

Farewell Reference Speech

of

Hon'ble Mr. Justice Sanjay Kishan Kaul

Chief Justice, Punjab & Haryana High Court,

Chandigarh

On His Lordship's Transfer to

High Court of Madras

My brother and sister Judges, sitting and retired; Advocate Generals of two States; Standing Counsel of U.T., Chandigarh and other Law Officers; President and Executive Members of the High Court Bar Association; Chairman and Members of the Bar Council of Punjab & Haryana; Senior Advocates; other members of the Bar; Officers and Staff of the High Court; Ladies and Gentlemen.

The journey of life traverses many paths. Often, one has little control over them. My entry into the legal profession was completely unplanned but I never had any regret. I would live another life the same way.

The Delhi High Court was my legal ***Janamabhumi***. I can never forget the encouragement given by my seniors and the Bench in my earlier years in the profession giving me an opportunity for a varied legal practice. I did what I loved most - the endeavour to persuade the Bench to a point of view. It was always a great challenge. The period, post my designation as the Senior Counsel gave another prospective to my work. One could concentrate on pure legal work without being bothered of clients' interaction and procedural work.

When I got an opportunity to join the Bench at an early age, I felt that I must give back what I had gained from this profession. My endeavour has always been to see that junior members of the Bar got an opportunity in Court because that is the only way the Bar grows. But then this requires ground work to be done by the younger member of the Bar to avail of these opportunities and assist the Court to the best of their abilities. I would, thus, urge them to rise to the occasion when they get such opportunities.

The very raison deatre for the existence of profession and members of the Bench is the litigant public. Speedy and non-

expensive legal assistance for the teeming millions of our country, is a necessity. Not everyone can afford to pay high fees but that does not mean that access to justice is not provided to them. Members of the Bar, whether through the legal services authorities or otherwise must come forward to make their contribution towards the social obligation. We should not feel apprehensive of the growth of litigation as it shows greater faith of the public in the institution and assertion of rights by the sections of society who were earlier hesitant to do so. A large pendency of cases is a consequence of increased filing. But then it does not become arrears "unless it crosses the ideal time span to decide the cases", for example in the subordinate judiciary we have a pendency of about 11,70,000 cases which is less than a year's filing and only about 3% cases would be more than five years old.

With the development of various economic activities, the nature of litigation has also changed. The Bar and the Bench have to be equipped to deal with this. This is the very reason for having a continuing educational programme for the Judges as should be for the members of the Bar as in a vast field of law you never stop learning.

The adoption of Alternative Disputes Redressal mechanism especially Mediation can greatly help in more acceptable solution apart from reducing the arrears. We have to innovate and change as otherwise the system would stagnate.

When I came to Chandigarh, it was my first movement outside Delhi. The Bench, the Bar and this town accepted me with open arms making this my home. If there has been progress and achievements in these 14 months it is because I received unstinted support from my colleagues on the Bench and the members of the Bar as also the staff of the High Court. It is my firm belief that a legal system can work only with the cooperation between the Bench and the Bar of

which there is abundance. In fact, some of the suggestions emanated from the Bar itself like having specified dates for hearing of regular matters with admission matters being thrown in.

We have worked together to demystify the Courts and make it a more acceptable place for the litigant public. It is the small measures like putting indication boards and up-gradation of the website which help the litigant in understanding the legal system.

A temple is a place of worship. It always remains accessible to people. A temple of justice more so must remain open to the persons seeking redressal of grievances. The legal fraternity must abjure the methodology of protest of abstaining from work. This High Court has been an example of this salutary principle during my stint here. Similarly, punctuality and presence in Court, in Court timings is as important as integrity of a Judge.

The Bar is the Judge of Judges. I have endeavoured, which you will judge how successfully, to adhere to the Judge's Prayer:

"Give me grace to hear patiently, to consider diligently, to understand rightly and to decide justly. Grant me due sense of humility, that I may not be misled by my wilfulness, vanity or egotism."

I would like to express my gratitude to one and all for assisting me in performing my duties. If there have still been short comings, they are entirely mine. In the process of administration of justice, I may have been un-compromising or tough on certain occasion but that was only with best intention. In this process, if I have hurt anyone I must

apologize for the same.

This High Court has had rich traditions. It is the parent Court of the Court where I began my practice. The institution has produced great luminaries both on the Bench and the Bar and developed jurisprudence. I, thus, feel privileged to have presided over this Court. My wife Shivani and I take back sweet memories of our stay here and feel blessed by the love and affection showered on us.

I would be remiss if I do not mention the unstinted support and long hours put in by the Registrars and my personal staff. The Registry lead by Mr. G.S. Gill and Mr. A.K. Tyagi performed most efficiently with dedication. Both Shri S.P. Singh and Shri Rajbir would be there till I retired in the night. Shri B.L. Saini and Shri Varinder Kalra would be there whenever required whether it be a holiday or a working day. My Court Master Shri ShamLal Sharma is an example of an ideal Court Master who always sent precise notes in the matters.

My mentioning of these few names does not take away from the work put in by the other staff members.

When I left Delhi, I had referred to my favorite lines from the poem of Robert Frost which is even more apposite here. The High Court Complex rests in picturesque surroundings. Thus, as I bid adieu I repeat those lines again;

***The woods are lovely, dark and
deep, but I have promises to
keep, and miles to go before I
sleep, and miles to go before I
sleep.***

Thank you and Jai Hind.