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FAREWELL SPEECH DELIVERED BY HON'BLE MR. JUSTICE MOHAMMAD RAFIQ, JUDGE, ON THE EVE OF ELEVATION OF HON'BLE MR. JUSTICE SHRIPATHI RAVINDRA BHAT TO THE SUPREME COURT OF INDIA

Hon'ble Mr. Justice S. Ravindra Bhat, the Chief Justice  
My esteemed Sister and the Brother Judges on the Bench  
Madam Lalit Mohini Bhat Wife of the Chief Justice  
Mr. M.S. Singhvi, Advocate General, State of Rajasthan  
Mr. Ranjeet Joshi, President, Rajasthan High Court  
Advocates Association, Jodhpur  
Mr. Sunil Joshi, President, Rajasthan High Court Lawyers  
Association, Jodhpur  
Mr. Anil Upman, President, Rajasthan High Court Bar  
Association, Jaipur  
Mr. Chiranji Lal Saini, Chairman, Bar Council of Rajasthan,  
Learned Members of the Bar  
Members of the Registry and the Judicial Officers present  
Ladies and Gentlemen

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We have assembled in this Court-hall today to bid adieu to our Chief Justice - Hon'ble Mr. Justice Shripathi Ravindra Bhat, on the eve of his elevation to the Supreme Court of India.

Justice Bhat was born on 21st October, 1958 at Mysore. He had his early education at Bangalore and Gwalior and completed his schooling from Kendriya Vidyalaya, Faridabad. After securing B.A. (Hons.) Degree in English Literature from the prestigious Hindu College, University of Delhi, in 1979, he studied law at Campus Law Centre, University of Delhi, and was enrolled as an Advocate with the Delhi Bar Council on August 9, 1982 and practised in the

Supreme Court, where he was enrolled as an Advocate on Record in 1989.

Justice Bhat practiced before Delhi High Court, Supreme Court of India and various other judicial fora in Delhi. In the Supreme Court, he initially worked with the renowned Senior Advocate Mr. K.N. Bhat. His practice included diverse range of litigation in the field of public law, employment, education and constitutional disputes. He appeared before the Commission of Inquire into anti Sikh riots in Delhi in 1984 representing Sikh victims, Inter-State Water Disputes Tribunal (the Ravi Beas Water Disputes Tribunal), and also in the Bhopal Gas Leak disaster case. He worked as Government Counsel for the State of Uttar Pradesh in Supreme Court during 1997-1999. He was panel counsel for Union of India from 1999 to 2004. He appeared in several important cases, such as, L. Chandra Kumar Vs. Union of India in 1997 before 7 Judges of the Supreme Court. He argued before the 11 Judges-bench of the Supreme Court in T.M.A. Pai Foundation Vs. State of Karnataka in 2002, which related to the right of minorities to establish educational institutions and the powers of regulation of the State. Therein he appeared as the only non-designated senior counsel and argued on behalf of teachers.

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Justice Bhat was elevated to the Bench on 16th July, 2004 as an Additional Judge of the Delhi High Court and became a permanent Judge on 20th February, 2006. While in Delhi High Court, Justice Bhat rendered his services as a Member and Chairman of various administrative Committees. He was a Member of the Administrative and General Supervision Committee and the Building Maintenance and Construction Committee. He was also a Chairman of the Court Development Planning Committee, Arrears Committee, and the Infrastructure Committee for the subordinate judiciary. He also served as an Executive Chairman of the Delhi State Legal Service Authority.

Justice Bhat presided over the civil original side jurisdiction of the Delhi High Court as Judge-in-Charge in 2009-2010. He also presided over the Commercial Appellate Division of the Delhi High Court from 2016 till his appointment as Chief Justice of this Court. He heard writ petitions on tender matters, income tax references as well as public interest litigation on varied issues. Justice Bhat was the first High Court Judge in the country to preside over the paperless digital court or e-court. He has presented papers on various subject areas and attended international events and conferences. He was invitee of the Government of Japan in 2013 and Member of the official delegation

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nominated by the Chief Justice to attend US courts and judicial academics in 2009. He was invited to speak at the World Trade Organization in June 2015 in a lecture series to address teachers in intellectual property law, and at the Deakin Law School Conference in Indo-Australian Cooperation in Enhancing Judicial Practices and the Legal Profession, in Melbourne (in relation to technology and the law) in May 2017. He has contributed articles to international journals in the field of technology, innovation and public law, he has been invited to, and contributed papers to the Max Planck Institute project on comparative constitutional law.

Justice Bhat was visiting faculty at a number of law universities, viz., National Law School University of India, Bangalore, NUJS, Kolkata and NALSAR, Hyderabad. He was Member of the Governing Council of the National Law University, Delhi (2015-2018), previously Member of the Faculty of Law, Delhi University, and a Member of the Governing Council of National Law University, Jodhpur (2017-19). He chaired the Juvenile Justice Committee of the Delhi High Court for 5 years; he was a founder member and later, chair of the oversight committee of the Delhi International Arbitration Centre. He was the Chairperson of the Judicial Committee which oversees the Delhi Judicial

Academy. Justice Bhat was also member of the Justice B.N. Srikrishna Committee on Arbitration Reforms in India, set up by the Law Ministry, Government of India, in January 2017, which submitted its report charting a roadmap for making India a hub of international arbitration and suggested reforms in the arbitration mechanisms in the country.

After an outstanding career of fifteen years as a Judge, Justice Bhat was elevated as the Chief Justice of this Court and took oath on 5th May, 2019.

Justice Ravindra Bhat also rendered his valuable services as a Member of Editorial Board of book titled "Courts of India: Past to Present", which was published by the Supreme Court of India in 2016. He also served as a Member of "High Level Committee to review the Institutionalisation of Arbitration Mechanism in India".

Justice Bhat is a man of uncompromising integrity and hardworking. His view are highly influenced by Indian thinkers and are also tempered by the thinkers of modern times. He has shaped his thinking as a Judge who believes in continuous learning. After assuming office of the Chief Justice of this Court, it was at his persuasion that the Full Court of the High Court unanimously resolved to do away with the practice of addressing the Judges in the Court as "Your Lordship" or "My Lord", a relic from the colonial past,

in the spirit of equality enshrined under Article 14 of the Constitution, a rare gesture which has firmly placed the Rajasthan High Court in the judicial history of India as the first High Court to have taken such an initiative. His judgments bear the hallmark of his scholarship. One would rarely come across a Judge, more kind and gentleman than Justice Bhat. Looking to his temperament, I can say with firm belief that he must have not given during his entire judgeship of 15 years an angry expression towards anyone.

Justice Bhat has always remained firm in his beliefs and true to the oath of his office. This has earned him immense respect from the Bench and the Bar alike. His sound knowledge of law is noticeable from many judgments he has authored, which clearly shows with what consummate skill, remarkable intelligence and dexterity he tackles any question that comes up before him for consideration. In his judicial career, Justice Bhat has delivered many important judgments, notably about the obligation of the Supreme Court and the High Court Judges to declare their personal assets to the Chief Justice and their coverage under the Right to Information Act, and several others in diverse branches of civil law such as the right to let in DNA evidence in paternity suits, public interest in pharmaceutical patents, liability of internet intermediaries, trademark dilution,

criminal law, capital sentencing, transfer pricing and double taxation treaty interpretation, anti-dumping duties' validity and in the area of international taxation.

His concern on varied nature of issues affecting the society at large is reflected from his judgments, a few of which, I shall mention presently:-

In *Nutan Batra Vs. Buniyaad Associates* - 255 (2018) DLT 696, pronounced on 14.12.2018, of Delhi High Court, speaking for the Court, he held that if the mediation is successful and the dispute between the parties ends into a compromise, the full amount of court-fee paid should be refunded to the plaintiff.

The Delhi High Court in *BGP Products Operations GMBH and Others Vs. Union of India and Others* - 256(2019)DLT100, in a judgment dated 14.12.2018, authored by Justice Bhat, quashed the Notification of the Government of India prohibiting the distribution of essential drug Oxytocin injunction for human use by private sector companies. The judgment held that the Union of India did not adequately weigh in the danger to the users of Oxytocin, nor considered the deleterious effect to the public generally and women particularly, of possible restricted supply if manufacture is confined to one unit, to the

pregnant women and young mothers, of a potentially life-saving drug.

In Students' Federation of India Vs. Union of India, Writ Petition (C.No.3032/2017), the Delhi High Court was dealing with the ill effect of cut off marks. The Court speaking through Justice Bhat held that the bench marking the performance with the last open or general category candidate should not result in any reserve seat going vacant. The general clubbing of reserved category candidates with merited candidates, can act to the disadvantage of reserved category candidates if the same criteria of qualification is applied to them. Given the pattern of admission and the procedure adopted where hundred percent or entire weightage is given to the interview process, the possibility of bias and also adverse impact to SC/ST and other reserved category candidates is palpable and real, held the Court.

In Pushp Sharma and Others Vs. D.B. Corporation Limited and Others, (28.09.2018 - DELHC): MANU/DE/3574/2018, the judgment authored by Justice Bhat, the Delhi High Court held that unless it is demonstrated at the threshold that the offending content is malicious or palpably false, an injunction and that too an ex-parte one, without recording any reasons, should not be



granted. Democracy presupposes robustness in debates, which often turns the spotlight on public figures and public institutions, like media houses, journals and editors. If courts routinely stifle debate, what cannot be done by law by the State can be achieved indirectly without satisfying exacting constitutional standards that permit infractions on the valuable right to freedom of speech.

In *Sujata Kohli Vs. Registrar General, High Court of Delhi and Others* (21.08.2018 - DELHC): MANU/DE/ 2967/2018, in yet another judgment authored by Justice Bhat, the Delhi High Court held that appraisal and recording of ACRs largely based on the "unit-based system" is not exactly the best method as it often overlooks the asymmetries of roster pressures and subject matter uniqueness of each jurisdiction. The endeavour of every authority recording ACRs of judicial officers should be to mark the performance for visible achievements. The Court in that judgment suggested a method of evaluating the performance of the judicial officers on the scale of 100 marks by earmarking 20% for quality of judgments, 25% for the institution/disposal ratio, 20% for the total number of final judgments delivered in contested matters, 10% for timeliness, promptness in delivery of judgments, disposal of old cases, not taking leave or clubbing leave with vacations

etc., and remaining 25% may be awarded by the appraising High Court Judge/Committee on the basis of interaction/inspection.

Compassion for those upon whom the nature has not been very kind is writ large from many judgments authored by Justice Ravindra Bhat, not only as Judge of Delhi High Court but even as Chief Justice of this Court. Justice Bhat in National Federation of the Blind and Another Vs. State of Rajasthan and Others, D.B. Civil Writ Petition No.4907/2019, dated 22.07.2019, has commanded the State of Rajasthan to extend the benefit of 20% concession to “persons with disabilities” especially the visually impaired candidates, covered by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in the REET, 2017 as also 2019 with direction to the Board of Secondary Education, Rajasthan, to revise the result of the REET, 2015 and 2017 after giving 20% concession in qualifying marks and forward the select list to the Government. The Government was directed to issue letters of appointment to the selected candidates.

In another judgment of this Court in Kuldeep Jaiman Vs. The State of Rajasthan and Others, D.B. Special Appeal (Writ) No.159/2019, dated 30.05.2019, the appellant, who was hundred percent visually impaired candidate, was not

provided with scribe earlier inasmuch as the scribe was provided at the venue of the examination, who had not met to interact with him at-least 24 hours before the test. Justice Bhat speaking for the Court held that the manner in which a candidate comprehends the question would depend upon how it is read out to him by the scribe and the manner in which he attempts test would depend upon how the scribe comprehends the candidate by way of speaking. In order therefore to provide a full and fair opportunity, an interaction between the two is absolutely necessary and therefore directed the RPSC to provide a scribe to the appellant and ensure that meaningful interaction takes place between them at least 24 hours before the examination.

Justice Ravindra Bhat is an affable, unassuming and grounded person with very kind and genial disposition. He always has a charming smile, a word of appreciation and affection for everyone who meets him. As a Judge he has shown admirable qualities that everyone had complete confidence in him. He has impressed everyone by his ability, sharp intelligence and desire to do justice. I have had the privilege of working with him from close quarters on administrative side and found him ever ready and keen to consider any administrative problem faced by the judicial

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officers, members of the bar and common litigants. At times he would come out with immediate solution to a long standing problem. During his short stint as Chief Justice, many important issues were expedited, i.e., finalization of the Rules for conferment of designation of Senior Advocates, and also for allotment of Chambers in the new building at Principal Seat, Jodhpur. Whenever any delegation from the Bar met him, he immediately consulted the concerned Judges/Members of the Committees to look into their problems and address their grievances.

During his short span of four months, he extensively travelled in different parts of the State. He went to many court premises unannounced to get first hand knowledge of the problems faced by the litigants, members of the bar and judicial officers. He did not hesitate in acknowledging and discussing the problems about lack of infrastructures and facilities in the court campus of the State, especially about lack of toilets, especially ladies toilets, hygiene litigant-sheds and drinking water, even in his judicial order.

Four months is not a very long time but within this period, all the Judges grew so close to him as if we have known him for long. We shall always cherish the memories of the time spent with him.

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We all wish him a wonderful journey ahead, a meaningful, healthy and happy life.

THANK YOU.

(MOHAMMAD RAFIQ),J.