

**SPEECH OF MR. SANJAY JAIN, ADDITIONAL SOLICITOR GENERAL OF INDIA AT THE FULL COURT REFERENCE ON THE RETIREMENT OF HON'BLE JUSTICE KAILASH GAMBHIR**

Hon'ble Justice G. Rohini, Hon'ble the Chief Justice of High Court of Delhi, Hon'ble Judges of High Court of Delhi, Mr. K.K Manan and Mr. Puneet Mittal, Chairman and Secretary, Bar Council of Delhi, Mr. Rajiv Khosla, President of Delhi High Court Bar Association, Mr. Jatan Singh and Mr. Abhijat, the Vice-President and Hon. Secretary of DHCBA, Mr. Raman Duggal and Mr. Rahul Mehra, Standing Counsels for the Govt. NCT of Delhi, Standing Counsels of Union of India, Hon'ble Senior Members & and Members of the Bar, family members of Justice Kailash Gambhir, my colleagues, ladies & gentlemen.

How does one bid farewell to a judge who permanently inhabits our hearts, whose presence in the corridors of this court has left an inedible imprint in the timeless horizons? Therefore, I take liberty to say that, today we have assembled to celebrate Justice Gambhir's tenure as one of the most distinguished Judges of this Court rather than to bid farewell to him. Justice Gambhir has been a Judge whose unparalleled demeanor, infectious smile, comforting warmth, concern for the causes, crucial to the welfare of the legal fraternity and receptivity towards the pains of the

underprivileged section of the society has left a legacy that will be cherished as much by the posterity, as it has been, by his contemporaries.

Justice Kailash Gambhir never had to announce his arrival. When he joined the bar, people noticed a young and energetic lawyer; when he joined the ladder of bar leadership, people looked up to him with expectations; when he won elections people were in awe and admiration; when he became a judge, people rejoiced and now that he is walking into the twilight, having played his innings as a judge; people are simply overwhelmed with emotions. Such is his charisma; his aura, his persona and the impact he has made all along his journey at the bar as well at the bench.

Justice Gambhir's leadership qualities were tested when he became an office bearer of Tis Hazari Bar Association immediately after a three month long strike, which had almost driven the young lawyers to the brink of starvation. He worked hard to create a congenial working environment in courts which helped young lawyers like me to retain their faith in the relevance of legal profession. Please remember, those were the times, when our economy was still regulated and the legal profession was not as lucrative. When he took over as Secretary of Tis Hazari Bar, he had the vision and energy to organize a grand ceremony to commemorate centenary of Tis Hazari Bar. A Function so well attended, so well-organized, so dignified and so well-

appreciated and exceptional that till date the splendor of the same fills our heart with pride. Justice Gambhir later rose to become the President of the Tis Hazari Bar.

Justice Gambhir's transition to this High Court was smooth and seamless. He picked up the nuances of writ jurisdiction within no time and served the state Government as well as the Union Government with poise, dignity and diligence. He would refrain from making absurd submissions and it was well recognized at the bar and the bench that he would not mislead the Court.

Eventually, when sworn in as a judge of this Court, His Lordship got a platform to express himself on the issues which were close to his heart, particularly the deliverance of justice to the common man.

Through his judgments, his lordship dealt with almost all streams of law and what we saw, was his Lordship's immense capacity to do justice not merely by following the precedents but by the setting the precedents. His lordship never found himself lost merely because there was no precedence on a particular point, which required him to take a view. He carved out his own path and rendered a large number of landmark judgments.

Any discussion on the judgments of Justice Kailash Gambhir would be incomplete without remembering the

famous words of Winston Churchill, He said and I quote “*All great things are simple, and many can be expressed in a single word: freedom, justice, honour, duty, mercy and hope*”. Justice Gambhir through his judgments has nurtured each of these virtues, some of which merit a mention.

In the case of *Gurvinder Singh v. State of NCT of Delhi*, his lordship strengthened the virtue of **freedom** with regard to freedom of spirit along with freedom of body while condemning the rape of a minor daughter and hence providing relief to a poverty stricken family.

His lordship upheld the virtue of **justice** in the case of *Fayaz v. U.O.I*, by observing that public authorities must be just and not make hollow promises, wherein a railway minister had falsely raised the hopes of a blast victim with one hand and crushed them with another.

**Honour** of a member of the Indian Army was preserved when in the case of *Captain Bindu Sethi v. U.O.I*, his lordship opined that unjust and arbitrary denial of right to promotion violates the fundamental right of equality under the constitution.

Sense of **Duty** was restored in the case of *Anuj Sharma v. University of Delhi* when he reprimanded the Faculty of Law upon the failure to avoid an unnecessary wastage of seats at the cost of public exchequer and deprive aspiring

students admission by failing to convert the vacant OBC seats to the General category seats.

Hope was upheld in the case of *Ranjana Verma v. AIIMS*, wherein his lordship laid stress on the fact that differently abled persons are also humans and deserve a level playing field in the realm of education to be treated with an attitude, free of pre-conceived bias against the sufferers of this fate.

It suffices to say that Justice Gambhir is leaving behind an immaculate trail of burnished record with an unblemished ethical conduct for all of us to emulate.

Bernard Baruch said and I quote, “*Age is only a number, a cipher for the records. A man can't retire his experience. He must use it. Experience achieves more with less energy and time*”. The august gathering assembled here will agree with me that Justice Gambhir has a natural flair to share his learning and he has always found time, despite his busy schedule. Therefore I will request his lordship to continue to guide us with his wisdom and experience.

I on my behalf and on behalf of the Union of India and its Standing Counsels, salute Justice Kailash Gambhir with all admiration and affection at our disposal. I, wish his lordship good health, longevity and happiness.

To conclude, Enid Bagnold, the famous British playwright once said, “Judges don't age, time decorate them”. As of now, in the historic hall of the Chief Justice’s Court, even time has stopped to salute this decorated judge.

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