

Farewell Reference Speech

of

Hon'ble Mr. Justice Ashutosh Mohunta

Judge, Punjab & Haryana High Court, Chandigarh

On the transfer of

Hon'ble Mr. Justice Sanjay Kishan Kaul, Chief Justice,

Punjab and Haryana High Court

to High Court of Madras

SPEECH:-

Hon'ble Chief Justice Sanjay Kishan Kaul, Chief Justice of P&H High Court, My esteemed brother and sister judges, Advocate Generals of Punjab & Haryana, President of Bar Association, President of Bar Council of Punjab & Haryana and President of Senior Advocates Association. Ladies & Gentleman.

Today we have assembled here to bid farewell to our Chief Justice. Justice Kaul belongs to the famous Dattatreya Kauls of Srinagar who have contributed a lot to the country from the last many centuries. One of the Chief Justice's descendants Pt. Lal Kaul rose to become a Minister to the Court at Kabul and later joined hands with Sher-e-Punjab Maharaja Ranjit Singh and became the commander of his Rawal Pindi Brigade of the Sikh Army and won many battles.

The Great Grandfather of Chief Justice Kaul Raja Suraj Kaul became the Revenue Minister in the Regency Council and later was the Finance Minister of the J&K Riyasat and subsequently a member of the Legislative Council for the Punjab Province in the year 1897. Justice Kaul's Great Grandfather Sir Daya Kishan Kaul is also an illustrious member of this lineage and had served in different parts of the country. Thereafter, his son Raja Upinder Kishan Kaul came to Delhi from Lahore after partition of the country. One of his grandsons is Justice Sanjay Kishan Kaul, our Chief Justice.

Justice Kaul was born on 26th Dec. 1958. He did his schooling from the prestigious modern school, New Delhi and graduated in Economics (Honors) from St. Stephen's College, Delhi in 1979. He obtained LL.B. Degree from Campus Law Centre, Delhi University and thereafter practised in Delhi High Court mainly in Commercial, Civil, Writ, Original and Company jurisdictions in the Delhi High Court and Supreme Court of India. The cases also involve appearances before the MRTP Commission, Company Law Board, Debt Recovery

Tribunal and Arbitrators apart from the other nature of litigation in various other fields of law. His Lordship was designated as a Senior Advocate in December 1999 and was appointed as a Senior Counsel for the Delhi High Court and for the Delhi University, Senior Panel Counsel for UOI and Addl. Senior Standing Counsel for DDA. His Lordship was elevated as Addl. Judge of the High Court of Delhi on 3.5.2001 and was appointed as a permanent Judge on 2.5.2003. Justice Kaul has been an invitee to a number of national and international seminars and workshops as Chairman or Member of Sessions and presented a number of papers with articles published in various journals. At present, his lordship is the President of INSOL India. Justice Kaul was recently invited to attend a Seminar at Vancouver in Canada. In the capacity as a Judge, his Lordship has sat over most jurisdictions and contributed to the development of law through various pronouncements. Apart from law, the other interests of Chief Justice Kaul extend to theatre, music, gold and reading. Justice Kaul was elevated as Acting Chief Justice of Delhi High Court w.e.f. 23.9.2012 to 25.9.2012 and was elevated as Chief Justice of Punjab & Haryana High Court w.e.f. 1.6.2013.

I am privileged to get this rare opportunity of introducing someone who is an embodiment of success earned through sheer hard work, sincerity and dedication and who is known all over for his amiability and can easily be placed on the pedestal of a role model.

I would not be able to recount all the achievements of my lords but would like to spell out a few of his lordship's major achievements. His lordship has provided numerous facilities for the litigants which are:-

- i) Release of Citizen Charter consisting of steps taken for the convenience of litigants.
- ii) Setting up the Judicial Service Centre at Suvidha Centres in each District/Sub-Division Court Complex.

- iii) Mobile Application showing Display Board.
- iv) Availability of Display Board online.
- v) Illustrative sign board to guide Advocates and Public installed at various places in the High Court building.
- vi) To facilitate Advocates and litigants, shifting of court rooms in a manner that courts pertaining to one subject are located at one place.
- vii) Recording of evidence of Doctors through Video Conferencing is likely to be started soon.

With regard to E-Courts for paperless working in the Courts, a number of measures have been taken like:-

- i) Online filing of cases.
- ii) SMS service to inform Advocates and the litigants about next date fixed in the cases.
- iii) On filing of petitions, the objections raised by the registry are available on net.
- iv) SMS service has been started in order to facilitate the Advocates Community with regard to filing/registration of the cases, case proceedings, case disposal etc. in the High Court as also in the subordinate Courts of Punjab and Haryana.

Disposal of old cases has always been a problem for both the Bar and the Bench. Chief Justice Kaul devised an action plan and set targets for reducing the number of five year old cases. His Lordship targeted old cases in the High Court and fixed Wednesday and Thursday exclusively as '**Days**' for hearing Regular Cases only. Cases pertaining to heinous crime against women have been put on fast track and number of courts have been increased to deal with

such like cases. As far as the disposal of cases is concerned, from June 2013 to May 2014, 125570 number of cases were instituted out of which 121057 have been disposed of. His lordship has made recommendations for filling up of most of the available vacancies in the High Court. During his lordships' tenure large number of judicial officers in the Subordinate courts have been recruited and there has been a significant recruitment of staff in the subordinate courts as well as High Court to facilitate smooth working.

His lordship has taken very keen interest in augmenting the infrastructure not only in the High Court but also at various District Headquarters and Sub-Divisions in both the States. A new Judges' Lounge, Library and the Auditorium in which we are sitting today have been constructed in the High Court. There is a new holistic plan for development of High Court Complex by constructing additional Court Rooms, Lawyers' Chambers and parking for public have been conceptualised. Complexes have been constructed at several places in the State of Punjab & Haryana and State of Art Additional blocks have been constructed and many are under construction.

Justice Kaul, within few days of being elevated as the Chief Justice of this Court inaugurated the Prestigious Colloquium on Mediation not only in this Court but also in the Districts of Punjab, Haryana and U.T. so as to sensitize both Bench and Bar with an endeavour to reduce the pendency of cases by providing mechanism for hassle free legal assistance not only in respect to old litigation but also the new one, thus giving altogether a new dimension to Alternate Dispute Redressal system. In the said process 150 Judicial Officers and 250 Advocates were sensitized.

With his strong analytical skills he quickly realized that only ADR would help keep the faith of the citizens in Judicial system. With this in mind, he took upon the challenge and inaugurated series of ADR Centers in Bathinda, Mansa, Ferozepur, Amritsar and Fatehabad

Sahib, within the State of Punjab and Palwal, Panchkula, Mewat and Kurukshetra in the State of Haryana. But this was just the tip of the iceberg! In his earnest pursuit to provide free speedy justice to the downtrodden and needy through ADR, he laid foundation stones for ADR Centre at Rupnagar, Jalandhar and also Gurgaon.

His efforts in settling disputes through ADR and through Mediation and Conciliation finally reaped fruits when Patiala was declared as the '**Model District**' under the Pilot Project of MCPC by the Hon'ble Supreme Court of India.

Under his Patronage and graciousness at the various occasions, Haryana Legal Services Authority has imparted free mediation training and education to a wide section of the society. For achieving the same, he even personally visited Special Legal Literacy Booth at Mata Mansa Devi Temple and International Suraj Kund Mela at Faridabad.

With his zeal and dedication to provide free legal aid and justice at door step to the weaker strata of the society, Justice Kaul enlightened and highlighted the importance of Legal Aid Clinics and Legal Aid Clubs, being an integral part of the justice dispensation system and with an aim to achieve the same, organized workshops on implementation of Legal Aid Management System and Legal Services Reporting System. Under his guidance, various literacy and life skills projects commenced which helped in bringing awareness to the disadvantageous section of the society in relation to their health, legal rights and duties.

He as Chief Justice took a giant leap forward by convening, chairing and presiding over various meetings and seminars to increase the number of National Lok Adalats and his relentless effort reaped fruits at the National Lok Adalat held throughout the country where a total of 3,32,438 lacs cases were disposed of whereby an

amount of over Rs.450 crores was disbursed. In his un-relentless efforts to provide justice at doorstep, a toll free helpline has been established for providing professional service round the clock 24/7.

Under the aegis of Justice Kaul, Camp Court was organized at Patiala, whereupon an indepth questionnaire survey conducted by the Legal Services Authority under his able guidance, prisoners were released on confessing their crime in petty criminal cases.

Such was his benevolent and forbearant presence that many literacy workshops were presided over by him wherein he not only educated and enlightened the students of legal education through satellite but also sensitized various schemes launched by NALSA/PULSA pertaining to Rights of women and children.

The task undertaken by him in proving free and speedy justice to all, speaks volumes of his lordship's acumen which would be remembered by our judicial fraternity and every endeavour would be made to follow and maintain the high benchmark set by him in justice dispensation and functioning of the High Court.

I on my and on behalf of all my brother and sister judges wish his lordships all the very best as Chief Justice of Madras High Court.