

**SPEECH AT FULL COURT FAREWELL REFERENCE ON THE
OCCASION OF ELEVATION OF JUSTICE A.K. SIKRI, HACJ, DHC
AS THE CHIEF JUSTICE OF PUNJAB & HARYANA HIGH COURT**

SANJAY KISHAN KAUL, J.

My esteemed colleague Justice A.K. Sikri; brother and sister Judges; former Judges of this Court; Mr. A.S. Chandhiok, learned Additional Solicitor General of India and President, Delhi High Court Bar Association; Mr. Rajeeve Mehra, ASG; Mr. P.H. Parekh, President, Supreme Court Bar Association; Mrs. Rana Parween Siddiqui, Chairman of the Bar Council of Delhi; representatives of the Bar Council of India; Mr. Najmi Waziri & Mr. Pawan Sharma, Standing Counsel, Government of NCT of Delhi, Officer Bearers of various Bar Associations; learned members of the Bar; family members of Justice Sikri; ladies and gentlemen –

I consider it a great privilege to be entrusted with the daunting task of speaking about the immense contribution made by Justice Sikri in the myriad roles he has played both at the Bar and on the Bench, as we bid him an affectionate farewell.

The academic record of Justice Sikri shows that he was born to excel. He excelled in his academic career throughout – whether it was Graduation in Commerce from Shriram College or the Law Degree including his Post-Graduation in Law; he achieved these distinctions despite his engagement in the social milieu of university life where he was the President of the Students’ Union of the Campus Law Centre (CLC). His deep attachment to the field of academics made him take on the extra responsibility of a part-time Lecturer in CLC from 1984 to 1989 alongside his growing professional legal career. I am told that he was one of the most admired teachers – something which a number of his students, who now adorn the Bench or are in the Bar, will definitely endorse.

His father was an eminent lawyer, who was later designated as a senior counsel. Justice Sikri had to meet the expectations of this pious man. He, thus, plunged with his heart and soul into litigation and was engaged as a counsel by numerous public sector undertakings, educational institutions, banks and financial institutions and also private sector corporations. He was able to make his mark as an Advocate in a short period of time. Apart from the legal acumen, he was an extremely popular Member of the Bar and was elected as its Vice-President during

1994-95. His continued hard-work, quality of assistance rendered to the Court in the development of law and the manner of presentation saw him being designated as a Senior Advocate by the Full Court in September, 1997. However, his pre-eminent position at the Bar did not permit him to practice for very long thereafter as he was invited to the Bench and appointed as a Judge of this Court on 7th July, 1999.

When Justice Sikri was appointed as a Member of the Bench, a lot was expected of him. He disappointed none!! From the very first day, he was entrusted with the Single Bench matters. The fact that he was most even tempered and pleasant in Court did not deter him from being firm where required. His ability to manage his Court coupled with his intellectual calibre and court etiquette soon earned him great admiration.

Apart from the contribution he has made while enunciating principles of law in a wide spectrum of cases, his continued involvement with intellectual activities in the administration of Court has made him a multi-faceted personality. He is a Member of the General Body and the Academic Council of National Judicial Academy; the Chancellor of the National Law University, Delhi; the Patron-in-Chief of the Delhi Judicial Academy; Member of the Committee on Restatement of Law

abbreviation 'AKS'. He has always shown exceptional devotion to his work with the versatile and profound knowledge of various subjects. His contribution has been seminal in matters dealing with social issues and constitutional rights affecting rights of women, children and persons' with special needs apart from the commercial matters.

In the case of *Bachpan Bachao & Ors.*, he emphasized the need for legislation to protect domestic workers including women and children against exploitation laying down detailed guidelines for the protection of domestic workers and machinery for redressal of their complaints¹.

He has delivered a number of judgments to strengthen the right of the persons with disability and special needs and to fulfill the intent of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He ruled that no authority shall deny benefit of employment to the disabled unless there is a specific exclusion under the statute as the very purpose of this Act is to provide a full life to a disabled individual so as to enable him to make full contribution in accordance with his disability conditions². He expanded on these rights in a subsequent pronouncement emphasizing social barriers and discrimination faced by persons with disabilities in

¹ *Bachpan Bachao & Ors. v. Union of India and Shramjeevi Mahila Samiti v. State*, 177 (2011) DLT 198

² *All India Confederation of the Blind v. Union of India*, 2012 IV AD (Del) 417

constituted by the Hon'ble Chief Justice of India; Secretary of the International Law Association; Member of the Governing Council of the Indian Law Institute; Member of the General Council of the National Law School, Bengaluru; Ex-President of INSOL India; and so on and so forth. A personality with immense knowledge and talent admired for his grasp over legal matters, he has been much sought after in various national and international conferences where he has spoken with usual eloquence, lucidity and simplicity. In fact, he was chosen one of the 50 most influential persons in the field of intellectual property law in the world in the survey conducted by the Managing Intellectual Property Association (MIPA) for the year 2007. He has been involved with the Mediation and Conciliation Centre of the Delhi High Court from its very inception and presided as Chairman of the Overseeing Committee guiding the Centre through its nascent stage with a sense of pride. His special interest in academics has made him spend valuable time for the development of the Judicial Academy and the National Law School and it is at his initiative that additional land measuring 7 acres adjacent to the existing area has been allotted.

The judicial pronouncements of Justice Sikri would run into more than 60 volumes. In fact, there can be a new journal with the

employment, access to public spaces, transportation, etc. Instead of attempting to assimilate them in mainstream of the Nation's life, they are more often made an object of pity, as emphasized by him³. Recently, he held that where there is a concession shown of minimum marks to SC/ST candidates, the same level of benefit should be admissible to persons with disability as they are equally socially backward, if not more⁴.

His sensitivity towards minors and women made him rule, while dealing with the issue of cross-examination of a minor daughter, that it should be ensured that a woman in litigation is not unnecessarily ridiculed, maligned or her dignity violated⁵. He balanced competing human rights by leaning towards usage of adoption of coercive methods in paternity actions⁶.

Justice Sikri encouraged accountability in educational institutions by subjecting the increase of fee by schools to scrutiny; this, in effect, conceptualized a judicially manageable standard of measuring need against necessity for enhanced school fee giving thereby a meaningful

³ Social Jurist, A Civil Rights Group v. Govt. of NCT of Delhi & Anr., decided on 27.01.2012 & 13.08.2012 – 190 (2012) DLT 406

⁴ W.P. (C) No. 4853/2012 titled 'Anamol Bhandari (Minor) Through his Father / Natural Guardian v. Delhi Technological University' decided on 13.09.2012

⁵ Meenu Sharma v. Union of India, AIR 2003 Delhi 334

⁶ Rohit Shekhar v. Narayan Dutt Tiwari, 2012 (189) DLT 105

role to Parents' Teacher Association(s)⁷. He focused on 'care' and 'education' at pre-school levels emphasizing that children should not be burdened with text-books and home-work at Nursery level⁸. The significance of the ideal teacher-child relationship allowing the children to express their feelings and sharing their trials and triumphs with a responsive teacher was enunciated. The Bench headed by him was responsible for issuing directions to all private unaided-schools in the capital to hire two qualified special educators as per the mandate of The Right to Education Act, a unique gift on the Teachers' Day.

There is really no jurisdiction of this Court over which he has not presided and made contribution. A special attention to the criminal justice system is the need of the hour. Thus, cases of under-trials languishing in prison for more than a period were taken up with much ardor with the assistance of Delhi Legal Services Authority of which he is the Chairman. Juveniles in crime received a special attention including through special programmes of the DLSA and visits to the jail.

The PIL jurisdiction was used as a potent force, yet not permitting it to be misused, which included directions for protection of people from North-Eastern part of the country, alleged misuse of public funds for

⁷ Delhi Abhibhavak Mahasangh & Ors. v. Govt. of NCT of Delhi & Ors., MANU/DE/3071/2011

⁸ Another matter of Social Jurist, A Civil Rights Group

advertisements by governments in power, mandatory use of GPRS / GPS in auto rickshaws to avoid harassment of public, etc.

His rulings have touched upon many significant issues ranging from making helmets compulsory for women, dealt with the issue of juveniles being forced into crime, made police stations tobacco-free, provided for guidelines on the issue of health food in schools and given relief to persons with mental disability so that they have a respectable life. It is well-nigh impossible to even refer to the entire spectrum of his judicial views in the short time at my command.

It is said that a Judge must have the grace to hear patiently, to consider diligently, to understand rightly and to decide justly with a sense of humility. Justice Sikri more than meets this test. John Ruskin⁹ said,

“I believe that the first test of a great man is his humility. I don't mean by humility, doubt of his power. But really great men have a curious feeling that the greatness is not of them, but through them. And they see something divine in every other man and are endlessly and incredibly merciful.”

⁹ (1819-1900) : A writer, social thinker and philanthropist born in London

One has to be a good human being like him, then only would it be possible to meet these requirements and satisfy the expectations of the Bar and the Bench. In his tenure of almost a year as the Acting Chief Justice, he set an example of leadership, which he has displayed in guiding this Court. He inculcated a sense of commitment to work and discipline among his colleagues, judicial officers and other staff members by setting an example himself.

The real test for a Judge is when he is faced with difficult situations, complex matters and situations requiring courage and conviction. Justice Benjamin Cardozo said, "The process of justice is never finished, but reproduces itself, generation after generation, in ever-changing forms, and today, as in the past, it calls for the bravest and the best ...". Justice Sikri has been '*the bravest*' and '*the best*'!

He is a man steeped in tradition yet modern and progressive in his outlook. He is polite yet firm on issues of moment. He has a discernable eye of an able administrator who puts his weight behind the real issues and lets those which are insignificant lie till time to deal with them is ripe.

He believed in baton changing and continuity. As an Acting Chief Justice he has in the best traditions of the judiciary not attempted to

change or overturn decisions or policies which were wholesome and in public weal. It is because of this that he continues sit on Committees such as the Juvenile Justice Committee despite paucity of time and devotes out of his busy schedule time to write messages on birthday cards of his colleagues – which contain words of wisdom and felicitation.

An even-tempered man who comes very near to the nirguna state. A state where three (3) gunas or attributes are perfectly balanced, i.e., the satavic, rajas and tamas guna. I have not come across any instance where it could be said that his anger or personal predilections overtook his judgment. Justice Sikri is an epitome of grace under fire.

The word '*Justice*' is used as a prefix for a Member of the Bench. It is capable of being bifurcated into two words '*just*' and '*ice*' and these two words perfectly describe the persona of Justice Sikri – absolutely just with temperament as cool as ice.

On a personal note, I have had the benefit of his guidance both inside and outside the Court as an elder brother – a perfect Judge in all respects. I will sorely miss his presence, as will other colleagues of mine. Our joy is that he climbs another ladder to render guidance and leadership to the High Court of Punjab and Haryana, our parent-Court. That Court's gain is our loss! It is our fervent hope that he will continue

to rise to higher echelon of success and will continue to bestow his love, affection and guidance to both – the Members of the Bar and the Bench of this Court.

His mother, wife Madhuji (his longstanding companion who has borne the consequences of his commitment to work with fortitude), Saket and Ekta must be feeling a sense of great pride on this special day, as his father would bless him from heavens.

In his new endeavour, I, on behalf of all of you, wish him the very best.

Thank you.

Jai Hind.