

Farewell speech on the retirement of Hon'ble Mr. Justice Ajit Bharihoke

Justice Ajit Bharihoke, my brother and sister colleagues, Sh. A.S. Chandhiok, ASG and President, Delhi High Court Bar Association, Mr. Rakesh Tikku, Chairman, Bar Council of Delhi, Sh. Kirti Uppal, Vice-President, DHCBA, Mr. D.K. Sharma, Hony. Secy., DHCBA, other Executive Members of the DHCBA, office-bearers of other District Bar Associations, Senior Advocates, District Judge & Sessions Judge, Law Secretary, law researchers, ladies and gentlemen.

In less than one month it is the third time that we have assembled here to bid farewell to yet another colleague of ours on the Bench. This time it is Justice Bharihoke, a dignified and outstanding Judge of this Court.

It is almost 37 years, when the judicial journey started for Justice Bharihoke with his appointment to the Delhi Judicial Service on December 7, 1974. He worked as Civil Judge, Metropolitan Magistrate, Additional Rent Controller, Senior Civil Judge and Chief Metropolitan Magistrate before his promotion to the Higher Judicial Service on 21st August, 1995. In that capacity he worked as Additional District and Sessions Judge, Additional Sessions Judge,

Motor Accidents Claim Tribunal and Additional Rent Control Tribunal. Undoubtedly, Justice Bharihoke remembered the oath he took as a judge, throughout his career. But at the same time he understood so well that the most important part of the oath requires a judge to do his duties without fear or favour. These words he absorbed within him, nay, they are etched on his mind. That is the reason that from the word go he favoured none and he feared none except his own conscience. A lowly or mighty for him both were equal. What he knew so well was that law is above all and his duty is to uphold the dignity of law—in all circumstances—even if the heavens fall. His personality echoes the following words of German poet Goethe:

“Until one is committed, there is hesitancy, the chance to draw back, always ineffectiveness whatever you can do or dream, you can begin it. Boldness has genius, power and magic in it. Begin it now.”

For such a person, ride is not always smooth and he had his own share of problems. But he still chose the righteous path, and every time he emerged victorious.

High Court recognised his ability, qualities, his acumen and his skill, which is reflected in the coveted posting given to Justice Bharihoke as Special Judge, Anti Corruption, CBI, Delhi in April, 1996. That was also the period when many sensitive cases were being dealt with by CBI judge. During his tenure as the Special Judge, CBI, he dealt with several high profile cases involving the former Prime Minister and other political personalities. Some of the cases dealt with by Justice Bharihoke are Jharkhand Mukti Morcha, St. Kitts, Lakhubhai Pathak, Urea Scam and Borfors Gun scam.

Justice S.B. Sinha, the then Chief Justice of this Court, had a discerning eye who could spot even the academic talent in Justice Bharihoke. When he formally set up the Delhi Judicial Academy, Justice Bharihoke was asked to take the reigns thereof as Additional Director along with Justice V.B. Gupta, the then Additional District Judge, as its Director. His stint at DJA proved to be a turning point. Not only he fine tuned his administrative prowess, he evolved as a teacher. He also sharpened his academic skills. This period saw him turning into a great thinker capable of understanding the finer points of law and appreciating legal nuances. He strengthened his

analytical skills and learned the technique to critically assess the fact situation in each case which later helped him in discharging his functions superbly as the Judge of the High Court. He learnt another important part during this period, which every good judge needs to possess, namely, how to minimize personal bias in decision making uninfluenced by the priors shaped by experienced temperament, ideology or other non-legalist factors and how to remove priors shaped by irrelevant reactions in judicial decision making.

The manner in which he conducted himself brought him accolades and laurels. The fragrance emitted by his outstanding work reached everywhere. No wonder that Justice A.S. Anand specifically requisitioned the services of Justice Bharihoke only, as the Registrar of the National Human Rights Commission (NHRC).

His talent blossomed during his posting as Registrar, NHRC. His horizon widened. This tenure at NHRC was a sensitizing process for him and his outlook towards the human rights issues and the rights of marginalized groups in the society underwent a complete transformation. He evolved and emerged as a complete judge

capable of doing social justice and capable of applying legal principles with pragmatic approach.

While discharging his judicial duties in the District Court, he was assigned administrative work also from time to time. He held several administrative posts, like Administrative Civil Judge, Senior Civil Judge, Chief Metropolitan Magistrate. In recognition of his administrative qualities he was appointed as the Registrar General of this Court with lots of expectations. And he did not disappoint. He truly acted as the eyes and ears of the Chief Justice. I remember that on many occasions he exhibited boldness by correcting the Chief Justice or the Administrative Committee pointing out the correct position of rules.

If one advances confidently in the direction of his dreams, and endeavours to live the life which he has imagined, he meets with a success unexpected in common hours. A thing long expected takes the form of the unexpected when at last it comes.

Exactly that is what happened in his case. Gandhiji was correct when he said: “Rights accrue automatically to him who duly performs his duty.”

And that right was given to him on May 14, 2009 when he was elevated as the judge of this court.

Though he had stint of only 2 years and 5 months, he is leaving indelible mark of his impeccable character, crusader of justice and a hardworking judge.

Natural habitat of Justice Bharihoke is the Court where he spent 37 years of his life. It is, therefore, his work family. Good thing is that he is not going to leave his natural habitat soon, though the environment and place of this natural habitat would change.

I on my behalf and on behalf of all my colleagues wish him good luck in his future pursuits.