

FAREWELL SPEECH DELIVERED BY HON'BLE MR.JUSTICE AJIT PRAKASH SHAH, CHIEF JUSTICE, ON THE ELEVATION OF HON'BLE MR.JUSTICE MANMOHAN SARIN AS CHIEF JUSTICE, JAMMU & KASHMIR HIGH COURT.

My esteemed colleagues, Justice Manmohan Sarin, former Judges of this Court, Mr.P.P.Malhotra, learned Additional Solicitor General of India, Mr.P.H.Parekh, President, Supreme Court Bar Association, Mr.K.C.Mittal, President, Delhi High Court Bar Association, learned Members of the Bar, family members of Justice Sarin, Ladies and Gentlemen.

We have assembled here to bid farewell to brother Justice Manmohan Sarin, who, on his elevation as Chief Justice of Jammu & Kashmir High Court, is parting company.

Justice Sarin has joined the Bar in the year 1979. Upon joining the Bar, Justice Sarin practiced as an Advocate in the High Court of Delhi and the Supreme Court. He handled multifarious litigation in Constitutional, Civil, Company Matters, Arbitration and law relating to Press and Media. He was senior panel counsel for Government of India for the years 1990-95 and handled for the

Union of India a variety of matters in Writ jurisdiction, Civil, and complicated Service matters relating to Army and Paramilitary forces besides takeover of Banks etc. He was also Vice President of Delhi High Court Bar Association for the years 1990-91.

As a Judge of the High Court of Delhi, Justice Sarin presided over almost every jurisdiction and has delivered judgments on every conceivable aspect. He has several landmark judgments to his credit. As a Judge he is fearlessly independent and known as a strong judge. At the same time he is always open to frank and analytical discussion and would change his mind if there is a merit on what the lawyers say. It is this characteristic which gives him ability to come to a clear conclusion. He set highest standards of judicial ethics and led by example.

The understanding of ordinary life is perhaps the most important facet of Justice Sarin's compassion. At the same time, 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 at the same time 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. Judgments of Justice Sarin are testimony that he could do so with remarkable ease.

In the case of Pratidhi, a minor girl, who had lost both her parents and was sought to be exploited by her caretaker, Justice Sarin expanded the writ jurisdiction and took charge of the orphan and monitored her custody and educational needs by placing her in the SOS Village. The young girl today stands rehabilitated and educated with the assistance of a guardian, who is now also a Judge of this Court (Justice Gita Mittal).

In a recent judgment in a batch of child rape cases, Justice Sarin set up a mechanism by which the Investigating Officer would immediately through the Delhi Legal Services Authority ensure the availability of a Psychologist/trained Social Helper to help the child victim of rape. The victim would be given counselling to enable her to get over her trauma and strive for return to normalcy and continuance of education. Understanding the sensitivity of the issue, Justice Sarin also issued extensive directions for adequate

training of Police, Doctors and Medical personnel in dealing with child rape victims.

Justice Sarin's recent judgment on reimbursement of medical expenses to government employees and the judgment on cooperative societies were delivered with due regard to their social context. There was a broader purpose behind those decisions. They manifest the social philosophy of Justice Sarin.

As a Judge of this Court, Justice Sarin was always willing to take responsibilities beyond judicial work for the growth of Judiciary as an institution. On the administrative side, he has handled various Committees and has made pioneering contributions.

As Chairman, Delhi High Court Legal Services Committee, Justice Sarin took personal interest in the functioning of the Committee. During his tenure, the Committee organized various legal aid programmes, seminars, workshops and Lok Adalats. Justice Sarin is bestowed with unique leadership qualities and supreme organizational skills. His innovative approach and vision has helped in the growth of Delhi High Court Legal Services Committee into a vibrant institution.

Justice Sarin has also been associated with the activities of Delhi Judicial Academy as Chairman of the Judicial Education and Training Programme of this Court. Under his guidance, Delhi Judicial Academy has devised induction training programme and various orientation courses for officers of the District Judiciary. It is his endeavour and guidance which has made Delhi Judicial Academy as one of the best of its kind in the country.

Justice Sarin is a pioneer of mediation movement in Delhi. Shri Justice Markandeya Katju, on taking over as Chief Justice of this Court, entrusted the task of running the Mediation Centre to Justice Sarin as Chairman of the Committee. Justice Sarin happily took up the challenge and with the assistance of the Committee Members ensured establishment of a well-gearred and successful Mediation Centre. Under his guidance mediation training programmes were evolved and conducted to train lawyers as Mediators. About 100 Lawyers trained by the Mediation Centre are now acting as successful Mediators in the Mediation Centre and sharing the load of High Court as an ADR mechanism.

Contribution of Justice Sarin as Chairman of Medical Committee is also noteworthy. He was instrumental in planning a

state of the art Medical and Health Centre at Delhi High Court which would cater to the health concerns of Judges, Lawyers, litigants and staff of the High Court. The building of the Medical and Health Centre, which is now on the verge of completion, is the fruit of the vision of Justice Sarin.

Indian Law Reporter (ILR) had become almost dysfunctional and Justice Sarin took initiative to not only re-start the publication but also to ensure that it is brought to up-to-date. Being a journal of the High Court, he has held a view that the publication of the ILR is a necessity.

Justice Sarin has made contribution in the Building Maintenance Committee (Dwarka) in planning the infrastructure development of the District Court, the fruits of the said efforts are going to ripen now.

Justice Sarin has always been helpful to his colleagues, but without compromising on his principles. He makes no bones about his views or expressing them loud and clear even if at times, it is inconvenient or he finds that his colleagues are not with him.

I have found Justice Sarin to be a gifted personality, full of courage, confidence, conviction and compassion. He is a person

in whose dictionary there is no place for the word impossible. As a Judge of this Court Justice Sarin has displayed exceptional caliber and firmness. He will be always remembered for high qualities of head and heart.

Very few people would have knowledge that he did not touch the big fortune left by his aunt to him, for his personal use. He created a charitable trust. The trust started a free dispensary for medical treatment of poor. Over a period of time, it has grown as a hospital with state of art modern facilities. He has nurtured this project like his baby; giving personal attention to ensure that it fulfills its objective. The hospital runs on true professional basis. In spite of his hectic schedule as a judge, he visits there every Saturday and sometimes on Sundays and other holidays. This charitable trust is close to his heart. His passion for service to poor through this trust will have very few parallels.

Parting of Justice Sarin is a personal loss to me. I found in him a true friend and a sincere advisor. I am reminded of a few lines from a poet:

Don't be dismayed at good-byes.

A farewell is necessary before you can meet again

And meeting again, after moments or lifetimes

Is certain for those who are friends.

Ladies and gentlemen, elevation of Justice Sarin to the post of the Chief Justice of High Court of Jammu & Kashmir is a matter of pride for all of us. We heartily congratulate him and his family members on this joyous occasion and wish him all success and glory.

Though we are parting company for the present, I would like to assure dear brother Justice Sarin on behalf of my brother and sister colleagues and on my own behalf that he will always remain in our hearts and will be one amongst us. I am confident that Justice Sarin would have a successful and happy tenure as Chief Justice, Jammu & Kashmir High Court.

Thank you.