



DELHI HIGH COURT BAR ASSOCIATION

SHER SHAH ROAD, NEW DELHI-110003 TELEPHONES : 011 -2338-5562, 2338-5943

FAREWELL REFERENCE: JUSTICE J.M. MALIK

Hon'ble The Chief Justice, Mr. Justice A.P. Shah, Hon'ble Judges, Sh.P.P. Malhotra, ASG, Standing Counsels, Delhi Government & Central Government, Senior Advocates, members of the executive of Delhi High Court Bar Association, fellow members, ladies and gentleman.

We have assembled today to bid farewell to Hon'ble Mr. Justice J.M. Malik. A humble, soft-spoken and down to earth man, Justice Malik would always be remembered and missed as a knowledgeable and upright Judge. He is quite straightforward and always worked for the dignity of the institution.

Individuals may come and go, but the impeccable mark left behind by Justice Malik shows the characteristics of his performance, both as a human being as well a judge holding the constitutional office. Memories of Justice Malik commanding a pin drop silence in his courtroom and going to the root of legal proposition by asking a few relevant questions would always be remembered.

Born on 18th July' 1946 and after graduation from Punjab University in 1968, Justice Malik studied law at Punjab University and was enrolled as an Advocate with Bar Council of Punjab & Haryana.

After initial years of practice, Justice Malik joined Delhi Judicial Services in the year 1972. During this period, he worked as Magistrate, Sub-Judge, Rent Controller, Additional Chief Metropolitan Magistrate. His stint as Special Judge NDPS and as a Member of Sales Tax Appellate Tribunal would always be remembered as he worked tirelessly to bring down the pendency there. He in a way created a record for disposal of cases as a member of Sales Tax



DELHI HIGH COURT BAR ASSOCIATION

SHER SHAH ROAD, NEW DELHI-110003 TELEPHONES : 011-2338-5562, 2338-5943

Tribunal. Before his elevation to the High Court as Additional Judge on 28th February' 2006, Justice Malik worked as Judge-in-charge, Karkardooma Courts.

I will be failing in my duty if on this occasion, I do not mention some of the issues concerning the institution. Pendency is one such burning issue. We need to make concerted efforts for the time management, which alone in our view would speed up the disposal. One cant also be oblivious of the fact that there are forces making all efforts to destabilize this institution. Its high time to ponder over for deeper introspection.

It is repeatedly said that the Bench and The Bar are the two wheels of a chariot and for the sake of repetition some has rightly said that the Bench and the Bar are the two eyes of a bride and if both work in tandem, there is no reason why this institution can not over come these challenges. We admire the framers of the Constitution for their vision to exclusively provide for an independent institution and nurtured it to enforce the rule of law. If this institution fails, the rule of law would crumble and vanish jeopardizing the democracy, leading to chaos and anarchy in the country. Unless Bench and Bar maintains the mutual exchange of views and faith, this institution cannot achieve its goal, by enforcing any unilateral decision.

Justice J.M. Malik in his entire judicial career preserved his independence fiercely and maintained his demeanors with consistency. This spirit of independence must be carried forward. Bench and Bar must come to a rescue of each other whenever their independence is under attack because independence of the Bar is as important as that of the judiciary. Independence of the legal profession is important not for the sake of lawyers but in the larger



DELHI HIGH COURT BAR ASSOCIATION

SHER SHAH ROAD, NEW DELHI-110003 TELEPHONES : 011-2338-5562, 2338-5943

interest of the society. If a lawyer is subjected to undue pressure or inducement of any kind from any quarter, he cannot properly and satisfactorily discharge his professional duties. I have no doubt in my mind that the Bench fully appreciates the importance of a harmonious relationship between these two limbs of the institution. The Bar and the Bench both cannot afford to talk in terms of 'I and You'. Both will have to talk in terms of "we". This inspires me to say that departure of Justice Malik is our loss, not just that of Judiciary.

I am proud to mention that Delhi High Court Bar association has always stood for the dignity, betterment and wisdom of this institution.

Knowing Hon'ble Mr. Justice Malik, I am sure he is not going to sit idle, but would have already made to up his mind to rejoin the Bar, we welcome Justice Malik back to the Bar for his next innings.

I on my own behalf and on behalf of Delhi High Court Bar Association, wish all the best to Justice Malik and his family.

(K.C. MITTAL)
PRESIDENT