



21st July, 1937 – 24th January, 2021

Full Court Reference in the memory of

Late Dr. N. M. Ghatate

Senior Advocate

*held on Thursday, the 17th February 2022
at 3.00 p.m. in the Auditorium at 3rd Floor, 'C' Block,
Additional Building Complex, Supreme Court of India*

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Letter from the Registrar, Supreme Court of India

Avani Pal Singh
Registrar
Supreme Court of India



F.No.99/Ref/2021/SCA(Genl)
Dated the 17th February, 2022

Ms. Sheila Ghatate,
Flat No. 901, Ashadeep,
9, Hailey Road,
New Delhi.

Madam,

There was a Full Court Reference in the Auditorium of the Additional Building Complex, Supreme Court of India on 17th February, 2022 in the memory of late Dr. N.M. Ghatate, Senior Advocate. Rich tributes were paid to Dr. Ghatate by Shri K.K. Venugopal, Learned Attorney General for India, Shri Vikas Singh, President, Supreme Court Bar Association and Hon'ble Shri N.V. Ramana, Chief Justice of India. After the references were read, two minutes' silence was observed. I have the honour of forwarding a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid.

Kindly permit me to convey the heart-felt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Yours sincerely,

Registrar(AG)

Encls: As above

*List of Business for 17th February, 2022 in respect of
Full Court Reference*



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR THURSDAY THE 17TH FEBRUARY, 2022

**IN THE AUDITORIUM AT 3RD FLOOR, 'C' BLOCK,
ADDITIONAL BUILDING COMPLEX, SUPREME COURT OF INDIA**

AT 03.00 P.M.

**FULL COURT REFERENCE IN THE MEMORY OF LATE
DR. HANS RAJ BHARDWAJ, LATE SHRI SURAJ NARAIN
PRASAD SINHA AND LATE DR. N. M. GHATATE, SENIOR
ADVOCATES.**

Coram of Hon'ble Judges at the Full Court Reference

❖ *Hon'ble Shri N. V. Ramana, Chief Justice of India*

❖ *Hon'ble Mr. Justice A.M. Khanwilkar*

❖ *Hon'ble Dr. Justice D.Y. Chandrachud*

❖ *Hon'ble Mr. Justice L. Nageswara Rao*

❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul*

❖ *Hon'ble Ms. Justice Indira Banerjee*

❖ *Hon'ble Mr. Justice Vineet Saran*

❖ *Hon'ble Mr. Justice Hemant Gupta*

❖ *Hon'ble Mr. Justice M.R. Shah*

❖ *Hon'ble Mr. Justice Ajay Rastogi*

❖ *Hon'ble Mr. Justice Dinesh Maheshwari*

❖ *Hon'ble Mr. Justice Sanjiv Khanna*

❖ *Hon'ble Mr. Justice B.R. Gavai*

❖ *Hon'ble Mr. Justice Surya Kant*

❖ *Hon'ble Mr. Justice Aniruddha Bose*

❖ *Hon'ble Mr. Justice A.S. Bopanna*

❖ *Hon'ble Mr. Justice S. Ravindra Bhat*

❖ *Hon'ble Mr. Justice Hrishikesh Roy*

❖ *Hon'ble Mr. Justice Abhay S. Oka*

- ❖ *Hon'ble Mr. Justice Vikram Nath*
- ❖ *Hon'ble Mr. Justice J.K. Maheshwari*
- ❖ *Hon'ble Ms. Justice Hima Kohli*
- ❖ *Hon'ble Mrs. Justice B.V. Nagarathna*
- ❖ *Hon'ble Mr. Justice C.T. Ravikumar*
- ❖ *Hon'ble Mr. Justice M.M. Sundresh*
- ❖ *Hon'ble Ms. Justice Bela M. Trivedi*
- ❖ *Hon'ble Mr. Justice Pamidighantam Sri Narasimha*

xxxxx

Reference made on 17th February, 2022

by

Attorney General For India

Shri K. K. Venugopal

in the memory of

Late Dr. Hans Raj Bhardwaj,

Late Shri Suraj Narain Prasad Sinha and

Late Dr. N. M. Ghatate,

Senior Advocates

Hon'ble the Chief Justice of India, Justice N.V. Ramana, Hon'ble Judges of the Supreme Court, the Solicitor General of India, Sh. Tushar Mehta, the Additional Solicitors General, President of the Supreme Court Bar Association, Sh. Vikas Singh and office bearers of the SCBA, President of the Supreme Court Advocates on Record Association, Sh. Shivaji Jadhav and other office bearers of the SCAORA, the family members of Shri Hans Raj Bhardwaj, Shri Suraj N.P. Sinha and Shri N.M. Ghatate present here, and my colleagues at the Bar.

It is with heavy hearts that we have gathered here to pay homage to three most distinguished personalities, each one a luminary in his own right – Shri Hans Raj Bhardwaj, Shri Suraj N.P. Sinha and Shri N.M. Ghatate.

Dr. Hans Raj Bhardwaj

Shri Hans Raj Bhardwaj, who left us on 8th March, 2020 at the age of 83, was a truly multifaceted personality, who wore many different hats over the course of his life - a lawyer, political leader, humanitarian and educationist. It is difficult to do justice to his life and accomplishments in the short span of this speech, but I shall, nevertheless, attempt to do so within the confines of the time available to us today.

Having obtained his LLB degree, Shri Bhardwaj plunged into the legal profession, after enrolling as an advocate in 1960-61. With the passage of time, he began to carve a name for himself, through sheer hard work and dedication. In the year 1972, he was

appointed as the Public Prosecutor for the Delhi Administration in the Delhi High Court. Having acquired a wide range of experience on the criminal side, he was chosen to represent and defend Smt. Indira Gandhi, Shri Bansi Lal and Shri Sanjay Gandhi in the Special Courts set up in the year 1978. He also served as the senior standing counsel for the State of Uttar Pradesh in the Supreme Court of India, during the years 1980 - 1982.

Reminiscing about his time as an actively practising lawyer, he wrote in his book "The Criminal Justice System in India", that (and I quote):

"I had a long innings at the bar before joining politics. I am one who believes that a very heavy responsibility lies on the members of the legal community in making a justice system meaningful. When a counsel appears as a public prosecutor he represents the public interest. As a defence counsel he is the champion of civil liberties and human rights.... "

He was happy in the legal profession, but destiny obviously had other plans. He ventured into politics, and was elected to the Rajya Sabha, for the first time, in the year 1982. This was the first of five successive terms in the upper house of Parliament, and proved to be the turning point in his life. He took to politics like a fish to water. His sharp mind, affable personality and political acumen proved to be his biggest assets. His background in the law gave him an astute understanding of the close interplay between law and politics. He went from strength to strength and rapidly established a position of importance within his party, i.e. the Indian National Congress. Over time, he emerged as a valuable trouble-shooter for his party, handling sensitive issues with tact and deftness.

He was appointed as the Minister of State in the Ministry of Law and Justice in 1989, and thereafter the Minister of State (independent charge) in the Ministry of Planning and Programme Implementation. He returned to the Ministry of Law, Justice and Company Affairs as Minister of State, in the year 1992, and never looked back. He rose to the rank of Cabinet Minister for Law, Justice and Company Affairs, and retained this position for a number of years.

I remember vividly the instrumental role played by him in the setting up of the 'International Centre for Alternative Dispute Resolution' (ICADR) in New Delhi, a venture with which I was also associated as a founding member. He became the driving force behind the ICADR, which was envisioned as an independent arbitral institution par excellence, on the lines of the London Court of International Arbitration (LCIA) in the

United Kingdom and the Singapore International Arbitration Centre (SIAC) in Singapore. ICADR remains a work in progress, but I am confident that his vision of having a world class arbitration institution in our country will one day be realised.

Shri Bhardwaj was designated as a Senior Advocate by the Supreme Court of India on 07.03.2000.

He was appointed to the post of Governor of the State of Karnataka in the year 2009, and he held this post till the year 2014. During this period, he also served for a short while as the Governor of Kerala. He discharged the duties of these high constitutional offices with sagacity.

I was associated with Shri Bhardwaj from the 1980s, and with his passing I have lost a friend. He is survived by his family, which includes his wife Smt. Prafullata Bhardwaj, his son Shri Arun Bhardwaj who is a Senior Advocate, two daughters Smt. Vandita and Smt. Vineeta, and two grandchildren who are also lawyers holding the torch high - Shri Karn Bhardwaj and Shri Gautam Bhardwaj. I offer to them, and all other members of his family, my heartfelt condolences.

Shri Suraj Narain Prasad Sinha

Shri SNP Sinha was born on 23rd July 1930 at Dalsingh Sarai village in Bihar. He did his schooling from CM College Darbhanga and his BA from LS College Muzaffarpur. He thereafter did his LLB in 1955 from the Patna Law College. He was a marathon runner and a body builder, and went on to represent his school, his college and the State in marathons.

He enrolled as an advocate on 23rd August 1957 and started his practice before the Sub Divisional Court, Samastipur, Bihar. He had no place in Samastipur to even keep his belongings, and used to travel daily from his home at Dalsingh Sarai, which was over 30 kms away. Shri Sinha joined the office of late Mr. Bhut Nath Mukherjee, and continued there till 1959 when his name was recommended by the District Judge Darbhanga, for the post of Asst. Public Prosecutor to conduct sessions cases. Shri Sinha distinguished himself as an APP in those early years and was soon appointed as the Public Prosecutor of the district.

Shri Sinha was a person with a strong social conscience, and in the trying years of the 1970s, was an active member of the Jai Prakash Narayan Movement against the

emergency. In an interview given a few years ago, Shri Sinha revealed that Late Karpoori Thakur, the then Chief Minister of Bihar had offered him a seat to contest an election, which he refused owing to his zeal to rise in the profession. With such a conviction, success in the profession could have been taken to be a foregone conclusion. It is significant that he resigned from the post of public prosecutor, only because of his strong sense of justice - a firing by the Bihar police had led to the killing of 18 under trial prisoners in jail. Shri Sinha, now a private lawyer, filed a case of murder against the then District administration. The case was taken right up to the Supreme Court.

Soon after this incident, Shri Sinha shifted his practice to the Patna High Court in 1980. He was designated as a Senior Advocate by the High Court in 1990, and had a roaring and lucrative practice in criminal law. Along with the commitment that he brought to his professional work, he stood for election of the Bihar State Bar Council, and, in 1985, he was elected as a member for the first time. He was elected as a member of the Bar Council of India in 2004 and then as the Chairperson of the Bar Council of India in 2008 for a period of two years.

His time at the helm of the Bar Council of India was very significant, and he brought in a number of reforms to improve the legal profession. As a member of the Bar Council of India, he visited a number of countries including England, Scotland, Australia, New Zealand, South Africa, Kenya, Egypt, and Pakistan, etc., and visited not just the Courts but also the universities and Bar Councils there. The experience and learnings that he brought back proved to be invaluable. In 2008, Shri Sinha was invited by the Bar Council of England and Wales to participate in a discussion around allowing foreign law firms in India.

Shri Sinha was also instrumental in tackling the issue of mushrooming law colleges across the country, which were opening up only for commercial reasons and where there was no quality legal education being imparted. Multiple law colleges were issued notices not to take any new admissions till proper teachers were appointed and proper legal education to the students could be ensured. It is to his credit that Shri SNP Sinha's contribution to legal education and to the legal community goes beyond his tenure as an office bearer of the Bar Councils, and, his significant contributions to this area did not go unnoticed - when the Supreme Court was looking into the standards of legal education in India, in the case of Bar Council of India v. Bonnie FOI Law College, a committee was

constituted to address the issue of affiliation with the Bar Council of India. Shri Sinha was appointed to the Committee along with Shri Gopal Subramaniam and the Late Shri. M. N. Krishnamani, the former President of the Supreme Court Bar Association. The Report returned by this Committee was adopted by the Bar Council of India, and was the basis on which the Bar Exam was introduced for the first time.

Shri Sinha was a strong proponent of judicial accountability. He strongly advocated judges declaring their assets in the public domain voluntarily. He also advocated for tackling the erosion of judicial values, pendency, vacancies, use of colonial terms while addressing judges, and one would find virtually no issue of public importance where he had not applied his mind and drawn public attention to. It is this quality of his that makes him an exemplary member of the legal community.

Shri Sinha was a self-made man, who rose from humble beginnings to reach great heights. He was a pillar of strength to his family, including his six children, four of whom have chosen to follow in his footsteps and carry forward his legacy in the legal profession. I offer my deepest condolences to his family.

Dr. Narayan Madhav Ghatate

1. Dr. N.M. Ghatate was better known as 'Appa' to his friends and family. Born into a Maharashtrian family, Dr. Ghatate's father, Babasaheb Ghatate, was an early leader of the Hindu Mahasabha as well as in the Rashtriya Swayamsevak Sangh (the RSS). Like his father, Dr. N.M. Ghatate too managed to maintain close lifelong friendships with persons across ideologies and party lines.

2. After completing his legal studies, Shri Ghatate went to the United States to pursue his post-graduate and doctoral studies. He did his M.A. and Ph.D. from the School of International Service, at the American University in Washington D.C. His M.A. thesis was on the Sino-Burmese Border Dispute and his Ph.D. thesis was on India's Disarmament Policy. On his return to India, Dr. Ghatate joined the chambers of Shri V.K. Krishna Menon, former Defense Minister and Congress veteran, who was extremely close to Prime Minister Nehru. Dr. Ghatate shared an enviable rapport with Shri Krishna Menon, with whom he worked for quite a few years.

3. On the morning of 26 June 1975, when Emergency was declared, and Shri

Vajpayee and Shri L.K. Advani were arrested in Bangalore and taken to the Central Jail there, Advani immediately wrote to Dr. Ghatate for his legal assistance, thus marking the defining moment in Dr. Ghatate's life. With many of the Jana Sangh and RSS leaders in jail, it fell on Dr. Ghatate to be their lawyer, a role he took on with fervour and tenacity, running from one court to the other, mounting challenges to unjust laws, and from one jail to the other to provide legal counsel.

4. *In a case¹ challenging the award of the death penalty, Dr. Ghatate had argued that the method of hanging involves pain, degradation and suffering and therefore violates Article 21. Unfortunately, he could not succeed for it was held that the Court cannot substitute any other method of execution for the method prescribed by law.*

5. *Later, as the Vice Chairman of the 17th Law Commission, he convinced the members of the Law Commission to suo moto take up the subject of the mode of execution of death sentence. He strongly advocated for the humanisation of the death penalty by swapping the noose for the needle. He felt that in a country like India where the death penalty could not be abolished, lethal injections would be a more humane way of administering the death penalty rather than by hanging, which he said was barbaric as many times, convicts do not die because of the broken spine as is supposed to happen resulting in immediate death, but they die due to strangulation which is extremely painful. The Law Commission also recommended that defence personnel who had been awarded the death sentence in a court martial under the Army, Navy or Air Force Act, should be given a right of appeal in the Supreme Court. The 187th Report further recommended that the Supreme Court Rules may be amended to state that death sentence matters be heard by a five-judge bench.*

6. *At his heart, Dr. Ghatate was a scholar. He has given lectures on International Relations both in the United States and in India. His passion in law, international relations and contemporary politics prompted him to author numerous books and articles on these subjects, which include 'Emergency, Constitution and Democracy: An Indian Experience', 'India's Disarmament Policy', and 'Death under the Shadow of*

¹*Deena and Ors. v. Union of India and Ors. (1983) 4 SCC 645*

Judiciary'. He has also compiled Vajpayee's speeches in Parliament in a book titled 'Four Decades in Parliament'.

7. Despite his proximity to power across party lines, Dr. Ghatate did not himself seek the limelight, but remained happy promoting his friends. Dr. Ghatate was so warm and down to earth that one would have never guessed that at one point, while seeking school admission for his son, he was armed with a letter of recommendation from both Shri Vajpayee and Shri Krishna Menon! He was a humble man who treated his juniors and his peers with utmost respect, and went to great lengths to encourage and inspire them, taking immense pride in their success and achievements.

8. Dr. Ghatate's unfortunate demise on 24th January 2021 at the age of 83 has left a void in the legal profession. I offer my sincere condolences to his wife Sheela ji and to his sons, Balchandra and Vinayak Ghatate.

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Reference made on 17th February, 2022

by

Shri Vikas Singh (Sr.)

President, SCBA

in the memory of

Late Dr. Hans Raj Bhardwaj,

Late Shri Suraj Narain Prasad Sinha and

Late Dr. N. M. Ghatate,

Senior Advocates

Hon'ble the Chief Justice of India, Hon'ble Judges of this Court, Ld. Attorney General for India, Law Officers, Members of the family of Late Dr. Hans Raj Bhardwaj, Members of the family of Late Shri. Suraj Narain Prasad Sinha, Members of the family of Late Dr. N.M. Ghatate, Members of Executive Committee of SCBA, Shri. Shivaji Jadhav, President SCAORA, Members of Executive Committee of SCAORA and Members of the Bar, ladies and gentlemen.

I consider it a sad, but a proud privilege, that I am allowed to pay my tribute to three great senior advocates of their times who were and remain an integral part of the bar of this Hon'ble Court.

Dr. Hans Raj Bhardwaj

Dr. Hans Raj Bhardwaj, an inspirational leader, eminent lawyer, humanitarian and politician, leaves behind a remarkable legacy. A lawyer by profession, he was designated as Senior Advocate by the Supreme Court of India on 7th March 2000. Dr. Bhardwaj was born in Village Garhi in Rohtak District of Haryana. He completed his schooling from G.B.C. High School, Rohtak and pursued higher education at B.M. College, Shimla, Agra University and Punjab University, obtaining his M.A. LLB Doctorate. Dr. Bhardwaj was an active student leader and successfully contested the student union elections at B.M. College, Shimla.

In a legal and political career spanning over five decades, Dr. Bhardwaj was widely credited with possessing an acute appreciation for the intersection between law and politics. A five-time Member of Parliament of the Rajya Sabha from 1982 till 2009, Dr. Bhardwaj served as a Minister under three Prime Ministers.

During his tenure, Dr. Bhardwaj served as Minister of State for Law and Justice & Company Affairs from the year 1985 till 1989 and again from 1992 to 1996. Dr. Bhardwaj was also a member of the Parliamentary Committee of Privileges in the Rajya Sabha from 1998 to 2004 and member of the Committee on Home Affairs in 2000. He was a part of the Advisory Council of the Delhi Development Authority from 2002-2004 and the Business Advisory Committee from 2004-2009. He again served as the Union Minister for Law & Justice from 2004 to 2009. He then went on to serve as the Governor of Karnataka between 2009 to 2014 and held the additional charge as the Governor of Kerala between 2012-2013.

Dr. Bhardwaj has authored various books including 'Law, Lawyers & Judges' in 1997. 'Crime, Criminal Justice & Human Rights' in 2001, 'Soul of India' in 2014, 'With Three Prime Ministers: Reminiscences' in 2016 and 'Politics, Religion and Judiciary in India' in 2018. Apart from his academic bent, Dr. Bhardwaj was also fond of gardening and farming and was often seen walking in the Sukun Park in Defence Colony.

Dr. Bhardwaj was a man of principles. In fact, I am a personal witness to his upright nature as Dr. Bhardwaj was the Union Law Minister during my tenure as the Additional Solicitor General of India. During my entire term, he never interfered with my functioning as a law officer nor ever spoke to me with regard to any pending case. The only time he talked to me was with regard to a pending case of the State of Kerala where Justice B.N. Agarwal was expressing his anguish over the non-implementation of a Supreme Court order to hold a particular examination in the State of Kerala. The Kerala Government was not conducting the examination due to some protests. The Bench seeing me present in the Court room sought my response as ASG. Replying to the concern, I informed the Bench that the Central Government would ensure compliance of the Order of the Court and would do whatever is necessary including calling in the paramilitary/army if required. This statement was splashed on the television and the newspapers in Kerala extensively. The order was also immediately implemented by the State. Dr. Bhardwaj called me only to request me to clarify to the Court that what I said

was not the stand of the Central Government but was only in response to the anguish of the Court.

Dr. Bhardwaj played a founding role in establishing the International Centre for Alternative Dispute Resolution (ICADR) and had been at the helm of legal and judicial reforms, including women's right to property, the introduction of rural courts for doorstep justice, reservation for women in the Lok Sabha and state legislative assemblies, perks and privileges for the judiciary, amongst many others.

An interesting incident is when Dr. Bhardwaj introduced the Women Reservation Bill for 33% reservation for women in Lok Sabha and State legislatures, there were attempts to snatch and shred the Bill in Rajya Sabha even before it could be discussed. However, such was his respect and stature that a number of members including women members formed a ring around Dr. Bhardwaj to ensure his safety and to show their support.

Dr. Bhardwaj is survived by his wife, Smt. Dr. Prafullata Bhardwaj, his son Shri Arun Bhardwaj, Senior Advocate, daughters Smt. Vandita and Smt. Vineeta, and grandchildren Karn Bhardwaj and Gautam Bhardwaj both Advocates.

Shri Suraj Narain Prasad Sinha

Shri Suraj Narain Prasad Sinha, an esteemed and experienced advocate passed away on the 24th of July, 2020 at the age of 90. Shri Sinha started his career in advocacy in 1957 after obtaining his law degree from Patna Law College. He started his practice at the Courts in Dalsingh Sarai and then moved to Samastipur. He was a self-made man and when he moved to Samastipur, he just had a bicycle to commute. He started in the office of Mr. Bhut Nath Mukherjee. Subsequently, his name was recommended by the District Judge, Darbhanga for the post of Assistant Public Prosecutor. From there he mastered the art of criminal trial and such was his demand eventually, that he was engaged to conduct final arguments in criminal trials in all the surrounding districts. He was also Public Prosecutor for Samastipur District for about one and half years. However, he resigned in protest of an incident where unwarranted firing by the District Administration over jail inmates resulted in 17-18 under trial prisoners being killed and several injured. After resigning, he filed a complaint against the District Administration.

He then moved onto practice at the Patna High Court and became a member of the Bihar State Bar Council and continued as a member for four consecutive terms. He also became a member of the Bar Council of India and rose to serve as its President from 2008 to 2010 and also extended his practice to the Supreme Court of India. He was the first person from Bihar to have become the Chairman of the Bar Council of India.

Mr. Sinha during his tenure as the Chairman of the Bar Council of India, took a strong stand against the social ostracism faced by lawyers defending alleged terrorists. He said, that this practice is unethical and reminded everyone of the principle of innocence that an accused even though an alleged terrorist should not be condemned unless he is convicted. He was also of the opinion that law students are joining law firms right at the beginning of their career and not gaining any experience in Court practice. He said,

“Brilliant students of law getting degrees from prestigious universities/law schools, instead of enriching [the] bar and bench, prefer to join legal firms [and] corporate sectors to earn handsome amounts from the very beginning of their career.”

Apart from law, he was an avid wrestler, body-builder, marathon runner and football player. In fact, even while practicing law he used to take part in wrestling competitions. He was also Secretary and Vice-President of the District Sports Association for years and also a member of the Bihar Olympic and Football Association.

He was a very helpful person and was known for promoting his juniors. In fact, he had instructed his juniors to not take passovers and argue the matter if he was before another Court. His heart went out to the needy and poor and he would never let money come in the way of helping his clients. He would even make arrangements for stay and food for his needy clients who would come from far away villages and did not have any place to stay in Patna. He was also at the forefront of opening a law college in his hometown in Samastipur which till date is a premier institute for imparting legal education.

Shri Sinha had an illustrious career spanning 60 years and his life is an ideal for many to follow. His loss has created an unfillable lacuna in the field of law as his astute personality along with his unfettered legal acumen will be missed. He is survived by his

two sons, Jitendra Narain Sinha, an advocate in Patna High Court and Inderjit Narain Sinha who is a Professor as well as four daughters, Nilam who is a Professor, Poonam who is a homemaker and Kiran & Rashmi who are both advocates in the Patna High Court. His grand-nephew Nirmal Kumar Ambashta is an Advocate in the Supreme Court.

Dr. Narayan Madhav Ghatate

Dr. Narayan Madhav Ghatate, also known as Appasaheb Ghatate was born in a Maharashtrian family in Nagpur. Appasaheb moved to Delhi in his early 20s in 1957 to study law. As the son of the Late Babasaheb Ghatate, who was closely associated with the RSS and its founder Dr. K. B. Hedgewar, Appasaheb himself was very close to respected statesman, Late Shri Atal Bihari Vajpayee. He completed his Ph.D in International Relations from the School of International Studies, American University, Washington D.C. He then proceeded to work in the office of former defense minister Sh. V.K. Krishna Menon. He did not let his political affiliations interfere with his sphere of work. He was also a lecturer of International Relations and Organizations in the USA and India.

It was his association with the RSS that placed the onerous responsibility on him to represent all Jan Sangh and RSS leaders who were put behind bars during the Emergency between 1975 to 1977. He did so with great passion and rigour, running between courts seeking basic rights for the incarcerated leaders. Many letters of communication between him and Sh. L.K. Advani during this period portray the close bond they shared.

Shri Ghatate wasn't only a brilliant lawyer but a scholar himself as he wrote multiple books such as the "Death under the Shadow of Judiciary", in which he is very vocal about his views on the death punishment and compares and contrasts various methods of execution of a death sentence. He openly advocated the use of lethal injections instead of hanging a person so as to perform a less painful method of execution. Another one of his literary works is a book on India's foreign policy, named "India's Disarmament Policy". Having closely followed the Emergency, he wrote another book in his twilight years titled "Emergency, Constitution and Democracy: An Indian Experience". Shri Ghatate also assisted Congress's Jairam Ramesh on his

biography of Sh. V.K. Krishna Menon. He also contributed to the book 'Military Law: Then, Now & Beyond' published by Judge-Advocate General's Department in 2005 which was a book covering a large spectrum of military law relating to armed forces tribunal, gender justice, court martial, law of war, honour & ethics.

He represented the Petitioners in the famous case of A.K Roy v. Union of India [1982] which saw a challenge to the National Security Ordinance, 1980, and certain provisions of the National Security Act, 1980 and the effect of the Constitution 44th Amendment Act. He was also the founder and President of Rashtriya Patrakarita Kalyan Nyas, an organization for upholding the best practices in the profession of Journalism and Media.

He was a true embodiment of the values of the legal profession. He never let his political affiliations or his strong connections define his professional life and he always remained an independent voice. A true friend always, he would pay regular visits to Sh. Atal Bihari Vajpayee even after Sh. Vajpayee suffered a stroke in 2009 and was bed-ridden.

At the age of 83, Appasaheb breathed his last on the 24th of January, 2021 after a short illness and is survived by his wife Sheela and two sons, Bhal Chandra Ghatate and Binayak Ghatate. He will always be remembered by us for his resolute persona and the unmatched warmth of his friendship and loyalty that was cherished by all those close to him.

It is said that when great men die, for years the light they leave behind guides the paths of men to follow. I, on behalf of the Supreme Court Bar Association offer my heartfelt condolences to the members of the family of Late Dr. Hans Raj Bhardwaj, Late Shri. Suraj Narain Prasad Sinha and Late Dr. N.M. Ghatate. May their souls rest in divine peace.

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Reference made on 17th February, 2022

by

Hon'ble The Chief Justice of India

Shri N. V. Ramana

in the memory of

Late Dr. Hans Raj Bhardwaj,

Late Shri Suraj Narain Prasad Sinha and

Late Dr. N. M. Ghatate,

Senior Advocates

We have assembled this afternoon to mourn the passing of three renowned members of the Bar - Dr. Hans Raj Bhardwaj, Shri Suraj Narain Prasad Sinha and Dr. N.M. Ghatate.

Dr. Hans Raj Bhardwaj

Dr. Hans Raj Bhardwaj was born on 17th May 1937. His achievements would run into many pages but I will try to keep this brief.

His journey in the legal profession began in the year 1960, when he completed his LL.B. and enrolled with the Bar Council of Delhi as an Advocate. His early legal practice was primarily in the field of criminal law.

He has appeared in several significant criminal cases, such as the infamous contract killing of Vidya Jain. He was an authority on criminal law and election law.

With time, Dr. Bhardwaj's inclination to politics led him to become a legal advisor to the late Smt. Indira Gandhi.

By 1971, his steady success in the profession was noticed and he was appointed as Additional Public Prosecutor in Delhi. He was engaged to defend several high-profile figures, including prominent political leaders.

In 1982, Dr. Bhardwaj became a Member of the Rajya Sabha from Madhya Pradesh.

In January 1985, both his professional worlds of politics and law merged as he was appointed as the Minister of State for Law & Justice in Shri Rajiv Gandhi's cabinet.

During his tenure, he was actively involved in enacting several crucial legislations, such as the law on anti-defection and the prohibition of benami transactions. He was re-elected to the Rajya Sabha from Madhya Pradesh and served as a Minister of State for Planning and Programme Implementation. He was subsequently re-assigned the portfolio of Law & Justice.

He went on to be appointed as the Cabinet Minister for the same after the general elections in 2004. During his tenure Dr. Bhardwaj was at the helm of various legislative reforms – including rights of women in property, right to information, right to rural employment guarantee, reservation for women, access to justice, and digitization of the judicial system.

He was widely credited with upholding the principle of separation of powers and judicial autonomy and independence which is central to our structure of governance.

Dr. Bhardwaj was forward-thinking and played a crucial role in laying the foundation for the International Centre for Alternative Dispute Resolution in 1996. He promoted institutional arbitration, with the goal of making India a global hub for alternative dispute resolution.

After serving as Union Minister for about 15 years under three Prime Ministers, in June 2009, Dr. Bhardwaj was called upon to assume the constitutional post of Governor for the State of Karnataka. He also held additional charge as Governor of Kerala.

Dr. Hans Raj Bhardwaj drew from his wealth of experience and authored several books such as, 'Law, Lawyers & Judges', 'Politics, Religion and Judiciary in India', etc. He also had great knowledge about religious scriptures.

Dr. Bhardwaj was very close to my heart. Whenever he was in Hyderabad, I had the privilege of sharing filter coffee with him. I shall cherish the warmth and affection that he had showered on me.

Dr. Hans Raj Bhardwaj left for his heavenly abode on 8th March, 2020 and is survived by his wife, Smt. Praful Lata Bhardwaj who is an Advocate, his son, Shri Arun Bhardwaj who is a Senior Advocate, daughters, Smt. Vandita Dutt and Smt. Vineeta Atri who is an Advocate and their families.

Shri Suraj Narain Prasad Sinha

Shri Suraj Narain Prasad Sinha was born on 23rd July, 1930. He did his graduation

from LS College, Muzaffarpur and obtained his LL.B. degree in 1955 from Patna Law College.

In 1957, he joined the Bar as a civil practitioner in Samastipur. In the same year, the Sessions Division was created at Samastipur and he was appointed as an Assistant Public Prosecutor.

He continued in the position of Public Prosecutor for Samastipur District until he resigned in protest against the District Administration's unwarranted firing upon jail inmates.

He was deeply committed to the legal profession and making law accessible to all was his motto. He was at the forefront of opening a law college in his hometown Samastipur in 1978.

He was first elected as a member of the Bihar Bar Council in 1985 and since then, he never lost any election in the State Bar Council.

After practicing in the Patna High Court for ten years, he was designated a Senior Advocate.

He was then elected Chairperson of the Bar Council of India in 2008. During his tenure, he implemented various rules and regulations which led to development of the legal profession in India.

He was a man of his own making, and his life is an example of how a first-generation lawyer born in a village as son of a cultivator, becomes a Senior Advocate in a High Court and goes on to become Chairperson of the Bar Council of India. His achievements are a result of his discipline and rigour in the profession.

As a marathon runner, he took an active interest in sports and general fitness.

Shri Suraj Narain Prasad Sinha breathed his last on 24th July, 2020 and is survived by his sons, Shri Jitendra Narain Sinha and Shri Indrajeet Narain Sinha and daughters, Smt. Neelam Sinha, Smt. Poonam Sinha, Smt. Kiran Sinha and Smt. Rashmi Sinha and their families.

Dr. N.M. Ghatate

Born on 21st July, 1937, Dr. NM Ghatate completed his graduation in 1957 from Hislop College, Nagpur. He obtained his LL.B. degree from the Faculty of Law, University of Delhi. He went on to pursue his Master's and Doctorate degrees in

International Relations and Organization from the American University, Washington D.C.

Dr. Ghatate was also a part-time lecturer in the School of International Service at the American University. Upon his return to India, he served as a part-time lecturer at the Indian Society of International Law. He was an academic at heart.

In 1989, he was designated as Senior Advocate by the Supreme Court of India. In the early 1990s, he was appointed Senior Standing Counsel for several states. He also served as a counsel for the Union of India in the Supreme Court.

Dr. Ghatate has argued before this Court in several landmark constitutional cases, such as ADM Jabalpur, A.K. Roy, and Gajanan Bapat.

In Charles Sobhraj v. Union of India, he argued for vital need of prison reforms. He also appeared in the celebrated case of Ram Bahadur Rai in 1975 regarding the extent of the right to peaceful protest in democracy. Dr. Ghatate also went on to appear in the Bhopal gas tragedy case. Dr. Ghatate earned praise from the Bar and Bench alike.

Dr. Ghatate was appointed as a Member of the Law Commission of India in the year 1998 and then again in 2000. He became the Vice-Chairman of the Law Commission in the year 2003.

His affinity for law is witnessed through his writings. He has authored several books such as 'Death under the Shadow of Judiciary' and 'India's Disarmament Policy', and numerous other articles.

Dr. N.M. Ghatate left for his heavenly abode on 24th January, 2021 and is survived by his wife, Smt. Sheila Ghatate, and two sons, Shri Bhalchandra Ghatate and Shri Vinayak Ghatate along with their families.

My Brother and Sister Judges join me in conveying our heartfelt condolences to the bereaved families of Dr. Hansraj Bharadwaj, Shri Suraj Narain Prasad Sinha, and Dr. N.M. Ghatate. We pray to the Almighty to give them strength to bear this irreparable loss.

May the departed souls rest in peace.

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List of Attendees at the Full Court Reference

- ❖ *Shri K.K. Venugopal,
Ld. Attorney General for India.*
- ❖ *Shri Tushar Mehta,
Solicitor General of India.*
- ❖ *Shri Vikas Singh, (Sr.)
President,
Supreme Court Bar Association.*
- ❖ *Shri Pradeep Kumar Rai, (Sr.)
Vice President,
Supreme Court Bar Association.*
- ❖ *Shri Ardhendumauli Kumar Prasad,
Hony. Secretary,
Supreme Court Bar Association.*
- ❖ *Shri Shivaji M. Jadhav,
President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Manoj K. Mishra,
Vice President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Joseph Aristotle S.,
Hony. Secretary,
Supreme Court Advocates-on-Record Association.*

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*Family Members of
Late Dr. N. M. Ghatate
Senior Advocate
at the Full Court Reference*

- ❖ *Mrs. Sheila Ghatate, Wife*
- ❖ *Mr. Vinayak Ghatate, Son*
- ❖ *Ms. Ashima Singh, Daughter-in-law*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

India