

TRIBUTE TO LATE P.N. LEKHI
SENIOR ADVOCATE
FULL COURT REFERENCE – MARCH 2, 2010

MY LORD HON'BLE MR. JUSTICE MADAN LOKUR THE ACTING CHIEF JUSTICE, YOUR LORDSHIPS, KAMLA JI, AMAN AND MEENAKSHI LEKHI, OTHER FAMILY MEMBERS OF LATE P.N. LEKHI, MR. P.P. MALHOTRA, ADDITIONAL SOLICITOR GENERAL OF INDIA, MR. D.K. SHARMA, SECRETARY, MR. KIRTI UPPAL VICE PRESIDENT AND OTHER EXECUTIVE COMMITTEE MEMBERS OF THE DELHI HIGH COURT BAR ASSOCIATION, MR. VED PRAKASH SHARMA, ADVOCATE AND FORMER CHAIRMAN, BAR COUCIL OF DELHI, STANDING COUNSEL FOR GOVT. OF INDIA AND THE GOVT OF NATIONAL CAPITAL TERRITORY, OFFICE BEARERS OF OTHER BAR ASSOCIATIONS, RESPECTED SENIOR MEMBERS OF THE BAR, MY COLLEAGUES AT THE BAR, LADIES AND GENTLEMEN:

Lekhi Saheb, who left for his heavenly abode on Sunday at the age of eighty five, was an ordinary man, insofar as the problems of ordinary men and women were concerned, in terms of understanding their cause. When it came to espousing their cause, he was no ordinary man, but a valiant soldier, armed cap a pie with the rare combination of law, logic and courage. Late Palkhivala said that "our Constitution is primarily shaped and moulded for the common man... It is a Constitution not meant for the ruler, but the ranker, the tramp of the road." And Lekhi Saheb, in letter and spirit worked to espouse that. The analytical rigour he displayed to bring home his arguments was quite sharp and remarkable. The public interest litigations he fought remain testimony to his conviction and spirit.

With his departure, we lost one more doyen who witnessed the partition, and who lived to tell us that tale. Most of us have experienced only strikes for one cause or the other of the least magnitude; where as Lekhi Saheb was deeply involved in the Quit India Movement and suffered imprisonment many a time. As Secretary of the Students Congress and organizer of “Free INA Prisoners” movement, he was arrested and imprisoned. I had the good fortune of personally sharing his experiences in many a meeting with him. We opposed each other in matters and Delhi High Court Bar election as well, but each time, it was a learning experience for me. Knowledge, from whomsoever it comes, has that rare power of attraction. Knowledge has the essence of truth, whereas information can lack it. We live in a time where information is taken and mistaken as knowledge.

Lekhi Saheb was a topper in civil service examination. When fed up with the malfunctioning of the system, he quit the civil servant’s job and took to law. There too, he was a winner. He was a gold medalist. Though not as comparison, let me add that I too was a gold medalist in law securing the first position, but cannot claim to be nowhere near him. He knew the value of scholarship and that took him to heights without his asking. As time rolled, he became a designated senior as well, which his contemporaries perhaps envied at.

He was absolutely fearless and a spirited lawyer from the day he wore the gown. Though joined the Bar much late than his contemporaries, yet he made it to the top because of his brilliance, commitment and exceptional ability. Brilliance, ability and commitment are the deadly trio combination that leads one to success. Lekhi Saheb was endowed with these in ample measure.

Time constraint does not permit me to mention the cases he handled that had become prominent in history. He had a special charm for fighting the establishment. Though his preferred field was criminal law, he handled almost all branches of law with equal ease and dexterity. His

appearance before the Shah Commission, prosecuting the Nagarwala case, defending Satwant Singh, the Jharkhand Mukti Morcha case, Best Bakery case etc., would remain etched for ever. A man, whose heart always throbbed with righteousness, compassion and commitment, and rebelled against injustice and inequality, Lekhi Saheb would always remain in the forefront to fight for the cause.

When he was upset with a judgment, he never concealed his views. He openly expressed his resentment. He was fearless in expressing his political remarks as well. For example one can look at the criticism he made against the then NDA dispensation in handling the militants' issue.

He was popular because of his qualities and the confidence the fraternity had in him. He was President of the Delhi High Court Bar Association for five times, two times in consecutive succession! His love for the Bar and that the Bar had for him is evident that he contested an election when he was detained in prison in 1976 and emerged victorious. As a mark of respect to him, the Bar Association has passed a resolution this morning, mourning his death and paying exemplary tribute to the leadership he offered to the Bar. He believed that the Bar contributes more than any one else to the locomotion of the justice system and nothing can better judge the judges.

When we contested against each other once, he did not fail to congratulate me and wish me the best. It was not mere good wishes, but was blessings from the bottom of his heart. His words and expression clearly meant that. I still cherish that and keep his blessings as my source of strength.

Shakespeare in Twelfth Night said that "*Some achieve greatness, and some have greatness thrust upon them.*" Lekhi Saheb undoubtedly belonged to the former category.

He sought to humanize and de-mechanize not only the process of law, but revamp a kind of social set up or perhaps a primitive type mindset as well. His crusade against honour killing is an example. He said that

“offences like honour killing are social offences and strict laws are needed to combat them.” While emphasizing the need to educate people as law alone does not act as a deterrent, he did not forget to add that “the panchayats have been over the number of years doing the same thing and under the existing law of the land, they could have been tried as conspirators.” His words challenge not only a dehumanized way of behaviour, but the public conscience also, for tolerating such atrocities and thereby being silently passive to that.

“Life levels all men, death reveals the eminent,” said George Bernard Shaw. We the mortals are destined to learn the value only after the loss, perhaps irretrievable loss. Lekhi Saheb lived a full life; a life created by him, and left a legacy for his next generation. Aman Lekhi followed his illustrious father’s footsteps and is a senior advocate. Meenakshi, his daughter in law and Vandana, his daughter and his grandson, are also in the same profession. Lekhi Saheb will always remain a torch bearer of the Bar, who would strongly advise us with the example of his life to stick to one’s conviction in the worst of adversities for public good and national interest. He strongly advocated service before self.

I think I can safely repeat the words of Aman Lekhi about Lekhi Saheb.

“Indomitable courage, impeccable integrity, immeasurable intelligence and relentlessness in the pursuit of perfection, Lekhi Saheb was a virtuoso performer of championship character. Aristotle has remarked that “excellence is an art won by training and habituation and that we do not act rightly because we have virtue of excellence, but rather we have those because we have acted rightly. And act right Lekhi Saheb always did; his versatility, fidelity, rectitude and sincerity being peerless, unmatched and unparalleled. Lekhi Saheb had a very successful life measured not only by the range and sweep of his accomplishments as a civil servant, lawyer, social activist and an unprofessional politician, but by the opposition he encountered always from the mightiest

in the land and the supreme courage with which he maintained the struggle to uphold his principles against odds which were always overwhelming. His professional achievements are very well known, he being part of many landmark cases, tribunals and commissions also holding at different times several very important positions both in law and lay fields. What is not as well known is that he started his career as a lawyer almost two decades after his contemporaries. But he by sheer intelligence, grit, determination and passion surpassed all of them to be not a lawyer as conventionally understood but one unique and legendary, an institution in himself indeed *sui generis* on whose death signals the end of an era! Paraphrasing Woodrow Wilson, Lekhi Saheb did not live merely to make a living but lived more amply, with greater vision and finer spirit of hope and achievement than most. While the global repute and respect which he earned showed that range of Lekhi Saheb was international, his first love as a lawyer was this Court which he nourished as his baby. Even the status of his son was, as compared to this Bar, that of an adopted baby. His office was open to any one who was oppressed, troubled or in need and dare anyone wrong a lawyer to excite from him a response which was vicious and truly destructive. His famed aggression, however, was but a vent for his passion; he never abused it for personal gain or advantage and always directed it in aid of a right.

The severity to which he subjected others was mild compared to the discipline he administered to himself. He imposed on himself a rigorous routine even till the very end when God ordained his innings over, and while being physically very frail, not only was his alertness and perspicacity unaffected but he remained fiercely independent, never seeking or expecting any help or support when he was attempting to walk and only when he slumped he was in Aman's arms!

As Machiavelli said where willingness is great, difficulties cannot be great. The spirit of Lekhi Saheb was always superior to circumstances. A more cultivated intellect, a

greater diversity of interests, a finer range of emotions and firmer commitment to justice than what imbued in him would be impossible to find.”

Time will heal the sorrow of bereavement, but memories will stay on. Our hearts go out to Aman, his sisters, Meenakshi and other members of the family. Our condolences and prayers are with them. May God grant them enough strength to bear the loss and may his soul rest in peace.

Thank you.

A.S. Chandhiok
March 2, 2010.