

**FULL COURT REFERENCE HELD ON 26<sup>TH</sup> MAY, 2022 AT 2:30 P.M. ON THE SAD DEMISE OF MEMBERS OF DELHI HIGH COURT BAR ASSOCIATION WHO BREATHED THEIR LAST DURING THE PANDEMIC WHICH COMMENCED IN MARCH/ APRIL, 2020; MR.R.K.P. SHANKAR DASS, SENIOR ADVOCATE WHO PASSED AWAY ON 10.03.2017; AND MR. BALBIR SINGH SHERAWAT, ADVOCATE WHO PASSED AWAY ON 25.08.2015.**

My Esteemed Sister and Brother Judges;

Mr. Chetan Sharma, Additional Solicitor General of India;

Mr. Murari Tiwari, Chairman, Bar Council of Delhi;

Mr. Mohit Mathur, President, Delhi High Court Bar Association;

Mr. Jatan Singh, Vice President, Delhi High Court Bar Association;

Mr. Abhijat, Secretary, Delhi High Court Bar Association;

Mr. Sanjay Lao, Standing Counsel (Criminal), Govt. of NCT of Delhi;

Mr. Santosh Kumar Tripathi, Standing Counsel (Civil), Govt. of NCT of Delhi;

Standing Counsels of the Central and State Government;

Executive Members of the Delhi High Court Bar Association;

Office Bearers of Bar Council of Delhi and other District Bar Associations;

Senior Advocates;

Members of the Bar;

Family members of the deceased Senior Advocates and Advocates for whom we are holding this Full Court Reference;

Ladies and Gentlemen.

We have gathered today to mourn and condole the demise of 133 members of the Delhi High Court Bar Association due to the Covid-19 Pandemic in the last couple of years. We are also condoling the demise of Mr. R.K.P. Shankar Dass, Senior Advocate who passed away on 10.03.2017; and Mr. Balbir Singh Sherawat, Advocate who passed away on 25.08.2015.

The last time that a Pandemic of this proportion devastated humanity around the globe, was nearly a hundred years ago. Even though we – as the most intelligent species, had 100 years to prepare for this attack on our very existence, when it hit us, the Pandemic showed us all how vulnerable we all are, despite advancements in the fields of science and medicine. The entire community appeared helpless in the face of the Pandemic. Particularly, the second phase of this Pandemic dealt a body blow last year from late March onwards, and continued to ravage the country for about four months.

During this period, the nation lost thousands – if not lakhs of people, and there is hardly anyone who has not suffered a loss either in one's own family, or amongst close friends and acquaintances. We are fortunate, and we have God to thank for, for safely taking us through the worst of the Pandemic.

The legal profession is unique, in that it brings the professionals to practice their profession to the Court premises. The Court premises, therefore, becomes a hub – a meeting place, where we meet practically on a daily basis. These regular meetings, working and spending the day together, which also involves

having our lunches, teas & coffees together in Bar Canteens etc., creates very strong bonds, and our co-professionals become our closest friends. In this background, to suddenly lose so many of our near and dear friends, with whom we have been spending time day in & day out in the Court; with whom we have been working, breaking bread and having tea & coffee, joking and chatting, is most unbearable and painful.

It pains us even more to see that many of our friends from the Bar, whom we have lost, were very young, and budding lawyers. Their promising careers were suddenly and brutally cut short by destiny, and their dreams, as well as the dreams of their family were shattered. Our hearts go out to the family members of all our friends whom we have lost to the Pandemic. This is something that none of us had ever imagined, or bargained for.

During the peak of the Pandemic, particularly during the second wave last year, we often got to see the display of the best characteristics and qualities of human beings. Not only our individual friends from the Bar & Bench, but also the Bar Associations and the Bar Council reached out to help all those in need of any kind of help – whether monetary, or otherwise. We reached out to the bereaved families to condole their losses in the best way we could, keeping in mind the requirements of maintaining the Covid-19 protocols strictly. This comradeship between the lawyering community helped many of our friends and their families to tide over the problems & difficulties thrown up by the Pandemic.

Fate had snatched away some of the best Senior Advocates and other Advocates from us, and we shall surely miss their presence; their faces; their voices; their companionship; their arguments in Court; their wit, humour & repartee; and the contribution that they would have made to the development of the law, had they been around.

Human-beings, as a species are resilient, and despite our losses we have shown the determination to move on. We have also shown that we can invent, innovate, adapt, create & develop systems and solutions with agility. It is these qualities which have kept us going. To keep the wheels of justice moving, we were able to switch to the new system of virtual hearing, to ensure that the doors of justice remain open for the needy. Our scientists and medical experts were able to develop effective vaccines, which have been able to neutralise the deadly intensity of the virus.

During the first two waves of the Pandemic, the judiciary stepped in to respond to the desperate appeals of the people in the face of the unprecedented demands on the medical system, which saw unprecedented shortages of infrastructure, such as hospital beds, medically trained human resource, medicines, other infrastructure such as ambulances, medical oxygen and even cremation grounds, crematoriums and burial grounds. The second wave of the Pandemic was so huge, that it completely overwhelmed the existing systems. No one could have anticipated the magnitude of the crisis, and none could be expected to create the

infrastructure to deal with such an unexpected situation in advance. Even the most developed and advanced countries faced similar shortages, as we faced in India. In fact, it appeared from some press reports, that the situation in some of the European Countries was worse.

I remember that during the course of one of the hearings in the Public Interest Litigation in the Court presided by me, in the context of the acute shortage of medical oxygen, the Bench asked the Medical Superintendent of one of the leading Multi-Speciality Hospitals in Delhi, as to why they had not invested sufficiently to create capacities for oxygen storage at their hospital. The Medical Superintendent replied that, in normal times, their requirement of medical oxygen is so insignificant, that the expenditure on medical oxygen for a month would be only Rs.1 Lakh, as opposed to their total monthly turnover of Rs.100 Crores.

A healthy and vibrant Bar is like a living organism which represents the collective consciousness of the society. It is the members of the Bar who are amongst the first to notice and express critical opinions about violation, protection and furtherance of the rights & duties of the people. It is the Bar, wherefrom we draw the members on the Bench, and invariably, it is the members of the Bar who constitute the think tank, and also act as the Spokespersons of the political class. It has, therefore, fallen upon the leaders of the Bar and the leading Senior Advocates and other successful advocates at the

Bar, to ensure that the loss that the Bar has suffered on account of the Pandemic – of the old and experienced members, and young and promising members, is mitigated in whatever measure it can be mitigated, by providing all their support financially, professionally, or otherwise to those who have suffered due to the pandemic.

We cannot make good the irreparable losses that the families of our demised friends have suffered. What we all can do is to move on together, hand in hand, while ensuring that the families of our deceased friends are not left behind, and that their pain and suffering is mitigated to the extent possible.

With a lot of effort, and with the cooperation of the Delhi High Court Bar Association and the Bar Council of Delhi, we have been able to collect the particulars of the deceased members of the Delhi High Court Bar Association, whom we have lost during the last two years. Unfortunately, despite our best efforts, we have not been able to get the photographs of a large number of our deceased friends. We have prepared an audio-video presentation of the deceased members of the Delhi High Court Bar Association, which we shall now play. Please forgive us if there are any mistakes, or omissions, and the same is unintentional.

### **START THE AUDIO-VIDEO PRESENTATION**

I, on behalf of my Sister and Brother Judges, and also on my own behalf convey our heartfelt condolences to the families of the members of the Delhi High

Court Bar Association and pray to almighty to give them strength to bear this irreparable loss. May the almighty bestow peace to the departed souls.

As a mark of respect to the departed souls, we shall now observe silence for two minutes. (The Hon'ble Judges will take their respective seats for a moment after the silence, and it will be announced by Hon'ble the Acting Chief Justice as under).

*“As a mark of respect to the departed souls, the working in the Court is adjourned for the rest of the day.”*