

FULL COURT REFERENCE TO BE HELD ON 17TH FEBRUARY, 2017 AT 3.00P.M. ON THE SAD DEMISE OF LATE SHRI JUSTICE Mohd. SHAMIM, LATE SH. JUSTICE S.N. KUMAR AND DR. SHYAMLHA PAPPU , SENIOR ADVOCATE

JUSTICE G. ROHINI
CHIEF JUSTICE

My esteemed brother and sister Judges,

Shri Sanjay Jain, Additional Solicitor General of India;

Shri J.P. Sengh, Vice-President, Delhi High Court Bar Association,

Shri Amit Sharma, Secretary, Delhi High Court Bar Association,

Shri Rahul Mehra, Standing Counsel (Civil and Criminal), Govt. of NCT of Delhi

Other Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

Members of the bereaved families,

Ladies and gentlemen

We have assembled here today to express our profound sense of grief on the demise of Shri Justice Mohd. Shamim, Shri Justice S.N. Kumar, former Judges of the High Court of Delhi and one of the finest senior members of the Bar Dr. Shyamliha Pappu.

Justice Mohd. Shamim who was born on 30th December, 1937, did his Masters in English from Aligarh Muslim University and later Graduation in Law from Agra University. He enrolled himself with the Bar Council of Allahabad High Court and practiced as an advocate at District Courts, Meerut from 1959 to 1964.

The judicial journey of Justice Mohd. Shamim began in May, 1964, when he joined UP Judicial Service as Munsif Magistrate 1st Class. He worked at different places in Uttar Pradesh as a Member of the UP Judicial Service.

Justice Mohd. Shamim joined the Delhi Judicial Service on 22nd September, 1971 as Sub-Judge and he worked as Chief Metropolitan Magistrate, Senior Sub-Judge and Rent Controller in Delhi Courts from 1971 to 1978. Justice Mohd. Shamim was promoted as Additional District and Sessions Judge in April, 1978 and also presided over the Industrial Tribunal for more than a year. He was then promoted as District & Sessions Judge on 13th July, 1990.

As a recognition of his rich experience and dedication and commitment towards his duty, Justice Mohd. Shamim was elevated as an Additional Judge of the Delhi High Court on 17th May, 1995. He became the permanent Judge on 14th March, 1996. The experience he gained in the lower judiciary by analytically and critically assessing the fact situation in each case helped him later in discharging his functions remarkably as the Judge of the High Court. After serving this Institution for about four and a half years, Justice Shamim retired on 30th December, 1999.

Subsequent to his retirement, Justice Mohd. Shamim was appointed as Chairman of the National Commission for Minorities and he worked as such from 24th January, 2000 to 23rd January, 2003. Justice Mohd. Shamim also adorned the office of Lokayukta, Delhi from 12th March, 2003 for a period of five years.

It would not be an exaggeration to say that Justice Mohd. Shamim had extended exemplary services to the judiciary for more than half of his life.

The invaluable contribution made by him for the noble cause of upholding the rule of law and administration of justice will be remembered for ever by the Bench and the Bar with utmost respect.

The inevitable happened on 26th August, 2016 when Justice Mohd. Shamim left for the heavenly abode at the ripe age of 79. He is survived by his son Mr. Aatif Shamim who is a practicing advocate.

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Justice S.N. Kumar was born on 19th June, 1927. He did his schooling and graduation from Lahore, Pakistan. However, later he joined Delhi University and obtained the Degree in Law. Then, he did his Masters in Law from the prestigious Harvard Law School, Cambridge, USA.

Initially Justice Kumar practiced in the courts in USA and he worked for many law firms in USA.

After his return to India, Justice S.N. Kumar worked as a trainee under the Comptroller & Auditor General of India between 1954 to 1956.

Having opted to join the legal profession, Justice S.N. Kumar got enrolled as an Advocate on 13th December, 1963. While in practice, Justice Kumar appeared in many cases of importance in Civil, Company, Taxation and Constitutional Laws and very soon he was recognized as a very efficient and sincere advocate.

Owing to his professional skills, legal acumen and commitment to the cause, Justice Kumar was recommended for elevation to the Bench and he was sworn as an Additional Judge of Delhi High Court on 07 March, 1979.

Though his tenure on the Bench was very short, Justice S.N. Kumar was well known for his excellent behaviour, honesty, integrity, dignified and sober approach towards the members of the Bar as well as the litigant public. He always kept cool temperament and was full of grace, sophistication and dignity.

Justice S.N. Kumar rendered a number of judgments both on procedural and substantive laws and his judgments reflect his extreme respect for integrating the principles of social justice and equity.

Justice Kumar embodied and lived through his convictions-compulsively and passionately.

Post retirement, Justice Kumar was actively practicing in this Court as well as in Supreme Court and other forums. He passed away on 1st December, 2016 leaving behind his wife Mrs. Archana Mukherji Kumar who is also an advocate and two children who are settled abroad.

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Dr. Shyamliha Pappu, who was the designated senior counsel and was actively practicing in the Supreme Court of India and the High Courts of many States, was born on 21st May, 1933.

Having started her career as a legal practitioner at a very young age in Bangalore in the year 1955, Dr. Shyamliha Pappu shifted to Delhi in 1966 and started practicing in the Supreme Court and Delhi High Court. In the year 1971, when Dr. Shyamliha Pappu was just 38 year old, she was designated as senior advocate by the Delhi High Court which itself shows how successful she was in the legal profession even about five decades ago. It's a matter of great pride for the legal fraternity of the entire India, more particularly Delhi High Court to note that she was the first lady advocate to be designated as Senior Advocate in the whole of the Commonwealth.

Dr. Shyamlha Pappu worked for the Government of India in Delhi High Court and Supreme Court for seven years in different capacities such as the Standing Counsel for Central Govt., Senior Standing Counsel and Special Standing Counsel.

Dr. Shyamlha Pappu was also a member of the Law Commission of India in 2008-09. She also visited several countries and participated in many conferences as an expert in Constitutional Law in the Indian Delegation.

Dr. Shyamlha Pappu also defended women rights through several initiatives and she was awarded Padma Shri, the fourth highest civilian honour, by the then President of India in 2009 for her invaluable contributions to the society.

She was also the Editor of the book "Women Know Your Rights", the foreword of which was written by the then Prime Minister Smt. Indira Gandhi. This book was translated in all the Indian languages and was distributed free of cost by the Government. Many of her articles on various aspects of the Indian Constitution were published in various journals and magazines. She was also commissioned by the Government of India to draft the text of "Divorce by Mutual Consent" which has been incorporated in the Hindu Marriage Act in the year 1976.

Dr. Shyamliha Pappu had made significant contribution in the field of law. She had argued various landmark cases, which included **Indra Sawhney v. Union of India**, regarding the validity of the Mandal Commission report on reservation for backward classes in civil posts/services under the Government of India.

Besides Padam Shri, Dr. Shyamliha Pappu was also recipient of several other awards during her long and illustrious career as senior advocate. Apart from the prestigious Padam Shri, other notable awards included 'Great Legal Luminary of India' in the year 1987 conferred by All India Conference of Intellectuals; 'Priyadarshani Award' and 'Mahila Shiromani Award' conferred by Shiromani Institute in the years 1989 and 1992 respectively.

She was the convener of Legal Aid Committee of the All India Federation of Lawyers, Legal Service Clinic for free legal aid for women and children and was the member of the Indian Council for Child Welfare apart from being President of Indian Federation of Women Lawyers for two terms.

Dr. Shyamliha Pappu led an active and eventful life till the end and by the time she breathed her last on 7th September, 2016, she was engaged in research work on 'Prostitution in India'.

She is survived by her son Mr. R. Krishnamurthy, who is also a practicing advocate.

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With the death of Justice Mohd. Shamim, Justice S.N. Kumar and Dr. Shyamalha Pappu, we have lost three memorable legal luminaries. It is an irretrievable loss to the legal fraternity as a whole and a personal loss to their family members.

Though I had no occasion to interact with Justice Mohd. Shamim and Justice S.N. Kumar, I have had the good fortune of personal acquaintance with Dr. Shyamalha Pappu. When I took over as Chief Justice of Delhi High Court in the year 2014, she warmly welcomed me and bestowed her blessings and good wishes. I will always miss the warmth and affection with which she always treated me. I cherish the memories of Dr. Shyamalha Pappu for her learning, scholarly attainments in the legal profession, decorum, dignity and simplicity.

I on behalf of myself and my brother and sister Judges extend our heartfelt condolences to the members of the bereaved families and pray to the Almighty to give them strength to bear the irretrievable loss.

May the Almighty bestow peace upon the departed souls.

(AFTER REFERENCE BY LAWYERS IS OVER)

I request you all to pay homage in the memory of Shri Justice Mohd. Shamim, Shri Justice S.N. Kumar and Dr. ShyamIha Pappu by standing in 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 Chief Justice as under):

"As a mark of respect to the departed souls, the Court is adjourned for the rest of the day".