



14th March, 1929 – 15th January, 2022

Full Court Reference in the memory of

Late Shri S.P. Gupta

Senior Advocate

*held on Thursday, the 13th October 2022
at 4.30 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

H. Shashidhara Shetty

*Registrar
Supreme Court of India*



Tel.: 011-23112564
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F.No.99/Ref/2021/SCA(Genl)
Dated the 14th October, 2022

Shri Sunil Gupta,
3A, Sagar Apartments,
6, Tilak Marg,
New Delhi.

Sir,

There was a Full Court Reference in the Auditorium of the Additional Building Complex, Supreme Court of India on 13th October, 2022 in the memory of late Shri S.P. Gupta, Senior Advocate. Rich tributes were paid to Shri Gupta by Shri R Venkataramani, Learned Attorney General for India, Shri Vikas Singh, President, Supreme Court Bar Association and Hon'ble Shri Uday Umesh Lalit, 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

**FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI T.S. DOABIA, LATE SHRI RAM PRAKASH GUPTA,
LATE SHRI S.P. GUPTA AND LATE SHRI BHASKAR P. GUPTA,
SENIOR ADVOCATES.**

Coram of Hon'ble Judges at the Full Court Reference

- ❖ *Hon'ble Shri Uday Umesh Lalit, Chief Justice of India*
- ❖ *Hon'ble Dr. Justice D.Y. Chandrachud*
- ❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul*
- ❖ *Hon'ble Mr. Justice Ajay Rastogi*
- ❖ *Hon'ble Mr. Justice Sanjiv Khanna*
- ❖ *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 Abhay S. Oka*
- ❖ *Hon'ble Mr. Justice Vikram Nath*
- ❖ *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 Sudhanshu Dhulia*

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Reference made on 13th October, 2022

by

Attorney General For India

Shri R. Venkataramani

in the memory of

Late Shri S.P. Gupta

Senior Advocate

The contributions of our chartered High Courts to administration of justice are a treasure house of Jurisprudence. The life and times of long line of illustrious Judges, ably and creatively assessed by members of the Bar, with erudition and deep commitment to the cause of Justice, are chronicles of inspiration, besides door and windows to the evolutionary stories of Indian Law.

I will not be overstating if I consider late Shri S.P. Gupta as one of the tall figures of the Bar of one of the great pillars of our chartered High Courts, namely the High Court of Allahabad. He has several outstanding credits. Born in the 1920s, in a traditional business family, to enter the legal profession was one.

Early childhood :

Shri S. P. Gupta was born on 14.03.1929 in a traditional business family in the city of Moradabad in UP. There was no background of lawyers in the family. He was the second child amongst 9 brothers and 4 sisters.

Education :

After schooling at Moradabad, he went to Allahabad University from where he received his Bachelor of Arts degree and then to Bareilly College from where he received his Bachelor of Laws degree.

Legal Practice :

From Moradabad District Court where he commenced his practice, he migrated to Allahabad in 1960 with his wife and 2 years old son (Sunil Gupta). Initially, he joined the chambers of Shri Bhagwan Das Gupta and, upon the latter's elevation, the chambers of Senior Advocate, Shri S. C. Khare.

Within a span of 10 years by 1970, he became a leading writ and constitutional lawyer in his own rights. His large practice included specialization in the fields of taxation, central excise, labour, service, civil and criminal law. In short, he was a versatile all-rounder known for his prowess and expertise in almost all branches of law.

In 1978, he was designated by the High Court as a Senior Advocate and he earned the unique distinction of being called upon to adorn the office of Advocate General.

Celebrated cases in HC :

The case of Justice Satish Chandra who submitted a resignation letter from his position as High Court Judge with effect from a future date and then, on second thoughts, withdrew his resignation well before that date. The judge's right to withdraw his resignation was challenged by a group of lawyers. He was represented by Shri S. P. Gupta. The case travelled to the Supreme Court and the Constitution Bench endorsed Shri S.P. Gupta's submission that a High Court Judge occupies a high constitutional position and his resignation is not subject to acceptance by any authority or employer and that the Judge remains free to withdraw his resignation at any time before the effective date.

Celebrated cases in Supreme Court:

He used to enjoy a large practice at Allahabad High Court and appeared regularly also before the Supreme Court, helping many a needy and deserving clients foregoing professional fees.

*He is remembered by the Bar, the Judiciary and the nation, in particular, for his singular and stellar contribution to the cause of Independence of Judiciary in what has come to be known as the **First Judges Case**, **S. P. Gupta v. Union of India**, 1981 Supp (1) SCC 87. He filed the first writ petition in the country in his personal capacity as a lawyer and fought the case as a crusader for upholding independence of judiciary. This judgment has several precedential dimensions, notably on locus standi in the country's constitutional jurisprudence. Justice D. A. Desai noted in the opening paragraph of his judgment that the 'first salvo was fired by Shri S. P. Gupta, Advocate'.*

*He actively involved himself again in 1993 in the **Second Judges Case**. A clerical or ministerial mistake led to deletion or subordination of his name in the cause title of the report. The entire Bench corrected the error in a due recognition of his great contribution to the case.*

The following cases are few significant contributions to law:

*(i) The 1980 case of **Dr. J. P. Kulshrestha v. Chancellor, Allahabad University**, (1980) 3 SCC 418 - The autonomous functioning of educational institutions and norms which should govern the selection committees for appointment of teachers in a university;*

*(ii) In **UP Forest Corporation, State of UP v. Vijay Bahadur** (1982) 2 SCC 365 – The Government while awarding contracts has the right to reject even the highest bid in a public auction if it has good reasons to depart;*

*(iii) In **University of Allahabad v. Amrit Chandra Tripathi** (1986) 4 SCC 176, the Supreme Court for the first time upheld the right of a University to hold an Entrance Test for making admissions to its degree courses;*

*(iv) In **State of UP v. Rafiquddin** 1987 Supp SCC 401, the Supreme Court speaking through Justice Venkataramiah laid down the primary rules which must govern issues of appointments, promotions and seniority in our subordinate judiciary.*

Shri S P Gupta was a staunch believer in the observance of strict discipline and high standards of the Bar by lawyers. Sometimes for the creation of a separate Bench of the High Court for Western UP, sometimes for transfer of the Chief Justice of the High Court to some other High Court, sometimes against the sheer resolute implementation of rules and procedures for proper administration of the High Court. Shri S P Gupta along with some of his right-minded and sober colleagues founded a separate Bar Association in Allahabad High Court by the name of Advocates Association, High Court. For several years, he remained the unanimously elected and unopposed President of the Advocates Association.

He continued to be looked up to by the entire Bar and Bench of the High Court as a guiding light and elder statesman whenever any crisis arose and the institution of the High Court found itself at a crossroads. On all such occasions, Shri S P Gupta raised his voice to steer the Court and his fraternity on the path of high values and unshakeable professional ethics.

In 2017, when his wife, Smt Shashi Gupta, became seriously unwell, then suddenly, he too almost telepathically became medically grounded so much so that twice over both he and his wife were hospitalised simultaneously. In May 2017, Smt Shashi Gupta succumbed to her illness in the hospital. He returned to his hometown Allahabad and continued to live alone in his large mansion-like house.

Nonetheless, he continued to surround himself with various young lawyers almost the age of his grandsons and in their company and with their help, he kept himself fully abreast of the Court events and legal news and found whatever mirth and solace he could still find for himself.

Shri S. P. Gupta had a great passion for listening to Indian Classical Music, playing Bridge and Gardening. Before his wife's death, the large garden at his house in Allahabad used to be passionately looked after by his wife only. It had won many awards for being the best kept garden.

He was also a deeply religious man who kept himself occupied with many spiritual pursuits and philanthropic activities. He ran a personal Charitable Trust and instituted many awards for outstanding law students in the Allahabad University from his own funds.

Mr. Gupta suffered a serious brain stroke which left him bed-ridden for several weeks. During his recovery, he suffered another stroke which left him partially paralysed. He stayed in deep discomfort until 15 January 2022 when he finally succumbed to the stroke after a prolonged illness at Allahabad.

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Reference made on 13th October, 2022

by

Shri Vikas Singh (Sr.)

President, SCBA

in the memory of

Late Shri T. S. Doabia,

Late Shri Ram Prakash Gupta,

Late Shri S. P. Gupta and

Late Shri Bhaskar P. Gupta,

Senior Advocates

Justice UU Lalit - Hon'ble the Chief Justice of India, Shri. R. Venkataramani, Ld. Attorney General for India, Hon'ble Judges of this Hon'ble Court, Law Officers, Members of the family of Late Justice Tejinder Singh Doabia, Justice Ram Prakash Gupta, Mr. S.P. Gupta, Sr. Adv. and Mr. Bhaskar Prasad Gupta, Sr. Adv., Members of the Executive Committee of SCBA, Members of the Bar, ladies and gentlemen.

Occasionally, history produces personalities, the impact of whose lives stays long beyond their physical demise. We have assembled here to honour the everlasting legacy left behind by Justice Tejinder Singh Doabia, Justice Ram Prakash Gupta, Mr. S.P. Gupta, Sr. Adv. and Mr. Bhaskar Prasad Gupta, Sr. Adv.

Justice Tejinder Singh Doabia

Justice Doabia was born on 14th February 1941, in Lahore. His father, Shri. Harbans Singh Doabia was a lawyer. His family had shifted to Shimla in 1947 and thereafter moved to Chandigarh in 1953. They were among the first settlers of Chandigarh. In his early years, he did his schooling at Senior Model School in Sector 6 and was among the first batch of pass-outs, along with Justice Jawahar Lal Gupta (retired) and Congress leader Ambika Soni. He pursued law at Panjab University, Chandigarh. Thereafter, he enrolled as an advocate in 1962.

On 14th February 1994, Justice Doabia was elevated as Judge of the High Court of Punjab and demitted the office on 28th February 1994. Later, he was transferred as Judge of the Madhya Pradesh High Court on 2nd March 1994 and served till 6th December 1997. Thereafter, he was transferred as Judge of the High Court of Jammu and Kashmir on 11th December 1997. During his tenure, as judge he worked tirelessly and disposed of a large number of cases on the Civil, Criminal and Constitutional side. He delivered many landmark judgments, among them is the celebrated judgment he co-authored with Justice V. K. Jhanji and Justice Muzzafar Jan, pertaining to the female residents of Jammu and Kashmir marrying outside and losing all the benefits of property and employment. The Bench declared such a law unconstitutional and Justice Doabia concurred with the majority opinion. This paved way for females to gain considerable confidence to fight for their rights. Large numbers of established lawyers in the Bar in Jammu & Kashmir owe their rise in the Bar to the guidance they received from Justice Doabia during their formative days in the profession. After serving for more than five years as Judge of the High Court of Jammu and Kashmir, he laid his robes on 13th February 2003. He left an indelible mark on the bench because of his vast knowledge of law, sharp understanding and quick disposal, and would handle complex matters with ease.

Justice Doabia after his retirement started his practice in the Supreme Court of India and remained active all his life. He represented the State of Punjab and many Government Institutions and Corporations with considerable success and was also a much sought-after Arbitrator. He outshined many of his contemporaries in the profession.

Justice Doabia was very academically driven and has authored more than 50 books and commentaries on various subjects of Law, prominent among them being Environmental Laws, Election Laws, Service Laws and Constitutional Law. Justice Doabia is also credited with editing Punjab Local Acts in 17 Volumes and Haryana Local Acts in 14 Volumes. Justice Doabia is fondly remembered by the members of the Bar for his great qualities of head and heart. He was widely respected for his wit, humour and graceful manners. He was known for his constant guidance and help to the budding lawyers to achieve excellence in the profession. He was a person of great intellect and was known for his pleasant behaviour and very good relations with members of the Bar across both wings of the Jammu and Kashmir High Court.

Justice Doabia left for his heavenly abode on 20th December 2021 after suffering a cardiac arrest. He is survived by his wife Smt. Ragbir Kaur and sons Inder Pal Singh Doabia (Additional Advocate General for the State of Punjab in the Punjab and Haryana High Court) and Manpreet Singh Doabia (Supreme Court lawyer).

Justice Ram Prakash Gupta

Justice Gupta was born on 1st December 1937. In his early years, he did his Matriculation from a High School in Gurgaon and obtained his degree in B.A. (Hons.) English from Punjab University in 1957. He was an athlete, hockey player and the captain of his college hockey team. He brought many medals to both his school and college and took pride in displaying his team photos and trophies. Justice Ram Prakash Gupta pursued law from the University of Delhi, following the footsteps of his father, Late. Sh. Kirpa Ram Aggarwal, who was a leading Advocate on Civil Side in Gurgaon and Palwal. He enrolled as an Advocate of the Bar Council of Punjab and started practice in his father's chamber. During this time, in 1964, he also cleared the Judicial Services Examination in the joint Punjab State. In November 1965, he joined the Punjab Public Service Commission as Subordinate Judge-cum-Registrar at Narnaul, and after six months, he was posted at Mahendragarh. Justice Gupta was assigned to Haryana Judicial Services in 1967 when the State of Haryana was carved out. He was transferred to Hisar, in 1968 where he discharged his duties as Judicial Magistrate First Class and Civil Judge First Class. He joined the Delhi Judicial Services as Subordinate Judge-cum-Registrar in 1969 and was absorbed in 1971. He worked as Sub-Judge First Class, Additional Rent Controller, Additional Chief Metropolitan Magistrate, Presiding Judge, Labour Court and Chief Metropolitan Magistrate till 24th March 1979. Subsequently, in March 1979, he was appointed as Additional District & Sessions Judge, Delhi. He also discharged duties as a Special Judge to try offences under the Prevention of Corruption Act, Narcotics Violation Cases and cases under the TADA Act.

Justice Gupta was elevated as an Additional Judge of the Delhi High Court on 10th November 1994. Thereafter, he was transferred to Calcutta High Court on 16th December 1994. After serving as a judge of the Calcutta High Court for one and a half years, he was appointed as Permanent Judge on 21st December 1995. He was later transferred to Madhya Pradesh High Court at the main seat at Jabalpur on 6th May 1996 and retired on 1st December 1999. After retirement, he started his practice as a

Senior Advocate before the Supreme Court of India. He even presided over Lok Adalats in Delhi High Court, and in the Permanent Lok Adalat for Electric Bill Disputes.

Justice Gupta was a man of many virtues and was known to be affable, simple, gracious and generous. His trait of honesty and integrity is one personality trait, that is remembered by everyone who ever interacted with him. His judgement of people and circumstances was never influenced by his personal preferences. He strictly believed in the Principle of exclusivity and aloofness for a Judge and limited his social interactions with people who were not known to him personally. Justice Gupta was a strict vegetarian and a teetotaller. He was very much in tune with nature and enjoyed gardening. He loved travelling and continued to do so all his life. He travelled the length and breadth of the country and visited almost every State.

Justice Gupta left for the heavenly abode on 1st January 2022, at the age of 84 years. He is survived by his wife Mrs. Savita Gupta; his daughter Mrs. Anita Aggarwal, a qualified Advocate, currently a homemaker; his son-in-law Dr. Satish Kumar Aggarwal, Chairman, Department of Paediatric Surgery, Ganga Ram Hospital; his son C.A. Anup Kumar Gupta; his daughter-in-law Dr. Rakhi Gupta, Gynaecologist at Max Hospital; and his grandchildren.

Mr. S. P. Gupta

Mr. SP Gupta was born in a traditional business family in the city of Moradabad in UP and he was the second child amongst 9 brothers and 4 sisters. After schooling at Moradabad, he went to Allahabad University from where he received his Bachelor of Arts degree and then to Bareilly College from where he received his Bachelor of Laws degree. He started legal practice in 1951 at the Moradabad District Court, mainly on the Criminal side and joined the chambers of the leading criminal lawyer, Shri Raj Bahadur Pande. He migrated to Allahabad in 1960 with his wife and his son Mr. Sunil Gupta who was 2 years old at the time. Initially, he joined the chambers of Shri Bhagwan Das Gupta and, upon the latter's elevation, the chambers of writ specialist, Shri S. C. Khare, Senior Advocate. Starting in 1960 with very humble beginnings and no family backing whatsoever in the High Court, he had become, within 10 years by 1970, a leading writ and constitutional lawyer in his own rights. His large practice included specialization in the fields of taxation, central excise, labour, service, civil and criminal

law. In short, he was a versatile all-rounder known for his prowess and expertise in almost all branches of law. In 1978, he was designated by the High Court as a Senior Advocate.

He earned the love and respect of the members of the bar because of his legal acumen, and straightforward and soft-spoken demeanour. He was one of the most meritorious advocates and was known as a legal eagle and a constitutional expert. He argued extensively in the Supreme Court and was well-versed in civil matters in the Allahabad High Court. He served twice as the Advocate General of Uttar Pradesh first in the early 1990s and then again at the age of 83 years in the early 2010s. He gave 60 years of his life to this profession and worked tirelessly for the development of Indian jurisprudence.

He is famously known for being the lead petitioner in the historical 'First Judges Case' of 1981 (*SP Gupta v. Union of India*) in which the Supreme Court held that the opinion of the Chief Justice of India (CJI) does not have primacy over that of the executive when it comes to the appointment of judges. He played a key role in the case that paved way for Judicial Independence that consequently resulted into the creation of the collegium system for the appointment of judges. This also marks the advent of Public Interest Litigation and the widening of Locus Standi in the country's constitutional jurisprudence. Justice D.A. Desai noted in the opening paragraph of his judgment that when the Law Minister issued the infamous Circular of 18th March 1981 which aimed at undermining the higher judiciary, the 'first salvo was fired by Mr. S.P. Gupta, Advocate', who filed a writ petition in the Allahabad High Court for challenging the Circular. The 7-judge bench of P.N. Bhagwati, A.C. Gupta, Syed Murtaza Fazal Ali, V.D. Tulzapurkar, D.A. Desai, R.S. Pathak and E.S. Venkataramiah, held that the CJI's recommendation on judicial appointments and transfers can be refused by the government for cogent reasons. This judgment was subsequently overturned by the 1993 judgment in the 'Second Judges case'. The *SP Gupta* verdict was followed by two more cases that questioned the interference of the executive in the appointment of judges. Believing that his task for the Independence of the Judiciary remains unfinished, in 1993 he filed and argued a writ petition directly in the Supreme Court which was decided by a 9 Judge Constitution Bench in what came to be called the Second Judge's Case, *Supreme Court AOR Association v. Union of India* (1993) 4 SCC 441.

One of the most significant constitutional cases argued by Mr. SP Gupta in Allahabad High Court was the 1978 case of Justice Satish Chandra who submitted a resignation letter from his position as High Court Judge with effect from a future date and then, on second thoughts, withdrew his resignation well before that date. The judge's right to withdraw his resignation was challenged by a group of lawyers. He was represented by Mr. SP Gupta. The case travelled to the Hon'ble Supreme Court and was decided by a Constitution Bench. It was reported as Union of India v. Gopal Chandra Misra (1978) 2 SCC 301. Mr. SP Gupta's submission that a High Court Judge occupies a high constitutional position and his resignation is not subject to acceptance by any authority or employer and that the Judge remains free to withdraw his resignation at any time before the effective date was upheld by the Supreme Court and remains the law till date. He used to enjoy a large practice at Allahabad High Court and appeared regularly also before the Supreme Court. In particular, on several occasions, he would come all the way to Delhi from Allahabad not only foregoing his professional fees but also incurring expenses out of his pocket to represent clients whom he found, to be honest, and upright and at the same time financially not so resourceful as to afford a Supreme Court litigation.

Mr. SP Gupta had not been keeping well and had been admitted to a hospital in Prayagraj before he breathed his last. He left for his heavenly abode on 15th January 2022 at the age of 93. He is survived by his son – Mr. Sunil Gupta (Senior Advocate, Supreme Court of India) and Daughter in Law – Smt Anjana Gupta (Advocate, Supreme Court of India). His Daughter – Smt. Arunima Parolia (Businesswoman) and Son in Law – Mr. Krishna Parolia (Businessman). His Granddaughters – Mrs Priya Arora (Attorney in San Francisco, California, USA), Neelanjana Gupta (Public Policy Analyst) and grandson – Mr. Manavendra Gupta (Advocate currently pursuing LLM in Berkeley University).

Mr. Bhaskar Prasad Gupta

Mr. Bhaskar Gupta was born in Kolkata on 11th November 1940 to a family with deep roots in the legal world. His grandfather Shri Digendranath Dutta Gupta practised in the mofussil courts of Bengal in Comilla Town now in Bangladesh. His father, Shri Sudhir Chandra Dutta Gupta was an officer in the Bengal Judicial Service who retired as the District Judge of Howrah in West Bengal after holding various posts as a

judicial officer in undivided Bengal. His elder brother Shri Dipankar Prasad Gupta, an eminent Barrister and Senior Advocate was the Advocate General of West Bengal and Solicitor General of India.

In his early years, Mr. Bhaskar Gupta studied at St Xavier's School in Kolkata and went on to graduate with Honours in Mathematics from St Xavier's College, Kolkata. He retained his connection with his alma mater and served for many years on the governing body of the school and college. He obtained his LLB degree from London University and was called to the Bar from Lincoln's Inn in 1964. He returned to our shores and joined the chambers of Dr Shankar Ghosh, an eminent lawyer practicing in the Calcutta High Court and later in the Supreme Court of India and served as Cabinet Minister in West Bengal and the Central Government. He soon gained expertise in Civil, Commercial and Constitutional matters and was designated a Senior Advocate by Calcutta High Court in 1987. In the emergency years and later, he appeared for the Statesman newspaper in many matters relating to the freedom of the Press. He understood court craft and while arguing he made sure that his submissions were always to the point. He was a man of impeccable character and unimpeachable integrity. He had exceptional skills in drafting and settling of pleadings. He would preserve his settled drafts in matters involving important questions of law in bound volumes for the benefit of his juniors and advise them to use the Bullen and Leake and Atkin's Court Forms as the models of drafts. He lived by the advice given by Late P.P. Ginwala, Barrister-at-Law and Senior Advocate, Calcutta High Court that lawyers should use simple language that could be understood by laymen. He advised his juniors that the legal opinions prepared for clients should not be superfluous and instead should be comprehensible. From 1998 shifted his practice to the Supreme Court of India and continued to be active till the covid-19 lockdown of 2020. He believed in hard work and complete devotion to law. His heart always remained in the Calcutta High Court where played an active role in the 150th-year celebration of the High Court and was instrumental in the publication of the excellent Commemorative Volume that was published on that occasion. He was an active member of Calcutta's various clubs and served as President of the Calcutta Club.

Mr. Bhaskar Gupta's academic inclination was evidenced in his submissions on the origin and scope of the writ of certiorari wherein he would cite passages from Blackstone's Commentaries on the Laws of England. He would always consult Halsbury's Laws of England on any complex question of law and advised his juniors to

do the same. Mr. Bhaskar Gupta extensively contributed columns to the Statesman newspaper and was also on the Board for a while. He was a highly accomplished public speaker on diverse subjects and participated in the Statesman Debate and the Awards for Rural Reporting that accompanied it. In their obituary to him on his death, they ran the article under the title “Bhaskar Gupta: A life well lived”. He was also a member of the Indian Advisory Board of ANZ Grindlays Bank for about ten years. He attended various international conferences and participated in debates and seminars as a member of several Law Associations, both Indian and International, and one at the University of Southern California, Los Angeles on Euthanasia. He was also a board member of East India Pharmaceutical Works Ltd.

He was a great mentor to several lawyers, and his juniors include Justice Ranojit Mitra, Retired Judge of the Calcutta High Court, Justice Prateek Jalan, Judge of the Delhi High Court, Justice Rajasekhar Mantha of the Kolkata High Court, and Senior Advocates Abhijeet Chatterjee and Tilak Kumar Bose. He was a man with varied interests including cricket, which he played in his youth and even as a young lawyer, and Indian Classical music. He was very much in touch with his spiritual side and had a deep knowledge of the writings of Swamiji and other eminent monks of the Ramakrishna Math and Mission. He remained in close association with the Chaitanya Mission and the Rama Krishna Mission throughout his life. He was a member of the committee for restoration and maintenance of Swami Vivekananda's ancestral home in Kolkata and actively participated in the events when it opened as an institution. He was a cricketer and avid cricket enthusiast. He would bat well and bowled leg spin and participated in the Annual Cricket matches that were organised by the Bar at Eden Gardens, Kolkata. Later when he was too senior to bowl, he started keeping wickets. His son, Rajdeep recalls watching cricket matches and discussing cricket endlessly with his father while growing up. He liked to keep fit by going on long walks. In those days his senior, Dr Ghosh had chambers in Camac Street in Central Calcutta and he stayed in South Calcutta in New Alipore a distance of approximately 8 km. Mr. Bhaskar Gupta would walk all the way to his chambers and back every day. Once, he was taken for a site inspection at the Bandel Thermal Power Station, then the largest power station in West Bengal. When he reached the site, he got off the car and set off on a walk around the perimeter of the plant, with his clients panting behind.

Mr. Bhaskar Gupta was very fond of travelling. He travelled with his family whenever he could on court breaks across the country. He was particularly fond of the mountains. Later when his elder son settled down in UK and later in Italy and his younger son settled in the USA he spent his court breaks with them. On these trips, he made it a point to visit the local Ramakrishna Mission or Vedanta Society. He was so inspired by the monk who ran the Los Angeles centre, he chose him as his spiritual guru and was initiated into the order under his guidance. He had a wonderful sense of humour both in court and out of it. When told of the new concept of Barristers taking Door Tenancies, he wanted to know whether these Barristers were “called to the Door” as opposed to being “called to the Bar”.

He was a family man and loved spending quality time with them. His wife, Ruby Gupta who passed away several years ago was a well-known exponent of Bengali and Sanskrit music. He is survived by two sons, Rajdeep, who is an investment banker in London, UK with a special interest in artificial intelligence and Subhodeep, a physicist and professor at the University of Washington at Seattle, USA and his daughters-in-law and four grandchildren who fondly called him Dada. He left for his heavenly abode on 23rd January 2022 after suffering from post-Covid complications. He breathed his last in Kolkata at the age of 81 years.

As George Bernard Shaw once said, “Life levels all men, death reveals the eminent”. I, on behalf of the Supreme Court Bar Association offer my heartfelt condolences to the members of the family of the late Justice Tejinder Singh Doabia, Justice Ram Prakash Gupta, Mr. S.P. Gupta, Sr. Adv. and Mr. Bhaskar Prasad Gupta, Sr. Adv. May their souls rest in divine peace.

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Reference made on 13th October, 2022

by

Hon'ble The Chief Justice of India

Shri U. U. Lalit

in the memory of

Late Shri T. S. Doabia,

Late Shri Ram Prakash Gupta,

Late Shri S. P. Gupta and

Late Shri Bhaskar P. Gupta,

Senior Advocates

Brother and Sister Judges, learned Attorney General Shri R. Venkataramani, learned Solicitor General Shri Tushar Mehta, learned law officers, Shri Vikas Singh, President, Supreme Court Bar Association, Shri Manoj K. Mishra, President, Supreme Court Advocates-on-Record Association, Members of the Bar, Family members of late Shri T.S. Doabia, late Shri Ram Prakash Gupta, late Shri S.P. Gupta and late Shri Bhaskar P. Gupta who are present here and who have joined online, ladies and gentlemen.

We have assembled here this afternoon with a profound sense of grief to pay homage to late Shri T.S. Doabia, late Shri Ram Prakash Gupta, late Shri S.P. Gupta and late Shri Bhaskar P. Gupta, distinguished members of the legal fraternity who have made significant contributions in the field of law.

Late Shri T. S. Doabia

Shri Tejinder Singh Doabia was born on 14th February, 1941 in Lahore. He belonged to a family of one of the original settlers of Chandigarh City. He completed his graduation from Government College, Chandigarh and thereafter obtained his degree in Law from the Panjab University, Chandigarh.

In October, 1962 he enrolled as an Advocate at Chandigarh and subsequently began his legal career in the High Court of Punjab & Haryana, Chandigarh.

On 14th February, 1994 he was elevated as a Judge of the High Court of Punjab & Haryana, Chandigarh. He was subsequently transferred to the High Court of Madhya Pradesh and assumed charge on 2nd March, 1994.

He was later transferred to the High Court of Jammu & Kashmir and assumed charge on 11th December, 1997.

He demitted the office on 13th February, 2003.

While being on the Bench of the High Court of Jammu & Kashmir, he had co-authored a judgment delivered in the case of 'State of Jammu & Kashmir Vs. Dr. Susheela Sawhney' AIR 2003 JK 83, granting local women marrying outside Jammu & Kashmir rights to their ancestral property.

He was a prolific writer and had written more than 50 books and commentaries on law. He was an expert in the field of Municipal Law and had authored commentaries on 'Punjab Municipal Act, 1911', 'The Haryana Municipal Act, 1973', 'The Punjab Cooperative Societies Act', 'The Law of Rent Restriction', 'The Punjab Village Common Land Act, 1961', 'The Punjab Land Revenue Act, 1887', 'The Law of Excise in Punjab & Haryana', 'The Northern India Canal & Drainage Act, 1880'. He even wrote the commentaries on all the Local Acts of Punjab & Haryana and published the Punjab Local Acts and the Haryana Local Acts running into 17 volumes each.

He was the Founder -Editor of the legal journal 'Punjab Legal Reports and Statutes'.

Post his retirement, he shifted to New Delhi and started his practice in the Supreme Court of India in the year 2003. On 14th August, 2003, he was designated as a Senior Advocate by the Supreme Court of India.

He appeared before the Supreme Court of India in numerous cases of importance. During this period, he authored number of books which had first been authored by his father late Sardar H.S. Doabia. He revised the 'Law of Services and Dismissals' running into two volumes each with 1100 pages, published by the international publishing house Lexis Nexis and also the 'Law of Elections and Election Petitions' which was equally voluminous. The Fourth Edition of this book had Preface written by the then Chief Justice of India Justice P. Sathasivam. The First Edition of the book 'Law of Elections and Election Petitions' was published 75 years ago in 1945 and the sixth edition was released in August, 2021.

He had also written commentaries on the 'Law of Environment and Environment Protection' running into two volumes, published by the Lexis Nexis. Shortly before he breathed his last, he was working on the revised edition of 'Law of Environment and Environment Protection'.

Gifted with religious disposition, he wrote on the life of Shri Guru Nanak Dev Ji and life history of Bhagats in Guru Granth Sahib Ji which was part of 'NITNEM'. He also wrote the detailed life history of the 9th Guru Shri Guru Tegh Bahadur Ji.

Being the Head of the Doabia Foundation, he undertook various philanthropic works and gave donations without fanfare and with great humility.

He left for heavenly abode on 20th December, 2021 and is survived by his wife, Smt. Raghbir Kaur, sons Shri Inder Pal Singh Doabia who is a former Additional Advocate General of Punjab and Shri Manpreet Singh Doabia who is an Advocate of the Supreme Court of India and their families.

Late Shri Ram Prakash Gupta

Shri Ram Prakash Gupta was born on 1st December, 1937. He did his graduation in B.A. (Hons.) English from the Punjab University in the year 1957. Following the footsteps of his father, late Shri Kirpa Ram Aggarwal, a distinguished lawyer, he obtained his degree in Law from Delhi University in the year 1959 alongwith Proficiency in Law (Professional) from Delhi University in the year 1960.

He enrolled as an Advocate of the Bar Council of Punjab and started his practice in the office of his father, who was a leading Advocate on Civil Side in Gurgaon and Palwal. While he was practicing, he cleared the Judicial Services Examination in the year 1964 in the joint Punjab State. He joined in November, 1965 as Subordinate Judge-cum-Registrar. In the year 1967, when the State of Haryana was carved out, he was assigned to Haryana Judicial Services.

In the year 1969, he joined the Delhi Judicial Services as Subordinate Judge-cum-Registrar and was absorbed therein in the year 1971. He served as the Sub-Judge First Class, Additional Rent Controller, Additional Chief Metropolitan Magistrate, Presiding Judge, Labour Court and Chief Metropolitan Magistrate till 24th March, 1979.

In March, 1979 he was appointed as the Additional District & Sessions Judge, Delhi. He also discharged duties as a Special Judge to try offences under the Prevention of Corruption Act, Narcotics Violation cases and cases under the TADA Act.

He was elevated as an Additional Judge of the High Court of Delhi on 10th November, 1994. Soon thereafter, he was transferred to the High Court of Calcutta on 16th December, 1994 and was appointed as the Permanent Judge of the High Court on 21st December, 1995. He was later transferred to the High Court of Madhya Pradesh on 6th May, 1996.

He demitted the office on 30th November, 1999.

Subsequent to his retirement, he started his practice before the Supreme Court and was designated as a Senior Advocate by the Supreme Court of India on 7th March, 2000.

He was simple, virtuous, generous and affable. He was a strict vegetarian and a teetotaller. During his initial days, he was a keen athlete and brought many medals to his school and college. He was a hockey player too and was even the Captain of his college's hockey team.

He was a deeply religious man and had immense faith in destiny.

He strictly practiced the Principle of Exclusivity and Aloofness so as not to cloud his role as a Judge in any way. His honesty and integrity is remembered by anybody who ever interacted with him.

He loved travelling and travelled the length and breadth of India and there was hardly a State that he did not visit. He was a nature lover too and winters saw him making multiple visits to the various nurseries to purchase potted plants of a wide variety of flowers.

He left for heavenly abode on 1st January of this year and is survived by his wife, Smt. Savita Gupta, daughter Smt. Anita Aggarwal, son Shri Anup Kumar Gupta who is a Senior Chartered Accountant and their families.

Late Shri S.P. Gupta

Shri S.P. Gupta was born on 14th March, 1929 into a traditional business family in Moradabad, U.P. There was no background of lawyers in his family. He obtained his Bachelor's degree from Allahabad University. He went on to earn his degree in Law from Bareilly College.

He started his practice in the year 1951 at the District Court, Moradabad and joined the Chambers of Shri Raj Bahadur Pande, the leading criminal side lawyer of his times.

After 9 years of practice at the district level, he shifted base to Allahabad in the year 1960 and joined the Chambers of Shri Bhagwan Das Gupta and later on the Chambers of writ specialist, Shri S.C. Khare, Senior Advocate.

With his hard work and grit, he went on to become one of the leading writ and constitutional lawyers in his own rights within a span of 10 years. He practiced in diverse fields of law including specialization in taxation, central excise, labour, service, civil and criminal law. He was a versatile all-rounder known for his prowess and expertise in almost all branches of law.

Acknowledging his merit, the High Court designated him as a Senior Advocate in the year 1978.

One of the most significant constitutional cases argued by him in the High Court of Allahabad was the 1978 case of Justice Satish Chandra who submitted his resignation from the post of High Court Judge with effect from a future date and subsequently withdrew his resignation well before that date. A Judge's right to withdraw his resignation was challenged by a group of lawyers. This case which was finally decided by a Constitution Bench of the Supreme Court of India and reported as 'Union of India Vs. Gopal Chandra Misra' (1978) 2 SCC 301. It was accepted that a High Court Judge occupies a high constitutional position and his resignation is not subject to acceptance by any authority or employer and that the Judge remains free to withdraw his resignation at any time before the effective date.

He served twice as the Advocate General of Uttar Pradesh, first in the early 1990s and later on in the early 2010s.

He practiced extensively in the High Court of Allahabad and also appeared regularly before the Supreme Court. He had a heart for those clients whom he found to be honest, upright and at the same time financially not so resourceful so as to afford a litigation before the Supreme Court and would often forego his professional fees as well as other expenses incurred in such cases.

He is remembered by the Bar, the Judiciary and the nation, in particular, for his singular and stellar contribution to the cause of independence of Judiciary in the form of the historic case, the First Judges Case, 'S.P. Gupta Vs. Union of India', 1981 Supp (1) SCC 87. He filed the first writ petition in the country in his personal capacity as a lawyer and fought the case as a crusader for upholding the dignity and majesty of our superior

courts in the matter of appointment and transfer of High Court and Supreme Court Judges. The case was heard and decided by a 7 Judges' Constitution Bench through a landmark judgment which also marked the advent of Public Interest Litigation and widening of Locus Standi in the country's constitutional jurisprudence.

Believing that his task for the independence of Judiciary had remained unfinished, he decided to file and argue in the year 1993 a writ petition again in his own name directly in the Supreme Court which came to be decided by a 9 Judges' Constitution Bench in what came to be called the Second Judges' Case 'Supreme Court AOR Association vs. Union of India' (1993) 4 SCC 441. That decision remains till date the source and authority for the unique system and institution of Collegium under the Constitution of India.

He remains one of the most distinguished lawyers of the land who is respected for his multi-fold contributions to the building and promotion of higher judicial institutions in the country. His contributions to the legal jurisprudence of the country can be seen from some of the following cases in which he appeared before the Supreme Court :

a) Dr. J.P. Kulshrestha Vs. Chancellor, Allahabad University (1980) 3 SCC 418 in which Justice Krishna Iyer laid down the basic principles of autonomous functioning of educational institutions and basic norms which should govern the Selection Committees for appointment of teachers in a University;

b) State of U.P. Vs. Vijay Bahadur (1982) 2 SCC 365 in which Justice Chinnappa Reddy held that while awarding Government Contracts, the Government always has the right to reject even the highest bid in a public auction if it has good reasons to suspect that there is some illicit intent behind the bid and to award the contract to a Public Sector Corporation;

c) University of Allahabad Vs. Amrit Chandra Tripathi (1986) 4 SCC 176 in which Justice Chinnappa Reddy upheld the Right of a University to hold an Entrance Test for making admissions to its degree courses;

d) State of U.P. Vs. Rafiquddin 1987 Supp SCC 401 in which Justice Venkataramiah laid down the primary rules which must govern the issues of appointments, promotions and seniority in subordinate judiciary.

He remained popular among lawyers due to his humbleness and gentleness.

He left for heavenly abode on 15th January of this year and is survived by his son, Shri Sunil Gupta who is a Senior Advocate of the Supreme Court, daughter Smt. Arunima Parolia and their families.

Shri Bhaskar P. Gupta

Shri Bhaskar Prasad Gupta was born on 11th November, 1940 into a family closely associated with the field of law for generations. His grandfather late Shri Digendranath Dutta Gupta practised in the mofussil courts of Bengal in Comilla Town, now in Bangladesh. His father late Shri Sudhir Chandra Dutta Gupta was an officer in the Bengal Judicial Service who after holding various posts as a Judicial Officer in the undivided Bengal, retired as the District Judge of Howrah in West Bengal. His elder brother late Shri Dipankar Prasad Gupta, was an eminent Barrister and Senior Advocate who went on to become the Advocate General of West Bengal and Solicitor General of India.

Shri Bhaskar Prasad Gupta earned his Bachelor's degree with Honours in Mathematics from the St. Xavier's College, Kolkata. After graduation, he went to England for higher studies. He obtained his LL.B. degree from London University. He was called to the Bar from Lincolns Inn in the year 1964.

On his return to India, he joined the Chambers of Dr Shankar Ghosh, who was an eminent lawyer practicing in the High Court of Calcutta and Supreme Court of India and later served as the Cabinet Minister in the West Bengal and the Central Government. He made a mark primarily in Civil, Commercial and Constitutional matters. In view of his excellence in the legal profession, he was designated as a Senior Advocate by the High Court of Calcutta in the year 1987.

From the year 1998 onwards, he practiced extensively before the Supreme Court till the Covid struck the world in the year 2020. He remained in touch with his parent High Court and even played an active role in the 150th year celebration of the High Court and was instrumental in the publication of the excellent commemorative volume published on that occasion.

He mentored a large number of lawyers in his own Chambers and some of his juniors include retired and sitting Judges of various High Courts as well as some Senior Advocates.

In the emergency years and the following years, he appeared for the Statesman in many matters relating to the Freedom of the Press. In this process he became close to the

organization and contributed columns to the newspaper. He even participated in the Statesman Debate and served on the Board of the newspaper for a while.

Apart from his passion in the field of law, he had wide ranging interests such as cricket, which he played in his youth and Indian Classical music. He was an active member of Calcutta's various clubs and served as President of Calcutta Club. He was a highly accomplished public speaker on diverse subjects.

He was a man of scholarly and spiritual bent of mind. He had deep knowledge of the writings of Swami Vivekananda and other eminent monks of the Ramakrishna Math and Mission. He was closely associated with the Chaitanya Mission and the Ramakrishna Mission. He was a Member of the Committee for restoration and maintenance of Swami Vivekananda's ancestral home in Kolkata and was involved in its activities subsequent to its opening as an Institution.

He was an erudite lawyer who was always precise and focused in his submissions. His court craft and court manners were worth emulating by any budding lawyer. He was a master of drafting and settling of pleadings and preserved his settled drafts in important matters in bound volumes for his juniors to master the art of drafting of precise and focused pleadings. His fundamentals were very strong and he believed in hard work and devotion to the legal profession. He was a man with impeccable integrity who never deviated from the straight and narrow path in profession as well as in life. His grip over Constitutional principles was phenomenal.

He was a simple man to whom honesty was always the best policy. His intentions were always, in whatever he did as a legal professional and on the social front, noble and he worked conscientiously - professionally in the courts, and in various other community projects he was associated with.

He left for heavenly abode on 23rd January of this year and is survived by his sons, Shri Rajdeep Gupta, who is an investment banker in London, UK, Shri Subhodeep Gupta, who is a Professor at the University of Washington at Seattle, USA and their families.

My Brother and Sister Judges join me in conveying our heartfelt condolences to the bereaved families and we pray to the Almighty to give them strength to bear this irreparable loss with fortitude.

May the departed souls rest in peace.

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List of Attendees at the Full Court Reference

- ❖ *Shri R Venkataramani,
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 Rahul Kaushik,
Hony. Secretary,
Supreme Court Bar Association.*
- ❖ *Shri Manoj K. Mishra,
President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Snehasish Mukherjee,
Vice President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Devvrat,
Hony. Secretary,
Supreme Court Advocates-on-Record Association.*

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***Family Members of
Late Shri S.P. Gupta
Senior Advocate
at the Full Court Reference***

- ❖ *Dr. Arunima Parolia, Daughter*
- ❖ *Mr. Krishna Kumar Parolia, Son-in-law*
- ❖ *Mr. Amit Gupta, Nephew*
- ❖ *Mrs. Megha Gupta, Nephew's Wife*
- ❖ *Mr. Sunil Gupta, Son*
- ❖ *Ms. Anjana Gupta, Daughter-in-law*
- ❖ *Ms. Priyamvada Arora, Granddaughter*
- ❖ *Mr. Mayank Arora, Son-in-law*
- ❖ *Ms. Neelanjana Gupta, Granddaughter*
- ❖ *Mr. Manavendra Gupta, Grandson*
- ❖ *Mr. Aditya Parolia, Grandson*
- ❖ *Dr. Abhijit Parolia, Grandson*
- ❖ *Ms. Rini Kaushal Parolia, Granddaughter*
- ❖ *Mr. Ajit Kumar, Brother*
- ❖ *Ms. Manju Gupta, Sister-in-law*
- ❖ *Ms. Purnima, Niece*
- ❖ *Mr. Diwakar Gupta, Nephew-in-law*
- ❖ *Ms. Jyotika, Niece*
- ❖ *Mr. Arvind Kumar Gupta, Nephew-in-law*
- ❖ *Mr. Ajay Gupta, Relative*
- ❖ *Ms. Premlata Gupta, Relative*
- ❖ *Shri M.L. Arora, Relative*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

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