

Farewell reference on elevation of Hon'ble Mr. Justice Mukul Mudgal as Chief Justice of Punjab & Haryana High Court

My esteemed colleague Justice Mukul Mudgal and other sister and brother Judges, Shri A.S. Chandhiok, Additional Solicitor General of India and President of Delhi High Court Bar Association, ^{M. O. K. Sharma} learned Members of the Bar, family members of Justice Mudgal, Ladies and Gentlemen.

There is a line in one of the songs of hit Broadway musical "The Music Man" of Meredith Willson - "What is the good in goodbye?" If some one puts this question to me today, I would say "yes, there is 'good' in 'goodbye'; for today, we are not just bidding farewell to Justice Mudgal but also celebrating the 'good' in his elevation as the Chief Justice of the High Court of Punjab and Haryana.

I have known Justice Mukul Mudgal for a long time, much before I moved from Bombay. He is a multifaceted personality. He had been an accomplished Advocate; he is a fine Judge; and above all, a very fine human being.

He comes from one of the most culturally distinguished families of Delhi. His parents, Late Pt. Vinay Chandra and Smt. Padma Devi, can be credited with making the city of Delhi sensitive to the stream of Indian classical music. His father Pt. Vinay Chandra was one of the

most renowned musicians of India. He had established Gandharva Mahavidyalaya in Delhi in 1939, one of the oldest institutes of its kind in Delhi, that has trained generations of students and produced discernible audience. Justice Mudgal and his other siblings, brought up in this kind of milieu, were exposed to the highest values of classicism and aesthetics. His elder sister Manjari served as Programme Director in Doordarshan. His younger brother is a renowned vocalist and younger sister Madhavi is an internationally acclaimed Odissi dancer. Justice Mudgal himself is a great music lover and has deep understanding of music.

Justice Mudgal has equal love for sports. He himself was an ace swimmer in his younger days, once a member of the swimming team of Modern School. He represented Hindu College and Delhi University in Aquatics and Water Polo in 1968-1969, later captained Law Faculty Aquatics team. His association with sports continued even after he was elevated as Judge of the High Court. He is member of COURT OF ARBITRATION FOR SPORTS (CAS), Geneva.

Justice Mudgal was enrolled as an Advocate in 1973 and practiced in Supreme Court and High Court of Delhi. He was Advocate on Record in Supreme Court from 1978 to February 1998. During this period, if one looks at the kind of cases he had been associated with, one will have an idea of his sensibilities, commitment to the cause of the poorer and weaker sections of the society in particular and human

rights in general.

While working in the chamber of Dr. Y.S. Chitale, Senior Advocate, he was involved in presentation of arguments in famous Bachan Singh's case in which constitutional validity of death penalty was an issue. In Kadra Paharia v. State of Bihar, he was appointed as the amicus curiae and continued to assist Supreme Court till its conclusion. The case related to the necessity of appointing Special Magistrates for petty cases clogging the Courts in India. He framed the draft rules which were circulated to the States. In Vineet Narain, he was there to assist the Court on the question of insulating CBI from outside political interference in the investigation of cases against high & mighty. He was part of the team of advocates in Vishakha's Case- a case in which gender equality was an issue. He appeared as amicus curiae. His concern for issues of personal liberty came vividly to the fore in the celebrated case of Sunil Batra, decided by the Supreme Court. He was involved in the filing of petition on behalf of the National Human Rights Commission to prevent the hostile treatment of Chakma refugees numbering 65000. [National Human Rights Commission v State of Arunachal Pradesh and another – WP (civil) No. 720 OF 1995]. His concern for the poor is reflected also, in one of his articles on Judicial Reforms. He wrote:

“ No system of administration of justice can be said to be true to itself unless it can prevent any tilting of

balance in disputes between the rich and the poor or the mighty and the weak. There is something basically wrong in a system wherein the poor and the indigent cannot obtain judicial redress of the wrongs done to them because of their poverty.”

His work in the area of legal aid attracted the attention of senior judges of Supreme Court. Justice E.S. Venkataramiah requested Justice Mudgal to take over the reins of the Supreme Court Legal Aid Committee (as it then was) as Secretary. He performed that job admirably well. In his legal aid work, Justice Mudgal has been an inspiration to several young generations of lawyers. At least two of them are now in the Delhi High Court as Judges. Their work in the area of legal aid is owed largely to the encouragement and support they received from Justice Mudgal. The good work done by Justice Mudgal formed the foundation for the work of the subsequent Supreme Court Legal Services Committee, the statutory body under the Legal Services Authorities Act, 1997. His association with legal services continues even till today. He has served with distinction as Chairman of the Delhi Legal Services Committee and also that of Delhi High Court Mediation Centre. He is also the member of the National Legal Services Authority.

Justice Mudgal was appointed as the Judge of this Court on 2nd March 1998. Since then, he has adorned the Benches of this Court admirably. He has penned several judgments of great import & impact. One cannot help recalling the promptness with which Justice Mudgal's

Bench responded to the crisis brought about by the rash driving of 'Blue Line' buses. The good spade work initiated by his Bench enabled the later bench to lay down detailed guidelines in the matter. His concern for the rights of prisoners is reflected in several Judgments. In Brindavan Sharma's case, he touched a nascent territory what he described as 'victims of crime and punishment'. That was the case where father was convicted for murdering his wife, the mother of three children. It was a judgment first of its kind. The judgment draws both from the constitutional provisions as well as the Child Rights Convention. The appeal of the judgment was such that a compassionate citizen came forward to help these children. Notices were issued to the government for framing a scheme for such situations. Justice Mudgal dealt with the issue of ban under statutory provisions against depiction of smoking on-screen, when came up before his bench. Striking down the ban he said:-

“It is clear that the blanket ban on production of films and television serials which show a smoking scene is a direct encroachment on the creativity and free artistic expression of the maker of such film or television serial guaranteed under Article 19(1)(a).”

In the case of Uphaar Fire Tragedy, his judgment awarding compensation to the victims has become a landmark. In a case raising issues of gender discrimination in the context of employment of women in bars, his views have recently been upheld by the Apex Court in Amrith case

These cases are illustrative and just reflect that nothing can escape his attention, big or small, if it has something to do with the liberty of an individual.

To conclude, I would just like to say that it has been a rare privilege knowing him. I, on my own behalf and on behalf of all my brother and sister judges, would like to say “Thank You” for being one of us and congratulate him on being elevated as the Chief Justice of the High Court of Punjab and Haryana.

While parting for now, I would use the words of Garrison Keillor:

“Be well, do good work, and keep in touch.”

Thank you.

Chief Justice
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