washer woman, then I wrote a letter to my father that now I will not oppose his wish. But at the same time I also wrote that I will not go to see any girl. It would have been against my nature to see a girl and say that I will not marry her. I believed that there is no one who does not have faults.

Chapter 9

Beginning of family life

On Sunday June 10, 1979 our ancestral house situated on the eastern side of the picturesque valley of Pithoragarh was bustling with activity since 6 A.M. in the morning. All the relatives had arrived. The only thing missing was my younger sister Uma who had been married a year ago but against the wishes of my father. Whereas Dr. Pathak, whom she married, was such a person that we all together could not have found. Father did not invite him to my wedding. I regretted this then and still regret it. This sister of mine was most dedicated to serving my parents in their old age. My younger brother Laxmi also could not come at the time of my wedding. He had to appear for his IAS examination. My baraat left for Almora from Umakant Niwas by bus at around 11 o'clock. In the wedding party, apart from my father and brother, there were three uncles (Shri Triloki Nath, Shri Mohan Chandra and Shri Keshav Dutt) and cousins Prakash Da, Harish Dadda and Kabi (Kamlesh). Apart from them, there were many relatives from our ancestral village Pantyudi. Shirish Pant was also among them. But I don't remember my maternal uncle Balkrishna Pandey coming to the wedding party.

I had not seen the girl I was getting married to before the marriage. She was Rashmi, the elder daughter of Dr. Laxmi Dutt Tewari of Almora. Most of the baraatis were elderly. The baraat rested for a while in Danya and reached Almora at 5-6 pm. There was no custom of dowry in the hills. After the simple ritual of 'teeka', the baraat left for Tyunra Nanda Devi locality from Wedding Guest Accommodation

at 8:30-9 P.M. I remember that I was wearing a Kurta-Dhoti at that time and had a traditional crown on my head. Some kind of design was made on my face with curd with the help of a matchstick. After exchanging colorful umbrellas, when the baraat reached the door, the Door Worship (Dhulyargha) was done with chanting of mantras. Kanyadan was to take place at night as per Lagna. After the door worship, dinner was being served. During that time, my eyes fell on a very old looking person wearing a closed neck coat sitting on the sofa outside. Everyone was talking to him one by one. Out of curiosity, I asked baraat Arun da (brother-in-law of Bhai Sahib) standing next to me about the introduction of the old man, and I came to know that he is my future father-in-law. He looked exactly like Harendra Nath Chattopadhyay (film actor). His health was not good that day and most of the marriage formalities were being done by his younger brother Kamalakar. It was three o'clock in the morning by the time the marriage ceremony which started at night was solemnized.

The next day vidai took place at 9-10 A.M. like everyone else, my life also took a new turn in that one night. My wife was definitely beautiful. She was more educated than me and more serious too. I was a weak student in studies in my childhood. But as they say, in the case of marriage, a high school failed paanwala is better than an unemployed

B.A. graduate. Perhaps the reason for her marrying me was that I was a Judicial Magistrate. We stayed in Pithoragarh for a few days after marriage. Mohan chacha (uncle) and Valdiya sahab invited us to their house for dinner with great love. After eight-ten days, we came to Ghaziabad via Almora. Everything went well for a few days but after that, as my stature grew in my job outside, my stature kept decreasing inside the house. It is probably rightly said "No one ever gets a perfect world..." but I do not consider myself innocent for whatever happened in my life. It is also not that I have any complaint against my in-laws. In my in-laws' house, apart from my mother-in-

law and father-in-law, there were my wife's two younger sisters Uma and Bindu and my wife's elder brother Dr. Rajendra.

In November 1979 my mother fell ill. She had liver cirrhosis. So I had to take my wife to Pithoragarh, then I kept my parents with me in Ghaziabad. My wife's health was also not good. She was going to become a mother after a few months. Both mother-in-law and daughter-in-law were entangled in their own problems. While on one hand mother was not able to pamper the new daughter-in-law due to her illness, on the other hand the new daughter-in-law was also not able to take care of her due to her first pregnancy. But in this struggle of life, the seed of dislike took the form of a tree and I was left to be crushed between the two stones. But one sentence kept supporting me: An ideal marriage can be between a blind wife and a deaf husband only. So, even after being distressed for a while, I would calm down thinking that I am not the first person to go through whatever is happening. On Saturday, April 12, 1980, my first daughter Surabhi was born in Dr. Siddhu Nursing Home, Ghaziabad. It was a normal delivery. I had already brought Rashmi's sister Uma from Almora to take care of her. After staying in the hospital for a few days, Rashmi came home from the hospital with Surabhi. The naming ceremony was done by Pandit Nand Kishore Joshi who made a birth chart and predicted that this girl is not destined to have brothers. In May 1980, my parents left for Pithoragarh saying that Ghaziabad was extremely hot. My transfer was also due that year. My wife Rashmi packed some of the luggage and I packed some. I realized for the first time how much effort is required to pack the luggage. Then my wife went to her maternal home in Almora with her sister Uma and daughter Surabhi. My transfer orders also came at the same time and now I had to leave for my next place of posting Pilibhit to take charge as Judicial Magistrate First Class. But the general elections delayed it. In these 1980 Lok Sabha elections, I was again assigned duty as Sector

Magistrate. The elections were conducted peacefully. Mrs. Indira Gandhi came back to power by defeating the Janata Party. On 16 June 1980, I was relieved from Ghaziabad.

This posting in Ghaziabad taught me a lot. During this period in the court, I learnt a lot from learned advocates like Shri Om Prakash Mittal, Vijay Pal Singh, Dhanesh Prakash Garg, Bhagwat Prasad, Chaudhary Harpal Singh, Trilok Singh Tyagi, Mahesh Prasad Tyagi, Ravi Dutt Tyagi etc. while hearing and deciding cases and increased my knowledge of the legal field. The Judicial Officers who were left behind in Ghaziabad at the time of my departure included District Judge Shri Singh, Chief Judicial Magistrate K.N. Singh, Additional Sessions Judge Naresh Chandra Jain, Munsifs Ratan Lal, O.P.

Goyal, Sudha Sharma and Lakshmi Shankar Sahu etc. Among the employees, I kept receiving New Year greetings from my suits clerk Asha Ram Sharma for many years after my transfer.

Chapter 10

Second Posting – Pilibhit

The word “Bheet” means wall and “Peelee” means yellow. Pilibhit therefore appears to mean yellow wall, and it is possible that this place got its name from that.

My posting in Pilibhit began on Saturday, June 21, 1980. The District Judge was Mr. P. C. Saxena.

I had come from Ghaziabad by bus. At the bus stand I said to a rickshaw puller, “Take me to a hotel.” He stopped the rickshaw in front of a nearby dhaba (roadside eatery). At first I did not understand why he had stopped there, but within a moment I realized that he understood “hotel” to mean a dhaba. Then I explained to him that I wanted a hotel for staying. He asked the dhaba owner as to whether there was such a hotel. The dhaba owner replied that there was only one such hotel in Pilibhit, and that it was on Railway Road. The rickshaw puller took me there.

After bathing at the hotel, I went straight to the court and took charge of the court of the Judicial Magistrate, First Class. I met the District Judge in his office the same day.

In the evening, the same story that every transferred officer goes through had to be repeated—searching for a house. A colleague of my batch, Mr. J. C. S. Rawat, in this same chain of transfers, was going from Ranikhet to Ghaziabad. In response to my letter asking about what kind of place is Pilibhit, I had received a letter from him in

Ghaziabad. Along with that, he had enclosed another letter written to his father-in-law and asked me to deliver it, with instruction- "When go to Pilibhit, meet him; he will help you".

So in the evening I went to meet his father-in-law, Mr. Nandan Singh Adhikari, who was the Additional Chief Officer in the District Board of Pilibhit, and told him about my problem. He immediately got a suite opened for me in the District Board's Dak Bungalow (rest house). That very night at 9 p.m., I brought my belongings there from the hotel.

Mr. Rawat's help to me continued throughout my entire service career, in different forms.

At that time, my belongings were lying in Ghaziabad, while my family was in Almora. I brought the belongings within a few days, but a lot of damage occurred during transportation. Before bringing my family, it was necessary to arrange a suitable residence. I met the District Magistrate, Mr. Rai Singh. He assured me that whenever a residence gets vacant, he would allot it to me. However, no residence was vacant in the 'B' type officers' colony. After meeting him two or three times, he informed me that one 'D' type residence was vacant and if I was willing to move into it, he could allot it to me.

I was getting my meals packed daily from a hotel at the Dak Bungalow, so I agreed. The District Magistrate then allotted me residence D-43 in Nakta Dana Colony. But now a new problem arose. My District Judge got unhappy that I had agreed to move into a 'D' type residence. I submitted that no other residence was available. To this he said, "You may take a house on rent outside, but do not lower the dignity of a judicial officer."

I postponed taking possession of the allotted residence for a few days. In my understanding, the dignity of a judicial officer is built by honesty and fearless discharge of judicial duties, not by the type of residence. Moreover, in my view, if I lived in a private person's house, it was possible that his cases might later come before my court. After

about fifteen days, I received a notice from the District Magistrate's office stating that if I did not take possession of the allotted residence soon, the allotment would be cancelled and the house would be given to someone else. Taking the risk of the District Judge's displeasure, I took possession of the residence and in August brought my wife and daughter from Almora to Pilibhit.

While staying at my in-laws' house in Almora, during my free time I used to read religious books. When I read about Buddhism, I came to know that Buddhism has three principles:

(1) Everything is impermanent—that is, nothing is permanent; everything is changing every moment. There is no fixed entity in this world; change itself is the truth.

(2) All things are devoid of a soul—the element called soul or living being is not an independent entity; it is merely a combination of mental tendencies.

(3) Nirvana alone is peace. The world is full of suffering; the world arises from desire and craving. Therefore, desire and craving, which are the root causes of suffering, are destroyed through wisdom (knowledge).

Morality (Sheel), meditation (Samadhi), and wisdom (Prajna) are the three jewels of Buddhism, which are the means to attain Nirvana. Today, Buddhism has two main branches:

(1) Hinayana and

(2) Mahayana.

Hinayana is the ancient form of Buddhism and is followed in Sri Lanka, Thailand, and Burma. Mahayana is the developed form of Buddhism and is followed in China, Japan, Korea, and Mongolia. The difference between the two is that in Hinayana, Nirvana is considered truth, eternal, and free from suffering, whereas in Mahayana, Nirvana is considered only truth and eternal, not freedom from suffering.

As for the Eightfold Path, I had studied it during my school days itself: Right View, Right Intention, Right Speech, Right Action, Right Livelihood, Right Effort, Right Mindfulness, and Right Concentration. According to Gautama Buddha, a person who is not free from delusion cannot become pure by not eating fish, by giving up meat, by roaming naked, or by offering sacrifices into fire. Emphasising that calamities arise from delusion (desires) he told that fulfilling the essential needs of life is not a sin.

After returning to Pilibhit from my in-laws' house, I again moved away from religious books and started concentration on law books. My courtroom in Pilibhit was located in the Collectorate. The court of the Chief Judicial Magistrate was also there. The remaining judicial officers held courts in the Civil Court premises. During those days, Mr. Shankar Lal Shami was the Chief Judicial Magistrate. C. M. Dungarakoti was a Munsif. Earlier P. C. Joshi, and later S. K. Gautam and Ratnakar Dixit were Civil Judges. In addition, there were two Additional District Judges, V. S. Agrawal and Siyaram Sagar. Other Munsifs were R. P. Mishra and Mool Chand Shukla. Satyendra Agrawal and Muzaffar Hussain were also posted there.

In Pilibhit, I had jurisdiction only over criminal cases. The Chief Judicial Magistrate had given me jurisdiction over cases related to police stations Madhotanda, Gajraula, and Neuria. Later, on the recommendation of the High Court, the State Government also assigned me the work of taking cognizance of and trying economic offences of the entire district. These included cases under the Prevention of Food Adulteration Act, the Essential Commodities Act, etc. This was an important charge.

In Pilibhit, for the first time, I was provided with a stenographer, and it was no longer necessary to write judgments by hand. I used to dictate most judgments and orders from the dais itself after hearing arguments, and would pronounce the judgment on the same day. The maximum convictions were recorded and punishments were

awarded in food adulteration cases. The law itself was such that once the sample was found adulterated by the Public Analyst or the Central Food Laboratory, the accused hardly escaped punishment.

In most cases related to offences under the Indian Penal Code (IPC), either prosecution witnesses turned hostile or the offences were compounded. Even then, wherever reliable evidence was found, I certainly awarded punishment. In bailable offences, I granted bail on the very day the application was filed. However, in non-bailable cases, I gave the prosecution at least one day's time and heard the matter the next day, meaning thereby that the accused had to remain in jail for at least one day. In cases of life imprisonment or death penalty, almost hundred percent of bail applications were rejected by me as a Magistrate. In any case, in such matters, except for women, children, and the very elderly, a Judicial Magistrate had no authority to grant bail.

During my entire three-year tenure in Pilibhit, in cases triable by the Sessions Court, I granted bail to only one person—Sardar Gurudeep Singh—in an offence under Section 307 (attempt to murder) IPC. This was improper on my part.

Once, a case came before me in which the accused was deaf and dumb. In that case under Section 25 of the Arms Act, I had to frame charge against the accused. He had a lawyer, but while framing charges, the accused must be personally asked whether he pleads guilty or not. I faced great difficulty. He was not literate either. By making drawings with my hands and using gestures, I asked whether an illegal pistol had been recovered from his possession. He held his ears and shook his head from side to side, indicating denial. Only then could evidence in the case begin on a later date.

Around the same time, a theft case came before me for trial which I have not been able to forget even today. It was probably related to the town of Bisalpur. In it, a total of five accused were being tried, out of whom three were shown as having been caught by the police at

the spot. The story was that three women, each holding a child in her arms, came at around 1:30 at night in a jeep to a closed market. The jeep stopped near a jewellery shop. The jeep driver and his male companion bent down to break the lock of the shop's shutter. According to the plan, the women started twisting the ears of the children in their arms, making them cry loudly. Due to the loud crying of the children, the sound of hammering on the shutter was drowned out. At that moment, the patrolling police arrived. When the policemen tried to ask the women about the problem, they became nervous and could no longer twist the children's ears in front of them. As a result, the sound of breaking the shutter became audible. As soon as the police ran toward the spot, the two men fled, but all three women were taken into custody.

I remember that before me, they admitted their involvement in the theft and requested to be released on the sentence of the period already spent in jail, which was perhaps one to one and a half months. I awarded exactly that much punishment. The trial of the remaining accused who were arrested later continued. That case could not be concluded during my tenure.

Another case from my posting in Pilibhit also comes to mind. According to the prosecution story, in that case, as stated in First Information Report, there was an argument between two persons in a wedding procession, and the matter escalated. The accused, who was holding a licensed gun, fired at the person he was quarrelling with and killed him on the spot. The deceased's brother lodged the FIR against the accused, which was registered under Section 302 of the Indian Penal Code (murder). However, after investigation, the police converted the case into one of death caused by negligence and filed a charge-sheet against the accused under Section 304-A IPC, mentioning that during celebratory firing in the wedding procession, the bullet accidentally hit a wedding guest due to negligence.

Cases of murder are tried by the Sessions Court, whereas cases of death caused by negligence were triable by a Magistrate. Therefore, the case was being tried in my court.

When the prosecution evidence began, conducted by the public prosecutor posted in my court, Mr. Sharma, the first witness—the deceased's brother who was the complainant— with tears in his eyes, described the incident as narrated in F.I.R. It did not take long to understand that the police, for extraneous reasons, might have altered the case from one punishable with death to an offence carrying a maximum punishment of two years' imprisonment. The prosecutor then filed an application requesting that the case be treated as that of an offence under Section 302 IPC and be committed to the Sessions Court.

For a moment, even I felt that this would be the proper course. But then I thought that if the case were committed to the Court of Sessions, it was certain that the accused would be acquitted, because the statements recorded by the investigating officer would not match the statements given in court. The same situation existed regarding the other witnesses. I recorded the statements of all the witnesses. One witness gave a statement supporting the prosecution version as projected by the police. Relying on that witness's statement, I awarded the full two years' imprisonment, which was the maximum possible punishment in that case. I could not accept giving such an accused a chance to be completely acquitted.

Naturally, the accused appealed to the Court of Sessions. About six months later, finding some minor contradictions in the prosecution story from the statements of witnesses, the appeal was allowed and the accused was acquitted. Within fifteen days of the acquittal, the accused was murdered by the persons from the defence's side. This fact was told to me by Public Prosecutor. My belief proved correct— that if courts and police do not punish the guilty, people will not keep silent forever. When faith shakes, people may take the law into their own hands.

Even though I could award only the maximum statutory punishment of two years, it helped maintain the faith of the aggrieved party in the court. I do not say that the innocent should not be acquitted, but everywhere giving the benefit of doubt, or continuously allowing the defence to delay proceedings until witnesses turn hostile, cannot be said to be justice. Just as it is our duty to acquit the innocent, it is equally our duty to punish the guilty. A person who knows his limits is wise. That is, in any field, we must recognize our limits.

Whenever the question of recognizing limits arises, I always remember these slogans written on a poster:

Be a critic, but not a fault-finder;

Be detached, but not indifferent;

Be clear, but not arrogant;

Be forgiving, but not cowardly;

Be clever, but not deceitful;

Be economical, but not miserly;

Be loving, but not insane;

Be firm, but not stubborn;

Be a believer, but not hypocritical;

Be self-respecting, but not arrogant;

Be just, but not cruel;

Be humble, but not flattering; Be

enthusiastic, but not hasty; Be

patient, but not lazy.

I also held a mobile court in the market for the first and last time during this posting. The police issued challans on the spot to those making encroachment by placing goods in front of their shops, and I recorded their confessions and passed orders sentencing with monetary fines. Arrangements were also made for depositing the fines immediately, as my staff was present with me. At that time, Dr. Chandrika Rai and Mr. Hari Shankar Shukla were Deputy Superintendents of Police.

During my tenure in Pilibhit, there was only one inspection by the High Court. The Administrative Judge, Justice Amitabh Banerjee, came, but as soon as he received the news of the murder of Justice C. S. P. Singh, he left the inspection midway and returned to Allahabad.

In the meantime, on the second Saturday of August, 8 August 1981, my second daughter was born. Her naming ceremony was done by Pandit Bhudev Lohani. The delivery took place at the Almora District Womens Hospital. During those days, my wife was at her parental home. I was there at that time after taking twenty days of earned leave. Initially, TanuShree was named Tripti. Meanwhile the District Magistrate of Pilibhit allotted me House No. B-14 in the Officers' Colony, and after a few days I shifted there. It was a good bungalow. Apart from space for growing vegetables and flowers, it also had a lawn. It was looked after by my orderlies, Jama Khan and Ram Bharose. Ram Bharose knew farming work. Jama Khan used to take the children out for walks in the evenings. The children were very small then and often suffered from cough, cold, and fever. In Pilibhit, there was a homeopathic doctor, Dr. Ram Avtar Agrawal. I used to take my children to him. He was a gentleman.

Yes, remembering doctors reminds me a incident — once, by mistake, I issued a bailable warrant against one Dr. Agrawal of the District Hospital for appearing as a witness. He had not been appearing for testimony for several dates. My instructions to my staff were clear that no warrant should be issued to anyone without my written order and without the case file. But there were about a thousand cases, and I made a mistake in control. That doctor was also looking after the health of my District Judge. He mentioned this matter to the Judge. As a result, my District Judge asked me for a written explanation. I clarified my position. Dr. Agrawal appeared for testimony. His evidence was recorded. I became more careful in the future. My relations with Dr. Agrawal and all other doctors remained good.

There were many snakes in Pilibhit. They were often seen hanging from trees. They also appeared in the garden of my residence. Once when I returned from court, my wife told me how a cobra had chased a frog in our garden and swallowed it. One morning, a small green snake appeared in the courtyard. I threw bricks at it and killed it.

After some time, Ram Bharose came. When I told him about it, he smiled and said, “Sir, we do not kill this snake. It is called the ‘Pandit snake’. It does not bite.” Hearing this, I felt sad that I had killed an innocent creature. It is said that out of about two hundred species of snakes found in India, only four are so poisonous that they can cause human death. The most poisonous snake is the viper. The cobra is also among these four species. However, it is not necessary that a person dies due to snake venom alone. Often, people also lose their lives due to fear and mental shock after a snake bite.

The most interesting snake incident happened when my colleague Mool Chand Shukla rang my doorbell one night during the rainy season. When I opened the door, I saw him standing with his wife and their four children—Rilly, Willy, Teeny, and Meeny. I was shocked. Mr. Shukla explained that water from the Khakra river had risen up to their toilet and a snake was sitting under their bed and was not leaving. That night, all of them slept at our house.

In the same year, my younger brother Lakshmi was selected in the IAS Allied Services and was allotted the IRS in the Income Tax Department. Around the same time, we got the opportunity to visit Purnagiri Mata temple. I, Lakshmi, my wife Rashmi, and brother in law Rajendra Dadda went there on a holiday. During my posting in Pilibhit, Rashmi’s younger sister (her name was also Uma) was married to Vinod Joshi in Almora. Rashmi’s elder brother, Dr. Rajendra, married Nirmala Pandey from Nainital on the day of Vasant Panchami.

During this posting, I watched more films with Rashmi than I ever had before. The entire credit for this goes to my colleagues R. P. Mishra

and Mool Chand Shukla, who used to plan movie outings. I watched *Umrao Jaan* for the first time there. We used to go together with our families. One evening, when Rashmi was getting ready inside after preparing the children, Surabhi—who must have been about two years old at that time—was running in the courtyard. Suddenly, her foot got caught in her bell-bottom trousers, and she fell hard. Her forehead struck the corner of the cement floor, and a stream of blood started flowing. The movie plan was immediately forgotten. I wrapped a towel around her head and took her to the hospital on our neighbour Karoria ji's scooter. Stitches were given on her head. With God's grace, everything turned out fine.

District Judge P. C. Saxena also used to organize gettogethers for officers. Sometimes, we also went on picnics. One Sunday, all the judicial officers of the district went with their families to see the dam near Madhotanda. We had lunch there. Once we went to Sharda Head and once to Lohia Head. On New Year's Eve, I remember that a contributory dinner was organized at the District Judge's residence. A fire was lit in one corner of the large room. It was jointly decided that everyone would sing one song. My wife sang a ghazal, which everyone liked. The opening lines of that ghazal were:

*"Meri jindagi pe na muskra, Mujhe jindagi ka alam nahi
Jise tere gum se ho wasta, wo khija bahaar se kam nahi."*

(Do not smile at my life, life's miseries mean nothing to me. One who is concerned to your sorrow, that autumn is not inferior to spring for him.)

In the same gathering, when I was also asked to sing, I apologized and requested permission to share a joke instead. The joke I shared was like this:

"One day a man said to his wife, 'My friends tease me by calling me miserly. They say, when you got a job, you didn't give a party; when you got married, you didn't give a feast; even when children were

born in your house, you never opened your wallet. If you say so, I can shut their mouths. I have an idea.'

She asked, 'What's that idea ?'

The husband said, 'One day we will invite everyone for dinner and cook only lentils and rice. You make the sound of a utensil falling in the kitchen. I will ask—what fell? You say—kheer (sweet dish) fell. People will think the kheer is gone, so let us manage with lentils and rice.'

The wife replied, 'If I drop a utensil, it will raise doubts about my being a capable housewife. You do the dropping, and I will do the asking.'

The husband agreed. At the right moment, according to the plan, the wife was sitting with the guests. The sound of a utensil falling was heard. The wife loudly asked, 'What fell?'

The husband replied, 'Madam, it was dal; that itself actually has fallen from my hands.'"

This joke was greatly enjoyed by the families of all the judicial officers. But laughter was written very little in my life. Around the same time, the my wife suggested marriage of her distant cousin sister with my younger brother. Rashmi wrote a letter to my parents, but the matter did not materialize. It ended at the stage of the boy and girl seeing each other. This incident worked like in my wife's mind toward her in-laws, and I had to taste its bitter fruit.

On 30 August 1982, my services in the Judicial Service were confirmed permanently by a notification of the High Court. "30 August" is also the date recorded as my date of birth in official records. I do not know whether it is correct or not. The final year of my posting in Pilibhit had now begun. By then, two new Munsifs, Shyam Sunder and Lakshmi Narayan, had also joined.

During this period in the Officers' Colony, the person with whom I developed the closest friendship was Khazan Singh Ahlawat. He was originally a middle-management officer in the Bank of Baroda but was on deputation to the Uttar Pradesh Government, posted as a Financial Adviser in the Industries Department. He was the same inside as he appeared outside—without any pretence. His daughter Shaily was almost of the same age as my elder daughter Surabhi, about two and a half years old.

One day, Ahlawat spent late hours at night with Civil Judge Mr. S. K. Gautam. After having drinks, when he returned home at around 11:30 p.m., his wife refused to open the door. Ahlawat knew very well that his wife was aware that I do not drink alcohol. So at night he rang my doorbell. I woke up from sleep and asked, "How have you come at such a late hour?" He told me that his wife was not opening the door and said, "Only you can get it opened." I laughed. I went with Ahlawat, rang the bell, and told his wife that Ahlawat was coming from my house. Then she opened the door. I do not know whether Ahlawat still remembers this incident or not.

In Pilibhit district, poetry gatherings were often held. In those days, there were many lovers of literature there. Along with my wife, I attended a poetry gathering in Bisalpur and listened to Brajendra Awasthi, Somnath Thakur, and Ramanath Awasthi. That time, the gathering was probably presided over by my neighbour, SDM Krishna Arya. Among the advocates, Mr. Vidyadhar Pandey and Mr. Ganesh Mohan also wrote good poetry. Vijay Vajpayee's humorous poems were especially enjoyable.

Once—perhaps on 26 January 1982—all the Munsifs attended a function wearing closed-neck coats. Everyone had bought and stitched the cloth together from the same shop. They were all officers on their first posting. After the flag hoisting, the programme began. After some time, it was Vijay Vajpayee's turn to speak. By then, he

had composed a poem. I still remember the first two lines of the verse he recited:

*Is function mai aa gaya, ek anootha charm Charon
Munsif pahne, ek see uniform.*

(In this function a unique charm has appeared,
All four Munsifs are wearing the same uniform.)

One wrong thing I did in Pilibhit was going to Mahendra Nagar (Nepal). One Sunday, I went there for one or two hours with my wife and a fellow judicial officer friend, without taking permission from the High Court. We did not buy anything special there, except some rubber pencils and such items for the children. Once, I also crossed the river from Jhula Ghat to Nepal while in Pithoragarh. I should not have done that without permission of the High Court.

In Pilibhit, on Holi, on the second day after the main Holi, police personnel used to go to the houses of the District Judge, Chief Judicial Magistrate, and Judicial Magistrates to play Holi. That year, the policemen tore the clothes of their officers as well, and mine were also torn affectionately. I have never seen such a Holi of tearing officers' clothes again.

Because Pilibhit was a small place, judicial officers were respectfully invited to all functions. At circuses and similar events, seating arrangements were made for their family members. During my tenure, I received full cooperation from the advocates of Pilibhit, especially Mr. Shailendra Pal Singh, Jamaluddin, Amanullah, and others, as well as from the staff. Clerks Rajesh Saxena, Rakesh Saxena, and stenographer Usman all helped me work successfully.

In the final year of my posting here, my District Judge was Mr. Sushil Kumar. In the first week of June 1983, I had to relinquish charge in Pilibhit. I had already received orders in May for my posting to Ranikhet. Rashmi and I began packing our belongings. Gradually,

household goods kept increasing. I had spoken to Mr. Mishra for a truck. The truck was supposed to arrive at 10 p.m. at night on payment of only the diesel price, but it got stuck somewhere. It arrived at around six or seven in the morning. We could not sleep the entire night waiting for the truck. Loading was done in the morning. In Pilibhit, my fellow officers Mr. Kartar Singh, Mr. S. N. Shukla, Dhaniram Sonkar, and others were left behind.

Chapter 11

Scenic Ranikhet / Picturesque Ranikhet

The name of Ranikhet is possibly recorded in revenue records as village Pali, and Almora was known as Baramandal. Ranikhet is a beautiful tourist place situated at a height of six thousand feet above sea level.

On Tuesday, 9 June 1983, we reached Ranikhet in the afternoon. The same day, after lunch, I took charge as Munsif (Civil Judge Jr. Div.) of Ranikhet. Here I did not face housing difficulties like at my previous stations. My predecessor, Subhash Chandra Agrawal, was a bachelor. We had corresponded before my arrival. Subhash was very largehearted. He wrote to me that one day before I was to arrive, he would leave for Dehradun with his belongings, and he kept his word.

Ranikhet was an outlying court of Almora. There was full staff. There was no shortage of peons, etc. The house in which I stayed belonged to Shri Chandra Datt Pandey. Since Subhash was alone, one or two rooms must have remained closed; therefore, the wooden flooring had decayed and there were scorpions, etc. We killed several scorpions. The house had a fireplace. Above, there was wooden false ceiling to protect from cold.

The distance from the residence to the court was three kilometers. Because it was a small place, I quickly got an LPG cooking gas connection. Before that, cooking was done on a stove.

About a month after our arrival in Ranikhet, on 20 July 1983, my third daughter was born. The delivery took place in the Ranikhet Civil Hospital. It was a normal delivery. The naming ceremony was performed by Pt. Kevalanand. My third daughter was named Noopur. During those days, Bindu, the younger sister of Rashmi, came to support her.

In Ranikhet, there was no other judicial officer with me, but I developed very good relations with inter-departmental officers. I formally visited the Commandant of the Kumaon Regimental Centre, Brigadier S.K. Issar, and he returned the call with his wife. The Assistant Commissioner was Shri Krishna, I.A.S., and later Vrinda Swarup succeeded him. Both of them extended every kind of cooperation during my tenure.

Dr. K.S. Mathur, Superintendent of Ranikhet Civil Hospital, and Shri Chaturvedi, Executive Officer of the Cantonment, were also my good friends.

The number of cases in Ranikhet was very small. Civil cases were only 35, and criminal cases were about 150 in total. This was much less compared to Ghaziabad and Pilibhit. The daily work was usually finished by lunch time. I did not give up my habit of sitting in court punctually at the fixed time of 10:30 a.m. In most cases, advocates Shri Jagdish Chandra Pant, M.P. Singh, and Chandan Singh Rautela appeared. Shri R.N. Waila and Shri Jagdish Singh Bisht also had good practice. Like in Pilibhit, after arguments I dictated orders directly on the typewriter from the dais. My stenographer was Jagdish Kaddal. Later, he cleared a written examination for Munsif but was not finally selected. After my transfer, he sent me New Year greeting cards for many years.

While taking charge at Ranikhet, I had one fear. Very important persons used to visit this station. I did not know how to perform VIP duty, and even today I am weak in performing VIP duty. I was afraid that if any High Court judge came for a visit, he would certainly be displeased with me. This proved true several times in my career.

On the second or third day after I took charge, my the then District Judge from Almora came to Ranikhet for three or four days to dispose of sessions cases. I went to meet him at the session house. In the first meeting itself, he clearly told me that I must take care of the comforts of Hon'ble Judges visiting Ranikhet. He also suggested that I should see how many boxes of apples were to be sent to the High Court. I remained silent and gave no reply.

After leaving for Almora, he went on earned leave, perhaps to Rampur where his family was residing. After some days, I received his inland letter again reminding regarding apples.

First of all, on the basis of that letter, I wrote to Shri Ahad, Principal Private Secretary to the Chief Justice of the Allahabad High Court, asking that if apples were actually required, a confirmed order be given. I also sent the rate list of apple, received from Shri Chauhan, Superintendent of the Government Orchard at Chaubatia.

A written order was received for twenty boxes of 'Delicious' special apples. I withdrew Rs. 1200 from my bank account and deposited the amount with Govt Garden Chaubatia. I also wrote to the High Court about the payment along with the railway receipt and requested them to get the boxes released.

After a few days, a strict letter came from there stating that the apples were sour and rotten, and that the Government Orchard should refund the payment.

I contacted the Orchard Superintendent and informed him of the High Court's protest. He replied that payment for apples already consumed can not be refunded.

Before any further correspondence, meanwhile the previous District Judge was transferred and Shri Brahmakishore took charge as the new District Judge at Almora. In this matter, he gave me strict instructions that I should not correspond directly with the High Court in future.

For a few months I remained silent. Then I informed Shri Ahad, Principal Private Secretary to the Hon'ble Chief Justice, about the Orchard Superintendent's reply. The Hon'ble Chief Justice Shri Satish Chandra was known for his honesty and scholarship. He sent me the value of the apples. The amount was received through Shri Sardar Akhtar, Chief Judicial Magistrate, Almora.

Anyone can become spellbound on seeing the natural beauty of Ranikhet. In winters there was no crowd. Seeing the monkeys and other animals playing in the lap of nature in the nearby forests, I realized that Maharshi Sri Aurobindo was right in saying that we are only a part of the process of evolution. At one point of time there was no creature, slowly more developed creatures like monkeys evolved. Today there are humans too. In this chain of development, one day there may be a superhumans, and we may be looked down like monkeys.

My eldest daughter Surabhi was three years old in 1983. I got her admitted to Canossa Convent School in Lower K.G. Every morning I myself took her to school on foot. The distance from home to school was one kilometer. The first time I left her standing in her class line, she cried a lot. She cried on the second and third day also. From the fourth day onward, there was no such problem.

In the beginning, I used to help her in doing homework myself. Rashmi had a lot of work at home because there were three small children. But in handling children, I find myself lacking patience. Therefore, while helping the innocent child in doing homework, I would sometimes slap her. Because of this, Rashmi asked me to stop helping in the child's homework. The next year, Tanushree (then her

name was Tripti) was also admitted to the same Canossa school. Since her elder sister was with her, she did not cry much while going to school.

At the time of school closing, I used to be in court. So earlier my orderly Naveen used to go to bring them. Later, other class-four employees Narsingh or Deviram used to accompany the children from school. After coming home, the children would often sing “Machhli jal ki rani hai,” “Jingle Bell, Jingle Bell,” etc. Once we went for darshan to the Dronagiri temple. The children kept singing school rhymes the whole journey in the jeep.

At the time of Tanu’s admission, ‘Sister’ of the school first objected that she had not completed three years of age in April. I argued that admissions would close in August, and by then she would turn three. If I bring the same girl in August, you will admit her in the same class. Then what is the harm in admitting her in April? My argument left her without an answer. She smiled and gave admission.

In winters, there used to be two months’ vacation in the children’s school at Ranikhet. Rashmi would take the children to her parents’ home in Almora. I used to bear the cold of December and January all alone in Ranikhet. I used to go to Almora on Sundays.

In January, snowfall occurred in both the years of my posting at Ranikhet. In the first year, there was snowfall on 16 January. I do not remember the date of the second year. After snowfall, the view of Ranikhet became worth seeing. I would remember Narayan Nagar, Askot (Pithoragarh), where my father had been Principal. We brothers and sisters used to play in the snow. We made snowballs and sometimes collected snow to make shapes of animals that melted over many days. Thick nasal discharge flowed like the Ganga and Yamuna. There were holes at the elbows of our sweaters and at the knees of our pants. But none of this stopped us from enjoying the snow.

The environment of Ranikhet repeatedly reminded me of Narayan Nagar, Pithoragarh. In winters, similar frost fell here also. Kafal trees were here too. In summers, Aprilia, May Flower, Zinnia, etc., flowers were again seen. There were oak (banj) and pine forests in the Ranikhet cantonment area. In winters, here and there a tree blooming with Buransh (Rhododendron) flowers could also be seen. Cold winds blew strongly in Ranikhet, but there was sunshine. It was even colder at Chaubatia which was at higher altitude. I used to walk from Mall Road to the court in winter, summer, and rainy season. Shoes wore out quickly on the stony paths. The far off snow-clad mountains from there appeared like a dreamland — everywhere a clean, white, beautiful sheet seemed to have been spread.

Although the number of cases in Ranikhet was small, some memorable incidents connected with them are still alive in my mind.

It was 13 November 1983. As usual, cases were fixed for evidence and witnesses had come. In one case, evidence began. The prosecution officer, Shri Dumka, started the examination-in-chief of the witness. The defense advocate was Pramod Kumar Pandey. The accused was standing in the dock watching the proceedings. On my dictation, the reader, Bhairav Lal Sah, was recording the statement. Only five or six answers could be written when the witness, who was about fifty to sixty years old, held the wooden support of the witness box, tried to take a deep breath, and collapsed there itself in the witness box.

Nothing could be understood. I immediately suspended the recording of the statement. All present there lifted the witness and laid him on the table kept for the lawyers. I returned to my chamber. I asked the Reader to phone a doctor from my chamber. He called Dr. Bangari. He immediately came to the court by jeep. On touching the patient's pulse, he shook his head and went back. The Reader informed me that the witness had died due to heart failure.

For me, this was a strange incident in judicial life. I did not understand what to do. Perhaps I would have lodged a First Information Report

at the police station. But one of the witness's sons, who was perhaps a Junior Engineer, had come along. He began to cry bitterly. I called him and spoke to him. He wanted to take the body home. I did not lodge an FIR. On the file I wrote that while giving evidence the witness became unconscious; therefore, a date be fixed for further evidence in the case. I told the reader to send a peon to call a taxi so that he could take his father's body home.

By the time the taxi arrived, many people had gathered. The local MLA, Shri Jaswant Singh Bisht, also came there to console the deceased's son. Later, on the summons issued for the next date, the police report came that the witness had died. The case proceeded further for remaining proceedings.

One more criminal case comes to my mind. In that case, the accused were a Roadways driver and a conductor. The charge was under Section 354 of the Indian Penal Code, that is, outraging the modesty of a woman.

The prosecution story was that a girl boarded a bus from Almora with a ticket for some destination beyond Ranikhet. While going ahead of Ranikhet, the road got blocked. It was seven in the evening. The male passengers got down from the bus and went to their nearby villages. The girl remained alone. As soon as the driver got down from the bus, the conductor caught hold of the girl's hand and pulled her into his arms. The girl freed her hand and ran away. At night, jumping and stumbling, getting entangled in thorny bushes, she reached a nearby temple where no one lived. In the morning, she went from the temple to her village. Then she reported the incident to the Patwari.

In evidence, the fact that the road was blocked and that the girl was left alone in the bus was confirmed by other witnesses. The remaining evidence was given by the girl herself. The ticket recovered from her was also on record. Perhaps the names of the accused were Lal Singh and Puran Singh. I convicted the conductor and sentenced him to six months' imprisonment. After some time, the appeal of the

accused was also dismissed by the Sessions Court. In those days, Section 354 IPC did not provide for as severe punishment as it is provided thesedays.

A notable civil case decided by me during that period was *Van Panchayat Aulet versus Van Panchayat Bhyadi*. From the evidence and arguments of the advocates, I came to know for the first time how, during the Bicket Settlement and thereafter, the boundaries of hill villages were fixed about 100–150 years ago by Britishers.

I was weak in public speaking. The truth is, even today I do not know how to deliver a speech. In Ranikhet court, on 15th August and 26th January, after hoisting the flag, I had to speak something. I remember that on the Independence Day of the first year of my tenure, I became so nervous that it was difficult even to read the written speech. When I was returning from the Independence Day function, Brigadier Issar's car came from behind. He stopped the car. He was also going towards Mall Road. He made me sit with him.

On the way, I told him my experience of that day. He advised me that on such occasions one should speak only the necessary message and not try to explain personal ideas. When I applied this formula later, I never had to face the embarrassment again. He always encouraged me.

One day, when I told him about my weakness of not being able to properly attend VIPs visiting the place, he said: "Look, Mr. Pant ! People worked here before you, and people will work here even after your departure. Whether you are afraid or not, your time will pass on its own. If any special problem comes, whatever I can do, I will do." These words filled me with so much courage that I no longer got nervous when any guest came. I do not say that the guests were pleased with me, but my tenure passed without harm.

Many times, occasions came when my hospitality was not liked by Hon'ble Judges of the High Court. I clarify here that I never took any help from Brigadier Issar or anyone else.

One such incident was when, during Dussehra, a Judge from Calcutta came. He asked about arrangements for food, and I clearly said: "If your lordship wishes to eat at a hotel, West View Hotel is considered good. If you wish to have food prepared at the Dak Bungalow, I have put my orderly on duty." This answer must have seemed blunt to him, but he made no further expectation from me. He gave money to my orderly, got the items purchased, and had the food prepared.

Something similar happened with one Justice Jha. When the District Judge came to know that Hon'ble Justice Jha had his food in a hotel, he became worried and came to Ranikhet the very next day. But Justice Jha did not complain about me. That was his generosity.

From all these experiences, I can say that if we succeed in making a very important guest aware of the real situation, they do not expect much. We must provide comforts within the means given by the government.

During my tenure in Ranikhet, the Administrative Judge for the hill region was Hon'ble Justice R.M. Sahai. Once he came to Ranikhet for inspection. Fortunately, all his arrangements were personally looked after by the District Judge and the Chief Judicial Magistrate. He did not stay unnecessarily in Ranikhet. He completed the inspection in one day and left. He personally knew me from the time when he was Standing Counsel in Allahabad and I was junior to his colleague Standing Counsel Shri V.D. Singh.

In November 1984, my younger brother Laxmi Narayan was married to Aparna. At that time, he was an Income Tax Officer. The wedding procession went from Moradabad to Lucknow. When we went there, Rashmi expected some warmth and closeness for herself, but she felt she did not receive it in that crowd. For the first time, I found her

struggling with mental imbalance there. That period was very painful for me. From then onward, my blood pressure started showing tendency higher.

My black-and-white television purchased in Ghaziabad remained lying like a unused box in Ranikhet. In those days, because TV towers were not many, it was difficult to catch the network. Our house was also in the shadow of a hill, so it did not receive much signal. But sometimes we went to watch movies in local cinema hall. We watched *Ardh Satya* and *Nikaah* there. Watching a movie with three small children was not easy. The youngest would start crying. For one-third of the movie time, one of us would go outside carrying the baby to calm her. Surabhi would start saying “Let’s go home” within fifteen minutes of the lights going off in the hall. Making them sleep in the lap was the only way to watch the movie.

One day outside the cinema hall, I met my old Intermediate classmate Revati. She introduced me to her husband Shamsher Singh Bisht. In college days, Revati never used to talk to boys. A boy named Hoshiyar Singh in our class liked her, but Revati remained unaware of such things.

During my judicial work in Ranikhet, I also dealt with persons of high stature. In a civil dispute regarding a right of way from the Chilianaula firing Range area, former Uttar Pradesh State Forest Minister Shri Govind Singh Mehra came as a witness on behalf of the civilians. From the Ministry of Defence, Brigadier S.K. Issar himself appeared as a witness. The land was found recorded as A-1 category land belonging to the Ministry of Defence. Therefore, granting passage over it was found to be solely at the discretion of the Army. The civilians did not get relief from my court. Later an appeal went to the High Court. I do not know the later position.

While working as Munsif Magistrate in cases under the Essential Commodities Act, even senior IAS officers came as witnesses in my

court. Shri A.K. Joshi came once. I recorded the evidence of the officers just like that of ordinary witnesses.

Shri Soban Singh Jeena was not only a former minister of Uttar Pradesh but also at that time one of the best advocates of Almora. He was also a good friend of my father. I got the opportunity to hear his arguments in one or two cases. His presentation and way of explaining were very good. Unfortunately, in both cases, the decisions in my court went against his clients. But that depends on the merits of the case, not on the personality of the advocate.

Shri Ajay Bhatt, who later became a minister in Uttaranchal, was then an advocate. Shri Bachi Singh Rawat, who later became a Minister of State in the Government of India, also practiced in my court at that time. I knew him from the days of LL.B. at Lucknow University. We used to meet in an organization called Parvatiya Chhatra Sangh. My LL.B. days' companion Pramod Kumar Pandey also practiced in my court at Ranikhet. In fact, I knew him from Pithoragarh itself when he was in Intermediate Commerce Section and I was in Science.

But my judicial work was never influenced by old acquaintance. Neither did they come to my residence in Ranikhet nor did I go to their houses. We never crossed our respective limits. I give credit for this to these gentlemen themselves.

One of the biggest weaknesses of hill people is alcohol. I saw a terrible example of this in Ranikhet.

In my court, there were many cases under Section 60 of the U.P. Excise Act, relating to liquor found illegally in the possession of the accused. Generally, in such cases the accused would confess, and the court would sentence them to the period already spent in jail or impose only a fine. I also used to do the same. At the end of such judgments and orders, it used to be directed: "The seized liquor be destroyed after the period of appeal."

When I had been in Ranikhet for two or three months, I came to know that the liquor kept in the malkhana (store room) was not destroyed. Instead, staff members used to drink it and show it as destroyed in the register. Therefore, after court work every month, I started getting such liquor bottles broken in my presence.

No class-four employee liked this act of mine. But every month I continued this work. Once, when I was getting the bottles broken, I was shocked to see that a peon brought an empty glass from the canteen and was filling it with liquor flowing down the drain. I felt very sad — the liquor must have been flowing along with all kinds of dirt in the drain. Seeing their love for liquor, from that day onward, I used to leave four or five quarter bottles of English liquor for the employees at the end, saying, “I am now going home; you people destroy these remaining bottles.”

The snow-covered Himalayan mountain range is seen very clearly from Ranikhet, provided there are no clouds. In this beautiful hill town, film shooting also takes place. My family and I saw film shooting for the first time there. The film was *Hukumat*. In the shot we saw, Sadashiv Amrapurkar kidnaps a child and goes away with his companions. From behind, Rati Agnihotri runs crying for some distance. This shot was filmed on the road near the Forest Rest House. The Director was a young man named Sharma. Shammi Kapoor was sitting beside him talking. The hero Dharmendra did not have a shot at that time and was not seen there.

Before the shot started, chairs were placed for us at a point from where the location was visible. But soon the crowd increased so much that the chairs were lost in the crowd and we got squeezed to watch the shooting and then safely returned home. After that, I never had the desire to watch shooting again.

Other interesting things I saw in Ranikhet were the Himalayan Car Rally and the Army's Colour Presentation ceremony. Both were

organized by army officers, and their arrangements were truly well managed.

During my posting in Ranikhet, I got the opportunity to see the cell in Almora District Jail where Pandit Nehru had stayed during the freedom struggle. It happened that I had to go to the jail to grant remand to some accused persons who could not be brought to Ranikhet court due to law and order problems. The jailor showed me the cell where Pandit Nehru had stayed and also showed me the entry in the jail register where his name was recorded. On seeing the register, I found that Pandit Nehru probably used to go out to see his ailing wife at Bhowali Sanatorium. Therefore, entries of his going out and coming back to jail were recorded.

The first legal literacy camp (legal aid camp) of my judicial life was also in Ranikhet. It was held at Chaukhutia. The District Judge, District Magistrate, all judicial officers, and Soban Singh Jeena were present.

Around that time, I received a summons from the Sessions Court at Pilibhit to appear as a witness. During my posting there, I had recorded the statement of a woman under Section 164 Cr.P.C. in connection with a rape case. I had to go to prove that statement, as the woman had probably turned hostile. I went and gave evidence. The advocates asked me only one or two formal questions in cross-examination. This was first time I appeared as a witness in the court.

In bail matters, I had made a principle for myself: if according to the court's order, release from custody required two sureties, then I would release the accused only after the condition was fulfilled. By doing this, the presence of the accused remained ensured, and if needed, the sureties would produce him to save themselves.

But sometimes our principles put us in such difficulty that even after performing our duty, we regret. Such a case came of an accused from Mathura who was charged with teasing a woman in a bus. When he

was brought by the police, under the law then in force it was a bailable offence, so I fixed the condition of bail. Being from another place, he could not arrange two sureties and thus remained in jail. He was in government service. Later he lost his job because of this. In this case, my principle gave him punishment greater than what the bailable offence deserved. I regret this.

Once my father came to Ranikhet for one or two days. Actually, he had gone from Pithoragarh to Ramnagar in the wedding procession of Lalit Pant and came to Ranikhet on return. Lalit Pant was my uncle in village relation, though in age he was my contemporary.

In Ranikhet, when I told my father who all were there, he was surprised to hear the name of Shri Mathuradatt Bhandari. He said, "He was my classmate in Almora." He wished to meet him. I sent him to the Bar Association room. There he also met Shri Bhupal Datt Pandey, a senior advocate who told my father, "Your son is such officer that — there has been none like him before nor will there be in future." Hearing this, my father became very happy. After coming home, he repeated it again and again and praised me. Pandey ji's opinion was his generosity. There was nothing so special in me.

Now my two years in Ranikhet were about to be completed. It was summer season. I had seen cherries picture only on a shoe polish tin. I did not know that cherry plants grew in Ranikhet. I was pleasantly surprised when I found cherries available for sale in the Government Garden. Half a kilo cost thirty rupees. All in my family tasted them. The fruit was very delicious.

On 4 June 1985 at eight in the evening, someone knocked at the door. I opened it and saw a peon from Almora carrying a letter from the Chief Judicial Magistrate, Almora, along with a copy of the notification of the Allahabad High Court containing my promotion orders. I had been posted as Civil Judge (now called Civil Judge Sr. Dn.) at Bareilly.

That day I was very happy. From the next day, my wife and I, with the help of class-four employees, started packing the personal sofa, dining table, etc. The next day I went to Almora to meet the District Judge and C.J.M. After taking permission from them, I handed over charge at Ranikhet the following day.

I spoke to Shri Prem Singh, whom I knew, for arranging a truck on diesel payment basis. I still had to arrange a house in Bareilly. Leaving the children behind, I departed alone for Bareilly.

At the time of my farewell from Ranikhet, the Ranikhet Bar Association gave me farewell lunch at the Ranikhet Club, in which Assistant Commissioner Vrinda Swarup and others were present. After me, Shri R.C. Maulekhi was posted as Munsif at Ranikhet.

Chapter 12

First Promotion – To Bareilly

It is said that where Bareilly stands today, somewhere nearby in ancient times was the Panchal city of King Drupad.

On Friday, 7th of June 1985, in the afternoon, I took charge as Additional Civil Judge at Bareilly. At that time, the designation did not include “Senior Division.” The District Judge then was Shri B. N. Srivastava. Earlier, there used to be a shortage of government residences in Bareilly, but that year houses were vacant. On the very first day, I was allotted Type-4 residence No. J-16 in Circuit House Colony. It was newly built and I was its first occupant. In the neighboring flat was P. K. Chaturvedi, Judicial Magistrate. In the flat below lived my senior colleague Shri R. N. Verma.

After taking charge, I immediately took two or three days’ leave to go to Ranikhet to bring my children. The next two days were second Saturday and Sunday. At Haldwani bus stand, on my way back, someone stole my purse, but since I still had my ticket, there was no major difficulty.

Because the children had been living in the cool climate of Ranikhet, they felt extreme heat on coming to Bareilly. I did not yet have a cooler. Rashmi used to get ice from the market every morning. Therefore, that very year I bought a refrigerator. Ramdulare and Ram Ratan were my orderlies. Both were elderly. I admitted my two elder daughters to St. Jude’s School. Noopur was not even two years old. The responsibility of taking and bringing the children from school by

rickshaw was given to Raghuvir, whom I had allowed to live free of cost in the servant quarters.

Circuit House Colony was about one kilometer from my court. Shri M. H. Khan, Additional Sessions Judge, and I used to walk together to and from court. His younger brother Mashkooor was my batchmate. My court was that of Additional Civil Judge. Therefore, no suits were directly filed before me; only cases transferred by order of the District Judge were heard. Still, there was sufficient work. Besides bank loan recovery cases, there were also cases relating to injunctions, partition of property, and mortgage of property etc. Nowadays, there are tribunals for bank loan recovery.

There were many judicial officers in Bareilly. Therefore, due to new appointments and transfers, seniority of court numbers used to get changed from time to time. So sometimes I presided as First Additional Civil Judge and sometimes as Small Causes Court Judge. As Small Causes Judge, I gained experience in deciding appeals regarding assessment of House Tax levied by the Municipality and also Insolvency cases.

When I was Additional Civil Judge, one day a suit was transferred to my court by the District Judge immediately after it was registered in the court of Civil Judge, for hearing and passing an order on interim injunction. The counsel for the plaintiff was Shri Govind Prasad Verma, who was known for his unruly behavior and for being discourteous in court. As soon as he came, he began arguing boasting his seniority, stating that he had already obtained a stay order from the High Court. According to him, only a formal interim injunction was required in view of changed circumstances.

The facts were that the party he represented was facing sales tax recovery of six lakh rupees. The High Court had stayed it in a writ petition on the condition that one lakh twentyfive thousand rupees be deposited within fifteen days as tax. That condition had not been

fulfilled. Therefore, he filed a suit in the Civil Judge's court seeking a fresh stay order.

I heard his arguments for half an hour and wrote a four-line order refusing the injunction because the suit was barred under Section 18 of the Uttar Pradesh Sales Tax Act. According to section matters relating to sales tax assessment cannot be heard by civil courts, since the Act itself provides for appeals before higher authorities and Tribunals. Shri Verma left the court murmuring angrily.

On another occasion, he became furious after seeing my order. That case was very old. After decree had been passed, execution proceedings had begun long ago. The judgmentdebtor (the losing party), whom Shri Verma represented, had his house attached and sold in auction. The auction amount of forty thousand rupees had already been deposited in court. Only possession of the house was to be given to the auction purchaser after evicting the judgmentdebtor.

Before delivery of possession either a fire had broken out in the record room or had been set deliberately. Therefore, the proceedings that continued from my predecessors' time were regarding reconstruction of the record. Under this excuse, the judgment-debtor remained in possession of the house.

When the file came before me, after hearing the parties, I found that the middle portion of the record, where the auction sale deed was written, was safe and readable. Only the edges of the pages were burnt. Accordingly, I ordered that there was no need to reconstruct the record and that execution proceedings should continue.

On seeing this order, Shri Govind Prasad Verma openly accused me of corruption in court and threatened that he would get disciplinary proceedings initiated against me in the High Court. First, he challenged my order in Revision before the District Judge's court. That day Shri Brahmanand was the In-charge District Judge. The party got no relief there.

A few days later, Shri Verma's junior, Shri Radha Kamal Saraswat, personally served me a copy of writ notice from the Allahabad High Court. I quietly kept it. In that writ petition he had challenged my order. I was personally made a party to it, but I thought, whichever party wins, what does it matter to me? I had passed the order honestly. I do not recollect what happened in that petition.

However, soon luck stopped supporting Govind Prasad Verma. One day, while returning by train from Delhi, he fell ill and before reaching Bareilly, he passed away.

However, I must say here that Shri Verma was certainly a learned man. But his behavior was not good.

Yes, here I recollect that the shooting of the film *Hukumat*, which we had seen in Ranikhet, had by now been released and was running in Prabha Cinema Bareilly. I watched the film with my family. The shot which we had watched for half an hour passed on the screen in just two minutes. That was the difference between "reel" and "real."

It is about November 1985. As usual, I returned home after finishing court work. In the evening, a fellow judicial officer came and told that the District Judge had called all judicial officers to his residence. We went there. District Judge Shri B. N. Srivastava told us that Shri G. K. Gupta, Additional District Judge (a transferred officer), was vacating his residence. For its allotment, a letter had been written to the District Magistrate to allot it to Shri L. M. Dungarakoti, Additional District Judge. There was some obstacle in taking possession. We were told to go to that residence in ADM Colony and remain there until Shri Dungarakoti received possession. All judicial officers except Shri Muzaffar Husain, Munsif, went there.

At that time, the District Magistrate was Shri B. B. Jhaldiyal. When we reached ADM Colony, we saw that Shri Gupta's belongings were being loaded into a truck. Shri Dungarakoti was present there. There we learned that the District Magistrate, against the wishes of the

District Judge, had allotted that residence to a District Agriculture Officer, Shri Dixit. According to the government order, the residences allotted to judicial officers as on 01-01-1981 could not be allotted by the District Magistrate to other officers unless the District Judge surrendered them. The District Magistrate's view was that departmental houses for judicial officers had now been sufficiently built, so this house should be surrendered.

After a short while, inside the garden, we saw that the Agriculture Officer was sitting under a guava tree in the kitchen garden behind the house, waiting to move his belongings inside. It was a very strange sight. I had never seen such behavior among educated people. Since about twenty-five judicial officers were standing in front of the house, when loaded truck with belongings of Shri Gupta left, the Agriculture Officer was unable to take his luggage inside the house.

It was now 10 p.m. The Chief Judicial Magistrate, Om Prakash Mishra, had fever but was standing firm following the District Judge's order. After some time, from the back wall, the Agriculture Officer's belongings began to be thrown into the courtyard. Junior judicial officers began throwing them back over the wall into the rear yard. Soon a truck arrived with some laborers (or perhaps they were goons). I became frightened. Gopal Singh Chandel, Munsif's scooter was there. We fled on the scooter to the nearby police outpost for help. The police came immediately. But after a while, when the situation heated up, it appeared that the police had become indifferent, siding with their superior officer and the District Magistrate, and did nothing.

At 1 a.m., PAC forces surrounded the area. A Deputy Superintendent of Police told us that the District Magistrate was contacting the Home Secretary in Lucknow to seek permission to use force to take possession. I became very frightened. Fortunately, that permission was not granted. At 3 a.m., the police and PAC withdrew. There was

now no danger to Shri Dungarakoti's possession. We all returned to our homes. Sukh Vir Singh, Munsif, and I reached home together around 3:30 or 3:45 a.m.

But the story did not end there. In the morning newspaper, we saw that during the night, a First Information Report had been lodged at the police station by the Agriculture Officer against the judicial officers. I had never seen such a thing in my life. I developed a headache. Anyway, teams from both sides went to the Government and the High Court. On that FIR, not only was a final report submitted, but after a few days the police ordered that the crime number be expunged.

In 1986, my father-in-law, Dr. L. D. Tiwari, passed away. According to his Will, his Rampur Bagh house was to go to my mother-in-law. He had built that house when he was Head of the Department of Chemistry at Bareilly College before 1972. My wife Rashmi was the Executor according to the 'Will'. After my father-in-law's death, I arranged for the rent of that house to be sent in my mother-in-law's name, but I did not obtain probate of the will. In my opinion Rashmi's elder brother might feel hurt on learning about the Will relating the house. And that is what happened. He felt hurt.

It was December 1986. Noopur was studying in pre-nursery at St. Jude's School. One day she had diarrhea. The next day she developed fever. In the morning I went to the doctor and brought medicine. After giving the medicine, I went to court. Around twelve noon, while I was hearing cases, Mahesh—who lived in the servant quarters behind our house, in the quarters of my colleague R. N. Verma—came and said, "Noopur ji's condition has worsened." I sought permission from the advocates to rise from court. I went home by rickshaw, but by then Rashmi had already taken Noopur to the hospital for getting her admitted. Mrs. R. N. Verma had accompanied her.

I went straight to Mission Hospital. By then my daughter had become unconscious. Foam was coming from her mouth. She was having hiccup-like spasms. Doctors were putting her on a drip. I quickly deposited the required fees, filled the forms, and got her admitted. Soon pediatric specialist Dr. Ashok Agrawal arrived. After examining her, he told me that until the child regained consciousness, he could not say anything definite. At that time, Noopur was three years old.

I asked the doctor what had happened. He told me that it was encephalitis (fever due to inflammation in the brain). My wife and I became nervous. Rashmi still held herself together, but I did not understand what would happen now.

In the evening, some of my fellow judicial officers came to the hospital to inquire about the child. I also had to look after my two elder children at night. That day, perhaps the rickshaw puller had brought them directly from school to the hospital. That night we had to leave them at a neighbor's house. The next day, when a private ward was made available, I brought them to the hospital as well.

Dr. Naveen Pandey also helped us greatly in those days. He was distantly related to me and was serving at Mission Hospital.

On the second day, Noopur did not regain consciousness. But the foam from her mouth and the seizures had stopped. For seventy-two hours, there was a fear that she might die or lose her voice, eyesight, or something else. Those seventytwo hours were an extremely severe test of my life. Every moment was difficult to pass.

On the third evening, Noopur opened her eyes. She murmured the word "water." Until then she had been on mannitol and glucose drips. Hearing her voice, we breathed a sigh of relief and our eyes filled with tears.

However, even after three more days, she could not recognize us. On the fifth day, she first recognized Mahesh, her school rickshaw puller.

Very slowly her memory began to return. After fourteen days, she was discharged from the hospital.

A month later, when we sent her back to school, the teacher told us that Noopur forgot her seat. I told the teacher that due to brain fever, the swelling in her brain might not have fully subsided. By God's grace, gradually everything became normal.

Meanwhile, Shri S. R. Bhargava had come to Bareilly as the new District Judge. Shri B. N. Srivastava, after retirement, settled in Banaras, his home district. Shri Bhargava also remained there for about one year. He was elevated as a Judge of the Allahabad High Court.

At that time, among the class three employees in Bareilly, some did not have a good reputation. There were complaints of corruption, and incidents of setting fire to records and documents disappearing from files were often heard. In my staff, Shri Sarvendra Kumar Mishra, my stenographer, was not only skilled but also honest.

Since I mainly dealt with civil cases there, I knew only the advocates of that branch. Shri Umesh Chandra Saxena, Ramji Mal Agrawal, Santosh Kumar, Ramesh Kumar Mehrotra, S. D. Jain, etc., had plenty of work and were learned lawyers. In the second line were Shri Raja Babu Asthana, Shri Vipin Kumar Jain, Shri S. K. Jain, Ashish Agrawal (son of Shri R. K. Agrawal), etc., who were also busy. Vipin Jain mostly represented banks. Shri R. K. Bartaria, who was the government counsel in my court, was a decent and good person. Among the women advocates were Geeta Prasad, Mallika Mary, Shashibala, Maya Bhandari, Sarita Agrawal, and Abha Agrawal.

The discipline which I had seen in other districts on Independence Day and Republic Day was not here. On such occasions, whenever leaders of advocates or employees got a chance to speak, they talked

irresponsibly. They had no respect for others and no inclination to see their own faults.

Among the senior judicial officers at that time were Shri Naseemuddin and Shri V. S. Bajpai (both later became Judges of the High Court). Niranjan Singh, Munsif, lived at some distance from my house. His father died after being hit by a truck near Prabha Cinema. Since our house was nearby, we immediately reached the spot. The sight of his body lying on the road was extremely painful.

In those days, the TV serials *Hum Log* and *Buniyaad* were very popular. But I did not know that the Sunday morning serial *Ramayan* was also popular among Muslims. I realized its popularity when one day Shri Hakim Ali Khan, Additional Chief Judicial Magistrate, came to my house to watch the serial because there was no electricity in his colony. By coincidence, there was no electricity at my house either that day.

By 1988, Shri Harish Chandra Saxena had come as the new District Judge in Bareilly. He brought a new turn in my life. He maintained in his personal diary the birthdays of every judicial officer, their wives, and children, and every year he sent greetings and blessings in a card. He continued this unique practice even after retirement. He also had knowledge of classical music and sang devotional songs very well.

Once he was invited by All India Radio, Rampur, to give a talk and answer legal questions. He called me and asked me to brief him. I prepared answers to each legal problem in a chart and gave it to him. He was impressed. Next time he told the radio authorities that Civil Judge P. C. Pant should be invited. After that, I began to be invited. It was a new and proud experience for me.

Shri Saxena was truly large-hearted. During those days, I began using my pen in literary and legal fields as well. I sent two articles on legal subjects to the local daily *Amar Ujala*. Both were published prominently in the center of the editorial page. This gave me

confidence in my writing. Earlier, my literary articles and poems used to return from editors with “thanks” only.

After that, a literary piece titled “Patrika Khandani,” a humorous article, was selected by Mrs. Mrinal Pande, editor of *Vama* magazine. She wrote to me that my article had been selected and should not be published elsewhere.

Around the same time, I got the opportunity to inaugurate a cricket match for the first time in my life. It was organized by a local club, with teams from nearby districts. I was introduced to both teams before the match and then inaugurated it by hitting the first shot.

Before my tenure in Bareilly was completed, one day I suddenly received transfer orders posting me as Chief Judicial Magistrate in Chamoli. I never used to go to the Allahabad High Court for transfers or postings. Wherever I was posted, I went. But this time the situation was different. The District Judge and other senior officers advised me that since there was no complaint, no report, and no reason against me, I should go to the High Court to stop the midterm transfer. The children’s new school session had already started.

At that time, Hon’ble Justice D. N. Jha was the Acting Chief Justice, residing in Lucknow. Considering the circumstances, I went to Lucknow. I submitted a written representation requesting that I be transferred only after completing my tenure. At first, he told me that no one was ready to go to Chamoli. After thinking for a while, he said, “Alright, do not leave charge; we will cancel the transfer.” I returned satisfied. I informed the District Judge. After a few days, the transfer order was cancelled. Justice Jha remained Chief Justice for only about one month. In 1988, for some reasons, the High Court did not make annual transfers of judicial officers in Uttar Pradesh. Thus, my transfer from Bareilly, which should have happened after three years, did not take place though I was ready to go.

In the fourth year, Surabhi moved from St. Jude's to class 3. I got her admitted to Bishop Conrad School. Since her younger sisters were still studying at St. Jude's School, she had difficulty going alone to the new school. Sometimes she even returned from the school gate with the rickshaw puller. After some days, the situation became normal.

Meanwhile, my youngest sister-in-law Bindu was married in Almora to Shri Anil Sharma of Delhi, originally from Pilibhit. At the time of her first delivery, she came to Bareilly, where her elder daughter Yamini was born in a local hospital. It was a cesarean case. After some days, she returned to Delhi to her husband.

Yes, one incident that happened earlier I almost forgot. I had gone to Pithoragarh in the wedding procession of Dr. Naveen Pandey, who had helped me during Noopur's illness. He married Beena. Both were related to me. While returning after the wedding, I and three or four others were coming back to Bareilly in a Maruti van. Between Lohaghat and Champawat, our van collided with a truck coming from Tanakpur. I was sitting in the front seat. God saved us narrowly. That day death probably passed very close to me. The van was completely damaged. It was about 6 or 7 in the evening. Somehow we got out of the vehicle. After some time, another truck came from behind going towards Tanakpur.

Driver of that truck helped us. The laborers sitting in that truck lifted the damaged van and loaded it onto the truck. We all sat in that same truck and reached Tanakpur at about midnight, around twelve or one o'clock at night. There I woke up my friend Dr. Dinesh Pathak. All of us were given anti-tetanus (T.T.) injections. Everyone had received minor injuries. Necessary first aid and dressing were also done.

From there, somehow arranging transport, we reached Bareilly at about three in the morning. My wife was awake and waiting for me.

By then I had crossed the age of thirty-five years. About twelve years of judicial service had also been completed. Physically, decline had

begun. I had a tendency toward high blood pressure. From here I experimentally started morning walks. I and S. P. Goyal, Munsif, used to go toward the Cantonment area. Company Bagh used to be crowded.

By then, in the neighboring house, Shri D. K. Gupta had come in place of Shri P. K. Chaturvedi. Chaturvedi ji's daughter Shyamlul and Gupta ji's daughters Tina and Manu were good friends of my daughters. In the other block where Munsif Sukhveer Singh lived, Shri D. N. Sinha had come.

Below him lived R. H. Zaidi.

In the colony behind the District Judge's residence lived a lady judicial officer, Ms. Sushila Singh. I attended her marriage, and one year later her divorce was also granted from my court under my signature.

Among new officers, Kalpana Sharma (after marriage Kalpana Mishra) and Saroj Yadav sat with me in my court and got training. From the later batch, Shri Ramesh Chandra Khulbe and N. S. Dhanik also got training from me. During this period, Hon'ble Justice Bawan Das Agrawal, Administrative Judge, also inspected the district civil courts in Bareilly.

In the final year of my posting in Bareilly, a Group 'C' (clerical) examination for class three employees was to be conducted. Shri Harish Chandra Saxena was the District Judge. On the eve of the Sunday when the examination was to be held, at about nine at night, the District Judge called me and D. N. Sinha to his residence. He sent his car and also informed us that we might be late returning home at night.

We knew it must be some confidential work related to the examination, but we did not know what exactly was that. At his residence, he gave us the question papers and told us the name of a printing press. He instructed us to go in his car and get the question

papers printed in our presence and to have the gate of the press locked from inside.

Work started at the press around ten at night. It took two hours just for composing. By the time we corrected mistakes in the first proof, it was one-thirty at night. Then a second proof came, and corrections were made again. At three o'clock the final printing began. Then making bundles, counting them, sealing them — it was eight-thirty in the morning. Neither of us slept even for a moment.

When we reached the District Judge's residence with the question papers at about quarter to nine, he had already left for the civil court. At nine we reached the court. The examination was to begin at ten. Candidates had already started sitting in their seats in rooms and verandahs. We handed over the question papers to the District Judge. He relieved us from invigilation duty, thanked us, and permitted us to go home.

When I reached home, Rashmi told me that in the morning the District Judge himself had come to apologize for our not being able to return home the whole night. This showed both his trust in us and his greatness.

In May 1989, I received transfer orders and was posted to Meerut. This station was not of my choice. I wanted to go to a district near Bareilly. At that time, there was no zonal system.

During those days, there was a lawyers' strike and lockout in the court. In western Uttar Pradesh, lawyers were demanding a High Court bench. I felt sad at this behavior. The work culture was openly declining.

During that strike period, on 1st June, I handed over charge in Bareilly. Many of my senior and junior colleagues remained there — Shri Uddhav Singh, Raizada Sahib, Kamal Chaudhary, etc. Other officers who had been with me during this posting and from whom I parted included Shri Ramsurat, P. C. Agrawal II, Dharmveer Sharma, K. C.

Lamba, A. K. Rastogi (Senior), Ramnath, V. K. Srivastava (Civil Judge), S. B. Singh, P. K. Kansal, R. B. Singh, etc.

At the time of transfer in the subordinate judiciary, there was a custom of “parting call,” where officers leaving the station visited the residences of officers staying back. When we went for a parting call to the residence of Shri Nanak Chand Harit, Additional District Judge, his Alsatian dog bit Surabhi on her arm. The Judge should have kept it tied. Since the Alsatian was a pet dog and had been given antirabies vaccination, Surabhi only needed a tetanus injection. Everything remained fine.

Chapter 13

A Brief Stay in Meerut

In the time of the Mahabharata, the land that was part of the kingdom of Hastinapur is what is today Meerut. In terms of expansion, this city has now left Hastinapur far behind.

On Tuesday, 6 June 1989, I took charge as Civil Judge in Meerut. This posting of mine was short. One reason was that my promotion to the Higher Judicial Service was due. Secondly, out of my approximately eleven-month tenure, at least four months the lawyers in Western Uttar Pradesh were on strike demanding the establishment of a High Court Bench.

As in Bareilly, here too I saw indifference toward work culture. By ignoring the interests of litigants, was the judicial system not losing its own respect? What was more painful was that some of our own brother judicial officers were happy thinking they would not have to work. What kind of thinking is this? I used to wonder how people felt comfortable eating bread earned without work. Anyway, helplessly, most of judicial officers were simply waiting for time to pass.

At that time, Shri R. K. Agrawal was the District Judge of Meerut. Later he also became a Judge of the High Court.

In Meerut, I was allotted a house in 'D Block' of Shastri Nagar. Perhaps it was house number D-176. It was a singlestorey M.I.G. house. Before me, Subhash Chandra Agrawal lived in that house. He was my

batchmate whom I had relieved in Ranikhet. Here too something similar happened — before I took charge, he had vacated the house.

At that time I did not have a scooter. I had to go by rickshaw from Shastri Nagar to Gandhi Ashram and then from Gandhi Ashram to the court. Sometimes one rickshaw would take me directly. In the initial days, in the evenings, I had to go with my wife on social calls to the houses of other judicial officers. So again we had to take rickshaws for going and coming. My back began to ache badly.

I checked my bank account — there were fifteen thousand rupees. Immediately I purchased a scooter — a Bajaj Cub. It was 100 cc power and cost about thirteen and a half thousand rupees including registration. The scooter number was UP-15/3996. It has now been sold, but at that time and in my later postings it was very useful. It consumed little petrol and gave good mileage.

I was not very good at driving a scooter. I had learned during my days of practice in the High Court, using my elder brother's scooter. But much time had passed since then. One day in Meerut, while bringing Rashmi home from the court after a function, I stopped the scooter abruptly due to my inexperience and we fell down.

I got Surabhi, Tanushree, and Noopur admitted in Annie Besant School in Shastri Nagar. All three were in primary classes. Once, while taking them to school, I could not balance the scooter at a small pit on the road and they also fell. By God's grace, no major accident happened.

I worked in the Civil Judge's court for three or four months. Then Shri V. K. Bishnoi was promoted, and the post of Small Causes Judge fell vacant. I took charge of that court. So mainly I worked in this court in Meerut.

I enjoyed deciding difficult small causes cases relating to eviction of tenants by landlords. There were only two insolvency cases. And only

one day a week I decided appeals against municipal tax assessment. These appeals were small, and mostly I dismissed them.

I would ask the appellants, “Do you not want Meerut to become a better city?” They would say yes. Then I would ask that if you are so miserly in paying taxes, how will the municipality make the city beautiful?

The senior civil lawyers of Meerut were highly learned. It was a pleasure to hear their arguments. In 1989, among the senior advocates were Shri Gyanendra Kumar Jain and Chaudhary Narendra Pal Singh. The new generation was also very capable. Sanjay Rajvanshi and others argued well. Bhupinder Goyal and Pankaj Goyal were a father-son duo. Utpal Chatterjee also presented his cases well.

That year, Hon’ble Chief Justice Shri Krishna Chandra Agrawal from the Allahabad High Court also visited Meerut. I was his admirer. In 1973, at only thirty-eight years of age, he had become a Judge of the High Court. In that same year, after completing my LL.B., I had practiced in the High Court for some time. Justice Agrawal was not only learned but also very sharp-minded.

In Shastrinagar, apart from me, there were Mr. S. K. Samadhiya, Additional District Judge; my batchmate Rameshwar Singh; Ramesh Chandra Singh both Civil Judges; and Munsifs Jawahar Singh Parihar, Rajendra Kumar, and Jagannath.

In the mornings, we used to play badminton in the park in front of my residence. It was winter. One day, as usual, we played badminton in the morning. Ramesh played three games with me. At 9:30 a.m., as usual, I left for the court. I met Ramesh again at 4 p.m. when I was leaving the court. He told me that he would be coming shortly. The day passed as usual after returning home.

But early the next morning, the doorbell rang. When I opened the door, Mr. Samadhiya was standing there. He informed me that Ramesh had suffered a heart attack during the night and was in the

hospital. For a moment I could not believe it, because he neither had high blood pressure nor was he over weight. At that time, Ramesh must have been about thirty-eight or thirty-nine years old.

We went to Dr. O. P. Agarwal's nursing home where he had been admitted. His wife told us that in the evening he had complained of a slight pricking pain in his chest. Dr. O. P. Agarwal himself had been at Ramesh's house. He was also his friend. He seated Ramesh in his car to take him for a check-up, but on the way he suffered a heart attack. According to the doctors, the attack was so severe that even a delay of two or three minutes would have made it impossible to save his life.

I remember that Ramesh remained admitted in that nursing home for more than a month. Even after discharge, he had to take two months' leave because he was permitted to resume normal work only after that.

The incident of Ramesh's heart attack frightened me about my own health as well. I got my check-up done by Dr. S. P.

Mittal. Everything was found normal, and I breathed a sigh of relief.

During the days when the advocates were on strike, I used to return home early from the court. In childhood, I had read the *Ramcharitmanas* and the *Gita* two or three times, but I did not understand their meaning. During those days of the lawyers' strike, I read the *Ramcharitmanas* and the *Gita* along with their meanings. It took many days, but now I experienced real joy in reading these texts.

On Sundays in those days, the television serial "Mahabharat" used to be telecast on Doordarshan in the morning. This made it easier to understand it. Now I could see more than just the story in it.

Janardan Kumar Goyal was my friend from my days of practicing law in Allahabad. He had also joined the judicial service. His house was also here, in the Sheeshmahal locality. Whenever Janardan came

home, he would come to meet me. One day he came while the “Mahabharat” serial was being telecast. The picture on my old black-and-white TV was not very clear. He said to me, “What can you see in this?”

In my mind I said that I could see even what was not being shown in it.

Around this time, I began reading books on astrology in my free time. I could understand the basic principles of astrology, and even its mathematical aspect did not seem scientifically wrong to me. However, the predictions based on it did not make sense to me. When I tested them against my own life or the events that had happened to others, sometimes they proved correct and sometimes incorrect.

I was not an astrologer, nor am I one today, but whatever little basic knowledge of astrology I gained, when I applied it in practical life, I found that the constellations positioned in the birth chart indicate only tendencies and inclinations.

Secondly, predictions based on them can be made better only by considering country, time, and circumstances. For example, if Jupiter in Cancer is in the ascendant, the person should be good-looking and tall. But this does not mean that a child born to African parents will be fair-skinned; rather, he should be considered good-looking according to the conditions there.

Similarly, if a person has an exalted Sun in Aries in the house of profession, he should get a job in the army, police, or some department where he has the authority to punish others. But this does not at all mean that he will get such a job even if he does not work hard or does not appear in examinations. I am of the view that it only indicates tendency or inclination. Compared to others, such a person may obtain such a job more easily.

Likewise, if according to planetary movement a student's stars indicate failure in a particular year, it does not necessarily mean that his entire year will be ruined. But it may be said that if he is a meritorious student capable of passing in first division through hard work, that year he may have to be satisfied with a second division.

That is why it is said that through intense effort one can change one's destiny.

I would like to clarify my view with one more example. Suppose someone's horoscope shows a "yoga" indicating acquiring a vehicle in the next six months. This does not mean that he will definitely get a car. If the person is a peon, he may get a bicycle. A clerk may get a scooter, and a big businessman may purchase a new car within those six months. In olden times, under such a yoga, one might have received a horse. By considering country, time, and circumstances and estimating possibilities based on tendencies, this is what I understand. Since I found it difficult to make predictions in astrology, I could not learn much in this field despite being interested in it.

My tenure in Meerut was not very long, so I did not make many friends. Moreover, judicial officers were scattered in different colonies. Vikram Jeet, I. N. Thakral, N. A. Zaidi, and Madan Mohan were in the Circuit House Colony, while Subhash Chandra, Rajesh Chandra, Nirmal Jain, Manju Rani, etc., were towards the D.M. and A.D.M. Colony. Some junior officers—Messrs. V. K. Maheshwari, Kumkum Rani, Vijay Lakshmi, Ashok Agrawal, A. K. Rastogi, and V. S. Rana—lived in the Officers' Hostel. Mr. Krishna Kumar, Mr. Mam Chand, and Gulab Singh Rathore were living in private rented houses. P. K. Goyal lived with his wife, who was an A.D.M.

In Meerut there was a Dr. A. K. Gupta. His clinic was somewhere in the old city. He was a good friend of mine. However, my friendships were always ordinary friendships. I never had an intense, wholehearted friendship with any woman or any man. Yes, in childhood—rather during my secondary schooling days—Satish Pant

was my closest friend in Pithoragarh. Later, after completing B.Tech., he became an engineer in the Electricity Department. Unfortunately, cancer took him in its grip. May God grant peace to his soul.

In April 1990, fifty people of my batch were to go for training at the Uttar Pradesh Judicial Training and Research Institute in Lucknow, known as J.T.R.I. The training was particularly important because we were due for promotion and, as Additional District Judges, we might receive different types of cases for trial. The training lasted about fifteen days.

My children's examinations had finished. My wife expressed her wish to go to Lucknow with the children. At that time, her sister Uma lived there. I had to stay in the Institute hostel. At first, I said no, thinking the house left behind would become unsafe. But seeing her insistence, I did not object. In Meerut, my orderlies Hafeezuddin and Jinendra Jain were with me, but they were not willing to sleep at the house at night.

Anyway, we went to Lucknow on the appointed date. The next day, after leaving the children at my sister-in-law's house in Shakti Nagar, I went to the institute. In those days, our training institute was running in rented buildings in Vineet Khand, Gomti Nagar.

When we batchmates met together in training, we were very happy. Many of us were meeting after a long time, since the training of Munsifs at the Nainital Administrative Academy—for example, Yashwant Singh and Mohammad Azhar Khan. During this training period, J. C. S. Rawat, Yashwant Singh, and I stayed together as roommates according to seniority. Among us, Yashwant Singh was more hardworking in writing and studies, so Rawat Sahib and I used to give him the work of preparing projects, etc.

The Course Director was Mr. V. K. Dixit. Apart from being soft-spoken, Mr. Dixit was extremely courteous and practical. Retired Justice K. N. Goyal delivered lectures on Constitutional topics. There were also

lectures on medicolegal jurisprudence, handwriting experts, etc. Mr. Bhawar Singh, who at that time was the Additional Registrar of the Lucknow Bench of the High Court, spoke on bail.

I remember when my colleague Krishna Kumar asked Mr. K. N. Goyal whether, during lawyers' strikes, a District Judge's instruction not to pass adverse orders in cases was not an attack on judicial independence. Was it not making oneself hostage to those who were not working? Did the High Court also not want officers to avoid confrontation with lawyers? What kind of judicial independence was this? Mr. Goyal could not give a satisfactory answer.

It has been my view that ever since the Advocates Act of 1961 was enacted, the tendency among lawyers to go on strike gradually increased. The reason was the State Bar Council's inability to properly control its members, and in Uttar Pradesh it had become common for them to abstain from work over minor issues, especially in district courts. It was the misfortune of the subordinate judiciary. Seeing justice being sacrificed and litigants returning disappointed day after day, we were unable to do anything.

I would say here that the gap between theoretical knowledge and practical realities should be explained more clearly during training.

In this training batch, I was the Cultural Secretary. At the end of the training, I conducted the cultural programme. After that, there was a dinner. That day, I was introduced personally to Mr. Bhawar Singh for the first time. At that time, I did not know that in the future I would become a trusted officer of Mr. Bhawar Singh in my life.

Perhaps on the evening of April 13, we left for Meerut. My children were with me.

The next morning, when we got down at Meerut railway station, we came to know that our house had been burgled. When we reached Shastri Nagar in two rickshaws loaded with our luggage, we saw that

everything was scattered. The doors and cupboards had been broken open.

My wife's jewellery—including one set from her parental home and one from her in-laws' side, which were kept in the locker of the cupboard both had been stolen. However, the jewellery that she had hidden here and there inside old socks was saved. There was not more than one thousand rupees in cash, but whatever cash was there had been taken. Two silver coins of Lakshmi and Ganesh were also missing. A wristwatch from the time of our marriage, my new transistor radio, new slippers, etc., were all gone. But large items like the scooter and television were not taken by the thieves.

After some time, the police arrived. I wrote and submitted the First Information Report at home itself. That day, again and again, I kept asking my wife—none of my belongings had been obtained through dishonestly earned money; then why did this happen to me? But I should have understood that I myself was at fault due to carelessness and negligence. I had not made adequate security arrangements, nor had I insured the belongings. I had to suffer the consequence of that.

The sorrow of the theft did not trouble me for long, because in the first week of May itself, my promotion orders arrived. I was posted as Second Additional District Judge at Bahraich. Mr. Vikram Jeet, who had gone to Allahabad for some work, brought that official mail with him. I immediately, along with my wife, went to the residence of the District Judge, paid my respects, and sought permission to hand over charge, which was gladly granted.

The next day, I hurriedly delivered the pending reserved judgments, handed over charge, and left for Lucknow by the Nauchandi Express, from where I had to travel by road to Bahraich. Later, for arranging a truck and other expenses for transporting the household goods, I left the necessary money with my munsarim-peshkar (chief clerk) Om Prakash Sharma.

Chapter 14

Second Promotion – Bahraich

The ancient name of Bahraich is said to be *Brahmaich*, and it is considered a place of penance of Lord Brahma.

On Friday, 11 June 1990, in the afternoon, I took charge as Second Additional District Judge at Bahraich. At that time, the District Judge there was Mr. Suresh Chandra Shukla, but on the day I assumed charge, he was on leave. The acting District Judge was Mr. Bindra Prasad, who was the Special Judge. Houses were available there. Immediately after taking charge, I left for Meerut to bring my children and household belongings. Within four or five days, I brought them to Bahraich.

Fortunately, both my promotions—in 1985 and again in 1990—came during the summer, when the children’s academic sessions had already been completed. In Bahraich, I admitted my three children—Surabhi, Tanushree, and Noopur—to the Seventh Day Adventist School. My residence was a ‘B’ type single-storied bungalow at Pani Ki Tanki Chauraha (Water Tank Crossing). Next door lived Mr. Suresh Chandra Dixit, First Additional District Judge. He had many children. There were not many officers in Bahraich. The Civil Judges were Mashkoor Hasan Khan and V. K. Srivastava-III. The Munsifs were Umesh Chandra Sharma, Sanjay, Ramanand, Tej Bahadur Singh, Sahdev Kumar, Viplov Kumar, and Jung Bahadur Singh. The Chief Judicial Magistrate was Mr. Munna Lal, and the Judicial Magistrate was Kanhaiya Lal.

The climate there was quite similar to Pilibhit. Like Pilibhit, the water from the hand pumps contained oiliness. There were also many snakes, just like there. Several times a cobra was seen in the garden. One day I even saw a python. It was moving so slowly that I called the children and Rashmi to show it to them. On another occasion, I saw a long yellow snake moving at a very fast speed. Local people told that this snake strikes with its tail, and whichever part of the body its tail touches begins to rot.

In Bahraich, I used to walk six kilometers every morning— three kilometers toward Colonelganj and three kilometers back. An Agarwal gentleman who owned a gun house used to meet me daily. He would jog the entire distance. One morning I saw a dead animal lying by the roadside. The next morning, at that same spot, I saw several kites and vultures lying dead along with the animal's bones. Perhaps the animal had been poisoned.

On the route where I walked, there were many peacocks; one day I even saw a peacock dancing. I was spellbound by the sight. Once, two peacocks also came and sat on the wall of our residence early in the morning. At the end of summer in Bahraich, the mahua trees would become fragrant. Their scent was truly intoxicating—somewhat similar to the fragrance of basmati rice.

The study of the *Ramcharitmanas* and the *Gita* with meanings, which I had earlier done once in Meerut, I repeated here. This time I enjoyed it even more. I began noting in my diary the verses and couplets from these texts that I liked.

The *Gita* is an ocean of knowledge. Perhaps nowhere else is the essence of truth expressed so deeply. Almost all its verses are already well known. However, one verse from the eighteenth chapter that greatly appealed to me as guidance in life is as follows:

*“Sahajam karma kaunteya sadosham api na tyajet;
Sarvarambha hi doshena dhumena agnir iva avritah.”*

(Meaning: O Arjuna, one should not abandon one's natural duty even if it has faults, because all actions are covered by some defect, just as fire is covered by smoke. In other words, once it has become your duty to fight this war, you should not withdraw thinking about its imperfections.)

Similarly, on reading again, the *Ramcharitmanas* appeared to me as an ocean of devotion. A small person like me saying anything about such a great text has little significance. In the Ayodhya Kand of the *Ramcharitmanas*, I especially like these lines:

“Sapne hoi bhikhari nripu, ranku nak pati hoi;
Jage labh na hani kachu, timi prapanch jiya joi.”

(Meaning: Just as in a dream a king may become a beggar, or a poor man may see himself as Indra, the lord of heaven, yet on waking there is neither gain nor loss; in the same way, one should understand this illusory world.)

This episode occurs in the Ayodhya Kand in the dialogue between Lakshman and Nishad Raj Guha. When they had left Ayodhya and on the second night were seated in the forest guarding Shri Ram and Sita, Nishad Raj criticizes Kaikeyi. At that time, Lakshman, filled with detachment, gently explains that in this illusory world all beings are bound by action and time. Therefore, this moment too should be seen as a dream of the dark night of time, which will end automatically when this world of illusion is left behind, and the soul will move on without gain or loss. In that context, the above couplet appears.

During this posting at Bahraich, I also read the Bible and the Quran. The English of the Bible is Elizabethan English, so it was not very easy to understand. However, I clearly understood that according to the Bible, God is extremely merciful. We too should be compassionate toward His children (that is, all living beings). The message of

compassion in the Bible seemed to me more beautiful than anywhere else.

The version of the Quran that I read was published by Maktaba Al-Hasanat, Rampur. On each page, one column contained the verses in Arabic, and the other two columns gave the meanings in English and Hindi. Therefore, it was not very difficult to understand. I was surprised to find that in several verses of the Quran, the idea of rebirth is indirectly supported. For example, in Surah Yunus, verse 34, it is written: "Allah originates creation; then He will repeat it." Similar statements are found in Surah Al-Ankabut, verse 19, and Surah Ar-Rum, verse 11.

Another misconception held by some Hindus is that the Quran only speaks about killing non-believers. I read in it clear instructions not to insult the objects of worship of others. For example, in Surah Al-An'am, verses 108 and 109, it is said in essence that if Allah had willed, they would not have associated partners with Him; and you are not appointed as their guardian or disposer of affairs. It further instructs that you should not abuse those whom they invoke besides Allah, lest they, out of ignorance, abuse Allah in return.

District Judge Mr. Suresh Chandra Shukla was very affectionate toward all his judicial officers. Separate groups among officers did not form during his time, even though the country was disturbed due to the implementation of the Mandal Commission recommendations, and young people were committing self-immolation daily. There was intense polarization in society.

Bahraich was a small place. People often invited me to be the chief guest at school functions, etc. The District Judge would gladly grant permission. Once, I was invited to preside over an All-India Kavi Sammelan (poets' conference). It was Saturday, 12 October 1991. The chief guest was Mr. Mayankar Singh, a State Minister. The event was held in the Lakshman Kila locality.

I respect punctuality very much, so I have the habit of reaching on time wherever I am invited. The conference was scheduled to begin at 9:30 p.m., but when I reached on time, only one or two local poets had arrived. They were sitting separately in a room. The poets coming from outside arrived leisurely. Some had consumed alcohol; some were drinking in that very room. I did not like this at all.

Around 11:30 p.m., the programme began on the stage. The Minister must have been accustomed to such events; he arrived at midnight. Well-known poets such as Brajendra Awasthi, Saand Banarasi, and Soond Faizabadi were present. A humor poet, Mr. Chaubey from Jabalpur, was also very good. Once the conference began, we heard excellent compositions. The programme ended at about 3:45 a.m., and I returned home.

The next day, I also composed a humorous poem, roughly as follows:

*Sammelan mai aa gaye bade bade Kavi sant
Sanchalak ji kya kiya, bula liya kyon Pant
Bula liya kyon Pant, sunaye ab kya agla
Pol khul gayee, bhagat bana baitha tha bagula
Kaan pakad le Pant na karna kabhi sadarat
Langoti yadi rakhna chahe sahi salaamat.*

(Big poets and saints invited to the conference; What did you do Organizer —why did you invite Pant? Why invited Pant—what will he recite now?

The truth is exposed; the devotee was only pretending like a crane.

Pant, hold your ears—never preside again,
If you wish to keep your loincloth intact.)

Apart from this, we also organized cultural programmes at the court. On New Year's Eve, my colleague Mashkoor Hasan Khan sang the devotional song "Kaisi Lagi Lagan, Meera Ho Gayi Magan," which sounded very good. Once my daughters—Surabhi, Tanushree, and

Noopur— performed a group dance on a Kumaoni song, which was highly appreciated by the audience.

A few days later, on Republic Day, a cricket match was held between the Bench and the Bar. In that match, I scored four runs. That too was a memorable day for me, because although I had watched many matches, I had rarely had the opportunity to play. Playing during College days was different story.

Judicial work in Bahraich also gave me much to learn. As Motor Accident Claims Tribunal, deciding compensation claims for the dependents of deceased persons was a new experience. The trial procedure was almost like that of an ordinary suit. Sometimes such cases were disposed of in Lok Adalats through compromise. However, I was inwardly opposed to the way other types of cases were handled in Lok Adalats at that time, because most of them were cases that we would have disposed of in the regular court without delay anyway. Similarly, recording confessions in minor cases and imposing fines in Lok Adalats seemed to me merely a formality.

As Second Additional District Judge, I had exclusive jurisdiction under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to try cases of offences committed against members of these weaker sections. In most cases, I found that the accused were often from Other Backward Classes. In any case, most of these types of offences were already punishable under the Indian Penal Code with lesser punishment.

One case of this category deeply shocked me. An art teacher in a school detained an eighth-class Scheduled Caste student in the evening, saying he would give him brushes and colors free of cost. After all other students had left, he committed an unnatural sexual act with the child inside the classroom. When the bail application of that accused teacher came before me, I rejected it in strong words. Even the High Court granted him bail only after a long time.

There was another matter in which I felt deep judicial satisfaction. About twenty years earlier, the then Additional Sessions Judge of Bahraich had convicted certain accused in a murder case and sentenced them with life imprisonment. Appeals filed in the High Court and later the Supreme Court had already been dismissed . However, even after the record returned, the convicted persons had been roaming free for five years. During the appeal they had been on bail, and the record reflected that they were not traceable. During office inspection I found record of the file filled with dust in the staff room, listed the decided case and ordered fresh arrest warrants to be issued to make convicts serve out the sentence, not only at the addresses mentioned in the charge-sheet but also summoned the informant to court and directed him to provide the current addresses of the accused. Notices were issued separately to the sureties and warrants for recovery of bail amounts were sent. Within a few days, the orders produced results. The informant provided the new addresses, and I was able to send all the convicted persons to jail to make them serve out sentence of life imprisonment.

My experience in sessions trials was that defence lawyers often sought adjournments on one pretext or other till witnesses turned hostile. Fairness was seen only on the part of very few criminal lawyers. Irrespective of the difficulty, I succeeded in convicting and sentencing accused persons in some murder cases. However, the percentage could not be called satisfactory.

In Bahraich, I sold my old black-and-white TV and bought a new color TV. At that time, I received arrears of the revised pay scale of Selection Grade of the period of Civil Judge. Around the same period, in Delhi, my sister-in-law Bindu's second daughter, Kamini, was born. I went there with Rashmi.

While returning, I drank water from the pantry car in the train, because of which I got typhoid. I could not go to court for a few days. Since Bahraich was not on the main railway line, fewer guests used

to come there. Only Rashmi's sister Uma who lived in Lucknow, used to come occasionally with her son Neetu. To overcome her boredom, my wife hired a music teacher, Mr. Dharma Dhvaj Srivastava. He also taught me Tabla for a few days. We bought a harmonium and Tabla during this posting. I practiced the beats of Dadra, Keherwa, and Teen Taal for a few days and then stopped. I wanted shortcut success. That was not possible in music. I also analyzed my voice and found that it was not suitable for singing because my oxygen intake in breathing was not good. Compared to good singers, I breathe quickly. It is said that the shorter and more frequent the breathing of a living being, the shorter is his lifespan. A tortoise can hold its breath for a long time, therefore it lives a very long life. Perhaps that is why sages practice and teach pranayama.

Whenever the topic of spirituality comes up, I do not understand whether I should call myself a believer or a nonbeliever. My parents believed in worship and rituals. I remember that every Ekadashi my father used to keep a fast. On every full moon day there was a Satyanarayan Katha. On the other hand, I do not perform rituals, but I do believe in an invisible, infinite power. Whenever I had to go to Almora with my wife, I would read in my free time the old books of Vivekananda literature that my late father-in-law, Dr. Tiwari, had kept. Just as my father was a lifetime subscriber to the magazine "Kalyan" published by Gita Press, Gorakhpur, in the same way my father-in-law had subscribed "Prabuddha Bharata" published from Mayavati Ashram, Lohaghat. I liked some issues of the magazine but later the Articles seemed repetitive. However, I liked one book kept there —a selected collection of the writings and speeches of Swami Vivekananda. The book was in English. Its title was "Selections from Swami Vivekananda." I enjoyed reading it very much. I copied quotations from Vivekananda's thoughts into a notebook. Later, wherever I was posted, I read them again and again. I used to think that if I ever got an opportunity to speak publicly, I would share those ideas with others.

Such an opportunity came to me in Bahraich. That day it was Tulsidas Jayanti. It was probably at M.S. Inter College, where the District Judge was to preside over the function in the evening. I was also invited. I thought I would go along with the District Judge, so I first went to his house. I was told he would not be able to attend. He said to me, “You go.” I reached the college on my scooter. Since some advocates were also among the audience, they recognized me at the gate itself. The Principal, Mr. Singh, asked me to be the chief guest. The function was presided by a local Swami who was also a poet and musician.

When it was my turn to speak, I spoke briefly about Tulsidas and then, through the path of the Ramayana, came to the thoughts of Swami Vivekananda. I said that Swamiji had written at one place: “He who sees Ram only in Ram has not seen Ram. He who sees Ram in Ram and also sees Ram in Ravana—only he has seen Ram.” The entire hall resounded with applause. Everyone liked this thought of Swami Vivekananda.

During this posting, I wrote three articles on legal subjects, two in English and one in Hindi. For the first time, one of them titled “Article 226 – Limitations” was published in the Uttar Pradesh Judicial Service newsletter. The second, “Cross Criminal Trials,” and the third, “Our Fundamental Duties,” were also published later.

Shravasti is now a separate district, but when I was in Bahraich it was part of Bahraich district. During the 1991 Lok Sabha elections, I performed duties of Observer throughout the district. During this duty I also saw Shravasti, where there are large Chinese, Japanese, and Thai temples of Lord Buddha. Local people also showed me the place where Buddha is said to have met Angulimala. I was there with my family. We ate food at a hotel run by the Tourism Department. After inspecting the election arrangements, I returned in the evening with my children.

On the way, there was a place about which it was told that Sita had given birth to Luv and Kush there. Even now, there are forests in

Shravasti and nearby areas, and the remains from the time of Buddha found in excavations can be seen.

The work of election observer was a new experience for me. At night, complaints from workers of political parties could come on the phone at any time, which I would investigate the next day. A judicial officer is not accustomed to talking on the phone with outside persons, so I felt quite uncomfortable.

Along with me, a senior IAS officer from Mumbai, Mr. Khan, was also an election observer. In conversation with him, I was surprised to learn that his knowledge of the Vedas was far better than mine. He told me about the origin of the word “Om,” that in the whole universe the creation itself is said to have begun with the sound of “Om.” He also explained that when creation was in its subtle form like a very small sphere, it exploded and its particles spread in space, and the sound produced in that explosion was “Om.” I had also read in the scriptures that when creation ends, the entire universe merges into its subtle form again. But the knowledge of this Muslim officer attracted me towards him. We remained good friends for a fortnight. After that he went back to Mumbai.

Speaking of the Vedas, I remember that in Bahraich, after finishing my court work and returning home, for several days I read parts of the Yajurveda, especially the Isha Upanishad and the Mundaka Upanishad. The first verse of the Isha Upanishad seemed to me most full of knowledge and it is also very popular:

“Isha vasyam idam sarvam yat kincha jagatyam jagat. Tena tyaktena bhunjitha, ma gridhah kasyasvid dhanam.”

Meaning: Whatever moving or unmoving world exists in the entire universe is pervaded by God. Keeping this in mind, enjoy it with renunciation. Do not be attached to it. For whom does this wealth belong? (It belongs to no one.)

In courts, “Satyameva Jayate” is written. I found the source of this motto in the following verse of the Mundaka Upanishad:

“Satyameva jayate nanritam, satyena pantha vitato devayanah.
Yena kramanty rishayo hyaptakama yatra tat satyasya paramam
nidhanam.”

That is, truth alone triumphs, not falsehood, because the path called Devayana is filled with truth, by which the sages whose desires are fulfilled proceed to that supreme abode of the Supreme Truth.

Mr. Harish Chandra Saxena, who was District Judge in Bareilly, had retired after his final posting in Lucknow. He had settled in Allahabad. The Law Book Company wanted to engage him for revision work of law books. He gave the company my name and address and told them that I was suitable for this work. The Law Book Company wrote to me for this assignment. It was a new experience for me. (Later, when I was posted in Allahabad, I was able to do this work.)

Justice S.N. Sahay was at that time the Administrative Judge of the Faizabad Zone. He came to Bahraich for a Hindi Day function. I had to conduct the program. I conducted it to the best of my ability. He liked it very much. The next day he asked me, “Why don’t you come to the Secretariat?” I said, “If I get the opportunity, I would certainly like to go.” Later I sought the advice of my District Judge. He said it would be proper to complete two or three more years of experience as an Additional District Judge before going there. That advice seemed beneficial to me.

There was no difficulty in Bahraich. Mr. Raghuvir Sharan Srivastava was the President of the District Bar Association. Pandit Janaki Prasad Mishra was the senior-most member of the Bar. It was pleasure to work with such people. The people were simple. Mohammad Azam Khan, Advocate of Bahraich, was at that time a member of the Bharatiya Janata Party even during Advani’s Rath Yatra period. I felt surprised seeing that. Two advocates, Mr. Vinay Kumar Singh and

Hanuman Prasad Srivastava, had been my classmates in LL.B. at Lucknow University. Mr. Ramji Balram Shukla and Mr. Satyadev Tripathi and other members of the Bar all showed respect. The staff also cooperated well. Mr. Jeevan Lal Sharma, Senior Administrative Officer, sent me New Year greetings for many years even after my transfer. The orderlies Nakched Shukla and Rampalton also served me honestly. Outside the judicial circle, my friend Mr. D.D. Joshi passed away during my posting there. During those days, Dr. S.C. Nigam, Dr. N.N. Srivastava, and Dr. N.B. Pant (of the District Hospital), took care of my health, which I still remember.

I had completed only two years in Bahraich. It was the beginning of April. Everything was going well. Then Mr. Munnalal, the Chief Judicial Magistrate, who had gone to Allahabad for some work, brought a message from the Registrar of the High Court, Mr. Bhawani Singh, that I should contact him. I sought advice from my District Judge. He told me that he himself was going to Allahabad and would take me along.

After three or four days we went to Allahabad. We stayed at Hotel “Vilas” in Civil Lines. The next day we went to the High Court. The Registrar asked me confidentially- “Would you like to come to the Registry as Joint Registrar?” I replied by saying that if accommodation was provided and if I was called at this time, when my children’s examinations were over, I would be happy. He then asked me to wait till 4 p.m. so that he could introduce me to the Hon’ble Chief Justice.

I waited. Justice Manoj Kumar Mukherjee was the Chief Justice. He asked me two or three formal questions. I answered appropriately. After coming out, Registrar Mr. Bhawani Singh told me that soon I would receive orders for my new posting. I worked under officers like Mr. Bhawani Singh, Mr. S.S. Kulshreshtha, and Mr. Harish Chandra Saxena, who showed me a new path in my life.

After returning to Bahraich, within about ten to twelve days I received orders regarding my posting as Joint Registrar in the Allahabad High Court. After fifteen years of exclusively doing judicial work in courts, I was now set to go to the next station to perform administrative work. I, along with orderlies Nakched Shukla and Rampalton, began helping Rashmi in packing.

Chapter 15

Long posting in Prayagraj

The literal meaning of “Prayag” is “confluence.” When the Alaknanda River, flowing from the Himalayas via Badrinath, meets the Pindar River, that place is called Karnaprayag. Then when the Alaknanda meets the Mandakini, it is called Rudraprayag. Further ahead, where the Alaknanda embraces the Bhagirathi, that place is called Devprayag. There both rivers give up their separate names, and after the merging of Alaknanda and Bhagirathi, the river is called Ganga. Finally, when the Ganga meets the Yamuna River, which also originates from the Himalayas, that holy place is called Prayagraj, that is, Allahabad. The word ‘Allahabad’ means ‘a revered (holy) city.’

It was Wednesday, 22 April 1992. In the afternoon, I took charge as Joint Registrar in the High Court at Allahabad from Mr. R.P. Yadav; he was relieved. This posting was entirely new for me. My work here was not to decide cases. It was work for which I had neither previous experience nor training. I had to learn and do everything.

The Registrar General, Mr. Bhawani Singh, kept me sitting in his own chamber for a few days. I only watched the files coming and going. I was learning how to make notes on them and how to obtain approval and orders from the High Court judges and the Chief Justice. During that period I was staying in a Guest House. After about ten to fifteen days, when House No. 464 in the C.M.O. Compound on Park Road became vacant, I went to Bahraich to bring the children.

On way to Allahabad, we stopped at Ayodhya and visited the Ram Janmabhoomi site. At that time, the Babri Masjid structure was still standing there, but inside it the idol of Ram Lalla was there and devotional songs were going on. We had no idea that six or seven months there after, on 6 December, the mosque structure would be demolished.

After reaching Allahabad, I again got busy with my work. I got all three children admitted to Girls' High School. There was considerable difficulty. On the request of Mr. Girish Verma (then Joint Registrar, Protocol), the Principal, Mrs. Ravis, agreed to take an admission test for the children. At that time, Surabhi took admission in Class 7, Tanushree in Class 6, and Noopur in Class 4.

After working in the High Court, it would get late by the time I returned home, but there were also facilities. Daily wage workers were available both at home and at the office to assist in work. Among those who served me were daily wage workers Amar Nath Kushwaha, Shyam Lal, and Shri Ram. Shyam Lal could not hear properly and did work according to his own understanding, whatever instructions we gave. If he was scolded, he would give such an answer that one would burst into laughter, because he could not hear properly and would reply by guessing.

Once he brought back my slippers after getting them stitched. The work was very minor, but he had paid more money. I only asked Shyam Lal, "You paid so much money for this small work?" He replied, "The cobbler was not ready to stitch it. I insisted a lot, only then he agreed." Hearing this reply, I was speechless.

Similarly, one day my wife sent him to Colonelganj to buy half a kilogram of curd. He brought it for sixteen rupees. The previous day another person had brought half a kilogram from the same place for fourteen rupees. Rashmi only asked Shyam Lal, "Did the rate increase in just one day?" He replied, "Curd is made from milk." My wife had

no answer to that. But I certainly know that Shyam Lal was not dishonest. His intelligence was just limited.

The peon who was assigned to assist me in the office was named Sitaram.

In the High Court, at the beginning I was given work related to the library and writing comments in contempt of court matters referred from subordinate courts.

At the end of 1992, on the directions of the Supreme Court, the State Government received a sum of one crore sixty-six lakh rupees to provide law books worth ten thousand rupees for each judicial officers' residence throughout the state. A committee of High Court judges selected the books. The government order itself made it mandatory to supply the A.I.R. Manual and Local Acts. Tenders were invited, and whichever offer was found lowest for most of the books was given the order for supply. This made several local publishers unhappy, but all the books were properly supplied. I felt satisfied.

While monitoring the progress of the book supply, I became acquainted with Mr. Arjun Lal Dawra. During this work I also came into contact with Mr. Manohar Lal Arora of Central Law Agency and others. By then, the publication of books revised by me had already begun at L.R. Bagga's Law Book Company, which had been in contact with me since my Bahraich days. For this work, I had taken proper permission from the High Court. Since I had an interest in writing law books, I wanted to separate myself from library work so that no allegation could be made against me. Therefore, within a year, Registrar Mr. Bhawani Singh engaged me with him to look after the Confidential and Vigilance Sections, and my senior colleague Mr. Jagat Prakash, Additional Registrar, was given charge of the library.

The story of struggle of Mr. Arjun Lal Dawra attracted me toward him. At the time of India's independence, his father had come from Pakistan and worked there as a clerk to a lawyer. During Hindu-

Muslim riots, who fled to India with his nine children. Since one of his relatives lived in Allahabad, he came here. Arjun Lal was the eldest son. The responsibility of the family fell upon him. He took a job as a salesman at Wadhwa & Co. at Rs. 180 per month. The Wadhwas were his relatives, so he got the job. But the small income could not support such a big family. So after six years he left the job.

Because he had worked in a bookshop and had contact with law book sellers, after leaving the job he would leave home every morning, borrow one or two books from different shops and sit in the court premises. Whatever number of books were sold, he would deduct his commission and pay the shopkeepers. The books that did not sell were returned. In this way his income gradually increased, and one day he opened his own bookshop, Modern Law House. Later publication work also started under the name Modern Law Publications, and all his brothers and sisters were settled.

Today he, along with his younger son, publishes multivolume books of established authors. Even today, when any unemployed person comes to me seeking a job, I narrate Dawra Sahib's story and encourage him to stand on his own feet.

As soon as I was given Confidential and Vigilance work, many judicial officers began giving me more importance than necessary. Senior officers posted in different districts also started behaving as if I were senior to them. I felt very awkward. I tried to remain humble. But my work was such that I could not play with the trust of the Chief Justice and the Registrar.

On every complaint of corruption, after taking orders from the concerned High Court judge, I would ask the District Judge to conduct a preliminary inquiry. In most cases, the District Judges did not find the concerned officers at fault. But where a positive report came, with the approval of the Chief Justice through the Registrar, I would place the matter before the Administrative Committee. Many officers faced departmental inquiries. Several were suspended during this

period. Copies of suspension orders had to be sent confidentially for service upon our own brother judicial officers. Whether I liked it or not, it was my duty.

When the departmental inquiry was completed and the officer was found guilty, I would give him a copy of the report and take his comments. Then the matter would go before the Administrative Committee again and finally to the Full Court meeting of the High Court (that is, where all judges sit together.) Several officers, including some known to me, received orders of termination, removal from service, or dismissal. It was also my duty to send these orders confidentially to the government and ensure there was no delay. Finally, after approval by His Excellency the Governor, the orders were served through a special messenger.

Because of this work, perhaps officers in the districts began to consider me strict. But the reality was that the decisions were taken by the High Court judges. I only implemented them. In the judiciary too, people come from the same society as politicians, police officers, or other departments. Therefore, it is wrong to say that corruption exists only outside the judiciary. Yes, compared to other departments, corruption was less in the judiciary. The seed of greed gives rise to corruption. We officers should not allow that seed to grow within us. With this spirit I worked during my entire career.

I also handled cases of compulsory retirement from judicial service because the maintenance of character rolls was under my control. During my eight and a half years of posting in Allahabad, thirty-eight senior judicial officers were compulsorily retired. This number was much higher than the number of officers who had been compulsorily retired earlier.

Almost all of them challenged these punishment and retirement orders in court. On behalf of the High Court, my friend Mr. Tariq Manzoor Khan, Special Officer, used to defend and argue these cases.

His dedication and discharge of duty was remarkable. Very few writ petitions filed by removed officers succeeded.

The mantra of working with confidentiality was given to me by the then Registrar, Mr. Bhawani Singh. It was because of this principle that I was largely successful in the work assigned to me. Many times, because I did not disclose things outside, people considered me arrogant. My compulsion was loyalty to my work. Whatever was legally permissible, I always communicated.

Whenever an adverse confidential remark was recorded against any judicial officer, I ensured that he was informed. When his representation came seeking expunction of the remark, I immediately made a note on it and placed it before the concerned Administrative judge and the Administrative Committee. As soon as the representation was accepted or rejected, I again sent written communication accordingly to the officer through his District Judge.

In this work, the staff of the Confidential Section—Mrs. Ranjana Sachdeva, Mrs. Kusum Yadav, Mr. Harihar Tiwari, Mr. Abhinesh Chaddha, Ramesh, Kshama Srivastava, Krishna Singh and others—gave me full cooperation. Similarly, in the Vigilance Section where complaints were kept, Rajesh Srivastava, Kamini Srivastava, Ms. Meena, Ms. Poonam, Mr. Alok Srivastava, Jayant and Mr. Sanjay Srivastava all worked with honesty, dedication, and sincerity. During my tenure in Allahabad, two women employees in these sections, Mrs. Suchitra Dhar and Ms. Suman Shukla, died untimely due to illness. May God grant peace to their souls. In almost every work of the High Court, I also always received cooperation from Mr. Apoorva Aga, in charge of the Computer Centre. He became my friend.

The children had now grown up somewhat. They used to do their homework themselves. Rashmi felt a sense of emptiness at home. She took admission in the Prabhakar course at Prayag Sangeet Samiti. She had interest in music. It was a six-year course, which she successfully completed. She had to practice at home. But ragas like

Bhairavi, Kafi, Jaunpuri, Malhar, Bihag and many others were beyond my understanding. For some days I again tried to learn tabla, but in this matter I proved to be like Aurangzeb's descendant—the progress did not move forward. A teacher, Mahesh Ji, used to come home to teach Rashmi, especially during her examination period. He was also an employee of the High Court.

In 1993, Chief Justice Manoj Kumar Mukherjee was transferred to the Bombay High Court. I and P.K. Chaturvedi, who at that time was Railway Judicial Magistrate in Lucknow, went to Bombay to see him off. (Later, from Bombay, Justice Mukherjee became a judge of the Supreme Court and went to Delhi.) We attended his oath ceremony at Raj Bhavan, Mumbai. We visited Malabar Hill and Juhu as well. At that time, Hindu-Muslim riots had broken out in Mumbai. It was a very terrible situation. There was an atmosphere of fear everywhere. Yet we returned safely.

After Justice Mukherjee, for about eight or nine months, Justice Satish Chandra Mathur served as Acting Chief Justice of the Allahabad High Court. After about six months he went on to become Chief Justice of Jammu & Kashmir. Then for some days Justice Vinay Krishna Khanna served as Acting Chief Justice. After that came an unforgettable personality from Punjab and Haryana—Justice Surinder Singh Sodhi. It was the year 1994.

At that time the Allahabad High Court was passing through a negative phase in terms of work culture. Lawyers would lock the High Court gates and stop work whenever they wished. Strikes occurred over small matters. Perhaps even some of the judges did not consider it very improper. The attitude of some of employees was similar; their leaders took pride in going on strike.

Justice Sodhi had only about nine months tenure as Chief Justice, after which he was to retire at the age of sixty-two. His oath ceremony was held at Raj Bhavan, Lucknow, which was contrary to

earlier practice; earlier the Governor used to come to Allahabad to administer the oath.

Within a few days of his oath, Registrar Bhawani Singh told me that the Chief Justice wanted maximum results in minimum time. And that is what happened. The person who faced the most difficult circumstances changed the history of the Allahabad High Court.

At that time, Mr. Vinay Chandra Mishra was President of the High Court Bar Association. He was known for his indecent behavior. The strikes also had to be controlled. Other judges used to say that there was no tradition of deploying police in the High Court. Maintaining discipline had become difficult.

At that time in the Supreme Court at Delhi, the Chief Justice of India was M.N. Venkatachaliah, a great pillar of honesty, scholarship, and firmness. First of all, that year eleven judges of the Allahabad High Court were transferred to different High Courts in India, most of whom had close relatives practicing in the Allahabad High Court. There were some exceptions.

Then the High Court Bar Association split. A group of advocates, most of whom did not consider strikes appropriate, formed a separate union called the Advocates Association. Senior Advocate S.N. Verma became President of the new association. Now it was not so easy for lawyers to go on strike, although the majority were still in the old association.

Once, over some issue, members of the old association agitated and vandalized the Chief Justice's chamber. Then what happened was unusual. Chief Justice Sodhi exercised his extraordinary authority. Within half an hour, the Army began a flag march in the High Court. Police were posted at all gates. A case of contempt of court against eight advocates was referred to the Supreme Court. Meanwhile, another contempt case against Mr. V.C. Mishra was sent to the

Supreme Court, in which his right to practice was suspended for three years by the Supreme Court.

The Bar Association elected a new president. The number of strikes decreased considerably.

To inculcate work culture, much more still had to be done. Now it was the turn of the employees. The employee leaders of the High Court themselves went into “hibernation” for eight or nine months. Their leadership activities remained minimal during that period.

However, the employees unions of the civil courts in various districts perhaps did not realize the personality of Justice Sodhi. In Shahjahanpur district, over a dispute between a Class IV employee and a judicial officer, employees of courts across the state went on strike. But this time the High Court did not ask the District Judges who was at fault. Instead, it clearly directed that the names of those who were instigating employees to go on strike or preventing them from attending work should be sent daily to the High Court.

We could hardly sleep late at night. We would telephone the District Judges every day. A daily report from the districts had to be given to the Registrar, who would place it before the Chief Justice. More than a month passed. The salary for the strike period was withheld. Those Class III and Class IV employee leaders about whom reports were received that they were stopping others from attending work were transferred to distant districts.

The strike collapsed. Work started everywhere. Kuldeep Saxena, the state-level leader of the employees, who would directly call judicial officers and give instructions, was dismissed after departmental proceedings on the charge of not joining duty at Pilibhit. After that, as long as I remained in the Registry, I did not hear of any employees’ strike in any district. In this way, Justice Sodhi was to a great extent successful in bringing work culture even in the districts.

In 1995, before the retirement of Justice Sodhi, Mr. Bhawani Singh became District Judge and went to Ghaziabad. A new Registrar, N.S. Gehlot, came. He was simple in nature. I received his full trust as well. Meanwhile, there were some changes in the Registry. In the new team came Alok Kumar Singh, Maqsood Ahmad, Tariq Manzoor Khan, and Rajiv Lochan Mehrotra. Mr. A.H. Ansari, Mr. O.P. Srivastava-III, and I remained from the old group.

After Justice Sodhi left, Justice A.L. Rao from Andhra Pradesh came as the new Chief Justice of the Allahabad High Court. I had gone to Andhra Bhavan in Delhi to receive him.

Chapter 16

Writing Work

Either there is something special in the land of Prayagraj, or perhaps it was the effect of some planetary period (Mahadasha) running in my horoscope, that a simple person like me began taking interest not only in writing law books but also in literary writing.

By then, my two books- “Sundar Nirnaya Kaise Likhain”(How to write good judgments) in Hindi, and “*Relief of Injunction*” (in English) — had already been published. I was writing my third book, “*Marriage, Divorce and Other Matrimonial Disputes*,” for Orient Law Publishing Company. I did not have copyright over the books; It remained with the publishers. That was the practice among publishers in Allahabad. Also, I did not write books for money. It was only a hobby.

As far as literature is concerned, in childhood I used to read magazines like *Dharmyug*, *Saptahik Hindustan*, *Kadambini*, etc. I read the writings of K.P. Saxena, Ravindra Nath Tyagi, Latif Ghoghi, and Gyan Chaturvedi. All of them were masters of humor and satire. Perhaps while reading them, some seed of humor and satire was planted in my mind, which sprouted to some extent after coming to Allahabad.

The Uttar Pradesh Judicial Service Association used to publish a magazine called *Nyayik Seva Samachar*, in which my humorous articles were published in different issues. Some of them were titled:

- “Chaupat Lal ki Aatmakatha”
- “Bimari Lecturi Kitaduon ki “
- “Tanakha Badhao”
- “Ramente Tatra Devata”
- “Chakkar Sthanantaran ka”
- “Income Tax ki Peeda”
- “Fateechar ki Sawawa Saati”
- “Fuganpur ka Muwayana”
- “Order! Order!! Mamla Chal Raha Hai”
- “Sur Na Saje”
- “Yah Sawari ka Mamla Hai”

All articles were short. Most popular among judicial officers was – Bimari Lecturi Keetaduon ki (English translation of which I quote below:

Bimari Lecturi Kitaduon ki (Germs of Lecturing Disease)

“My late grandfather was a headmaster in a school. Following in his footsteps, my father became a college principal. In this series, today I should have been a ViceChancellor. But after independence, the reservation policy gained force, so we children began searching for unreserved posts. Somehow I managed to place one foot in advocacy. It had been only about one and a half years of hiding an empty stomach under a black coat when the Rajyog (royal fortune) in my horoscope became active and I got the post of Munsif (civil judge).

I do not tell my three children about this Rajyog. I tell them that our times were very difficult. We used to study twentysix hours in twenty-four hours. They innocently listen with fingers in their mouths. When they grow up, they will understand. But by then we would have died, so what difference will it make?

My wife's father was also a college professor (if I do not mention him, she would start lecturing me). Just as in my blood there were germs of Headmaster and Principal, my wife would even add the fragrance of professorial lecturing germs to the seasoning of lentils. So the fragrance of lecturing spread so much that one day a lady who used to deliver lectures at a training institute went on maternity leave for delivery of a child, and one lecture delivery came into my hands.

The Course Director asked, 'On which subject would you like to speak?' The lecture germs were biting me, so I said, 'On whatever you say.' He said, 'Will you speak on the Negotiable Instruments Act?' Without thinking, I replied, 'I will speak.' I quickly fixed the date and time, thinking that if the stars changed, the chance might slip away.

The lecture was fixed for the next day. I knew that to give a lecture, it was necessary to wear a tie and suit. I didn't have a light (summer) suit, so I told my wife to press the warm winter suit instead. She said, "There's a cut mark in its pocket from a pickpocket's blade." I replied, "No problem. Once I receive the honorarium for the lecture, we'll get it stitched later." She then started pressing the suit.

That night we could not sleep properly. In a dream I saw a crowd of thousands. I was speaking on the microphone. Again and again the audience was clapping. Once there was a very loud clap, so I woke up and saw that my wife, lying beside me, was killing a mosquito by clapping her right hand against her left hand. After that we did not sleep. I began brushing my teeth etc. two hours earlier than usual. When I got dressed and was ready, I realized that I had not studied anything. I thought I should read a little. The rest of the trainees could be kept busy by giving them problems. With this intention I prepared some problems.

At the fixed time I entered the lecture theatre. Some trainees looked familiar, but I did not let them feel that I knew them. I behaved as if I were a guest speaker specially invited from another world". The lecture began. I had not even completed the introduction of the

Negotiable Instruments Act when one trainee, before I could give my prepared problems, started presenting his own problem. I had studied very little. Whatever I had studied, I forgot on hearing his problem. I felt as if I had been clean bowled in the very first over. From behind, the Course Director supported the falling wall like a pillar and answered the trainee's question on my behalf. By then another trainee asked something even more difficult. I did not know where to hide my head. Seeing my condition, one trainee belonging to my own caste/community tried to satisfy the questioner with his own answer (in Uttar Pradesh, belonging to the same community helps a lot). But that day it seemed as if divine wrath was about to fall. The third trainee threw such a tricky bouncer that I had no option except to give the catch. The one-hour lecture ended within minutes. Formally, the trainees thanked me for coming (and even more for freeing them early from the lecture).

In the institute office, where I had to receive my remuneration, a ghost-like person, introduced as the accountant, apologized and said, "The money could not be withdrawn from the bank today; it will be sent to your home later." I felt that accepting the invitation to lecture was a wrong decision. Perhaps in the morning I had seen my own unlucky face. There was no option but to return home with a long face. The entire fever of "lecture germs" came down. I felt that it is much better to listen to a lecture than to deliver one. While leaving, the institute handed me three brochures like rattles (or perhaps the message was—son, you had not studied; next time come prepared). What a fate I have! Others get good illnesses; relatives bring fruits; beautiful nurses come. And here I am, struck by lecturing germs. What happened in the institute could neither be hidden nor told. At home I exaggerated to my wife that the lecture was so good that even the Course Director and Deputy Director sat among the trainees to listen to me. But in the evening, sitting in the prayer room, I wrapped the sacred thread three times around my right hand and chanted 108 times, "Salutations to the God of Lecturing Germs,"

and prayed: “O God of Lecturing Germs! Please free me now. Many Additional District Judges are sitting idle because of lawyers’ strikes. Go and shower your grace on them. Grant me freedom. Amen.”

Meanwhile, in the legal field, my new law books were published—commentaries on the Civil Procedure Code in Hindi and English by different publishers. The English commentary on the Civil Procedure Code was published by Modern Law Publishing Company, and the Hindi commentary by Universal Law Publishing Company. For the Hindi book, I received the First Prize of Rs. 25,000 from the Government of India. I also got opportunities to revise and update books written by other authors. During my posting at Allahabad, Goddess Saraswati was very kind to me. I was the same person who, during student life up to B.Sc., had been a weak student. When the centenary of the use of Hindi in courts was celebrated, my following poem was also published in a souvenir:

*“Sumitranandan nahee, mai hun P C Pant
Kavita ka Mujhase Nahee, Hai koi sambandh
Hai koi sambandh, Sumitra the avivahit
Mere Bachche teen, mai shudh vivahit
Daant tudane nahee, mujhe na bulanee aafat
Likhu wahi jitna patni se mili izajat.”*

(I am not Sumitranandan; I am P. C. Pant. Poetry has no connection with me.

No connection with me —Sumitra was unmarried;
I have three children and am properly married.

I do not wish to have my teeth broken, nor invite trouble. I write only as much as my wife permits.)

Chapter 17

Working Amid Family Difficulties

Meanwhile, in 1995, Rashmi's elder brother, Dr. Rajendra Tiwari, passed away. At that time, his age must have been only about 50–55 years. Due to his untimely death, it became difficult for my wife to keep her mental condition normal.

Then, after about a year, on 18 October 1996, my mother also passed away. That was a difficult time. Preparations for my niece Neenu's marriage had been completed. The wedding procession was leaving from Mumbai for Hyderabad. From Pithoragarh, my brother-in-law Dr. Pathak telephoned me that my mother had gone into an unconscious state. I had to cancel my reservation to Hyderabad.

It was not proper to inform Chandru Dadda at such a time, because then he would neither have been able to perform his daughter's marriage nor reach for the last rites. After I reached Pithoragarh, my mother passed away. Meanwhile as no information was given to my elder brother about our mother's condition, Neenu's marriage took place in Hyderabad.

As 1996 was ending, Rashmi reached that age when hormonal changes in women begin rapidly. Because of these circumstances, there was tension in the house. The children had by then grown up. In 1998, Surabhi completed Intermediate from the ISCE Board. In 1999, Tanushree did the same. Both were preparing for the pre-medical test. Meanwhile Noopur had passed Class 10 from ICSE Board.

The situation at home also affected my health. I started taking medicines to control high blood pressure. On medical advice, I also began taking mild tranquilizers.

Around that year I took a loan from the government and purchased a plot in Jhansi (Allahabad). However construction there remained incomplete. As soon as the loan amount was fully spent, further construction was not possible (later it had to be sold).

In February 1996, along with my batch colleagues, I was confirmed in the Higher Judicial Service. After Chief Justice A.L. Rao retired, in his place, Justice Devapriya Mahapatra from the Orissa High Court came as the Chief Justice of Allahabad High Court. I went to Cuttack to receive him. He remained on that post for more than two years. After that, he was appointed as a Judge of the Supreme Court of India. During the same period Registrar General N.S. Gehlot retired, and S.S. Kulshreshtha became the new Registrar General. Kulshreshtha Sahib had been my old mentor since my Ghaziabad days, and in Allahabad too I received unlimited affection from him. He always kept the same blessings upon me as I had received earlier in life from Shri Harish Chandra Saxena and Shri Bhanwar Singh Sahib. (Later, both Shri Bhanwar Singh and Shri S.S. Kulshreshtha became Judges of the High Court.)

Senior Judges of the Allahabad High Court during this period went elsewhere as Chief Justices of other High Courts. Justice V.N. Khare became Chief Justice of the Calcutta High Court (later he became a Judge of the Supreme Court and retired as Chief Justice of India). Justice Ravi S. Dhavan became Chief Justice of the Patna High Court. He had studied in Nainital in his childhood and had special attachment for Uttarakhand. Justice Dhavan was so conscious about formalities that sometimes it seemed that he has forgotten the main objective.

Justice Mahapatra from Orissa High Court, and after him Justice N.K. Mitra from Calcutta, served as Chief Justice of Allahabad High Court.

I went to Kolkata to accompany him on his way to Allahabad. He was stout, simple, and humorous by nature. His tenure was only one year. After him, from Kolkata itself, Shri Shyamal Kumar Sen came as Chief Justice. I accompanied him too from Kolkata to Allahabad. Later, along with him, I made my first air journey from Kolkata to Lucknow for some other official work. The date was 02.07.2000. It was a morning flight.

On Independence Day, Republic Day and Gandhi Jayanti, there was a practice in the Allahabad High Court that on 15 August the Registrar General would hoist the national flag, on 26 January the Chief Justice would do so, and on 2 October the senior-most judge would preside over the function. Like the rest of the country, in 1997 the Golden Jubilee of Independence was celebrated in Allahabad with great enthusiasm.

On the next 15 August, in the program, I sang the four stanzas of Gurudev Rabindranath Tagore's poem "Bharat Bhagya Vidhata," whose first stanza "Jana Gana Mana" is sung as the National Anthem. I sang the remaining four stanzas in the same tune in which the National Anthem is sung. Most of the listeners liked it.

The four stanzas of the poem recited by me are as under- 'Aharah tava āhvān prachārit, shuni tava udār vāṇī;
Hindu, Bauddha, Sikh, Jain, Pārasik, Musalmān, Kristāni;
Pūrab, Pashchim āse, tava sinhaasan pāse,
Prem hār haya gāthā;
Jan-gan aikya vidhāyak jaya he, Bhārat bhāgya vidhātā. Jaya he, jaya he, jaya he, jaya jaya jaya jaya he.

Patan-abhyuday bandhur panthā, yug-yug dhāvit yātri he, Chira sārathi tava rath-chakra mukharit path din-rātri.
Dāruṇ vīplav mājhe, tava shankh-dhvani bāje,
Sankat dukh-trātā;

Jan-gan path-parichāyak jaya he, Bhārat bhāgya vidhātā. Jaya he,
jaye he, jaye he, jaya jaya jaya jaya he.

Ghor timir ghan nibid nishīthe, pīdit mūrchhit deshe, Jāgrat chhila
tava abichal mangal, nit nayane animese.

Duhswapne ātanke, rakshā karile anke,
Snehamayi tumi mātā;

Jan-gan dukh-trāyak jaya he, Bhārat bhāgya vidhātā. Jaya he, jaya
he, jaya he, jaya jaya jaya jaya he.

Rātri prabhātil udil ravichhavi, pūrab uday giri-bhāle, Gāhe
vihangam punya samīran, nav-jīvan ras dhāle.

Tava karuṇā-arun rāge, nidrit Bhārat jāge,
Tava charane nata mātā;

Jaya, jaya, jaya, jaya, jaya Rājeshwar, Bhārat bhāgya vidhātā.
Jaya he, jaya he, jaya he, jaya jaya jaya jaya he.'

Like in Bahraich, in Allahabad also my morning walk continued regularly for five years. Later, because of Rashmi's ill health, it had to be stopped. The outer ring of Company Bagh was three kilometers long. One kilometer was covered in going from the C.M.O. compound to the gate and one kilometer in coming back. Altogether it became a walk of five kilometers. Whether it was winter, summer or rainy season, I would leave home exactly at 5:30 in the morning and return before one hour was completed.

Once, during winter days, I saw a traveler being robbed on Park Road. Perhaps he was going to catch the Ganga-Gomti Express. Four or five boys jumped over the wall of Company Bagh near a shrine (mazar) and kicked that traveler. Before I could understand what was happening while walking ahead, they forced him to open his briefcase. By then I had already moved ahead, but I understood what was happening. At that very moment a police constable was coming from the direction of Colonelganj on a bicycle, with bedding tied on the carrier. I told him, "Diwan ji, please see, ahead some goons seem

to be robbing a traveler.” I felt very sad when I saw that the constable immediately turned his bicycle back and started going toward Colonelganj. I myself, being alone, could not show any courage. I was not a brave person. Even today I am timid.

Hon’ble Justice Palok Basu used to come daily to Company Bagh for morning walk. Mr. Basu helped me in finalizing one of my articles titled “Human Rights and Terrorism: Where is the balance ?” I had written this article for publication in the second volume of the souvenir brought out in connection with the 125th anniversary of the Allahabad High Court. Most of the articles in it were by foreign authors and judges of the High Court. My article was accepted from the side of the Registry.

At the end of that article, I had quoted the following words of jurist Nani Palkhivala:

“Liberty has a hypnotizing sound, while unfortunately responsibility has no sex appeal. Freedom is like alcohol; it must be taken in moderation. Perhaps we are making life too easy for criminals and too difficult for law-abiding citizens. In free societies too many crooks break the law, blight young lives, traffic in drugs and claim the fundamental right to exploit commercially sex and violence. Our values today are drastically eroded because too many men with no more moral backbone than a chocolate éclair claim the freedom of expression and action which results inevitably in increasing the numbers of violent criminals... We have to strike an acceptable balance.”

My article, written about the balance between human rights and terrorism, received appreciation from many quarters.

During my tenure in the Registry of the High Court, I got the opportunity for the first time to go to the Supreme Court. I went there to brief the lawyer in a case in which the Allahabad High Court itself

was a party. Later, this work was successfully handled by my friend Tariq Manzoor Khan.

During this posting, I also had the good fortune of visiting and offering prayers at Mata Vindhyavasini in Mirzapur and Shri Vishwanath Ji in Kashi (Varanasi). Although I did not go for a bath at the Sangam very often, many times I got the opportunity to go to the Triveni along with judges of the Supreme Court who visited the place.

During this same period, I also got opportunities to interact at the Judicial Training and Research Institute, Lucknow, with newly inducted batches of Civil Judges (Junior Division), who were earlier called Munsifs. Once, from Allahabad, I was also invited to the Administrative Academy at Nainital to address PCS officers on various laws.

In Allahabad, almost all my fellow judicial officers had their own cars. By that time, a government order had been issued that judicial officers who were not provided with an official vehicle would receive an allowance of Rs. 350 per month for maintenance of a scooter, and Rs. 750 per month if they owned a car. Therefore, I also purchased a second-hand Fiat car, registration number DIA-6627, for Rs. 40,000. It was a 1983 model. It ran for about one and a half to two years. Then I sold it for Rs. 20,000. My experience with a secondhand vehicle was not good.

In the Registry, I also had the opportunity for some time to be in the company of two saintly officers, whose simplicity I cannot forget. One was Shri Chakravarti Prabhakar Mishra and the other was Shri Kailash Nath Ojha. (Later, both of them became judges of the Allahabad High Court.) Thinking about these two gentlemen gives me a ray of hope that perhaps I too would be able to complete my service properly. Sometimes I used to feel afraid because of the atmosphere around me and the difficulties faced by honest judicial officers in the districts. Shri R. S. Chaube, O.S.D., was also a good colleague in the Registry.

Chapter 18

Final Phase of Posting in Allahabad

One day in August 1999, a young advocate entered my chamber. Perhaps he came after seeing my nameplate. He introduced himself. I asked him to be seated. During our conversation, I came to know that this young man had been struggling for a long time, yet there was no lack of courage or enthusiasm in him. I was surprised.

That young man's name was Narayan Dutt. He was born under the Mool constellation. Both his parents died in his childhood. He had no elder brother. He told me that his village was near Lohaghat, named something like Amoli. He somehow completed studies upto Intermediate at a college near his village. Thinking that Kanpur had many factories and he might get a job there, he went to Kanpur.

After facing many hardships there, he started giving tuition and at the same time completed his B.Sc., and later LL.B. He worked for a businessman for some time but left the job. He once had to go to Lucknow for a competitive examination. He had no money in his pocket. So at 4 a.m., he started from Kanpur on a bicycle. He reached Lucknow by 10 a.m., took the exam during the day, and in the evening rode back to Kanpur. He was so tired that when he reached at night, he could not even cook food and slept as he was.

The professor who had taught him Botany in B.Sc. and had helped him get scholarships, seeing his desire to practice law in Allahabad

High Court, gave him one thousand rupees and sent him from Kanpur. When Narayan first came to me, only about two hundred rupees remained with him out of that one thousand. The rest had been spent on getting court dress stitched, renting a room, and arranging food.

He urgently needed support. He wanted me to attach him to some senior advocate. I asked him to come the next day. Meanwhile, I spoke to some advocate friends on the phone. Some were ready to keep him and teach him work, but none was ready to give him monthly financial support.

At that time, Shri Shambhunath Srivastava was a senior advocate (later he became a judge of the Allahabad High Court). He was my friend. I spoke to him. He said "Send him, I will give him work". When Narayan went to him, he asked him to come the next day. After three or four rounds, he was taken in. But Narayan saw that there were already eight juniors there. He felt lost.

One day, after finishing work at 9 p.m. in Senior Advocate 's chamber, everyone else left in his own vehicle. The bicycle Narayan had was probably not working that day. It was a rainy day. He reached his room completely drenched. The next day he told me about his condition. I was clueless - what to do.

His bicycle also had a story. In Kanpur, when he was tutoring the children of a police sub-inspector, instead of money, the officer gave him an old bicycle that had been recovered as stolen property and was not claimed by anyone.

I asked my old and trustworthy friend Prakash Krishna (who later also became a High Court judge) for help. He said he already had juniors and was not in a position to help immediately, but he could place him with his friend Shri Mittal, whose office was not far from Narayan's room. Narayan joined Shri Mittal's chamber.

But by then, even the two hundred rupees had finished. It was a situation of giving immediate oxygen. Then it came to my mind that

we should try to appoint him as an Oath Commissioner. An Oath Commissioner is a person before whom affidavits are signed and verified. The Oath Commissioner received about ten rupees per affidavit. Hundreds of affidavits come daily in the High Court; there are several Oath Commissioners.

In Allahabad, every year in January, the Chief Justice issues the list of such advocates. Now it was the end of August, so appointment was difficult — but not impossible.

I told Narayan to submit an application. He wrote it. I phoned the concerned Deputy Registrar and requested him to put a positive note on it and forward the file urgently. I also sent Narayan to meet the Registrar General who clearly told him that appointments could not be made now.

Then I phoned the Principal Secretary to the Chief Justice and requested him to arrange somehow two minutes of meeting for this junior advocate. I told Narayan to clearly explain his financial condition — that it was a matter of survival. I also told him that since the Chief Justice had come from Calcutta, he might ask whether he had the power to appoint; Narayan should say it was entirely within his discretionary power and not prohibited by any law.

Here Narayan's luck worked. Everything happened as I had advised. In the evening, his file was placed before the Chief Justice along with other files. Narayan Dutt was appointed as Oath Commissioner.

The very next day, he purchased the required stamps and started sitting in the High Court Bar Association library, working morning and evening. Now he breathed a sigh of relief. His work began to run smoothly.

One cannot speak of Allahabad without mentioning the Kumbh. There is a mythological story regarding as to why the Kumbh Mela is celebrated. During the churning of the ocean between Gods and demons, when the pot of nectar (amrit) was obtained, Indra's son

Jayant took it and ran away on Indra's signal. The demons chased him. Their guru Shukracharya saw Jayant running and told the demons to pursue him. For twelve days and twelve nights the chase continued.

To protect the pot, Indra appointed Brihaspati (Jupiter), the Moon, the Sun, and Saturn. Despite such security, the pot was so full that nectar spilled at different places. Wherever it spilled, Kumbh Mela is held.

When Jupiter is in Aquarius, Kumbh is held at Haridwar. When Jupiter is in Taurus, it is held at Prayagraj. When Jupiter is in Leo, it is held at Nashik. When Jupiter is in Scorpio, it is held at Ujjain.

If someone asks me what a judge should be like, my direct answer would be: like Justice Alok Chakravarti.

He was the ideal image of a judge. He came to Allahabad from Calcutta and later returned there. During his time in Allahabad, he left an unforgettable impression on my heart.

Justice Alok Chakravarti was more than a judge; he was a noble human being. Everyone respects their seniors, but he respected his colleagues, judicial officers, advocates, and even his subordinate staff.

He heard cases patiently, disposed of them honestly and quickly, and had no attachment to them. He had no desire for publicity or for his judgments to be published. No ego. Simple nature. It was the good fortune of Allahabad High Court and ours that we had such a judge. He stayed away from caste, class, religion, and such distinctions.

Along with scholarship, to develop so many virtues is rare. I pray that I continue to remember him, so that even if I cannot become like him, at least I remain attracted to his virtues.

Other judges who influenced me were Justice D.S. Sinha, Justice G.P. Mathur, and Justice Sudhir Narain. Justice B.M. Lal and Justice B.S. Chauhan had powerful combination of courage and legal

knowledge. Justice Giridhar Malaviya, grandson of Mahamana Madan Mohan Malaviya, also showed me special affection.

Before the end of my Allahabad posting, Shri Bhawar Singh and Shri M.A. Khan were the last two persons from judicial service to take oath as High Court judges.

Dr. Sandeep Ratna, Medical Officer at the High Court Medical Centre, took special care of my health during my posting. Dr. S.K. Mishra, Dr. N.K. Tripathi, and Dr. Bijlani also helped my family and me during illness from time to time.

Dr. S.K. Mishra's daughter Chiki was a close friend of my daughters. In the CPMT 2000 examination, my elder daughter Surabhi was selected. Her counseling took place in Kanpur. She got National Homeopathy College, Lucknow. When I admitted her there and returned, she became troubled by ragging and left the hostel the very next day to stay with her aunt Uma. Later, after seven months, she returned to the hostel.

The last year of the twentieth century was going on. Uttar Pradesh was moving toward division. My P.A., Ratan Prakash Dwivedi, and assistant Sadiq Raza knew that if Uttaranchal was formed, I would leave Uttar Pradesh. I had completed eight years in the Registry.

In those days, many advocates from the Kumaon and Garhwal regions also used to come to me. Everyone was curious about what form the new State would take.

On 25 August 2000, the Uttar Pradesh Reorganisation Act was passed. For the State of Uttaranchal, I filled in my service option. I did not choose it after calculating that I would get any benefit there. Rather, I chose it thinking that if we, who belong to that region do not go there, then we should not expect others to serve the people of the hills.

In this connection, I remember something repeatedly said by my friend from Pithoragarh. I.P. Pant was my classmate and also my friend. When I was Joint Registrar in the High Court at Allahabad, I.P. Pant was practicing law in Pithoragarh.

Once, during holidays, when I went to Pithoragarh, he asked me one question:

“Prafulla ! Tell me one thing — when there are complaints against some judicial officer, you post him in Pithoragarh as a punishment. But why do you punish us or the people of this district ?”

I had no answer. This question shook me deeply.

After that, during the annual transfers of judicial officers, as far as possible I recommended that honest officers like Shri J.S. Parihar, Kamal Chaudhary, etc., be posted to Pithoragarh. And at the time when Uttaranchal was being formed, it was my duty to prove by my conduct also that the hills should no longer become a shelter place for officers posted there as punishment from Uttar Pradesh.

Shri Kulshreshtha, the Registrar General, was kind toward me. He recommended my name for the post of Secretary (Judicial) of Uttaranchal, and accordingly my appointment was approved by the Central Government.

On 6 November 2000, I left Allahabad by the Sangam Link Express for Dehradun to take charge of my new post.

Almost all the staff of my office came to Allahabad station to see me off. The affection in their eyes and the pain of separation from me was an unforgettable sight.

The moist eyes of Rajesh Srivastava and Kamini Srivastava I still remember today.

Chapter 19

The Birth and Rise of Uttarakhand

Uttarakhand was born on Thursday, 9 November 2000. Just after midnight, when Wednesday ended, the State of Uttaranchal came into existence.

The Acting Chief Justice of Uttaranchal, Shri Ashok Abhayendra Desai, administered the oath of office to His Excellency Surjit Singh Barnala as the first Governor of Uttaranchal at the Parade Ground stage in Dehradun. Shri Lal Krishna Advani was the center of attraction among the dignitaries present. After taking oath, the Governor immediately administered the oath of office to Shri Nityanand Swami as the Chief Minister on the same stage. Slogans of “Long live Uttaranchal” echoed all around.

The first Chief Secretary of Uttaranchal, Shri Ajay Vikram Singh, conducted the program. The crowd was so large that it could not be controlled. The District Magistrate, Nivedita Shukla, was herself pushing the crowd at the gate with her hands to maintain order.

As Secretary (Judicial), I was present at this ceremony where the Acting Chief Justice administered the oath to Shri Barnala. Shri Umesh Chandra Dhyani, who had been appointed Additional Secretary (Judicial), was with me. In the pushing and crowding, even though we were inside the barricades, we were moved from one corner to another.

After the program ended, we had to return to the Forest Research Institute (FRI), where our accommodation had been arranged. I had a vehicle. Government vehicles and mobile phones were provided to officers of Secretary rank. Earlier, when I arrived in Dehradun from Allahabad on 7 November, accommodation in the Senior Scientists' Hostel at FRI, a vehicle and a mobile phone, was provided to me same day. On 8 November, I had received Acting Chief Justice Shri Desai at the airport. His stay had been arranged at the Survey of India Guest House. Shri Desai had been made Acting Chief Justice because an Acting Chief Justice does not need to take a separate oath.

After the oath ceremony, the Governor went to his temporary residence at Bijapur Guest House. Around 2 a.m., Shri Dhyani and I reached FRI.

On the morning of 9 November 2000 at 10 a.m., the inauguration of the Uttaranchal High Court was to take place in Nainital. At 8 a.m., I traveled by helicopter from Dehradun to Nainital with Acting Chief Justice Desai. This was my first helicopter journey. I attended the ceremony there.

From Allahabad, Justice P.C. Verma and Justice M.C. Jain were transferred to the Uttaranchal High Court. The first Registrar of the High Court, my friend Shri J.C.S. Rawat, made all arrangements for the ceremony. He had also opted for Uttaranchal along with me from Allahabad.

After the ceremony, I returned to Dehradun by road at night. The next day, Shri Dhyani and I signed our charge certificates, taking charge with effect from the forenoon of 9 November 2000.

We were given two rooms for office on the upper floor of the Legislative Assembly building. However, there was no staff, no facilities, and no library. Everything had to be arranged by us step by step. Within a week, the room became fit to sit in. Within a month, we managed to build a working library. Shri R.S. Tolia, Principal

Secretary (Forest), and Shri Rakesh Sharma, Secretary, Estate Department, helped us.

Within a week, the cabinet was expanded. Sarv Shri Singh Koshyari, Kedar Singh Fonia, Ramesh Pokhriyal Nishank, Matbar Singh Kandari, Mohan Singh Gaonvasi, Ajay Bhatt, and Banshidhar Bhagat were sworn as Cabinet Ministers. Later, Shri Ramdas was also given Cabinet rank. Among them, Shri Ajay Bhatt had once practiced law before me when I was a Munsif in Ranikhet.

The Law and Justice Department was under the Chief Minister himself.

Dehradun, the land of Guru Dronacharya's penance, became the temporary capital of the new State. The city is beautiful and well connected. However, geographically it lies in the western corner of the State. Because of this, for eastern districts like Pithoragarh and Champawat, the capital became even farther than Lucknow. Many believed that Gairsain (now the summer capital) should have been made the capital. Some thought that a place like Kalagarh should have been developed as a permanent capital. Ramnagar and Kalagarh lie between Kumaon and Garhwal and are convenient for people of Haridwar and Udham Singh Nagar as well. These places are connected by rail.

The formation of Uttaranchal would have remained a dream if Prime Minister Vishwanath Pratap Singh had not implemented the Mandal Commission recommendations in 1990. After that, Mulayam Singh Yadav, then Chief Minister of Uttar Pradesh, implemented 27% reservation for Other Backward Classes in services.

No one considered that in the mountainous areas of Uttarakhand, many communities were not classified as backward. The literacy rate here was much higher than in the rest of Uttar Pradesh. As a result, either vacancies remained unfilled in the hills, or unwilling persons from Uttar Pradesh were appointed. This increased anger among

local people, and slogans of “Separate Uttarakhand today ! Separate it now!” were raised.

Earlier, the demand for a separate State used to be moderate and based mainly on geographical and cultural differences. People of the hills are generally simple and honest, with few exceptions.

One surprising aspect of the new State was the inclusion of Haridwar district in Uttaranchal, as it had never been part of Kumaon or Garhwal divisions. Haridwar and Roorkee had earlier been tehsils of Saharanpur. In rural areas of Roorkee and Laksar, Jats, Muslims, and Other Backward Classes live, and the culture is similar to Bijnor district. Some people had demanded inclusion of Haridwar, but mainly the Haridwar town and fair area.

The State of Uttaranchal (now Uttarakhand) was formed, but economic and other problems raised their head.

In Dehradun, I found myself in a completely new environment. I dealt daily with IAS and PCS officers. I had to give legal opinions on complex matters from various departments, draft and revise new laws and government orders. There was no judicial work. I had to receive instructions from the departmental Minister and attend cabinet meetings to give legal advice. It was all a new experience.

In the first meeting of officers, the Chief Minister asked about the status and problems of different departments. Hearing Finance Secretary Indu Kumar Pandey, I became worried. He told that in the previous year, total revenue from the region forming Uttaranchal was about 750 crore rupees, while expenditure on salaries of 1,05,000 government employees posted in the region would be about 1,750 crore rupees annually.

At the time of division from Uttar Pradesh, Uttaranchal's account in the Reserve Bank opened with a negative balance of 5,000 crore rupees. Immediate measures were needed. The infant State had to

be made self-reliant quickly. In early cabinet meetings, this was the most important issue.

Apart from trying to get Special Category State status from the Central Government, there was no other option at that time. Development plans would naturally take five to ten years to show results. Efforts continued. Revenue collection was increased, and attempts were made to obtain special status from the center.

Within six months, Uttaranchal received Special Category State status. The then Chairman of the Planning Commission, K.C. Pant, showed generosity in this matter.

To obtain that status, the number of additional employees had to be reduced. Therefore, for filling new third and fourth grade posts in the new state, employees were transferred from departments where staff was surplus. Only about 150 employees came from Lucknow to the Secretariat. Remaining 350 employees were engaged in Secretariat from departments like Irrigation, Public Works, and temporary divisions.

Shri Irshad Hussain Sahib was relieved from Uttar Pradesh after a few days, although he was supposed to reach Uttaranchal along with me. Initially, he had been appointed from the Centre as Secretary of the Legislative Assembly. Among the judicial officers who opted for Uttaranchal, he was the senior-most. He had come from the post of District Judge, Shahjahanpur.

However, he was not given charge as Secretary of the Legislative Assembly. A person from the Uttar Pradesh Secretariat managed to get himself appointed to that post. Therefore, the government created a separate post of Secretary, Legislative and Parliamentary Affairs for Shri Hussain and gave him charge of that.

Neither he nor I were allotted official accommodation. At that time, arrangements were being made only for Ministers. Just as I was staying in the Scientists' Hostel at FRI, he was staying in a room at

Dron Hotel. This hotel belonged to Garhwal Mandal Vikas Nigam, and most of the MLAs were staying there.

My wife and children were still in Allahabad.

The first session of the Legislative Assembly and the parliamentary work during the session were handled by Shri Irshad Hussain. He was a very decent person. He never complained to anyone about the difficulties in which he was working.

The Speaker of the Assembly was Shri Prakash Pant. He also had no prior experience in that post. Still, everything went smoothly. During this session, I first learned what “Question Hour” and “Zero Hour” meant.

Shri Hussain did not feel comfortable in Dehradun for long. He later went as District Judge to Udham Singh Nagar. Since he had earlier worked in the Uttar Pradesh Secretariat, Shri Dhyani and I received guidance from him. After he left in the last week of March 2001 (he later became a Judge of the Uttaranchal High Court), I had to handle Legislative and Parliamentary Affairs work as well.

The working system of the Secretariat was completely different from that of the courts. There was rarely any fixed time to reach home in the evening. On days when meetings were held, one could leave only after the same ended. Sometimes work even came on Sundays. Taking leave was as difficult as in the High Court Registry.

My children were in Allahabad. I had to take one or two days off each month to visit them. During that time, Shri Dhyani handled the work. When he went to Lucknow to meet his children, I took care of his work.

I had assigned him mainly the financial work related to the High Court and subordinate courts and matters regarding approvals in cases pending in the High Court. I handled most of the legal opinion work, drafting, and appointments of notaries and government lawyers.

Sometimes, on holidays, when I was alone in my room at FRI, I would read old diaries. In one diary, I had written my favorite couplets (shayari). The couplet I never got tired of reading was:

“Zindagi kya hai? Anasir ka zahoor-e-tarteeb.

Maut kya hai? Inhi ikja ka pareesha hona.”

(What is life? The orderly arrangement of elements. What is death? The scattering of those same gathered elements.)

When I would sit alone and think about my life from childhood until then, and about the difficulties in maintaining old family relationships while living away, I would repeatedly recite another couplet in my mind:

*“Ye both sar pe utha kar Chal bhi nahi sakta,
Raste mai ise Chhod ke ja bhi nahi sakta,
Kuchh log baharaha mere mukhaliph rahenge,
Main sare jamaane ko Samjha bhi nahi sakta,
Ye saakh se toote huye patton ka safar hai,
Ki laut ke ghar ko ja bhi nahi sakta.*

(The burden I carry on my head—I cannot walk with it, Nor can I leave it behind on the way.

Some people will always remain against me,
I cannot explain myself to the whole of the world.

This is the journey of leaves broken from a branch, Who cannot return home again.”)

March 2001 had arrived. Soon, my youngest daughter Noopur's Class 12 exams in Allahabad were getting completed. I thought that instead of waiting indefinitely for government accommodation, I should arrange something myself.

During those days, talking to Rashmi on the phone made me feel that her mental health was not good.

At that time, Shri Ashok Kumar was District Judge in Dehradun. He was a very noble person and the grandson of the famous novelist Munshi Premchand. Despite that, he lived with simplicity.

I requested him for one vacant house meant for judicial officers. He allotted one to me. It was on Balbir Road. It was a good house but on the third floor. I stayed there for two to three months.

The Agriculture Secretary, Shri B.P. Pandey, seeing my difficulty, temporarily allotted me the guest house of the Watershed Directorate. I will always remain grateful to him.

In May, the Budget Session of the Assembly was held. I could not go anywhere during that time. I could not even attend the wedding of Justice Bhanwar Singh's son—only sent a congratulatory telegram.

In the second week of June, I went to Allahabad and brought my children and belongings to Dehradun. Rashmi was so unwell that every moment was difficult to pass.

Dr. K.B. Joshi, posted at Doon Hospital, gave me the contact of Dr. L.K. Singh of Rishikesh, who was an MD in both gynecology and psychiatry. Dr. Joshi requested Dr. Singh to see my wife. I sent a car to Rishikesh to bring him. Dr. Joshi himself accompanied him.

After speaking with Rashmi for an hour, Dr. Singh told us she would need to take medicine for life. The biggest problem was how to convince her to take the medicine. After three or four days, my second daughter Tanushree somehow persuaded her. Since then, her health improved considerably.

At the end of June 2001, on a Sunday, I took the children to Mussoorie. It was raining that day. There was huge crowd at Kempty Fall. We were most troubled by traffic jams on the way. Still, it felt good to travel with the children.

The next week, we went to Rishikesh as a family. It served two purposes—we visited Lakshman Jhula and Swargashram, and Rashmi also met Dr. L.K. Singh. He was happy that the medicine was showing good results.

Rishikesh is a unique town. One part—Muni Ki Reti—falls in Tehri district. Swargashram and Lakshman Jhula are in Pauri district. The remaining Rishikesh market, railway station, and IDPL area are in Dehradun district.

In July 2001, the Estate Department allotted me the old City Magistrate's house in the Racecourse Officers' Colony. However, it took time to take possession.

Meanwhile, in April 2001, Shri Madhukar Gupta had become the new Chief Secretary. Shri Ajay Vikram Singh had gone to the Defence Ministry at the Centre.

I learned a lot from Shri Singh. He was strict in speech but very soft-hearted. He would question my legal opinions thoroughly but ultimately accepted them. I was never afraid of him. I felt like working with an elder brother.

Shri Madhukar Gupta was also very intelligent and never spoke harshly. I received affection from both officers.

My fellow Secretaries were also very cordial. While discussing files with Keshav Desiraju and Alok Jain, I never felt I was speaking to officers of another department or service. Among PCS officers, Manjul Joshi became my natural friend. Lalit Pant was known to me from Allahabad days.

The Confidential Department of the Uttaranchal Secretariat was established by retired IAS officer Shri G.K. Shukla, who was working on contract. Shri Dhyani and I learned much about the new administrative environment from him.

In my staff, Semwal and Tomar were Section Officers. Tiwari was a devoted assistant. Sohan Dobhal was my PA. In the Legislative section, Upadhyay ji was a dedicated worker.

In early August, I finally got possession of the Racecourse house.

It was opposite the house of IAS couple Manisha Panwar and Umakant Panwar.

But we did not know that just after unpacking our belongings, we would have to pack again.

After moving into that house, I admitted Tanushree and Noopur to MKP PG College. Within fifteen to twenty days, Tanushree was selected for B.Pharm through the UP State Engineering Admission Test. Counseling was still pending.

Then suddenly, on 30 or 31 August, I received a call from the Registrar of High Court at Nainital informing that the Chief Justice has decided to post me as District Judge, Nainital.

I was shocked. I had just received accommodation at Dehradun. I had not expected this short ten-month tenure would come to end so soon. After admitting the children to new colleges, I had already paid a full year's fees. We had just unpacked our belongings.

I tried to speak to the Chief Justice personally and explain my situation. But he refused to change his decision, saying that he needed my services in Nainital and that I knew some Registry work as well.

When news of my transfer reached the Secretariat, the Chief Secretary and Appointment Secretary did not seem willing to relieve me. I told them that while I was grateful for their affection, I could not displease the Hon'ble Chief Justice. They agreed to relieve me.

My successor, Shri R.P. Pandey, came the very next day to take charge. I was relieved of my duties and once again packed my belongings for the new place. Driver Radheshyam dropped my family and me in Nainital.

Chapter 20

Lake City Nainital

Second Saturday, September 8, 2001. In the afternoon, I took charge as District Judge (In-charge) in the lake city of Nainital. This year I was completing about twenty-five years of service. After spending nearly nine or ten years in Registry and Secretariat work, I felt happy to return to regular judicial work, but at the same time I was afraid that in the intervening years I might have forgotten quite a lot.

Except for a few exceptions, for an average person, life's evening begins around the age of fifty. That is what I believe. For me, this was that time. Generally, judicial officers retire at the age of sixty. If one becomes a High Court judge, retirement is at sixty-two, and if one reaches the Supreme Court, the retirement age is sixty-five years. In Kerala and Gujarat, judicial officers are promoted comparatively quickly, and some of them even reach the Supreme Court. But in West Bengal and Uttar Pradesh, promotions are slow because each batch is quite large. Therefore, very few officers reach the top.

In 1976, I began my judicial service from the Administrative Training Institute in Nainital itself. After so many years, it felt good to return to Nainital. Noopur was admitted to B.Com. First Year at D.S.B. College. Tanushree, after counseling for U.P.S.E. A.T., got admission in B. Pharma at Sardar Bhagwan Singh College in Dehradun. My first task in Nainital was not to improve the judgeship, but to improve myself, because after many years I had to start judicial work again. Along with that, I also had to come out of my mental narrowness.

When I took charge as District Judge of Nainital, the advocates were on strike. The issue was regarding the jurisdiction of a court in Haldwani. The staff members were working properly. Kesar Singh Bisht and Naveen Joshi were my orderlies. Suresh Tiwari was the reader, and Mahipal Singh Chauhan was the senior administrative officer.

My first duty was to bring the advocates back to work. I went to the Bar Association. They welcomed me but also presented their problems. That day was my first meeting with Shri Pratap Bhaiya Ji and all the members of the Bar. Pratap Bhaiya Ji had an attractive personality. He was simple-natured, humble, honest, and a hardworking socialminded advocate. I briefly said, "I would like to remain sensitive to the problems of the Bar," and appealed to them to return to work and give me some time to understand the issues.

The members of the Nainital Bar were straightforward and simple in nature. They accepted my request, and work in the courts resumed. The staff members were also obedient. Some officers who had opted for Uttar Pradesh had to be relieved, which could happen only after permission from the High Court. As the head of the district court administration, I had to keep the work running smoothly. And to keep things running smoothly, sometimes the master has to blindfold his eyes and the servant has to plug his ears. Therefore, in the beginning, I had to ignore small mistakes of the staff. They also quietly tolerated my unnecessary scolding.

Among the officers, Shri V.K. Maheshwari was the First Additional District Judge in the Fast Track Court, who had earlier been posted with me in Meerut. The Second A.D.J. was Shri Rajkrishna. Meena Tiwari, who was Civil Judge (Senior Division), became Chief Judicial Magistrate within a few days and continued to look after the work of Civil Judge (Senior Division) and Junior Division as well. In Haldwani, Shri Vijay Bahadur Singh was the Additional District Judge. After a few

days, Shri R.D. Paliwal also came there as Additional Chief Judicial Magistrate. Overall, it was a good team.

Among the new kinds of cases that I got experience in deciding as District Judge, Nainital, were cases of eviction from public accommodations, appointment of guardians under the Guardianship Act, copyright matters, and probate of wills. I had earlier also dealt with cases of issuing succession certificates in Ranikhet and Bareilly.

Earlier, I had fewer opportunities to hear Revisions against orders passed by Executive Magistrates (S.D.M.) under Sections 107, 116, 133, 145, etc. of the Criminal Procedure Code. Here, I got more such opportunities. There was nothing new in Sessions trial cases. However, there were one or two cases in which my judgments received coverage in newspapers.

One such case was *State vs. Mahipal and others*, in which one accused was an officer of the rank of Additional District Magistrate. The murder trial against him had been going on since the time when he must have been an S.D.M. This case from Police Station Bazpur came before me at the stage of arguments, meaning that the evidence had already been recorded by my predecessors. The file was bulky; the incident was of the year 1992. Since it was an old case, I fixed an early date. I did not know that any officer was also an accused in it. I came to know this during the arguments.

On behalf of the defense, there were several advocates, some from outside the District. On behalf of the prosecution Shri Harish Pandey was the counsel. Arguments continued almost the whole day. I fixed the date of judgment two or three days subsequent to close of the arguments. On evaluating the evidence, I found that the strongest evidence was against the accused who was an officer. Apart from the eyewitnesses testimony against him, there was also the dying declaration of the deceased, recorded by another SubDivisional Magistrate in the presence of doctors. The deceased had stated that

the S.D.M. (naming the accused) had fired at him. The evidence against the others was only that they were standing with him.

The accused magistrate's father was a businessman, and the prosecution story was that there was old financial enmity between the deceased and the father of this accused. I found the said magistrate-accused guilty and, after hearing on sentence, awarded life imprisonment. What happened in appeal later, I do not know, but on that day the convicted person was taken into custody. I was told that throughout the day it was the main topic of discussion in the Collectorate.

As Sessions Judge, I acquitted many accused persons and many were convicted. But in my judicial life, there was one case in which I awarded the death sentence. It was a case from Police Station Haldwani. In this case, in 1999, five persons were murdered. The accused were also five. The enmity was regarding illegal mining trade of sand and gravel.

None of the five accused were on bail as neither the Sessions Court nor the High Court had granted the bail. According to the prosecution story, all five accused came in a car at about 7 p.m. who were armed with firearms (pistols etc.) near the office of a sand and gravel trader located at Gaulapar. They shot dead the trader, his partner, his servant, and two other witnesses who were present there.

However, while fleeing, unfortunately their car did not start, and they ran on foot toward the river. Therefore, the persons present around the office saw the accused. It was stated that there was electric light. Three accused were local residents and two were residents of Haryana. The case was titled *State vs. Gulzar and others*.

Statements of some witnesses had already been recorded by my predecessor. Before me, an application was made by the defense to recall two witnesses who had already been examined, for further cross-examination. This was done on the ground that the accused

had now changed their lawyer and some important questions had remained unasked by the previous counsel. Although lengthy cross-examination had already taken place, in the interest of justice I thought it proper that the accused should get full opportunity for defense.

I could not understand the defense's trick that by then the accused had won over those two witnesses in their favor. When those witnesses came to court again, they turned hostile and back tracked from their earlier statements. The remaining two eyewitnesses were also declared hostile. However, one of them had earlier given an application which was on record, stating that the accused were threatening to kill them if they gave evidence against them.

The remaining evidence consisted of investigation-related evidence, recovery of firearms, and medical evidence. On behalf of the accused, the defense also produced witnesses in their support whom the prosecution, despite naming them in the charge-sheet, could not produce.

Arguments were heard and continued almost the entire day. In this case also, several local and outside advocates appeared for the defense. On behalf of the prosecution there was Public Prosecutor who argued the case. Since the matter was very complex, I fixed a date for judgment one week subsequent to arguments were concluded. During those seven days, my mind would keep churning over evidence late into the night. I went to the library of the Uttaranchal High Court and also consulted *Corpus Juris Secundum* relating to American cases and *Halsbury's Laws* of Britain. I found the principle that if a witness gives two contradictory statements in court, it is not necessary in every case to give the benefit of doubt to the accused. Rather, if out of the two versions one is fully reliable and the other is found to be false, then there is no question of giving the benefit of doubt.

Thereafter I began dictating the judgment. It ran into about forty pages. On the basis of abovementioned clue , I wrote in my judgment that the earlier statements of the hostile witnesses were reliable. I recorded that the accused had not only murdered five persons but had also tried to prevent the witnesses from speaking the truth and to make them turn hostile. I found them guilty.

The enmity was only with one trader of criminal background. I found that the remaining four persons were killed so that they could not give evidence. After hearing on sentence, I treated the accused who had come from Haryana as professional criminals and awarded them the death penalty treating their cases rarest of rare, and sentenced the remaining three to life imprisonment.

After giving copies of the judgment to the accused, I sent the record to the High Court for confirmation of the death sentence. Later, the High Court upheld the conviction but commuted the death penalty to life imprisonment.

All the advocates in Nainital were simple in nature. It was a pleasure to work with them. Shri K.C. Upreti, Bahadur Singh Pal, Akhilesh Kumar Sah, Bindesh Gupta, R.K. Tandon and others were all were learned persons. I learnt something or the other from the younger learned advocates too.

In the Nainital Civil Court, the Group 'C' employees' examination conducted by my predecessor in 1999 had been cancelled by the High Court, and during my tenure, orders were received to conduct the examination again. I found such work troublesome. Whoever does not get the job suspects dishonesty. Thousands of candidates were going to sit for twenty vacancies. Therefore, this work was like entering a room filled with soot (meaning, it could easily stain one's reputation). Still, I could not turn away from the challenge.

The first problem was that since the State of Uttaranchal had been formed, the percentage of reservation had changed, and this was a

re-examination. What should be done? While thinking about reservation, I blame our Hindu ancestors, because the root cause behind reservation is the caste system. Whereas in Chapter 4, Verse 13 of the Gita, Krishna has said:

“Chaturvarnyam maya srishtam guna karma vibhagashah”

Meaning: The four varnas (Brahmin, Kshatriya, Vaishya, and Shudra) were created by Me according to the division of qualities and work.

Thus, the caste system was based on division of work, not the birth. Then why did our ancestors started the caste system? I have also expressed my views on this in my book *Marriage, Divorce and Other Matrimonial Disputes*. It seems that earlier the varna system was based on abilities and work. But what appears is that with passage of time in most of the cases, a king’s son, growing up in that environment, would have the opportunity from childhood to learn the qualities of a king and thus would be more suitable to become king compared to others. Similarly, a Brahmin’s son, growing up in such an environment, if even slightly intelligent, would acquire better knowledge and shine in his father’s profession. The same applied to Kshatriyas, Vaishyas, and servicing families—for example, a washerman’s son would be better skilled in washing clothes, a barber’s son in cutting hair, and so on.

Gradually, society, which was based on qualities and actions, was converted into a society based on birth, and the caste system took deep roots. Now the stage is that even if a Brahmin’s son is neither intelligent nor learned, he still calls himself a Brahmin. If a Kshatriya’s son is cowardly, he is still called a Kshatriya. If a Shudra’s son is intelligent, even then people of other varnas do not give him proper respect in the society. As a result, dissatisfaction and anger naturally arose in the serving class. Because the caste system became so distorted that not only intercaste marriages stopped, but untouchability also began. Perhaps there is hardly any other society

in the world with such a discriminatory behavior. Now efforts are being made to remove it through the system of reservation. I believe that in doing so, merit is being sacrificed, which one day may create another kind of resentment. We will have to bring the balance somewhere in the middle.

Yes, the discussion was about the Group 'C' examination. I formed an Examination Committee of judicial officers and took the help of honest employees. I fixed the examination date in such a way that after the declaration of Examination, High Court was closing for winter vacation. Therefore, it was not be easy for anyone to obtain a stay order and disrupt the examination.

According to the advertisement, old candidates were allowed to take the examination free of cost. For new candidates fee was required to be paid. To avoid the delay in serving admit cards by post, the admit cards were given to new candidates at the counter immediately at the time of submission of the application form. To reduce the fear among local people that outsiders would be appointed, I made a provision that applications would not be accepted by post; every new candidate had to submit the application personally at the Nainital Civil Court office.

Fortunately, on Sunday, 23rd December, almost all schools were closing for winter vacation. With the help of the District Inspector of Schools, arrangements were made for seating candidates in almost all schools of Nainital, Bhowali, Jyolikot, and Bhimtal, and teachers were engaged for invigilation. The question paper was prepared, which was printed outside.

After the examination, for evaluation of answer sheets, the A.N. Singh Hall of D.S.B. College was rented. On Christmas Day, about two hundred teachers were engaged for evaluation and random answer sheets were given to them for checking in my presence. Nearly ten thousand answer sheets were evaluated by night. The entire next day

and night were spent in preparing the merit list, and the results were successfully declared.

January 1st was a holiday. In the first week of January, almost all selected candidates submitted their joining reports. After one month of training, they started serving in the Nainital Civil Court. In completing this work, I certainly had God's grace upon me.

During this posting, I sold my plot at Jhunsi in Allahabad and purchased a new plot at Malla Himmatpur, Haldwani. I went into heavy debt, but a house was built on it. My brother-in-law, Shri Basant Ballabh Tiwari, gave invaluable support in this; otherwise, building a house was beyond my capacity.

Shri Narayan Datt, Advocate, whom I had met in Allahabad and mentioned earlier, was married on 20 May 2002 to a girl named Bharti, with the help of Shri Pratap Bhaiya, at the temple of Golu Devta. My wife and I were witnesses. That too was an unforgettable moment.

As a District Judge I used to decide Rent Control matters too, and in decided matters after a decree was passed in favor of a landlord, the tenant had to be evicted and possession handed over to the landlord. But here, there was darkness beneath the lamp. The house at Tallital in which I lived with my family belonged to a Mrs. Sah. Regarding that house, since 1997, during the tenure of my predecessor, there was a court decree that it should be vacated. However, there was a proviso attached—that the decree should not be executed until alternative accommodation was arranged for the District Judge.

For five years, District Judges had continued to stay in that house on the basis of this proviso, which was excessive. To stay there any longer would have been like deceiving the landlady. It had not even been one year since I had come to that residence. When I had moved into that house in Nainital, I had already decided that within one year I must arrange alternative accommodation.

I saw many places, but nothing worked out. Then, in June– July, the High Court favored me and permitted me to live in a vacant house within its premises. On 17 July 2002, I vacated that house and handed over possession to the landlady. Mrs. Sah was pleased. My children did face some difficulty. Noopur’s college became farther away. But the desire for complete satisfaction can neither make a person happy nor give peace.

In January 2003, when my friend Shri J.C.S. Rawat was appointed as Registrar General in the Supreme Court at Delhi, I was appointed as Registrar in the Nainital High Court.

Working as Registrar and Registrar General in the Uttaranchal High Court did not cause me much difficulty because I had eight years’ experience as Joint Registrar in the Allahabad High Court. At the time of my posting, Chief Justice Shri Ashok Desai resigned from his position (possibly because he was not appointed to the Supreme Court). Justice Shri P.C. Verma, the senior-most judge, became Acting Chief Justice. Thereafter, Hon’ble Justice Shri Sarosh Homi Kapadia came from the Bombay High Court and became Chief Justice of Uttaranchal. He was honest, upright, extremely studious, and punctual. Later, he became a Judge of the Supreme Court.

During this tenure, not only Justice Kapadia, but also Justice P.C. Verma, Justice Irshad Hussain, and Justice Madan Mohan Ghildiyal were gracious toward me. At that time, Hon’ble Justice V.N. Khare was the Chief Justice of India, who knew me from Allahabad days. Before Justice Kapadia was elevated to the Supreme Court, he recommended my name for appointment as an Additional Judge of the High Court in the year 2003.

After Justice Kapadia, Justice V.S. Sirpurkar, then Justice Cyriac Joseph, and Justice Rajeev Gupta came one after another as Chief Justice. Thereafter, Justice V.K. Gupta remained Chief Justice for a long period of three years. After Justice V.K. Gupta, the Chief Justices under whom I had the opportunity to work as a judge in the

Uttarakhand High Court were Justice Jagdish Singh Khehar and Justice Barin Ghosh.

Meanwhile, my father, Ishwari Datt Pant, passed away in Pithoragarh on 4 May 2004. A few days before his death, he had given me many blessings for my progress, which I can never forget. On my father's demise, my friend Shri Sarvesh Kumar Gupta sent me these lines of Balbir Rang in consolation:

*"Aaye hain too Jaana hoga,
Shashwat niyam nibhana hoga.
Suraj roj kiya karta hai, dhalne ki taiyari.
Kar man chalne ki taiyari."*

(If one has come, he will have to go.

The eternal rule must be followed.

Just as the sun prepares every day to set, O mind, prepare yourself to move on.)

Chapter-21

Swearing in as a judge in the High Court

Tuesday, June 29, 2004, it was 10:30 A.M. Mr. Bipin Chandra Kandpal, Mr. Jeevan Chandra Singh Rawat and I were administered the oath of office as Additional Judges of the Uttaranchal High Court by the Hon'ble Acting Chief Mr. Justice P.C. Verma. This day is the most historic day in the life of any judicial officer. After the oath, there was refreshment and thereafter I had to sit for judicial work in a Division Bench with Hon'ble Justice Mr. Verma. I had gone through the judicial files one night before as I knew about the reconstitution of benches. Due to this, I did not face much difficulty in doing judicial work. I not only got the blessings and love of my fellow judges but also the support of the advocates of the High Court. Among the advocates, I was acquainted with Mr. L.P. Naithani, Nanda Ballabh Tiwari, Manoj Tiwari, Umakant Uniyal, Rajendra

Dobhal, Lokendra Dobhal, Jeevan Chandra Joshi, Sher

Singh Adhikari, Pratap Singh Adhikari, B.D. Upadhyay, Jagdish Chandra Pandey etc. from my days in Allahabad, while I got acquainted with Shri Sudhanshu Dhulia, Sharad Sharma, Alok Singh, V.K.

Kohli, D.K. Sharma, Dharamvir Sharma, Mahendra Singh Pal, V.K. Bisht etc. in the High Court of Nainital. Shri Ram Singh Sammal, M.C. Pandey, K.K. Shah, Pushpa Joshi, Sarvesh Agarwal etc. had appeared before me in the District Court in Nainital. There were many other

learned advocates in Nainital whose names I am unable to mention as I am failing to remember them all at once, for which I apologize. When I took oath as a Judge of the Uttarakhand High Court, Himanshu Negi was my Personal Assistant and Shri S.S. Gosai was the Bench Secretary and Shri B.C. Barthwal was the Joint Registrar (Judicial). I was very impressed by the behavior of my class four employees. Sukhdev Rawat, Bahadur Adhikari, Girish Bhatt and Dev Singh not only worked honestly but also did not even take Sunday off. As long as there are such dedicated employees, divinity will prevail in the institutions in which they work. It will not be fair to talk about employees and not praise my own Personal Assistant. Perhaps it was 4:00 P.M on October 6, 2004, when a girl entered my chamber along with the Personal Assistant of Hon'ble Mr. Justice B.C. Kandpal, who was appointed as my Personal Assistant. The name of this girl was Shweta. She was of the same age as my daughters but more obedient than my daughters. I do not know what her nature was like at home, but in the office she was calm and introvert and was very efficient in her work. Her calm nature could keep even a rude natured person like me quite peaceful.

As a judge of the High Court, I got the opportunity to decide disputes of a new branch of law. I mean Constitutional Writ Petitions. Apart from this, I also used to dispose of civil and criminal appeals. If someone asks me which case shook my mind the most as a judge of the High Court, I would say Criminal Appeal No. 971 of 2001 Jeevan Singh v. State. In this case, the accused had earlier murdered his wife under the influence of alcohol. After being out on bail, he killed his elder daughter by burning her alive under the influence of alcohol again. This appeal was dismissed by a Division Bench of Justice Irshad Hussain and me and the sentence of life imprisonment was upheld. The case was of village Lelu district Pithoragarh. It is a heart-wrenching example of how mad a person can become under the influence of alcohol in the hills and to what extent he can go. Thanks to God, I have so far refrained from consuming alcohol. Around

seventeen thousand cases were disposed of after summary hearing in the Uttarakhand High Court. Decisions of more than five hundred contested cases are reported in Uttaranchal Decisions.

Chapter 22

Marriage of daughters

On November 16, 2005, my elder daughter Surabhi got married to Dr. Hari Om Solanki, resident of village Nunera, district Mathura. This was an intercaste marriage. Brahmins do not have a tradition of marrying people of Jat community, but considering the wishes of the boy and the girl, I and my wife agreed to get this marriage solemnized according to Arya Samaj. Arya Samaj does not believe in caste system (caste based on birth) among Hindus. This marriage was solemnized in Subhadra Guest House near Shri Krishna Janmabhoomi. The ceremony was kept simple from our side. I requested only 10-15 very close relatives to be present on this occasion. The reception was held in Hotel Sheetal Regency on the same day in the evening.

Regarding marriage, I am of the firm opinion that it is a ritual or act by which society and law recognize the relationship between a man and a woman as husband and wife and the child born from such a couple is called a legitimate child. In fact, this ritual or act is a symbol of human civilization unlike animals which brings order in the society. My second daughter Tanushree's marriage was solemnized on January 15,

2007 with Mr. Dinesh son of Shri Dr. Mahendra Kumar Arora at Hotel Classic Residency in Haridwar. This was also an inter-caste marriage and was performed according to Arya Samaj tradition in the presence of only close relatives from our side. In the same series, my youngest daughter Nupur's marriage was solemnized on May 6, 2007 with Mr.

Rajat Gupta son of Mr. R.L. Gupta in Kangra (Himachal Pradesh) at 'Himalay Wonderworld' Dharamshala Road Hotel according to Vedic tradition. Like the first two, this was also an inter-caste marriage and only close relatives were invited. I don't know if it was correct or not, but considering the circumstances I thought this was wise. Meanwhile, on October 30, 2006, my elder daughter Surabhi was blessed with a fulfilled motherhood. My first grandson Jayaditya was born in Nainital.

The name of Uttaranchal state was changed to Uttarakhand from 1.1.2006, during this period (till 2007) I had the opportunity to work with three Chief Justices- Hon'ble Chief Justice Mr. V.S. Sirpurkar, Hon'ble Chief Justice Mr. Cyriac Joseph and Hon'ble Chief Justice Mr. Rajiv Gupta and all the three showered love and affection beyond my merit. On February 19, 2008, I took oath as a Permanent Judge of the Uttarakhand High Court.

The year 2008 added many new incidents- on 16.02.2008, my daughter Nupur's son Aryan was born in Nainital and after three months, on 13.5.2008, my daughter Tanushree was blessed with a son named Priyansh in Nainital. But a sad incident also happened that year. My mother-in-law, Smt. Govind Devi Tiwari, who lived in Delhi with her younger daughter Bindu, passed away on

06.06.2008. In those days, Hon'ble Mr. Justice V.K. Gupta was the Chief Justice of Uttarakhand who came to my house to console my wife.

Chapter-23

The accident when death was imminent

In the meantime, elder brother Dadda's both kidneys failed and he was put on dialysis and in 2013, he had to undergo kidney transplant.

On December 1, 2008, I was returning from Delhi to Nainital after attending wedding of daughter of Chief Justice Shri Rajiv Gupta. At that time, in the morning fog, the Government vehicle (Corolla) in which I was travelling, collided head-on with a Bolero or Tavera type vehicle coming from the opposite direction near Moradabad. Dev Singh, the driver, was injured in that accident. I started getting suffocated due to the smoke inside the vehicle, then people from the vehicles of my fellow judges following me rushed and Justice Dharamvir opened the door of the vehicle and took me out and I sat in the vehicle of my colleagues and reached Nainital by the time the court opened. At that time, Justice Sudhanshu Dhulia and Justice V.K. Bisht, who had by now been appointed as the judges of the Uttarakhand High Court, were travelling together from behind.

Later, Mr. Alok Singh, Mr. Sarvesh Kumar Gupta and Mr. Umesh Chandra Dhyani were also appointed judges of the Uttarakhand High Court, with whom I also got the opportunity to work.

My brother-in-law Dr. Naveen Pathak passed away on April 1, 2012 at 7:00 A.M. He was suffering from cancer. I saw him as an ideal doctor who considered service to humanity as his religion. Two

years before his death, he had a liver transplant for which my nephew Naman's (Pradyot) mother-in-law, Smt. Sharma donated a part of her liver but even this effort could not save him for long. Meanwhile, when I went to Bhopal with my wife to attend Naman's wedding, I had the good fortune of visiting Ujjain and Shri Mahakal. In January 2013 Nupur was blessed with a daughter Anahita in Ahmedabad. During my visit to Gujarat, I and my wife visited temples of Shri Somnathji and Shri Dwarkadhishji.

Chapter 24

Meghalaya High Court- Good Days

The word Meghalaya means – Home of Clouds, it receives heavy rainfall. On September 20, 2013, I was sworn in as Chief Justice of the Meghalaya High Court by His Excellency Mr. K.K. Paul, Governor of Meghalaya. At that time Dr. Mukul Sangma was the Chief Minister. This State is full of natural beauty and natural resources. Mainly Khasi, Jaintia and Garo tribes are the original inhabitants here. According to the Sixth Schedule of the Constitution, special provisions have been made to protect the culture and customs of these people, due to which the legal structure in this State is quite different as compared to the mainland of India. Tribal courts are still authorized to try and dispose of civil and criminal cases.

My tenure here was short, the number of pending cases in the High Court was around one thousand. We were three judges. Apart from me there were Justice T.N.K. Singh and Justice S.R. Sen. I would usually head the two-judge bench in the before lunch and after lunch all three would sit in separate benches. The Bar President and Advocate General was Mr. Kinzing. The Registrar

General was Mr. Vanlur Ding Doh, the Registrar was Mrs. Marlene Thongmen, and Mrs. Daphira Rinjah was the Deputy Registrar. Everyone cooperated with me. The number of judicial officers was also not much. During my tenure two new Sessions Divisions, William Nagar and Nong Stoin were opened in Meghalaya and the right to settle civil and criminal cases was given to judicial officers from

revenue officers. Recruitment process also had to be done in the Higher Judicial Service and High Court Staff. One notable work that I could do in administrative side was the framing of the rules and regulations of the Meghalaya High Court. The draft had to be prepared. In this task, the experiences of my work as Principal Secretary Law Uttarakhand and Joint Registrar Allahabad High Court helped me and I was able to get the rules passed in the Full Court meeting without any difficulty.

As far as judicial work is concerned, from above 1100 cases, the number of pending cases came down to a little over 800 by the time I left office. As far as I remember, two important criminal appeals that I decided were from CBI prosecuted cases relating to Prevention of Corruption Act. After trial in both the appeals, the conviction was upheld. In one appeal the accused/appellant was an IRS officer of Central Excise whose conviction was upheld. In the other, the accused was a High Court advocate who was found guilty of bribing the CBI. One of the PILs was against Lafarge Cement Company which was decided on the directions of a previous Supreme Court case.

Due to less workload in Meghalaya, I got the opportunity to visit Chirapunji, Barapani, Dawki, Cleanest Village and now the place with the highest rainfall in the world, Mawsin Ram, etc. during weekends with my wife. One day, I visited Maa Kamakhya Devi Temple in Guwahati with my wife. The children also visited this temple during their holidays. Personal staff included Mr. Ram Bahadur Thapa, Mrs. Florence and Mr. Sadaf, who never let us face any inconvenience.

I received the letter of appointment as a Judge of the Supreme Court on August 11, 2014, about twenty days before the date of retirement as Chief Justice, and left Shillong for Delhi on August 12, 2014.

Chapter-25

Three years at the top

It is said that today's Delhi was called Indraprastha. On Wednesday, August 13, 2014, I took oath as a Judge of the Supreme Court along with Mr. Justice Abhay Manohar Sapre, Mrs. Justice Bhanumati and Mr. Uday Umesh Lalit before lunch in New Delhi. The then Chief Justice of India Mr. Justice Rajendramal Lodha administered the oath of office and secrecy to us. That day I felt how kind God had been to me. Apart from my wife Rashmi, her younger sister Bindu and my younger brother Laxminarayan were also present in this oath ceremony.

The position of a judge in the Supreme Court was not very easy for me. I used to get tired everyday after reading the files of the cases listed for the next day. I was always under stress due to the fear that no erroneous order should be passed. After sitting with Mr. Justice Mukhopadhyay in Court Room No. 5 for two months initially, I sat with Mr. Justice Vikramjit Sen for the next two months and then with Mr. Justice Dipak Misra for almost a year in 2015. In the bench led by him, I and Mr. Justice Amitabh Roy heard the petition filed on behalf of Yakub Memon in July 2015 by getting the locks of the court opened in the middle of the night for the first time in the history of the Supreme Court. The next morning the accused (Yakub Memon) was to be hanged in the 1993 Mumbai bomb blast case. The order dismissing the petition was passed in the open court at five a.m. in the morning. In 2016, I got the opportunity to sit with Mr. Justice Ranjan Gogoi for about ten months. I got the opportunity to hear

many important cases in this bench too. After this, Mr. Justice Ramana and I sat together for about six months before my retirement. Sitting with Mr. Justice Dhananjay Chandrachud for a week during the summer vacation was also memorable.

During my three-year tenure in the Supreme Court, I worked primarily under four Chief Justices of India, namely Chief Justice R.M. Lodha, Chief Justice H.L. Dattu, Chief Justice T.S. Thakur and Chief Justice Jagdish Singh Khehar.

During this period, I received special affection also from Mr. Justice Rohinton Nariman. All the judges in the Supreme Court were learned, but Mr. Justice Rohinton Nariman was a vast storehouse of knowledge. He was a shining torch of constitutional law. His memory was photographic. Every morning after reaching the Supreme Court, before sitting in the court rooms, we used to assemble in a Conference Room, where I can never forget our conversations while sitting with him over tea and coffee. Seeing him, I sometimes used to think if I was really worthy of appointment as Judge of the Supreme Court or not.

In the Supreme Court, the arguments of eminent lawyers like Surveshri Falinarian, Soli Sorabji, K.K. Venugopal, Kapil Sibal, P. Chidambaram, Ram Jethmalani, P.P. Rao, Abhishek Manu Singhvi and some others were extremely informative. The answers of Attorney General Shri Mukul Rohatgi and Solicitor General Shri Ranjit Kumar were equally insightful. More than a hundred of the judgments written by me were published in the Supreme Court Cases journal.

During this period my residence was 1 Kaamaraj Lane. Peacocks often came there who were fed food grains by my wife. Often, groups of menacing monkeys used to come. There was an office building along with the residence in the compound. Mr. Anil Kumar was my Personal Secretary and Mrs. Syal was my Personal Assistant. Mr. Niranjana Prasad Raghav and Mr. Mahendra Singh were Legal Assistants. Although I rarely went to public functions but I visited twice the Law

College of Delhi University in Delhi where I shared my thoughts with the new generation. I also interacted with the youths of the new generation once each of the Law Centres of Amity, Sharda and Galgotia Universities. During my tenure in the Supreme Court, I met His Excellency the President and the Hon'ble Prime Minister in formal functions. I got the opportunity to watch the Independence Day celebrations from the ramparts of the Red Fort and the Republic Day celebrations at Rajpath. In those days, I rarely went out of Delhi. One day I went to Kurukshetra and visited the place where Shri Krishna gave the Geeta Upadesh to Arjun. I also visited the temple of Maa Bhadrakali in Kurukshetra.

At the time of my swearing in, Shri P.H. Parikh and at the time of my retirement, Shri Rupinder Singh Suri were the Presidents of the Supreme Court Bar Association. On 29 August, 2017, I retired after completing more than forty years of judicial service. On this occasion, in a function organized by the Supreme Court Bar Association (SCBA), I bid farewell to service by reciting the following lines of poet Akbar Allahabadi-

"KYA KAHEN AHBAAB KYA KARENUMA KAR GAYE.

*B.A. HUE, NAUKAR HUE, PENSION MILI AUR MAR
GAYE."*

(Oh dear! How to describe you what I have achieved.

Completed the studies, the service, got pension, and died.)

Chapter-26

National Human Rights Commission, New Delhi

After retirement, I shifted and stayed in my house in Haldwani for about one and a half years. Meanwhile, my second daughter Tanushree was blessed with a second son Shaurya. Rashmi's health deteriorated again. During this period, I remained connected with Mr. Justice S.N Singh, Mr. Justice V.K Dixit, Mr. Justice S.K Tripathi, all my UP time batchmates and other old friends through WhatsApp. Then when the proposal for the post of member of the National Human Rights Commission came, I accepted and at present I am working on this post in Delhi since 22.04.2019. All my colleagues in the Commission are better than me. Former Chief Justice of India H.L. Dattu is the Chairman, Mrs. Jyotika Kalra and Dr. Moole are my fellow members and Mrs. Usha Nair is my Principal Private Secretary and Ms. Jyoti Suyal is my Personal Assistant. I was allotted a house at 13 Mother Teresa Crescent. I was told that Rajiv Gandhi and Sonia Gandhi were married in this house. It is also said that before that Amitabh Bachchan had lived in this house with his father. During this tenure of the Commission, in 2019, I also had to undergo prostate surgery.

Apart from resolving complaints of human rights violations, the National Human Rights Commission also has the task of creating awareness and doing research work on human rights. Human rights mean rights related to life, liberty, equality or dignity of a person

which are guaranteed by the Constitution or an International Covenant. The camps of the Human Rights Commission are organized outside Delhi. In this connection, I got the opportunity to visit Chennai and Thiruvananthapuram for the first time. I also had the darshan of Sri Padmanabha Swami.*

*Author has resigned from NHRC in September 2021 on health ground after this autobiography was written and completed in Hindi in December 2020.

Chapter-27

And in the end

It is dusk now. This is the month of September 2020, when I am writing these lines. For the last six months, due to the Covid-19 pandemic, I have been working for the National Human Rights Commission, online from home. Fears are being expressed that elders are now in more danger. Sometimes I think had I not been born what difference it would have made to the world. I would not have had to bear many pains of life and I would have missed out on so many happy events of the life. Yes, Surabhi, Tanushree and Nupur would probably not have been there. One of my many weaknesses is my inability to fulfill social responsibilities properly. Sometimes my family problems, sometimes my own nature made me fail in many responsibilities. Still I am unable to see my failures and my weaknesses properly. That is why I could not improve much. Mahatma Gandhi has said- "Just as someone else sees our back, not we ourselves, similarly we are unable to see our faults." Many times I was unable to control my anger in the court and used to show my short temper. I think I will not do it again. But my nature is such that this type of behavior gets repeated. Many times I am unable to control my words and tone of voice. Still I have seen many people praise

me without seeing my bad qualities. In such a situation, I remember the Hindi book I read in Class Nine in my childhood, in one of its Lessons there was a sentence by Munshi Prem Chand- "JO JISKA

PREM PAATRA HOTA HAI USSE USKE DOSH NAHI DIKHAI DETE.”(The one who

loves someone, he is unable to see his friend’s faults.) This is the reason that a person can easily see the faults in others which he cannot see in his parents, siblings, wife, children and friends. All this is perhaps due to the ego of the person. I read the Hindi translation of Gitanjali the book originally authored by great poet Rabindranath Tagore at the Lucknow Railway Station during a journey. In the following verses of Gitanjali, Tagore prays something like this-

"Lord! Drown all my ego in the tears of my eyes. By protecting my false importance

I only show my smallness."

"You have given me the sky, the light, the body, the mind and the soul without asking for anything

Save (me) from the trouble of excessive desire... "Protect me from calamities - this is not my prayer, (but) let me not be afraid of calamities... "Whatever suffering is my lot, I will bear it all.

Let my desires be destroyed."

Many people may think that this autobiography could have been written a few days later, but it does not seem that memory will remain intact with the passage of time. So at this moment I looked at myself in the mirror. Now that I have seen sixty-eight springs of my life, looking back at my life, I find that I was an ordinary student, an ordinary husband, and an ordinary father, but yes, to some extent I was successful as a Judicial Officer/Judge.

Now the last stage of life must be near. The truth of life is that one day we will all perish. A Tamil poet has said- "Physical life is temporary as long as the letters written on the water."

If someone asks me that from my experiences till date, what message would I like to give to the coming generations regarding the truth of life, then for me, perhaps it would be appropriate to say-

In my opinion, the most undisputed fact found by Gautam Buddha is that only change is the real truth and the end of changes is beyond the reach of the transitory events given to us.

The good results of good deeds are experienced only to the extent that such deeds and results are not interfered by external forces or factors beyond our control. Therefore, it seems that good work has a limited relation with good results. Connecting success or failure to oneself and rejoicing or grieving for it is deceiving oneself. The life is short-lived. Therefore one should travel through life fearlessly, without any pride and with detachment, realizing that the same infinite power is present in everyone, or rather in every living being and one's duties should be performed within reasonable limits.

It is time for the twilight of life. The only truth left is to go to sleep at the twilight of life. If someone asks me what I would like to write in my will, then my answer is that whatever happened to me in life is all right. I do not want anything more. After my death, whoever finds it appropriate and convenient, can dispose of my body in the way he/she deem fit. If I get salvation on the basis of my deeds, then it is fine, otherwise I do not want it. At this twilight of my life, I am remembering these lines of Aruna Kishan Sharma-

"IDHAR SE AYE UDHAR GAYE DIN, SOOKHE PATTON SE BIKHAR GAYE DIN. JANE KYA-KYA CHHOOT GAYA KAB, KIDHAR SE AYE KIDHAR GAYE DIN."

(Days came from here and went there, days scattered like dry leaves.

Who knows what all was left behind,

where did the days come from and where did they go.)

Quantum physicists believe that time and the universe are interconnected. Time is the scale to measure the change in the universe. The day the change in the universe stops, time will also stop. Till then, you and I, in some form or the other, whether in material form or subtle form, will keep meeting and parting as a changing part of the universe. With these words, I seek permission from the wise readers to end this writing.

And finally, I seek forgiveness from all those advocates, litigants, relatives, employees, senior officials, junior officials, acquaintances, strangers, all living beings including plants, to whom I could not do justice in life. I am also thankful to air, water, fire, earth and sky, without which my life was not possible. Om Shanti.

Appendix-1 My ancestors (Paternal side)

(Gotra-Upmanyu, Village Pantyudi, District-Pithoragarh)

Late Smt. and Shri Bhudev Pant

I

Late Smt. and Shri Jaydev Pant

I

Late Smt. and Shri Purnanand Pant

I

Late Smt. and Shri Ram Dutt Pant

I

Late Smt. and Shri Bhawani Dutt Pant

I

Late Smt. and Shri Umakant Pant

I

Late Smt. and Shri Ishwari Dutt Pant

I Author

Appendix 2 (Maternal side)

(Gotra- Bhardwaj, Village- Gudauli, District- Pithoragarh)

Late Mrs. and Mr. Balram Pande

I

Late Mrs. and Mr. Hansram Pande

I

Late Mrs. and Mr. Devi Dutt Pande

I

Late Smt. Pratima Pande (Pant) (Author's mother)