

## OBITUARY

### Justice Surinder Singh Nijjar

(JUNE 7, 1949 – MARCH 26, 2021)

## An outstanding legal mind imbued with a vision



**C RAJ KUMAR**

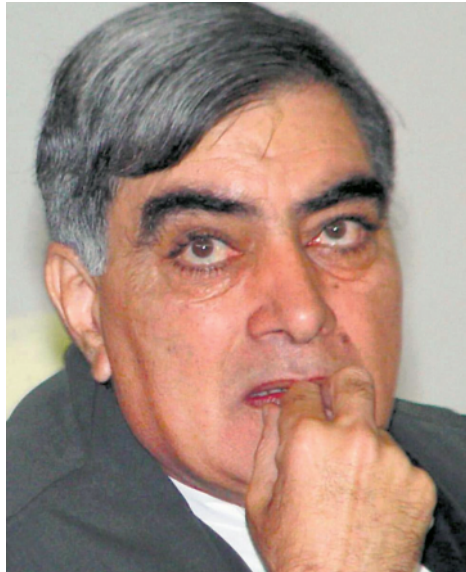
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Justice Nijjar's long journey in the Indian judiciary represents a diversity of roles and cases to which he brought his leadership.

His judgments and contributions made him one of the most outstanding legal minds.

Today, we must celebrate his innovation and vision, and how it transformed the way we look at many aspects of justice, especially alternative dispute resolution in India.

Last week marked a sad moment for India, as one of the most eminent jurists of our nation, Justice Surinder Singh Nijjar, former judge of the Supreme Court of India, passed away. He was an outstanding judge, a man of brilliant intellect, unimpeachable integrity and utmost rectitude. He will always be remembered for the quiet and ethical leadership and commitment to the cause of justice



**EXEMPLARY:** Justice Surinder Singh Nijjar contributed to development of Indian jurisprudence and promoted excellence in law. - FILE PHOTO

that he brought to the bench, both in the High Courts of India, and indeed in the highest court of the country.

Justice Nijjar was uniquely impressive because of his self-effacing nature with his humility and polite ways of dealing with complex issues of law and justice.

Socrates most appropriately described the essential qualities of a good judge: "Four things belong to a judge: To hear courteously; to answer wisely; to consider soberly; and to decide impartially." Lawyers and judges who have interacted with Justice Nijjar would unequivocally agree that he epitomised these qualities of a judge that Socrates had outlined more than 2,400 years ago.

There are several aspects of Justice Nijjar's life and legacy that are worth celebrating. But the ones that stand out the most, in my view, are the following five aspects: Outstanding academic qualifications; an analytical mind with strong legal acumen; personality and demeanour epitomising a high judicial office; deep sense of humility and self-effacing nature; unimpeachable integrity and professional rectitude.

Born in 1949, Justice Nijjar lived a life that represents a combination of excellence in his academic pursuits and landmark judgments, which contributed to the development of jurisprudence in important areas of law and dispute resolution. He graduated in law from the University of London, followed by the completion of Bar-at-Law at Middle Temple Inn, London, where later in his illustrious career, he also went on to be elected as a Master of the Bench (Bencher) at the Hon'ble Society of the Middle Temple.

After briefly working in England, he brought his jurisprudential leadership to India. At a time when he could have decided to stay longer and work in the UK when he had the option to, Justice Nijjar chose to return. His contribution to the development of India's jurisprudence marks the promotion of excellence in adjudication in commercial law, constitutional law

and arbitration law. This is reflected in his journey that began as an advocate in the Punjab and Haryana High Court in the late seventies. He also went on to contribute at the district courts in Chandigarh, departmental authorities and the Central Administrative Tribunal (CAT).

After his brief stint as an Additional Advocate General of the Government of Punjab, he went on to serve in the Bench at the Punjab and Haryana High Court. This was also followed by his appointment as a judge in the Bombay High Court. After his contributions during his brief stint as the Acting Chief Justice of Punjab and Haryana High Court, Chandigarh in 2006, Justice Nijjar was elevated by 2007 to Chief Justice of Calcutta High Court, and by the end of the first decade of 2000, he became a judge of the Supreme Court of India.

His illustrious career is marked by numerous landmark judgments that have provoked a need to rethink the way we imagined law back then, and now. An advocate of utilising alternative dispute resolution system for resolving commercial disputes, his approach has enabled the effective delivery of justice in India. *Bharat Aluminium versus Kaiser*

*Aluminium judgment (BALCO)* was one such scenario where the laws related to the cases of *Bhatia International and Venture Global* were overruled by the Supreme Court of India. *Reliance Industries Ltd and Ors versus Union of India*, *Enercon India versus Enercon Gmbh*, *Swiss Timing Limited versus Commonwealth Games and State of Maharashtra versus Indian Hotel and Restaurants Association* are amongst the numerous other cases that are recognised globally today. These cases have not only helped reimagine the laws of India, but have also enabled the Indian judiciary to create new jurisprudence in important areas of law.

Justice Nijjar not only created a substantive impact for the development of rule of law in India, but was also renowned for his visionary judgments. His unmatched legal acumen was also extended to various other roles including that of the Chairman, Mediation and Conciliation Project Committee, Supreme Court of India, Non-Executive Director, *Indiabulls Housing Finance Limited*, Independent Director of *Indiabulls Real Estate Limited*, Executive Chairman, Punjab State Legal Services Authority, and Chairman,

Advisory/NSA Board of Punjab. He also served as the standing counsel for universities, government corporations and nationalised banks.

His long journey in the Indian judiciary represents a diversity of roles and cases to which he brought his leadership. His judgments and contributions have made him one of the most outstanding legal minds of India, and globally. Today, we must celebrate the innovation and vision of Justice Nijjar, and how it has transformed the way we look at many aspects of justice, especially alternative dispute resolution in India today.

Beyond his contributions to the world of justice, Justice Nijjar brought the highest sense of civility, decency, decorum and sophistication to the judicial discourse. Justice Nijjar will always be remembered as an outstanding jurist and an amazing gentleman, beautifully envisaged in the words of Justice Bronson, "A judge ought to be wise enough to know that he is fallible and therefore, ever ready to learn; great and honest enough to discard all mere pride of opinion, and follow truth wherever it may lead, and courageous enough to acknowledge his errors."