

-ADDRESS BY HON'BLE SHRI SWATANTER KUMAR, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COUBTREFERENCE TO LATE ~HRI YESHWANTRAO VISHNU CIANDRACHUD~ FORMER CHIEF JUSTICE OF INDIA~ SUPREME COURT~ HELD ON WEDNESDAY~23RD JULY~2008.

My esteemed colleagues, Mr. Kadam, Advocate General of Maharashtra, Mr. Raghuwanshi, Additional Solicitor General, Mr. Rajiv Path on behalf of Bar Council of Maharashtra & Goa, Mr. Rafiq Dada, President of Bombay Bar Association, Mr. Thorat, President of Advocates' Association of Western India, Mr. Zaiwala, President of Bombay Incorporated Law Society, members of bereaved family, learned Members of the Bar, distinguished Ladies and Gentlemen,

We all have assembled here to pay our homage and honour the memory of late Shri Y.V. Chandrachud, former Judge of this Court and Chief Justice of India. In my humble opinion, the greatest homage to the departed soul would be that we will all contribute to the proper and expeditious justice delivery system as that alone will further the cause for which he lived.

It is a historical fact that he remained Chief Justice of the highest Court of the largest democracy in the world for a longest period. He spent every day of his life with devotion, humility and adherence to the values of life. As a Judge, his concern was justice and not what people would comment on his performance. Justice Chandrachud put in his best to every moment of each day of his life. It is said "live every day like it is your last because one

day you are going to be right". Thus, he wasted no day of his life in triviality.

He truly believed in theory of Karma and acted with a sense of Sloka of Gita

कर्मण्येवाधिकारस्ते मा फलेषु कदाचन।

Late Justice Chandrachud was born on 11^h July, 1920. After having a brilliant academic career, remained at the bar for 18 years when he was elevated to the Bench of this August Court on 19th March, 1961. His competence as a Judge and remarkable contribution in the field of development of law resulted in his elevation to the highest Court of land on 28th August, 1972 from where he retired as Chief Justice of India after adorning that seat for more than 7 years. Ultimately, left for his heavenly abode on 14th July 2008 just two days after his birthday.

I count Chief Justice Y.V. Chandrachud a great man who inhabited a higher sphere of thought into which other men rose with labour and difficulty. He was true to what Ovid said, "Justice shines by its own light". The hallmarks of a good Judge are courage, independence, impartiality and integrity. Chief Justice Y.V. Chandrachud had exhibited all these qualities.

My Lord Y.V. Chandrachud was very humble. He gave credit of his reaching to the top seat of justice to his school Nutan Marathi Vidyalaya, Pune and his uncle Babli Saheb. He tasted English literature in his school days

him had already read complete work of Ravindranath Lord before he was matriculate.

I must mention here that academic brilliance was the hallmark of the Chandrachud's. He won the "Hindu Raje" scholarship in the year -1942 which had been won by his father in 1912. He also won prestigious Sir Nathubhai Mangaldas Legal Scholarship, G.K.Kanga Scholarship and Judge Spencer prize.

The seat of Chief Justice of India is a place of utmost respect, power and expectations. My Lord Chandrachud is one of the few persons who adorned the post and had their image eternally engraved in the minds of thousands of Indians. He was not only a jurist, or a dutiful Judge but was truly a person who was in touch with the hearts, minds and expectations of common Indian citizen right from a pavement dweller. In his twenties, he made his impression at bar; in his thirties, he became popular law teacher; in his forties he became High Court Judge and he never turned back. His performance as a Public Prosecutor in "Nanawati's" case is considered to be one of the best ever heard in this High Court.

I am told that once he argued one election appeal from Marathwada for 20 days with great tenacity and ability but all along the Bench

was against blm; however he stuck to his points and on 21st day turned the tables and succeeded.

My Lord Y.V. Chandrachud was a brilliant jurist - Judge who made seminal contribution in the fields of Constitutional and Administrative law. Thousands of pages of law reports are witness to his depth of learning. The judgments of My Lord Y.V. Chandrachud exhibit most realistic appraisal of legalistics arising out of life of common Indian citizen. By his judgments, he gave sociable direction to the Indian laws and judicial approach. His decision in **Shah** Bano's case is considered to be historical one especially because it has proved to be a milestone in the quest of justice and equality of women as a class and especially of Muslim women. This judgment is the brilliant exposition of modern interpretation of Holy Koran.

The judgment in "Olga Tellis" case is the fount of new approach to right to life. Extension of concept of "Right to life" to "Right to live with Human Dignity" is the epoch making interpretation of constitutional rights which paved way for Humanistic approach to law. His memorable words are-

"There can be no estoppel against the Constitution. The Constitution is not only the paramount law of the land, but it is the

source of sustenance of all laws. Its provisions are conceived in public interest and are intended to serve public purpose"

His approach to justice can be summed up in his own words as "Human compassion must soften the rough edges of justice in all situations" .

The judgments of My Lord Y.V. Chandrachud never make unnecessary exhibition of his wisdom by using flowery expressions, despite of being a Sanskrit scholar and admirer of Shaw, Shelly and Wordsworth. Though My Lord Y.V. Chandrachud progressed the law towards new horizons, he never allowed law to over-whelm him. He always found time to enjoy music, play golf, read books and pursue hobby of photography.

He never permitted age to come in his way of participating in the judicial activities. He delivered lectures to the newly appointed Judges to judicial services and even participated in the inaugural function of the Mediation Centre of this Court. His desire to participate in all sessions of seminar was a great gesture on his part besides which he never felt short of words in appreciating the effort of the' Court.

My Lord Y.V. Chandrachud was a combination of intelligence, experience and compassion. He had the rare ability to communicate his wisdom in a way that people understand.

Every man is said to have his peculiar ambition. I am sure that the only ambition of My Lord Y.V. Chandrachud must have been to be truly esteemed of the countrymen. I must say that his life has been the success story of his ambition. Death comes to all; but great achievements build monument which shall endure until the Sun grows cold.

My colleagues and I share the feelings of all those who have gathered here in expressing our heartfelt condolences in the bereavement of Smt. Chandrachud and members of her family.

Let The Almighty give them strength to bear the loss with fortitude.

May the departed soul rest in eternal peace.

AT THE END OF ALL ADDRESSES.

MY LORD WILL SAY:

AS A MARK OF OUR RESPECT TO THE DEPARTED SOUL, LET US OBSERVE SILENCE FOR TWO MINUTES.

Address by Shri R.M. Kadam, Advocate General, at the Full Court Reference to Late Mr. Justice Y.V. Chandrachud, Former Chief Justice of India, on 23rd July, 2008.

My Lords, the Chief Justice and other Judges of this Court, Mr. Raghuwanshi, Additional Solicitor General of India, Mr. Patil, President of the Bar Council of Maharashtra and Goa, Mr. Dada, President, Bombay Bar Association, Mr. Thorat, President, Advocates' Association of Western India, Mr. Zaiwala, President, Incorporated Law Society, members of the bereaved family and my learned friends.

1. Today we pay tribute to one of the greatest sons of Maharashtra who passed away on July 14, 2008. It is difficult to encapsulate in few words, the innumerable qualities and the long line of achievement of this great man. He was a brilliant lawyer, a balanced and a humane Judge, a loving father and above all a great human being who left countless strangers as his close friends.

2. Chief Justice Chandrachud was born in a distinguished family of intellectuals. His father was the Diwan of the then princely state of Sawantwadi. He was a brilliant student and right from his early days at school a voracious reader. He acquired a fantastic command over English and Sanskrit which would stand him in great stead in his career initially as a lawyer and later on as a Judge. After his graduation he studied law at the L.L.B. Law College at Pune and stood first class first at the L.L.B. Degree examination.

3. He then joined the Bombay bar and practiced essentially on the Appellate Side. His brilliance was apparent and he quickly rocketed to the front rank of lawyers. At the young age of ~8, he was appointed to the coveted office of Government Pleader, High Court. He held that office with great dignity and ability as is evident from the extremely high esteem he was held in by eminent Judges like Justice Chagla and Justice Gajendragadkar. Even as a junior he invariably argued all his cases himself and did so with perseverance and dedication. He treated all his matters as a mission and did not care overly for the fees he would earn. His self discipline, hard work and masterly presentation of his cases with his trademark eloquence

brought him to the notice of the then Chief Justice and in 1961 at the age of 41 he was elevated to the Bench of this High Court. As a Judge, Chief Justice Chandrachud brought to the Bench the very qualities that had made him stand out as a lawyer amongst his peers. He was unfailingly gentle, polite and courteous to the Bar. He encouraged juniors and would always insist that they argue their own cases just as he had done when at the Bar. That he considered this important is apparent from the Law Day speech given by him in 1980 when he regretted that juniors did not argue in the Supreme Court and chose to engage seniors even in small matters stating that such timidity on the part of the juniors would seriously affect the quality of the Bar in the future. In 1972 he was elevated to the Supreme Court and in 1978 came to occupy the exalted office of the Chief Justice of India.

4. Chief Justice Chandrachud was a judge who could justifiably lay claim to great legal scholarship. From abstruse constitutional concepts to the niceties of execution proceedings under the Civil Procedure Code, from questions of Administrative Law to the Death Penalty his analysis of the law and his search for the essential thread of justice in each case bore the hall mark of his legal acumen, his wisdom and maturity. A compendium of his judgments would give a reader a first hand account of the development of the law in modern India.

5. A typical judgment of Chief Justice Chandrachud would begin with a unique and almost perfect summation of the facts of the case leading to the law point involved therein. This was followed with a careful and always felicitous exposition of the law on the subject. Lawyers and law students always find it extremely rewarding to read his judgments as a model guide of how a case should be prepared and presented.

6. After his retirement from the Supreme Court in 1985, Chief Justice Chandrachud returned to Mumbai. He was soon one of the most sought after Arbitrators and built up a large practice in what one would call his 3rd inning in the legal profession. As in Court so also in Arbitration, Chief Justice Chandrachud never lost his focus or deviated from the essential of the case and wrote his awards with

same ease and felicity as had characterized his decisions as a Judge.

7. Chief Justice Chandrachud was a role model for all lawyers and Judges. He was a role model for me personally as I am sure a large number of us, lawyers and Judges alike, will remember him with love, affection, respect and above all with great admiration.

8. Chief Justice Chandrachud enjoyed a full life. In his passing, India has truly lost a titan. There will never be another Judge quite like him. He has left an enduring legacy in the form of his judgments.

9. What was said of Justice Oliver Wendell Holmes can truly be said of Chief Justice Chandrachud :

"The most beautiful and the rarest thing in the world is a complete human life, unmarred, unified and intelligent purpose and uninterrupted accomplishments, blessed by great talent employed in the worthiest activity, with a deserving fame never dimmed and always growing. Such a rarely beautiful life is that of Chief Justice Y.V. Chandrachud."

My Lords on behalf of the entire Bar of the State of Maharashtra I join your Lordships in mourning the passing away of this great Judge.

May his soul rest in peace.

Reference to former Chief Justice of India Y.V.Chandrachud - speech by Shri R.B. Raghuvanshi, Additional Solicitor General of India.

The Hon'ble Chief Justice, the Hon'ble Judges, Shri Ravi Kadam, learned Advocate General, Shri Rajiv Patil, Chairman, Bar Council of Maharashtra & Goa, Shri Rafiq Dada from Bombay Bar Association, Shri Thorat from the Advocates' Association of Western India, Shri Zaiwalla from Bombay Incorporated Law Society of India, Chandrachud family, my friends and my peers and the members of the Bar,

We have assembled here this evening with a profound sense of grief and sorrow to pay homage to one of the most distinguished, able Judge and jurist of our times who adorned the bench from 19th March, 1961 to 11th July, 1985 and left for his heavenly abode on 14th July, 2008.

Justice Y.V.Chandrachud was born on 12th July, 1920 in Pune. After schooling from Nutan Marathi Vidyalaya, Pune, he graduated from Elphinstone college with history and economics and obtained a degree in law from University of Pune. He started practicing as a lawyer in 1943 and worked as a part-time professor of law in Govt. Law College from 1949 to 1952. He was appointed as Assistant Govt. Pleader in 1952 and subsequently as a Govt. Pleader in 1958. He was elevated as a Judge of the Bombay High Court on 19th March, 1961. He was appointed Judge of the Supreme Court of India on 28th August, 1972 and finally held the highest judicial office of this country as the Chief Justice of India from 1978 onward till his retirement on 11th July, 1985.

Throughout his career as a Judge he displayed enormous grasping power and keen intellect coupled with sharp memory and humane courtesy. Deep legal understanding and comprehensive erudition were spread all over the judgment delivered by Justice Y.V.Chandrachud. He was a party to various landmark and notable judgments delivered during his tenure. He not only possessed profound knowledge of law but had a deep practical sense of life. He was an intellectual giant, hardworking, sincere and committed to the

values of democracy in this country. His memory was sharp. He was courageous, candid and uncompromising in upholding the majesty of law. The junior lawyers felt confident in appearing before him as he would always encourage and guide them whenever required. He was a perfect Judge both professionally and personally.

Justice Y.V.Chandrachud delivered innumerable judgments. Some of his important judgements were delivered in Kesavanand Bharti's case, Shah Banoo's case, Olga Telis' case, Mithu's case, etc. In the celebrated case of Mithu, Justice Y.V.Chandrachud held that the death penalty is not unconstitutional by saying so

"If law were to provide that offences of the~ will be punishable with the penalty of cutting off hands, the law will be bad as violating Article 21".

Justice Y.V.Chandrachud's commitment to the concerns of common citizens need for social economic justice was unprecedented. His judicial mind responded to these needs with unmatched parallels.

Justice' Y.V.Chandrachud's commitment to human values was unprecedented. While speaking to a citizens' gathering at Allahabad on 1st January, 1981 he said and I quote :.,

"The notion of fairness do not vary with the foot of chancellor. The notions of justness do not vary with the foot of the Judge. The notion of fairness, reasonableness, justness vary with changing times."

Justice Y.V.Chandrachud had a passion to teach law and worked as a part-time professor in the govt. Law College for some time. While writing a piece in a Marathi daily, he wrote fondly about how he and Nani Palkhivala would share a horse driven baggi to reach the law college as they could not afford a taxi. Justice Y.V.Chandrachud, inspite of his busy calendar would take time out to put efforts into development of legal education. Even after retirement, he devoted his time to the cause. I can say from my personal experience that he took keen interest in the development of ILS Law

College, Pune to make it the best law institute in India.

Justice Y.V.Chandrachud was' very conscious of his responsibility as the Chief Justice of India and laid great emphasis on judicial reforms. He would always emphasise on justice being delivered swiftly and within the reach of the common man. On ... judicial reforms he would say and I quote:-

"An effective judicial system requires not only that just results be reached but they be reached swiftly".

Justice Y.V.Chandrachud performed his parental duties in a manner par excellence. His son Justice Dhananjay Chandrachud is one of the most learned Judges of this Court and thanks to the value inculcated by his father, he is carrying on the great work done by his father.

Contribution to justice by Justice Y.V.Chandrachud would be remembered by the legal fraternity and this country for a very very long time to come. In his death we have lost a jurist par excellence, a distinguished judicial mind and a great human being.

I in this hour of grief share my heart-felt condolence with Justice Dhananjay Chandrachud and family. Let almighty God give them the strength to bear this huge loss with grace.

May the noble soul rest in peace!

~~Speech at the Full Court Reference to former Chief Justice of India Mr. Y.V. Chandrachud in the Court of Chief Justice in Room No.46 on 23rd July, 2008 at 4.00 P.m. by Mr. Rafique Dada, Senior Advocate President, Bombay Bar Association.~~

My Lord the Chief Justice, My Lords the Hon'ble Judges of this Hon'ble Court, Mr. Ravi Kadam, Advocate General of Maharashtra, Mr. Raghuvanshi, Additional Solicitor General of India, Mr. Shankar Thorat, President, Advocates Association of Western India, Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa, Mr. Zaiwala, President, Incorporated Law Society, members of the family of late **Justice Chandrachud and my colleagues at the Bar.**

On behalf of the Bombay Bar Association, I join in the reference made by my lord the Chief Justice and the speakers who have preceded me. On 14th July, 2008, we received the sad news that Chief Justice Chandrachud had passed away. The news shocked us, as one week before he died, he had spent two days in this Court attending the opening of the Mediation Centre. In his death, the members of the Bar suffered a personal bereavement.

The life of Justice Chandrachud started in the city of Pune. He had an Outstanding academic career. He stood first in the LLB Examination and started his practice in this Bar. He soon acquired a good practice. He was appointed Government Pleader. In that capacity, he argued many cases. He argued against the best lawyers of his time. His arguments in the Nanavati case were outstanding. Soon, he was invited to join the Bench when he had just crossed the age of 40 years.

Justice Chandrachud worked as a Judge of this Court for eleven years. During his tenure, he decided cases on a wide variety of subjects. Every judgment was studied and read like a piece of literature. Many old venerable lawyers recall his Court manners, his grace and his great Courtesy to the Bar.

On 28th August, 1972, Justice Chandrachud was elevated to the Supreme Court of India. Soon after his elevation, he sat as a

member of the thirteen Judge Bench in Keshavananda Bharati's case. His judgment in that case became a part of Indian Constitutional history. In his classic judgment he said "The Nation stands today at the cross roads of history and exchanging the time honoured place of the phrase may I say that the Directive principles of State Policy should not be permitted to become a mere rope of sand".

In 1975 the Supreme Court was faced with a Challenge to the 39th Amendment to the Constitution in *Indira Gandhi vs. Raj Narain*. Justice Chandrachud in an eloquent judgment struck down clauses 4 and 5 of Article 329A as arbitrary and calculated to destroy the rule of law. He quoted Blackstone's famous passage which contains the admonition that the king ought to be under the law because the law makes him king. He quoted from Sir Fredrick Pollock "that there you have in a nutshell the great point of constitutional freedom that law is not merely the instrument of Government but the safeguard of each individuals citizens public rights and personal liberties."

In Maneka Gandhi's case, Justice Chandrachud defined the width of personal liberty and the Right of Equality under the Indian Constitution. In the case of Sanjay Gandhi, Justice Chandrachud enunciated the cases where bail granted to an accused can be cancelled. He held that the power was an extraordinary one. He held that refusal to exercise this wholesome power will reduce it to a dead letter and will suffer the Courts to be silent spectators to the subversion of the judicial process.

Justice Chandrachud's analysis of the scope of the right of equality under Article 14 in the Special Courts Bill has become a classic. His liberal views were evident in the case of *All Saints High School vs. Government of Andhra Pradesh* where he held that protection of Article 30 of the Constitution did not permit minority institutions to claim immunity from challenge in the case of retrenchment of teachers.

In 1981, Chief Justice presided over the Minerva Mills case where the provision of the Constitution 42nd Amendment Act was challenged. He struck down Section 4 of the 42nd Amendment as

unconstitutional. He held "that the Preamble of the Constitution was not mere semantics. The edifice of our Constitution is built upon the concepts crystallised in the Preamble".

In *Rudal Shah vs. State of Bihar*, Chief Justice Chandrachud awarded compensation in a habeas corpus petition for illegal detention. In *Mohd. Ahmed Khan vs. Shah Banu Begum*, Chief Justice Chandrachud' decided that divorced Muslim women had a right of maintenance from their erstwhile husband under Section 125 of the Criminal Procedure Code.

After his retirement, Chief Justice Chandrachud had a full life. He acted as an arbitrator in many important disputes. He worked in the Board of Directors of the newspaper "Sakal". Lawyers flocked to him to seek his opinion on complex points of law. He loved cricket. He loved literature. He loved poetry.

He loved this Court. On every important occasion in this Court he was present. His empty chair can never be filled. In an Article written on Chief Justice Chandrachud by Mr. Upendra Baxi, a Professor of Delhi University, known as "The Fair name of Justice". "The memorable voyage of Chief Justice Chandrachud", Professor Baxi said : "In many ways, Chief Justice Chandrachud represented the best traditions of the Indian Bar. In this sense he will always be recalled as a lawyer's judge. Unfailingly polite, urbane to a fault, widely read, not wearing his learning on the sleeve, insistent on justice according to law and solicitous of language and diction. Justice Chandrachud cherished the dignity of discourse as the principal reassurance for doing justice". Men like Chief Justice Chandrachud do not die. A candle will always burn for him. His life as a lawyer, as a Judge and a wonderful human being will shine as a precedent forever.

May I, on behalf of the Bar, extend our condolences to the hundreds of mourners who are bereaved. I extend my condolence to Mrs. Chandrachud, Mr. Justice D.Y. Chandrachud, and all members of the Chandrachud Family. We are with them in their hour of grief.

Address by Shri Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa at the Full Court Reference to late Mr. Justice Y.V. Chandrachud, Former Chief Justice of India, on 23rd July, 2008

The Honourable the Chief Justice, Honourable Judges of the Bombay High Court, Honourable Justice Dhananjay Chandrachud, and his family members, Honourable Mr. Rajendra Raghuvanshi, Additional Solicitor General of India, Honourable Mr. Ravindra Kadam, Advocate General of Maharashtra, Mr. Shankar Thorat, President of Advocates Association of Western India, Mr. Rafique Dada, President of Bombay Bar Association and Mr. Prakash Shah, President, Bombay Incorporated Lawyers Society, Members of the bar, Ladies and Gentlemen.

On 14th July, 2008 at 11.00 a.m., I heard news of my life that living legend of law passed away. Today we are gathered here to pay our respects to departed soul of Justice Yeshwant Vishnu Chandrachud, a great legal luminary who left behind his enormous memories in the chronicles of Bombay High Court and the Supreme Court of India.

Justice Y.V. Chandrachud, born on 12th July 1920 completed his Bachelor's Degree from Elphinston College as student of History and Economics. He completed his law graduation from famous L.L.S. Law College Pune, and started his professional career on 3rd November 1943, at Bombay High Court.

A Judge who had longest career as Supreme Court Judge is no more with us. A legal stalwart at the age of 88 years completed his chapter on 14th July, 2008.

I subscribe to the sentiments expressed by the Honourable the Chief Justice and seek permission to add few moments in my life where I had an opportunity to meet him.

While I was a Vice-Chairman of the State Bar Council in the year 2002, I had an opportunity to take guidance from him about legal education programme of the Bar Council for newly enrolled advocates.

I remember a very distinctive encounter in the year 1990 between two legal luminaries, Mr. Ram Jethmalani and Justice Y.V. Chandrachud, when Justice Chandrachud delivered a P.D. Kamekar Memorial lecture in A.A.W.I. Which was titled as 'With Apologies to Founding Fathers of the Constitution of India'. Every person in the gathering was speculating what exactly the subject is. Justice Y.V. Chandrachud made the audience carefully listened and learned for 90 minutes, making them aware where we the legal fraternity faltered in honouring the basic principles and spirit of the constitution. Even Mr. Ram Jethmalani, Senior Advocate, expressed that he thought Justice Chandrachud found some areas of the Constitution where we need to improve and make amends, however he candidly said 'Sorry Mr. Chandrachud I was wrong in understanding the title of your lecture and you opened our eyes and pointed out the areas where Citizen of India needs to improve to follow the principles laid down by the Constitution. He further said we need to correct ourselves in implementation of directive principles enunciated by the Constitution.

Justice was a Public Prosecutor on the Appellate side of the Bombay High Court. Justice B.N. Shrikrishna remembered an incidence when he was introduced to Mr. Y.V. Chandrachud by his father, Senior Shrikrishna, with a comment that this young man will be the Chief Justice of India. His prophecy was absolutely proved.

Justice Chandrachud was elevated to the Bench of the Bombay High Court on 19th March, 1961. He was elevated to the Supreme Court of India on 28th August, 1972. He is known for his longest career as a Judge of the Bombay High Court and Supreme Court of India, but he while a Judge got everything out of any lawyer to protect the interest of litigant. Soon after his appointment as a Supreme Court Judge, he had an opportunity to contribute to a landmark Judgment of the Supreme Court which is popularly known as Keshavanand Bharati Vs. State of Kerala.

His Contribution on the subject of Land to the Tiller to land liberalisation as a political gimmick cannot be ignored by any politician. His work on "Laws of India 1836 to Date" is tremendous example of

research work.

Justice Chandrachud was an erudite man. A man of impeccable manners and greatest courtesy towards Bar is in undeniable imprint on the mind of legal fraternity.

His contribution to the Law of Arbitration, Legal Education, I.L.S. Law College, Pune, needs to be continued further and he will be remembered for his contribution till infinity.

As a Chairman of Bar Council of Maharashtra & Goa, I pay my tribute on behalf of the Entire Bar of the Maharashtra & Goa to departed soul.

I pay my respects and express that Mr. Y.V. Chandrachud will be known to the legal fraternity for his greatest contribution to the Indian Judicial System which is best in the world.

Address by Shri Shankar P. Thorat, President, Advocates' Association of Western India, at the Full Court Reference to Late Mr. Justice Y.V. Chandrachud, Former Chief Justice of India, on 23rd July, 2008.

The Hon. Chief Justice Shri Swatanter Kumar and other Judges, Dr. Chandrachud & Family members of Justice Chandrachud, the Advocate General Shri Ravi Kadam, The Additional Solicitor General Shri Rajendra Raghuvanshi, the Chairman of Bar Council of Maharashtra and Goa Shri Rajiv Patil, the President of Bombay Bar Association Shri Rafiq Dada and the President of Bombay Incorporated Law Society Shri Zaiwala.

I endorse the views of the Hon'ble the Chief Justice and all other earlier speakers.

On Saturday, 12th July, 2008 when the family members of Justice Chandrachud were celebrating and enjoying his 8th Birthday, no one even had slightest idea that within a short period Justice Chandrachud will be far away for his last journey' towards the heavenly abode and that day would be his last birth day during his life time.

Till his last breath he was very active. Even few days back in a function of mediation and arbitration he personally remained present in the High Court building and almost whole day he was very cheerful. He took keen interest in the said function.

Right from his child hood from his native place at Rajgurunagar to Pune in the Nutan Marathi Vidyalaya and thereafter at Mumbai and Delhi everywhere, as and when he took the responsibility, he had shown his exceptional sharp and intelligent image.

When Justice Chandrachud was a practising lawyer in our High Court, shortly from 1943 till 1961 he appeared as seniormost standing counsel of then Government of Bombay. He was a member of our Association. It was great occasion and honour to our Advocates Association of Western India, when in 1961 Justice Chandrachud had elevated as High Court Judge and thereafter in 1972 as a judge of the Supreme Court of India. In 1978 he took the oath as a Chief Justice of India. And he became India's longest serving Chief Justice of Supreme

Court of India till his retirement 12th July, 1985. He was one of the most respected jurist with the outstanding track record.

Every one will remember Justice Chandrachud for his bold stand taken in a case of Shahbano. When said case of a poor lady of 60 years, reached in a Supreme Court of India, the Hon'ble Supreme Court invoked Sec. 125 of the Code of Criminal Procedure and held that Sec. 125 applies to every one regardless of cast, creed and religion. The said historical judgment was delivered by Justice Chandrachud. Unfortunately the Central Government succumbed to the pressure of the Orthodox sections in the Muslim community and consequently by enacting the Muslim Women (Protection of Rights on Divorce) Act the said judgment was nullified.

Justice Chandrachud, apart from being intellisent, sharp and very sound on the law, was absolutely modest person. He never shown disrespect towards anyone. He was very soft spoken. Our senior tells that every one was comfortable before his Court. No one realized tension at any time while arguing matter before him. Right from our college days and while doing practice in this Court, the place of Justice Chandrachud is very prominent in our heart. Our knowledge comes from his different judgments and verdicts delivered during a span from 1972 to 1978, when he was the Chief Justice of Supreme Court of India, vvhether it is a judgment of Keshavanand Bharti, Maneka Gandhi, Olga Tellis or whether it is the case of Bangalore Water supply. All the cases were the landmark in the legal history of India. We also heard number of stories spoken about him from our senior lawyers from the Supreme Court of India. :

However, there are echoes too in this historical court building. The record of different judgments of the Bombay High Court, which go back in the year 1961 to 1971, it shows that Justice Chandrachud's figure is very prominent. Many of his judgments delivered during the said period show the glimpse of a man and more importantly, what he stood for. Justice Chandrachud stood for his principles and ideals through out of his life. Values of truth, justice, honesty, integrity, sincerity and modesty were the foundation of his carrier. At the same time he had an exceptional quality of courage,

and it can be ascertained from his different judgments.

I remember a day in the year 1982-83, when we had requested Justice Chandrachud for his speech. Said function took place at my native place in my college at Sangamner, Dist. Ahmednagar where I had taken education. Whole day I was with him I found that how the said great man is like his name itself. I found Justice Chandrachud is like "Chandra" in a sky who gives not only light but it showers love which is "Shital", "Komal" and "Nital".

We are here today to mourn the sad demise of a great human being who is not with us but, his image will remain forever in our heart and it will inspire us forever.

We are aware that it is great loss to the family members of Justice Chandrachud . At the same time we also have lost a father like figure. It is an individual loss of each one and at the same time is a great loss to the whole legal fraternity.

In this hour of grief, on behalf of Advocates Association of Western India and all the advocates from Appellate Side, I convey our heartfelt condolences to the family members of Justice Chandrachud . "May the almighty give them strength to bear the great loss."

Address by Shri Dinsoo Zaiwalla, President, Bombay Incorporated Law Society, at the Full Court Reference to late Mr Justice Y.V.Chandrachud, Former Chief Justice of India, on 23rd July, 2008

The Hon'ble the Chief Justice Mr. Swatanter Kumar, the Hon'ble Judges of the Bombay High Court, Mr. Ravi Kadam, the learned Advocate General, Mr. Raghuvanshi, Additional Solicitor General of India, Mr. Thorat, President of the Western India Advocates Association, Mr. Rajiv Patil, Chairman of the Bar. ICouncil of Maharashtra and Goa, Mr. Rafiq Dada, President of the Bombay Bar Association, members of the family of late Justice Chandrachud and my colleagues at the Bar.

On behalf of the Incorporated Law Society and the fraternity of Solicitors of this Hon'ble Court, it has fallen on me to convey our members grief on the passing away of Justice Chandrachud who sincerely presided as a Judge of this Court and as the Chief Justice of the Apex Court.

With respect, I concur with the sentiments so eloquently expressed by the learned Chief Justice, by the learned Advocate General, by the learned Additional Solicitor General, by the President of the Bombay Bar Association and the President of the Western India Bar Association who has been submitted to Your Lordships: Bar today.

In this world of relativity death is the only absolute. The day we are born we commence our journey to complete the life span allotted to each of us. It is now this journey is completed which leaves a mark in the sands of time. Justice Chandrachud has done, remarkably well to lay his indelible mark in the annals of legal history.

When I joined the profession I used to hear Justice Chandrachud argue who at the time was particularly known for his expertise in Criminal law. When he was elevated to the Bench that I realised that he was equally at ease and proficient in any branch of law as indeed his judgments would reflect. I particularly remember him as a soft spoken Judge with a tremendous command over the English language delivered with a charming diction. His judgments were of the style of the judgments delivered by the famous Lord

Denning inasmuch as they read like a story and yet lucidly laid down important principles of law directed towards achieving justice.

The legal profession has lost one of its great stalwarts and the family its hero. I am indeed sure that nature when it strikes the blow will also give the near ones he has left behind the strength to bear the loss.

On behalf of the Bombay Incorporated Law Society I convey our grief to his illustrious son Justice Dhananjay Chandrachud and the other family members and request this congregation to pray that the spirit of Justice Chandrachud continue to guide both the Bar and the Bench of this great Court and that his spirit remain in abiding peace.