

## Farewell Speech - HMJ Anil Kumar

Justice Anil Kumar, my brother and sister colleagues, Sh. A.S. Chandhiok, ASG and President, Delhi High Court Bar Association, Mr. Rajiv Mehra, ASG, Mrs. Rana Parween Siddiqui, Chairman, Bar Council of Delhi, Sh. J.P. Sengh, Vice-President, DHCBA, Mr. Mohit Mathur, 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.

Today we have assembled here to bid “farewell” to one of our dearest colleagues on the Bench – Justice Anil Kumar. After serving this High Court in the capacity of a Judge for eight years, Justice Anil Kumar is demitting his office today. Justice Anil Kumar, in these eight years itself, has distinguished himself as a fine Judge.

Decision making as a Judge is not an easy job. It is no longer correct notion that Judges sit on ivory tower. Unless they know the realities of life, they cannot dispense justice. The understanding of ordinary life is perhaps the most important facet of Justice Anil Kumar’s compassion. Another

important facet is complete absence of sentimentality. A rare combination ! As it is very difficult to strive a balance between the two viz doing justice with compassion and also to ensure that your heart does not rule the head and you lose objectivity; which may result in giving a judgment completely ignoring the statutory provisions or legal principles. At the same time, need is to be sensitive to the rights of the ordinary persons and do social justice within the framework of law.

During graduation he read extensively and used to visit American Library and British Council Library at least twice a week. Became a disciple of a German Philosopher 'Karl Popper' and got extremely influenced by his 'Theory of Objectivism'. Firmly believes that there cannot be any absolute and final truth. Every proposition and idea can be refuted to reach or arrive at better and Higher truth. This virtue of finding the truth generated another quality in him. He listened with patience. He gave due respect to the arguments advanced before him. But those arguments never came to a conclusion without Justice Anil Kumar having in substance found where the truth lies. And in that he is fiercely independent. At the same time, he is open to frank and analytical discussion and would get persuaded if there is a merit is what others say. It is this characteristic which gives him ability to

come to a clear conclusion. Once the decision is reached, with compelling sense of righteousness, he rarely changes his mind.

Those who are born in the year 1947 are described as 'Children of Midnight' by Domnique Lapierre in his novel with this very title. Applying the same analogy, those who are born in 1950, the year in which the people of this country gave themselves a beautiful document of governance, i.e., the Constitution of India, should be called 'Children of Dawn' and Justice Kumar falls in this category. This is precisely the reason for imbibing the constitutional values which include sense of equality and fairness. One can find this discerning feature in his judgments. Maybe this very sense of justice has given him the quality of taking any task with commitment, passion and honest motives, which quality is inherent in him. It is not an occasion to recount many important judgments which he has delivered during this period. But I would like to refer to the judgment in the case that related to the Director of AIIMS, which in abundance depicts his strong mettle.

Except those who are very close to him may not be knowing other facets, traits and attributes of Justice Anil Kumar. His life is not merely that of an advocate and a Judge. He is a multi dimensional personality. There is

a part of him who is a sports person, a part of him who wants to theorize, a part of him who is a teacher, a part of him who is adventurous, a part of him who is a musician and a part of him who is a dancer. He knew that to force himself to a single role, to decide to be just as one thing will kill off large parts of him. That is the reason that he allowed all the parts described above to nourish and flourish which makes his life most enjoyable experience.

His philosophy about his life was clear from his school days. He did not want to do things to himself on himself. He did not want to do nice things for people so that he will be called 'nice'. He did not want to work to make money but wanted to work to work. His motto in life, "I will be what I will be, I will do what I will do".

Let me open the curtain to these talents of Justice Kumar which have remained hidden so far from the people at large. In his school days he was a member of school Band, a drummer. He still plays side drums with two sticks. As Charles Kingsley put it "Music has been called the speech of angels"; I will go further and call it the speech of God himself. So he is in touch of God through his speech in the form of music.

In his student life itself he also became member of gliding club and did about 78 launches. He was just short of two launches from doing solo.

Justice Kumar has been a teacher as well. On a chance visit to Frank Anthony Public School, was offered to teach Chemistry as the School's Head of Chemistry Department had got a heart Attack. Taught chemistry in the School to class X and XI for some time.

He is fluent in French which language he learnt in the year 1973 when he joined Alliance Francaise de Delhi for certificate in French. Thereafter he did diploma in French from Jawaharlal Nehru University and Advance Diploma from Delhi University. In 1975 he was elected to the Governing Body of Alliance Francaise. Got influenced by French culture and took extensive part in the French cultural events in New Delhi. He started a French club with other members in Defence Colony known a 'Le Club Francaise' in which the only requirement was either to speak in French or sign language.

It seems the list of Justice Kumar's talents is unending. He has even learnt wine making and brewed good quality wine for about eight years whereafter he had to leave this hobby after his father became a Judge of this Court which made him more engrossed in law practice leaving little time for wine making.

However, being a man of principles, he fought with Chief Instructor finding him in the wrong and did not hesitate to sacrifice his gliding career.

Justice Anil Kumar is an avid wanderer. He has driven extensively in Himalayas in remote areas – Drove up to Chitkool which is the last village in Kinnaur District adjoining India China Border. Tracked in Dhauldar range extensively around Mcleod Ganj with a law lecturer Mr. Solid Paul. Did river rafting with wife in Teesta River, Sikkim. Had a mishap, as the raft had overturned in mid river but somehow both of them were saved. But that did not deter them to do it again.

Another example of his courage and adventure is that he went to Srinagar with family though terrorism was at its peak and no tourist used to go there. In Srinagar in an terrorist attack, our room was destroyed, as one of the misfired rocket had landed in front of their room. Since he and his family were not in room, they were saved. It proves that God always protects courageous people.

He also became a member of President Estate Polo Club, now known as Army Polo Club, and is doing horse riding since 1989.

As a young lawyer he would do crazy things. A group of lawyers formed an association in Tis Hazari called 'Association of Tired Young Lawyers' and he became its President.

After becoming Judge, he became Executive Member of International Law Association and travelled to Toronto, Rio de Janeiro, Manila, Bali and Hague for its conferences. He also adorned the office of the President of Delhi Chapter of International Democratic Lawyers Association and travelled to Paris and Hanoi and different parts of India. In his capacity as the Executive President of Asia Pacific Jurist Association and took part in various conferences in India and Abroad.

God revealed his name to Moses and it was 'I AM WHAT I AM'. As I have said earlier Justice Anil Kumar is firm believer of the philosophy 'I will do what I will do'. He proved this when he accepted the challenge of his daughters just three years ago in the year 2009 at the age of 59 and joined their western dance school with his wife and attended social dance classes for learning Salsa, Cha Cha, Foxtrot and Meringue, all South American dance forms.

I myself believe that the truest expression of a person is in its dance and in its music. Bodies never lie. Dancing faces you towards Heaven whichever

direction you turn. Dance is a song of the body. Dance is a poem on which each movement is a word. You do not stop dancing from growing old, you grow old from stopping to dance. On this touchstone, Justice Anil Kumar is still very young. He has young heart. He is young in energy, young in action and even young in his looks. Age is just a number for him. Recognizing his youthfulness he is not allowed to retire. Though he is demitting office as a Judge of this Court, he will continue to wear the robes of a Judge in different capacity. He has already been appointed as the Chairman of the Appellate Tribunal For Forfeited Property and he would be taking charge of that office from tomorrow. Therefore, journey as a Judge still continues for Justice Kumar and I on my behalf and on behalf of my colleagues wish him good luck in the second judicial inning.