

FAREWELL SPEECH ON THE EVE OF RETIREMENT OF HON'BLE MR. JUSTICE KAILASH GAMBHIR DELIVERED ON 04.09.2015

G. ROHINI
CHIEF JUSTICE

Justice Kailash Gambhir,

My esteemed brother and sister Judges,

Shri Sanjay Jain, Additional Solicitor General of India;

Shri K.K. Manan, Chairman, Bar Council of Delhi;

Shri Rajeev Khosla, President, Delhi High Court Bar Association;

Shri Jatan Singh, Vice President, Delhi High Court Bar Association;

Shri Abhijat, Hony. Secretary, Delhi High Court Bar Association;

Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of Delhi;

Other Standing Counsels of the Central and State Govt.,

Executive Members of the Delhi High Court Bar Association,

Office Bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar

Family members of Justice Kailash Gambhir,

Ladies and Gentlemen

We have gathered here to bid farewell to Justice Kailash Gambhir who is demitting office today after rendering distinguished service to this institution for more than nine years.

Born on 7th September, 1953 into a family originating from Rawalpindi, Pakistan, Justice Kailash Gambhir spent his childhood in Delhi. His father late Shri Arjun Das Gambhir was a well known social worker and public spirited person who relentlessly fought against the Delhi Cloth Mills for protecting the residents of area from the hazardous emission of coal dust.

After completing his graduation from one of the well recognized colleges of Delhi - Kirori Mal College, Delhi University - Justice Gambhir decided to choose the path of Law as his career and did his LLB from Delhi University.

His dynamic career started in August, 1979 when he joined the Bar. The zeal and commitment of Justice Gambhir towards the legal profession compelled him to take active part in the activities of the Bar from the very beginning of his career. Determined endeavours of Justice Gambhir earned him laurels and he got elected as Additional Secretary, Honorary Secretary for various terms and eventually became the youngest President of the Bar Association.

Under his leadership, the Bar Association achieved new milestones. The centenary celebrations during his tenure became a landmark in the history of the Delhi Bar Association. The exceptional success of the celebrations made him popularly known as the “Centenary Secretary”.

Justice Gambhir was nominated as Senior Government Counsel for the Union of India between 1995 to 1998. He also remained Standing Counsel for the State of Goa & Uttar Pradesh, Standing Counsel for Ministry of Railways as also for various banks and Public Sector Undertakings.

Justice Gambhir shifted to Delhi High Court in the year 2000 when he was appointed as Additional Standing Counsel for Govt. of NCT of Delhi. In June, 2004, he was nominated Standing Counsel for the Govt. of India, Delhi High Court and handled several important cases.

Justice Gambhir also held the coveted post of Director in the Uttar Pradesh State Industrial Development Corporation – the apex State Corporation of UP for about seven years. Justice Gambhir was also elected as Member of the University Court, the highest Governing Council of University of Delhi, for three successive terms between 1995 to 2010. He was also elected to the Executive Council of University of Delhi for the period October, 1998 to October, 2001. Justice Gambhir was also the Executive Member of a body known as the “World Youth Action Against Apartheid”, the work of which is well recognized for emancipation of great freedom fighter Nelson Mandela.

Justice Gambhir's dedication towards the legal profession got the real recognition and he was appointed as Additional Judge of this Court on 29th May, 2006 and confirmed as a permanent Judge on 29th August, 2007. Justice Gambhir has always kept the judiciary's flag high with his law-oriented, well reasoned and well thought out judgments.

As a Judge, Justice Kailash Gambhir has been outstanding and his contribution to the cause of administration of justice, particularly in criminal jurisprudence, is immense. He has delivered many landmark judgments in the recent past strengthening the common man's faith in the judiciary.

The famous BMW Hit and Run Case, [**Sanjeev Nanda v. State, Crl. Appeal No.807/2008**] highlights several issues like drunken driving, insensitivity and apathy of the Government for public safety on roads; poor, faulty and ill equipped police investigation; growing interference of media in criminal trials; media hype; hostile and dishonest witnesses; filthy use of money power by rich and mighty etc. The judgment portrays concerns of Justice Gambhir towards the common man and to the society at large. In this judgment, several guidelines were recommended, namely, proper and strict implementation of the excise laws for minimum age for consumption of liquor; proper lights on the streets and better maintenance of roads so as to reduce occurrence of any kind of accidents; improvement in the methods of investigation so as to make it more scientific; installation of CCTV cameras on major roads, etc.

In Sudeep Jain v. M/s ECE Industries Ltd., 2013 (201) DLT 461, Justice Gambhir, while explaining Sections 138 and 141 of the Negotiable Instruments Act, 1881, gave directions to the subordinate judiciary to carefully scrutinize all the complaint cases filed under Section 138 read with 141 of the Negotiable Instruments Act, 1881 against the accused companies at the pre-summoning stage so as to protect the innocent from harassment. In addition, the subordinate judiciary was also required to seek some additional information from the complainant on a separate sheet accompanying the complaint.

Baljeet Singh v. State, Criminal Appeal No.386/2011, highlights one such instance wherein the mother-in-law not only mentally harassed but went to the extent of taking the life of her daughter-in-law holding her responsible for not been able to produce a male child. The court expressed its anguish and displeasure and at the same time questioned the so called progress the Nation had made in fighting the age old prejudices.

In Nuzhat Jahan vs Govt. of NCT of Delhi, [2013 (7) AD (Del) 61], a case was registered against the Petitioner under Section 14 of the Foreigners Act, 1946. After a round of litigation, she was taken into custody for a week. After her release, the Petitioner was again sent to Nirmal Chhaya Rehabilitation Centre in Delhi. She was a Pakistani national and married to an Indian citizen in 1983. After her marriage, she came to India alongwith her husband on a Pakistani Passport and on valid Indian visa. Her visa was being extended on long term basis time to time and finally up to the year 1994. The Pakistani passport got expired in the year 1993.

The petitioner thereafter applied for grant of Indian Citizenship under Section 5(1)(c) of Citizenship Act in October 1996 and the said request of the petitioner was pending consideration. The Court held that the detention of the Petitioner is unjustifiable. She had taken necessary steps to seek renewal of her passport and extension of her Long Term Visa. The Court further directed the concerned authorities to take a decision on the application of the Petitioner for grant of Indian citizenship and ultimately directed release of the Petitioner considering the fact that the important Muslim festival 'Eid' was around the corner and the petitioner could celebrate such a pious and important festival with her family members.

Justice Gambhir is a man of refined taste with amiable personality. We know him as a sincere, hard-working, God-fearing and a humane Judge, above all, a thorough gentleman but a hard task master. He is well known amongst the Bar for his uprightness and fairness. He always believed in expeditious justice and was instrumental in quick disposal of pending cases.

He has also rendered his useful advice and cooperation in his capacity as the Chairman of the Building Maintenance and Construction Committee, Tis Hazari; Staff Welfare Committee and Medical Committee. In his pursuit to strengthen and build a young Bar, Justice Gambhir started organizing lecture series under the name of 'Learning to Share' which have become immensely popular amongst the members of the Bar.

I can say with certitude that with the retirement of Justice Gambhir, the Bench and the Bar of the Delhi High Court will be missing a brilliant and illustrious Judge. Though Justice Gambhir is parting company with, he shall always be in our hearts as a member of this large family.

On behalf of my brother and sister Judges and on my own behalf, I take this opportunity to extend my gratitude to Justice Gambhir for his distinguished contribution to the cause of administration of justice which will be remembered for ever.

I conclude wishing Justice Gambhir good luck in all his future endeavours. May the choicest blessings of the Almighty be showered on Justice Gambhir, Smt. Ambika Gambhir and all his family members for more happy, healthy and prosperous years to come.

Thank you.