

Delhi's Moot Court Hall named after alumnus Chief Justice of India 14.01.2016

The Hon'ble Mr Justice Y K Sabharwal



Mr Justice **Y K Sabharwal**

BA Hons 1961 Hindu LLB 1964

36th Chief Justice of India 1999 – 2000

Former Judge High Court of Delhi

Chief Justice High Court of Bombay

Passed away 03.07.2015

Jaitley inaugurates Y K Sabharwal Moot Court hall at National Law University Delhi

NEW DELHI: Union finance minister **Arun Jaitley** on Thursday recalled late former Chief Justice of India **YK Sabharwal** as one of the rare judges who was **not only fair but also fearless**. He had the “ability to strike” when it was required, the Minister said.

Speaking at the inauguration of a moot court hall in Delhi's National Law University (NLU) — dedicated to the former CJI, Jaitley said Justice Sabharwal **was a tough judge but never sat on the bench with fixated views**.

“He had no likes or dislikes and had no friends in court. But his personality outside was totally different,” Jaitley reminisced, recalling his association with the former CJI *who made tremendous contribution to the field of Law through his judgements*.

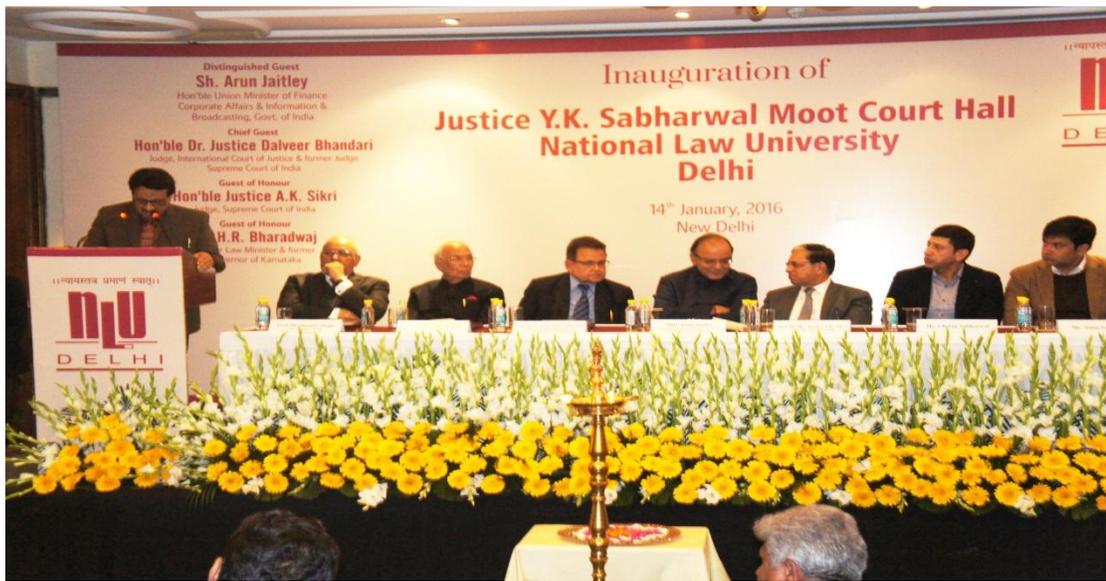
Some of the important verdicts delivered by him included declaring President's Rule in Bihar unconstitutional and opening to judicial review the laws placed in the Ninth Schedule.

A Moot Court Hall in his name in a premier law school was a fit dedication to the former CJI, Jaitley said.

The Minister added : “A specialised Moot Court hall is a rare speciality and for a law school to have one is commendable.”

Justice Dalveer Bhandari, Judge of International Court of Justice, spoke of how moot courts had become an integral part of legal education. But law schools don't have funds or infrastructure to enable students to participate in moot court competitions in India and abroad.

“Justice Sabharwal's family members have ensured that there is at least one school in this country that has regular moot court competitions,” Justice Bhandari said.

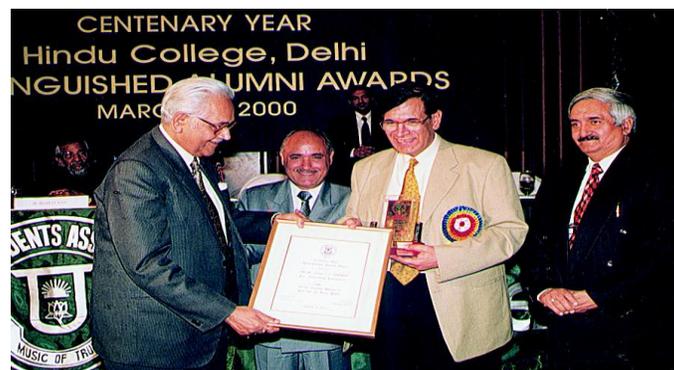


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The family members of Late Mr Justice Y K Sabharwal, Former Chief of India, have donated a substantial sum to the University. It has been decided that the Moot Court Hall of the University will be named as "*Justice Y K Sabharwal Moot Court Hall*" to honour this endowment.

The University organized the Inaugural ceremony of the late Mr Justice Y K Sabharwal Moot Court Hall on 14 January 2016 which happens to be his birthday from Mr Arun Jaitley Minister of Finance, Corporate Affairs and Information and Broadcasting, Govt of India Mr Justice Dalveer Bhandari, Former Judge, Supreme Court of India and Member of International Court of Justice, Chief Guest, Hon'ble Mr. Justice A K Sikri Judge, Supreme Court of India and Dr. H.R. Bhadrwaj, Former Law Minister & former Governor of Karnataka were the Guests of Honour.

He was also presented The Hindu College Distinguished Alumnus Award at his alma mater's Centenary 2000



Seen here with Justice J S Bajaj, Hindu alumni chief (Sr Advocate) Lalit Bhasin and G S Raj K Oberoi

Justice Bhandari served as Judge The Supreme Court of India and The High Court of Delhi for several distinguished years and had attended DU's Platinum Jubilee celebrations and Vice Chancellor VR Mehta's Lunch for Bharat Ratna and Nobel Laureate Dr Amartya Sen , attended by a galaxy of Jeminent alumni

Will Justice Sabharwal figure among the great judges of Supreme Court?

Dhananjay Mahapatra | TNN | Jul 13, 2015, 06.58 AM IST

Justice Yogesh Kumar Sabharwal passed away 10 days ago. He was the 36th Chief Justice of India. Will he figure among the great judges of the Supreme Court? In the last few years, and especially in the last 10 days, many advocates and politicians have asked me this question.

Their question was logical. Many knew that as a reporter, I had seen him as a judge since 1995. He was in Delhi high court then. An important case provided me glimpses of his personality as a judge and a human being.

Rashtriya Mukti Morch president Ravinder Kumar had filed a PIL in the HC accusing then PM PV Narasimha Rao of bailing out his minority government by purchasing votes of Jharkhand Mukti Morcha MPs.

Justices Sabharwal and DK Jain asked the CBI to examine RMM's claim that the bank accounts of JMM MPs received huge cash deposits around the time the Rao government won the trust vote in Parliament.

The CBI started digging into the scam. Skeletons tumbled out. The bench ordered registration of an FIR. But the CBI did a cover up. It slapped mild provisions of Prevention of Corruption Act against the accused. The bench saw through the game and observed "it is your director who has diluted the FIR".

The HC observing that the CBI director had diluted the FIR was a huge story. I was working with PTI then. The news was flashed and all hell broke loose. The CBI sent officers to the PTI office and put pressure to issue a clarification. A couple of CBI men reached my house and said no such observation was made by the HC against the director. Finally, PTI was forced to issue a clarification quoting the then CBI counsel.

Next morning, before Justice Sabharwal began his judicial work, I told him about the harrowing time the CBI gave me for reporting the court's observation. "Did we observe like that?" he asked, and my heart sank.

I came out of his chamber disappointed. I dreaded the CBI making a song and dance about my report before the bench. A little later, I met advocate P N Lekhi, who was arguing for RMM. He remembered the court's observations and said PTI had reported it correctly. As the arguments were held on a day-to-day basis, he assured me that he would raise the issue in the afternoon when the bench took up the case.

Lekhi stood by his promise. The bench again asked, "Did we make that observation?" My heart sank again. Justice Sabharwal said, "Let us clear this confusion. Where is the file which we saw yesterday?"

The CBI said it had not got that file to court. The bench ordered it to bring the file in 45 minutes. The file arrived. The bench perused it. After a very long five minutes, Justice Sabharwal broke the silence in the court and said, "***We find from the file that it is the CBI director who has made specific noting for dilution of the FIR against accused.***" My heart leaped. Carrying the pleasure of vindication, we ran the story - 'HC reiterates: CBI director diluted the FIR in JMM case'.

Several things stood out. One, reporting court proceedings accurately may not always save a journalist from trouble. But the trouble will not turn into harassment if *the judge is fearless of the powers that be*. Also, that a fearless judge may not always stand by a cub reporter.

But not Justice Sabharwal. He was fearless and had a big heart to stand by a reporter who had just started the journey on the complicated and slippery road of reporting.

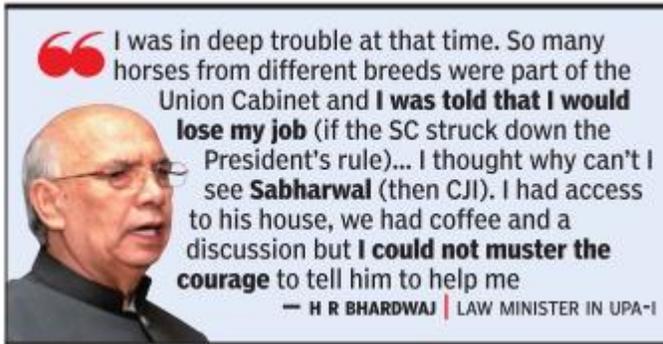
He took oath as a judge of the Supreme Court on January 28, 2000, the day the SC was celebrating its golden jubilee. Nearly seven years later, he retired as CJI on January 13, 2007.

During his tenure as a Supreme Court judge and then as CJI, he penned several important judgments, which even his detractors found to be bold and forward thinking. Directing infusion of reforms in police was one such which endeared him to his critics.

As a judge, he had great respect for constitutional institutions. But that did not deter him from asserting that howsoever high the institution, its decisions *would always be subject to the scrutiny of the Supreme Court*, especially if there were complaints that these decisions violated the citizens' fundamental rights.

In Raja Ram Pal judgment, delivered just two days before his retirement, Justice Sabharwal heading a five-judge bench had upheld Parliament's decision to expel those MPs linked to the cash-for-vote scam. He had said, "Constitutional system of government abhors absolutism and it being the cardinal principle of our Constitution that no one, howsoever lofty, can claim to be the sole judge of the power given under the Constitution, mere coordinate constitutional status, or even the status of an exalted constitutional functionaries, does not disentitle this court from exercising its jurisdiction of judicial review of action which part-take the character of judicial or quasi-judicial decision."

I was told I'd lose my job if SC didn't uphold '2005 Bihar Prez rule: Bhardwaj



Ex-Law Mantri Met CJI, `But Was Scared To Broach Topic'

Former Union law minister H R Bhardwaj on Thursday said he was under “tremendous pressure from the Manmohan Singh government” to get a favourable order from the Supreme Court on UPA 's decision to impose President's rule in Bihar in 2005 to prevent the JD(U)-BJP combine from coming to power.

Bhardwaj said he had even met the then Chief Justice Y K Sabharwal, who headed the five-judge constitution bench dealing with the case, in this regard, but “could not summon the nerves to broach the topic”. The bench, by a **3-2 majority**, had declared the **imposition** of President's rule **a misuse of Article 356**, and “**clearly politically motivated, based on a skewed report by then governor Buta Singh**”.

The former law minister said Justice Sabharwal was a family friend, but a very tough judge. “I could not muster the courage to ask for any favour on the issue when we met over a cup of coffee,” he said at a function to inaugurate the ***Moot Court Hall of National Law University , Delhi, named after the late Justice Sabharwal.***

Finance minister Arun Jaitley, who had attacked UPA for imposing President's rule to keep a Nitish Kumar led JD(U)-BJP coalition from forming the government, was also present at the function.

Elaborating on his predicament when the President's rule was challenged in the SC, Bhardwaj said, “I was in deep trouble at the time. So many horses from different breeds were part of the Union Cabinet, and I was told that I would lose my job (if the SC struck down President's rule).”

The remarks were immediately read as a reference to the pressure that Lalu Prasad, whose RJD was a component of UPA, is said to have brought to bear upon PM Singh for the dissolution of the assembly after JD(U) and BJP mustered the necessary numbers to form the government.

On **January 24, 2006, the SC minced no words** in declaring the dissolution of Bihar's newly-elected assembly unlawful. It said the council of ministers should have verified facts stated in the governor's report before hurriedly accepting it as gospel truth.

The indictment led the then President A P J Abdul Kalam to consider quitting. Kalam had ratified the dissolution at the instance of the Union Cabinet which, in order to secure instant dissolution, secured his nod through fax when he was in Russia