

ADDRESS OF THE HON'BLE SHRI JUSTICE NARESH H. PATIL, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY AT THE FULL COURT REFERENCE TO LATE SHRI JUSTICE CHANDRASHEKHAR SHANKAR DHARMADHIKARI, ON THURSDAY 24TH JANUARY 2019 AT 10.45 AM IN THE CENTRAL HALL OF THE BOMBAY HIGH COURT.

My Esteemed Sister and Brother Judges,

Mr. Ashutosh A. Kumbhakoni,
Advocate General of Maharashtra,

Mr. Anil Singh, Additional Solicitor General of India
(and on behalf of Bar Council of Maharashtra and Goa,)

Mr. Milind Sathe, President, Bombay Bar Association,

Mr. V. A. Thorat, Senior Advocate,
(Member of Ad-hoc Committee) Advocates' Association of Western India,

Mr. Nilesh Modi, Hon. Secretary, Bombay Incorporated Law Society,

Justice S.C. Dharmadhikari & Members of the bereaved family,

Senior Advocates,

Members of the Bar,

Ladies & Gentlemen,

1) We have assembled here this morning to mourn the sad demise of late Shri Chandrashekhar Shankar Dharmadhikari, a former Judge and Acting Chief Justice of this Court, who breathed his last at around 1.00 a.m. on 3 January 2019 at Nagpur at the age of 91 years.

2) Justice Chandrashekhar Dharmadhikari was born to Damayanti and Acharya Dada Dharmadhikari on 20 November 1927 at Raipur, then Part of the State of Madhya Pradesh.

- 3) He belonged to a family of legal professionals. His grandfather Trimbak Dhundiraj Dharmadhikari was in the judicial service and was known for his integrity and uprightness. His brother late Y.S.Dharmadhikari was Advocate General of the State of Madhya Pradesh.
- 4) Justice Chandrashekhar Dharmadhikari graduated in Master of Arts and Law from Nagpur University. He was enrolled as an Advocate of the High Court at Nagpur on 25 October 1956. Thereafter, he was enrolled as an Advocate of the Bombay High Court on 21 July 1958 and an Advocate of the Supreme Court of India on 20 July 1959.
- 5) Acharya Dada Dharmadhikari the father of late Shri. Chandrashekhar Dharmadhikari, was a well-known Gandhian. Parents of Justice Chandrashekhar Dharmadhikari participated in Freedom Struggle and on many occasions, were put in jail.
- 6) Justice Chandrashekhar Dharmadhikari was appointed as Assistant Government Pleader in the High Court at Nagpur in August 1965 and Additional Government Pleader in October 1970. He served as Government Pleader of the High Court at Nagpur Bench from 1965 to 1972.
- 7) Justice Chandrashekhar Dharmadhikari was appointed as an Additional Judge of the Bombay High Court on 13 July 1972 and a permanent Judge from 24 November 1972. He was Acting Chief Justice of Bombay High Court between the period from 3 September 1987 to 1 November, 1987.
- 8) In the capacity of a Judge of the High Court, Justice Chandrashekhar Dharmadhikari served a long tenure of 17 years. Justice Chandrashekhar Dharmadhikari retired on 20 November 1989.
- 9) Justice Chandrashekhar Dharmadhikari delivered various landmark judgments on variety of issues during his tenure as a Judge of the

High Court. While dealing with the constitutional issues in the case of ***Krishna Madhaorao Ghatate vs. The Union of India***, Justice Chandrashekhar Dharmadhikari observed and I quote:

“In this view of the matter, in our opinion, even in spite of the emergency or the Presidential Order as the rule of law is not suspended, all the executive actions depriving a person of his right to liberty must have an authority of law. The rule of law prevails even during the course of emergency, and therefore, every executive action must be supported by legislative authority or a valid legal sanction”.

10) Justice Chandrashekhar Dharmadhikari during his tenure as a Judge, dealt with complex issues on subjects like Preventive Detention, Child Rights, Co-Operative Societies, Labour and Tenancy Laws, conditions in Mental Hospital at Pune, Prisoners’ reforms, prohibition of cow slaughtering and prohibition policy of the State and on many other subjects.

11) Post retirement, Justice Chandrashekhar Dharmadhikari was appointed as a Chairman of the Maharashtra Administrative Tribunal and he served in that capacity from 7 July 1991 to 20 November 1992. Thereafter, he was appointed as a Chairman of Educational Regulatory Authority.

12) Justice Chandrashekhar Dharmadhikari a true Gandhian, believed in values and principles which he pursued throughout his life. He was a Trustee of Gandhi Research Foundation and many other Foundations which spread message of Gandhian Principles, Values and Ideology. His contribution as an Advocate, a Jurist and as Gandhian is immense. Throughout his life, he practised what he believed.

13) Justice Chandrashekhar Dharmadhikari was actively associated with Rural Development Work as a Chairman of Yusuf Meherally Centre, Balwantrai Mehta Panchayat Raj Jagriti Kendra. These Centres were carrying on activities of Micro Water Development, Agriculture, Village Industries, Adivasi Welfare, Women Welfare, Youth Welfare etc.

14) As the Chairman of Dahanu Taluka Environment Protection Authority, he had introduced altogether new concept and principle in the field of rehabilitation. The concept of “Pre-habilitation” and “Pre-afforestation” was introduced by him, which in itself is unique and revolutionary.

15) Justice Chandrashekhar Dharmadhikari was a Recipient of number of Awards. He was awarded the third highest Civilian Award “**Padma Bhushan**” by the Honourable the President of India in the year 2004 for a distinguished service of a high order in Public Affairs.

16) In recognition of his Social Service, Government of Maharashtra awarded him a “Tamrapat” by recognizing his contribution as a Freedom Fighter.

17) The Maharashtra Government set up a Committee in 2014 with Justice Chandrashekhar Dharmadhikari as its Head to recommend measures to curb crimes against women. Justice Chandrashekhar Dharmadhikari submitted a Report to the State Government with his Recommendations and Suggestions.

18) Justice Chandrashekhar Dharmadhikari was an outstanding Orator and Writer. He championed the cause of Poor and down-trodden. Being a Gandhian, not only he preferred to use “Khadis” but he promoted use of “Khadi.”

19) A number of Books and Articles were written in English, Hindi and Marathi by Justice Chandrashekhar Dharmadhikari. His Books *Bharatiya Sanvidhanache Adhithan* (Marathi) and *Antaryatra* (Marathi) received literary Award of the Government of Maharashtra for the year 1976-77 and 2002-03 respectively.

20) He had delivered lectures and participated in Seminars and Talks at various Plat-forms, Organizations, Universities, Colleges and Institutions.

21) Even at the age of 91 years, Justice Chandrashekhar Dharmadhikari was active in his life. On 28 December 2018, a week before his death, he had delivered an Inaugural Address in two days National Conference organized by Maharashtra Association of Social Work Educators as part of Silver Jubilee Celebrations at Nagpur.

22) We the Members of this great Institution of Judiciary, feel proud that a Member of our fraternity, achieved such great heights. Even after his retirement, Justice Chandrashekhar Dharmadhikari continuously worked in spreading message of good values and discipline in life. His life would certainly energise younger Generations too. At the age of 91 years, just few days before his death, he was active and energetic.

23) Albert Einstein said:

“Our death is not an end if we can live on in our children and the younger generation. For they are us, our bodies are only wilted leaves on the tree of life.”

24) Justice Chandrashekhar Dharmadhikari is survived by two sons, one of whom is my Esteemed Brother Shri Satyaranjan Dharmadhikari a Senior Judge of the Bombay High Court and Shri. Ashutosh Dharmadhikari, a Senior Lawyer practicing in High Court at Nagpur and daughter Dr. Aruna Patil.

25) On behalf of my Esteemed Sister and Brother Judges and myself, I offer my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear this great loss and overcome the grief.

26) May the departed Soul rest in eternal peace.

**ADDRESS BY SHRI ASHUTOSH KUMBHAKONI, ADVOCATE GENERAL
OF MAHARASHTRA AT FULL COURT REFERENCE TO LATE HON'BLE
SHRI JUSTICE C. S. DHARMADHIKARI,
FORMER ACTING CHIEF JUSTICE OF THE HIGH COURT OF
JUDICATURE AT BOMBAY ON THURSDAY, 24TH JANUARY 2019 AT
10.45 A.M. IN THE CENTRAL COURT**

My Lordship, Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

Shri Anil Singh, the Additional Solicitor General of India,

Respected office bearers of all the esteemed organizations
of the legal fraternity,

My professional colleagues at the Bar

My Lord, Justice S. C. Dharmadhikari and family members of our
beloved and respected guide, Justice Chandrashekar Shankar
Dharmadhikari.

Ordinarily, when gathered, to pay tribute to such a great
personality, one would begin the address by prefixing the vast number
of his well-deserved titles and adjectives. Even if I just read a preview of
this list, I am sure that, the time allotted to me today, will not be enough
to complete the reading.

I would refrain from using any of these titles and adjectives, for
another and more important reason. Justice Dharmadhikari himself
was a staunch opponent of anyone introducing him with any of these
titles and adjectives. He was proud to call himself a common man,
without any labels. He was proud to be one amongst the people and
he truly was, both in letter and spirit. In this regard, in one of his
countless writings he said:

“I have been using Dada’s (sic: Dada Dharmadhikari) writings and ideas to my heart’s content. As his son, I have taken it as my birth right. I am his son that is my original position, the rest comes to me as an ex-officio. Hence, I consider myself nothing more than a coolie/carrier of the thoughts of Gandhiji and Dada”.

We gather solemnly in Full Court References, to pay tribute to members of our legal fraternity and obviously therefore, such occasions are ripe with references to contributions of the departed soul to the legal system. However, with Justice Dharmadhikari, mentions of his vast contribution to the legal system are, just some flowers in the bouquet of his life devoted to selfless contribution to humanity and public life.

He was one of those living Gandhians, who had the privilege to be personally associated with the father of our nation. Mahatma Gandhi, from his very childhood. He had imbibed Gandhian ideas of truth, non-violence, *swadeshi* and *swaraj* in his life and living. He displayed these traits throughout his life and in every sphere of his career. He made every effort to relate and apply these ideas to new ideas, emerging out of globalization and liberalization.

While he is an irreplaceable inspiration to his own generation, me, my generation and generations to come, he was himself inspired by none other than Mahatma Gandhi. He was so close to Gandhiji that in one of his writings, he has said:

“I had so much love and respect from him that on his assassination, I felt that someone, who was closer to me, more than even my own father had gone forever from my life. I have never wept so bitterly and copiously as I did on that occasion that copious and open cry on Bapu’s assassination, is my greatest emotional treasure, which I will keep till the last breath of my life.”

He provided intellectual fodder for thought, to the youth, on their trying and tiring journey, towards a better society. His study of Gandhian principles was much more than just intellectual inquisitiveness and academic concerns. In order to remove misunderstanding, if any and if at all, regarding his teachings he once clarified that :

“One must always bear in mind that there is nothing like Gandhism, hence, there is no question of any kind of indoctrination or imposition in the fields of Gandhian ideas.”

His contribution even in the field of education and literary work is invaluable. Justice Dharmadhikari was a selfless man who avoided limelight. But such was the contribution of his work to the nation and its people that, the world could not, but, put the spotlight on him.

His work just cannot be measured in terms of the awards bestowed on him. The Gopalkrishna Gokhale Award, Rashtra Gaurav Puraskar and twice the Government of Maharashtra Literary Award. He also received Doctor of Laws (Honorary) from Rani Durgavati University, Jabalpur. Such were his contributions in the field of public affairs that he was conferred with the Padma Bhushan Award in 2004, a rare distinction bestowed on a member of our legal fraternity.

He was an astute, principled, compassionate and conscientious Judge. We all know of the fearless judgments he rendered during the Emergency Period. He truly believed, in his own words:

“Fear is the dark room where, only negatives are developed”

He delivered historic Judgments leading to the effective enforcement of the rights of adivasis, children, mentally challenged persons, prisoners, and other weaker sections of the society and particularly on women empowerment. At the same time, he also reminded them of their social obligations and duties.

In the case of Vijaya Arbat v Kashirao Sawai, he held that even a married daughter is liable to maintain her father, in terms of Section 125 of the CrPC. He held that Section 125 recognizes a legal duty cast on those who are socially bound to maintain their dependents. A reading of this erudite judgment goes to show how he interpreted the law strictly, yet compassionately.

In the case of Inacio Manuel Miranda v. State, while treating letters of prisoners as a Writ Petition he issued various directions ranging right from the amount of wages they were getting for work in prison, to ventilations of prison cells, to reformative schemes and even in respect of matters as small but important, as regulating the use of shaving blades in prison. This is testament of the fact that he was considerate of even the smallest and innocuous issues of people.

We just cannot forget these judicial pronouncements. When he was asked, which judgment, as a judge, he could not forget, he would refer to the judgment delivered by him in the Joshi-Abhyankar Murder case from Pune. In that respect he said,

“The Joshi-Abhayankar murder case of Pune wherein several persons were murdered without any cause and I had no alternative but to sentence to death five educated boys.”

He only started a new innings on his service to public life, after his retirement as a Judge. He was associated with about 29 organizations as President, Vice-President, Chairman and Trustee till the very end. His work and contributions to these associations and organizations is not only tremendous but impact-full.

An epitome of wisdom, he would frequently be called upon by the State Government to head committees and suggest guidelines and laws to be made for the betterment of the society.

He was an illustrious freedom fighter, a social activist, a great lawyer, a great judge, a great author and philanthropist, yet till the very end, he still believed that there was so much more to achieve in the sphere of social justice. He himself believed that he was casteless and that to achieve social justice, the caste system must be done away with. While speaking on this subject, when his age was 85 Yrs., during a television show, he aptly described the concept of cast, in Hindi :

“Jat ke mushkil ye hai ki, jo janam se milti hai aur chipak ti hai. Aur woh maut ke bad bhi nahi jati. Jo kabhi nahi jyati, usko jyati kehete hai.”

He was strong principled, yet full of positivity and optimism. His age failed to dampen his high spirits, his keen observations and bold intellectual perceptions. In an interview that he gave at the age of 88, when asked, how he takes care of his health, he said :

“At the age of 88, I have two kneecaps, I use a belt for a weak back and a walking stick. I walk around keeping my hands on the shoulders of youngsters. I have complete faith in the younger generation and I think the future of this country lies in the generation of my grandchildren.”

Incidentally, when he was young and a part of the freedom movement, the father of our nation himself would walk around keeping his hands on the shoulders of a young Justice Dharmadhikari. He was proud to say that the shoulders on which Bapu kept his hands, would bow to nothing.

He was a great thinker, a writer, an activist and above all, highly concerned citizen of our country. Prof. N. G. K. Menon, one of the most eminent scientists of the country, has observed,

“Justice Chandrashekar Dharmadhikari has remained unbowed for whole of his life, always true to his principles and always listening to the smaller inner voice of consciousness, at the same time, he is the most affectionate, generous, courteous, gentle and mild human being that one could ever come across.”

There are no words to describe the extent of loss to the nation on his passing. I may only make reference to his own words, penned by him after the tragic demise of Gandhiji, which were :

“Whenever a great man passes away, invariably we say that a vacuum created by his loss, would never be filled up. But that is not the right way to say, as its only obvious inference, would be that great men end up by creating only vacuum at the end of their life and their successors are always forced to live in some kind of vacuum at all the times. If that is so, then the life of every great man would be taken to be a failure ! Unfortunately, that seems to be obvious and logical conclusion ! Admittedly, such conclusion sounds too logical to be true. In any case, we have to ponder over Gandhian ideas only in the context of new times.”

Keeping in view his words, I would conclude by saying that, Justice Chandrashekhar Dharmadhikari's passing has not left a vacuum, but a compendium of lessons to all of us, to continue cherishing and practicing, in any and every way that we can, the Dharmadhikari principles of living a full, meaningful and unforgettable life.

I join in the sentiments expressed by your Lordship the Chief Justice and express my deepest condolences to bereaved family and Justice S. C. Dharmadhikari, who himself is dedicated to the cause of the people.

May his soul rest in peace.

ADDRESS BY SHRI ANIL C. SINGH, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT FULL COURT REFERENCE TO LATE HON'BLE SHRI JUSTICE C. S. DHARMADHIKARI, FORMER ACTING CHIEF JUSTICE OF THE HIGH COURT OF JUDICATURE AT BOMBAY ON THURSDAY, 24TH JANUARY 2019 AT 10.45 A.M. IN THE CENTRAL COURT:

The Hon'ble Chief Justice, Shri Naresh Patil,

Hon'ble Judges of this Court,

Shri Ashutosh Kumbhakoni, Advocate General,

**Shri.Milind Sathe,
President of Bombay Bar Association,**

**Shri Vijay Thorat,
On behalf of Advocates Association of Western India,**

**Shri Nilesh Modi,
The Honorary Secretary of Bombay Incorporated Law Society,**

**Justice S.C.Dharmadhikari & family members
of late Justice Dharmadhikari,**

Members of the Bar,

Ladies & Gentlemen

I would like to begin with a quote. A quote of Late Justice Dharmadhikari himself. This was what he said when he was asked to introduce himself while on a popular TV Show 'Satyamev Jayate' and I quote:

मैं परिचय के बहोत खिलाफ हूँ।
 क्योंकि मेरे व्यक्तित्व पर पहला लेबल लगा की
 मैं हिन्दू हूँ।
 दूसरा लगा ब्राह्मण हूँ।
 तिसरा लगा देशस्त ब्राह्मण हूँ।
 चौथा लेबल हूँ धर्माधिकारी हूँ।
 फिर जो पढाई की उसके लेबल हूँ।
 न्यायमूर्ति बना उसके लेबल हूँ।
 पद्मभूषण मिला उसके भी लेबल हूँ।
 मेरी मुश्किल ये हैं की ये मेरे व्यक्तिमत्व
 पर जो लेबल लगे हैं, ये लेबल ही लेबल दिखते हैं।
 और धर्माधिकारी कहीं गुम हो गया हूँ।
 और मैं धर्माधिकारी को कही गुम होने नहीं देना
 चाहता हूँ।
 ये भी बता दूँ आपको की महात्मा गाँधी नाम का
 जो आदमी था वो मेरे कंधे पर हाथ रख कर चार पांच बार
 घूमने गया हूँ।
 इसीलिए जिंदगी मैं ये कंधे पे बहुत शक्ति आई हैं।
 के कभी झुका नहीं |

These words give a complete picture of his great personality.

The demise of Justice Dharmadhikari has deprived the society of a noble soul. Justice Dharmadhikari was a jurist, a great Indian and a great human being with full efficiency and sincerity but what distinguishes him from many others and elevates him to a higher pedestal is his humane approach.

A true follower of Gandhi, had Gandhian thoughts imbedded in every ounce of his blood and streak of his thoughts. Justice Dharmadhikari lived to his principles till last breath and was completely devoted to social cause. He was a strong advocate of dignity of labour and khadi. The whole family of Justice Dharmadhikari was involved in the freedom fight and also had the blessings of Mahatma Gandhi. His father, mother and other family members were in Jail at the time of freedom movement.

At the age of 14 he took part in Quit India Movement. He was instrumental in introducing and propagating the Gandhian philosophy to the society in general and to the youth in particular.

His Judgments reflected his concern and love for the Nation. He pronounced several land mark Judgments on the issues like rights of children, tribes, women, other issues regarding social media and judgments during emergency period specially relating to right to life. His stint as a Judge was followed by his earnest work for the upliftment of society, which he did till his last breath with the same enthusiasm and sincerity. As a Judge he was very meticulous and updated with latest laws.

Justice Dharmadhikari had assisted and helped people in translation of various enactments including Family Court Act, Domestic Violence Act. He remained present in events and guided the common man regarding the laws by making them understand in their language.

He was a strong supporter of caste-free society though he was a Brahmin by caste, he did not perform thread ceremony.

Throughout his life he lived for the people and their social upliftment, he always gave highest respect towards humanity and that he was a person who would like to be treated in a government hospital instead of some plush private hospital, which is generally a trend amongst many of us. This noble way of thinking always distinguished him from others.

His, yet another, way of living life inspired me. He always like to live like a common man. Even though he had command over English, he would prefer to speak in the language of Common man i.e. Hindi or Marathi. In fact in a function organized at the Bombay High Court, he chose to speak in Hindi.

Having been a freedom fighter, his rich experiences are reflected in several books authored by him. He has authored many books in vernacular language namely Hindi, Marathi and Gujarati.

Justice Dharmadhikari's name would be incomplete without reference to the noble Sarvodaya movement. He presided over and was actively involved in various educational institutions and social organisations. He was bestowed with innumerable awards and titles.

I would like to quote the great Martin Luther King "Life's most persistent and urgent question is, "What are you doing for others". Dharmadhikari J. followed it completely and devoted his life to the society and the down trodden people in this country.

People from all walks of life, be it from Judicial, social, Civilians, Gandhians, Sarvodaya fraternity or be it the common man, will miss him and his immense service to the community and the Nation.

After his sad demise, various condolence meetings were held in several parts of the country, northern as well as southern states. This shows his popularity was not restricted to geographical boundaries of Maharashtra only.

On behalf of myself and the Bar Council of Maharashtra and Goa, I express my deepest condolence for the departed soul.

ADDRESS BY DR.MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION AT THE FULL COURT REFERENCE TO LATE JUSTICE CHANDRASHEKHAR SHANKAR DHARMADHIKARI AT CENTRAL COURT ROOM NO.46, BOMBAY HIGH COURT, ON THURSDAY, 24TH JANUARY 2019 AT 10.45 A.M.

The Hon'ble Chief Justice Mr. Naresh Patil

Other Hon'ble Judges of the Bombay High Court

Shri Ashutosh Kumbhkoni , Advocate General,

Shri Anil Singh, Additional Solicitor General of India

Mr. Vijay Thorat, Senior Advocate, Member of Administrative Committee of Advocates' Association of Western India

Mr.Nilesh Modi, Honorary Secretary of Bombay Incorporated Law Society

Member of Late Shri C.S. Dharmadhikari Family

Ladies and Gentlemen

We assemble this morning to mourn the sad demise of Hon'ble Justice C.S. Dharmadhikari, former Acting Chief Justice of this Court, who passed away on 3rd January, 2019 at Nagpur, at the age of 91.

Justice Chandrashekhhar Shankar Dharmadhikari was born on 20th November, 1927 in the family of Gandhian Acharya Dada Dharmadhikari. He studied at Nav Bharat Vidyalaya, Wardha, S.B. City College, Noshar Mahavidyala, University College of Law Nagpur where he acquired his MA and LL.B Degree. He was enrolled as an Advocate of the Nagpur High Court on 25th October, 1956, of the Bombay High Court on 21st July, 1958 and of the

Supreme Court on 20th July, 1959. He was appointed as Assistant Government Pleader at Nagpur in August, 1965 and Additional Government Pleader in October, 1970 and continued till 1972 till his elevation. He was appointed as an Additional Judge of the Bombay High Court on 13th July 1972 and became Permanent Judge from 24th November, 1972. He functioned as Acting Chief Justice of Bombay High Court and retired on 20th November, 1989.

Post-retirement, he was the Chairman of Maharashtra Administrative Tribunal from 7th July, 1991 to 20th November, 1992. He headed a committee in 2014 to make recommendations for preservation of esteem and respect of women particularly in respect of dance bars in hotels / restaurants and 'regulation of social media' since they had a 'corrupting influence', in order to reduce crimes against women.

He also served as Chairman of Educational Regulatory Authority, as well as on the Maharashtra State Women's Commission and National Commission for Women.

He belonged to the family of lawyers and freedom fighters. His grandfather Shri T.D. Dharmadhikari was in judicial Service and was A.D.J. known for his integrity and uprightness. His brother Late Y.S. Dharmadhikari was Advocate General of Madhya Pradesh. His father was a well-known Gandhian thinker and freedom fighter. He took part in all the movements launched by Gandhiji and was imprisoned several times. His mother, Late Smt. Damayanti Dharmadhikari took part in individual Satyagraha in 1941 and Quit India Movement of 1942 and was imprisoned for about three years. His wife, Mrs. Tara Dharmadhikari was M.A. (Economics) and held Diploma in Journalism and was Dy. Director Information and Publicity, Government of Maharashtra and Editor of a Journal Lokrajya. His daughter, Aruna Patil is Doctor. One of his son, Satyaranjan is judge of this High Court and another son Ashutosh is an Advocate practicing at Nagpur.

Justice Dharmadhikari has been a khadidhari since his birth. Once it was decided that the caste Barriers should be broken and man's status does not depend upon his caste or creed, the first thing he decided is not to enter in any ritual or Sanskar restricted to a particular caste. Though he is a Brahmin by caste he has not adopted a Thread Ceremony and has chosen to remain Shrudra. Marriage performed was also as per special Marriage Act – a Registered Marriage, which is common to all castes, creeds, religion and is secular in nature. Total expenditure for marriage was Rs. Twenty only.

Justice Dharmadhikari was also an eminent Gandhian, freedom-fighter and social activist. At the age of 14, he took part in Quit India Movement. He left school and there after an order was issued by the British Government that he should not be admitted an any Recognized School. He took active part in Quit Indian Movement. He was responsible for various activities, which sustained and maintained Quit India Movement for years together i.e. in the year 1943-44 also, at Wardha. The Government of Maharashtra in recognition of his services as Freedom fighter, suo moto, included his name in Prestigious List of Freedom Fighters.

He was associated with student's movement and was Secretary of National of Union of Students. He was President of Rashtriya Mill Mazdoor Sangh, Union of their Employees of Textile Mills at Nagpur for about five years.

He was actively associated with educational Social and Cultural Organizations. He was President of Kusumagraj Pratishtan and Gandhi Memorial Leprosy Foundation, Wardha and Yusuf Meherally Centre at Panvel. He was Vice President of Vidarbha Rashtra Bhasha Prachar Samiti, and Member of Maharashtra State Free Legal Air and Advice Board.

He had been President of :

- Abhyankar Smara Trust, Nagpur.
- Maharashtra State Federation of Goshalas and Panjarpol.
- Kusta Rog Niwaran Samiti, Shantiwan.
- Trusteeship Foundation.

He was Vice President of Nasha Bandi, Mandal, Bhawan's Indian International School, Singapore, Shiksha Mandal Wardha and Jabalpur.

He was Chairman of:

- Institute of Gandhian Studies, Wardha.
- Vidhi Anuvad va Paribhasha Sallagar Samiti, Government of Maharashtra.
- Bombay Reform Association.
- Maharashtra Gramdan Board.
- Sarvodaya Ashram, Nagpur.
- Managing Council G.S. College of Commerce and Economics, Jabalpur.

He had been Member of :

- Board of Advisors, Mani Bhawan Gandh Sangrahalaya.
- Advisory Board, Sane Guruji Kathamala.
- Advisory Committee, Campaign against Child Labour (CACL)
- Community Aid and Sponsorship Programme (CASP)
- Kendriya Hindi Samiti, Bharat Sarkar.

He was Trustee of :

- Kushtha Rog Niwaran Samiti, Shantiwan.
- Society for Education, Action and Research in Community Health (Search) Gadchiroli.

- Jamnalal Bajaj Foundation.
- Geeta Pratishtan.
- Fuji Guruji Memorial Trust.
- Gandhi National Memorial Society, Aga Khan Palace, Pune Saswad Ashram.
- Seva Mandal Education Society, Bombay.
- Vishwa Vatsalya Prayogic Sangh.
- Gandhi Smarak Nidhi, Delhi and Mumbai.
- Gandhi Labour Foundation, Puri.

He was part of Award Committees of :

- Indian Chamber of Commerce.
- Jamnalal Bajaj Award.
- Sane Guruji Memorial Award.
- Indian Merchants Chambers and Ladies Wing of I.M.C. Award.
- Padmaraja Rani Bang, Memorial Award (Chetna Vikas) Akbarally's Sadbhavana Puraskar etc.

He was also actively connected with :

- Maharashtra Vyassan Mukti Movement.
- Council for Fair Business Practises.
- Prayas etc.

He was for years a backbone of Sarvodaya Movement, and was also a Chief Co-ordinator of the Jay Prakash Narayan Birth Centenary Committee.

He was actively associated with the rural development work, as a Chairmen of Yusuf Meherally Centre, Balwantrai Mehta Panchayat Raj Jagriti Kendra. These Centres are carrying on activities in the filed of health, Micro Water Shed Development Agriculture, Village Industries, Adiwasi Welfare,

Women Welfare, Pollution Awareness, Afforestation and Youth etc. He is also engaged in relief work in Gujarat, Kerala and Maharashtra. Balwant Rai Mehta Panchayat Raj Jagriti Kendra is engaged in training the members of village panchayats, so as to empower Panchayat Raj System, so that it can achieve the goal of Gram Swaraj. Whereas SEARCH is working in the remotest Adiwasi area for overall development of Adiwasis, particularly dealing with health problems. The work done by SEARCH has received Worldwide recognition.

He had authored a book on Constitution of India entitled as “**भारतीय संविधानाचे अधिष्ठान**” (“Bharatiya Sanvidhanache Adhistan”) (Marathi) which received Government of Maharashtra Literary Award for the year 1976-77. His other books include Reflections of Indian Constitution - “Religion & Rule of Law” (English); “**शोध गांधीचा**” (“Shodh – Gandhincha”); “Loktantra Parhej Aur Pabandiya” (Hindi); Aur “**मंज़िल दूरच राहिली**” (“Manjil Duracha ahali”) (Marathi); “Gandhi Prahar Aur Prabhav” (Hindi); “**समाजमन**” (“Samajman”) (Marathi); “**काळाची पाऊले**” (“Kalachi Paule”) (Biography in Marathi); “**अंतर्यात्रा सहप्रवास**” (“Antaryatra Sahapravas”) (Marathi); “**सूर्योदयाची वाट पाहूया**” (“Suryodayachi Wat Pahuya”) (Marathi).

He has contributed several articles in English, Hindi and Marathi in various periodicals, magazines and journals.

Various Authors have dedicated their books to him in recognition of his social service, and qualities of heart and mind. Some of them are as under:

1. Shahir G.D. Magulkar : Author – Raja Mangalwedhekar.
2. Rajmudra : Author – Suresh Dwadashiwar.
3. Shikshakacha Dharma : Author – Ram Shewalkar.
4. Mahatma Gandhi Pranit Akara Vrate : Author – Chandrakant Padgaonkar.

He was recipient of several awards, including Padma Shri and Padma Bhushan. He has been recipient of innumerable Awards from various organizations in diverse fields. Government of Maharashtra Literary Award 1976-1977 and 2002-2003, Karandikar Trust Dharwad Literary Award, Distinguished Citizen Award of Rotary Club of Bombay, Gopal Krishna Gokhale Award, Gandhi Jan Award, Gosewa Ratna Puraskar, Rashtra Gaurav Puraskar (World Peace Movement Trust), Padma Bhushan Award by the President of India; Bharati Gaurav Puraskar, Ashirwad Rajbhasha Gaurav Puraskar, Justice Ranade Samaj Seva Puraskar, Bhausahab Dhamankar Prerana Puraskar, Durgadevi Saraf Samaj Seva Puraskar, Justice Ramshashtri Prabhune Samajik Nyaya Puraskar, Bhausahab Khamankar Prerana Puraskar for Samaj Seva and Kushta Seva and Social Awareness. In recognition of his selfless services to humanity and country and above all his dedication to cause of justice, peace and progress he was awarded Michael John Gold Medal by Tata Worker's Union, Jamshedpur.

As a Chairman of the Dahanu Taluka Environment Protection Authority, he has introduced an altogether new concept and principle in the field of rehabilitation. The concept "Pre-habilitation" and "Pre-Afforestation" is introduced by him, which in itself is a unique and revolutionary. As per the principle, before cutting a tree, authorities concerned are obliged to plant ten trees, before demolishing a house, authorities are obliged to construct a new house for a person who is likely to be displaced, and after the person is given a new house; where he shifts, then along demolition of house is permitted.

Under his leadership, such afforestation has taken place in Dahanu Taluka.

The Six Forests are developed, which are known as :

- Aantrabharati Upavan - Village - Kambale, Taluka – Dahanu.
- Krantivir Achutrao Patwardhan Krantivan – Village - Chikhala, Taluka – Dahanu.
- Stree - Shakti Upavan – Village Kokad, Taluka Dahanu.
- Shrama – Shakti Upavan – Village Khanivide, Taluka Dahanu.
- Rashtriya Mahamarg Mahatma Gandhi Upavaan-Village Nandgaon
- Megharaj Devraj -Village jalsar, Taluka Dahanu.

He has been one of the outstanding orators of his generation. He has delivered number of talks in Lecture Series, Organised by the University, North Maharashtra University and Konkan Agricultural University.

He was invited to deliver key-note address in Bruhan – Maharashtra Mandal 1999 convention, San Jose, Silicone Valley, U.S.A. Visited Japan on the invitation of Japan – Bhartiya Maitri Sangha and Nipponzan Myohoji Trust, Japan. Visited Singapore in connection with the India's Independence Day celebration and Unveiling of Statue of Mahatma Gandhi and Mahatma Gandhi Centre for values at Singapore.

His though provoking speeches kept audience spellbound with sheer emotional and intellectual involvement. It gives a new insight for solving problems. He was known as a very good thinker and orator in Hindi, Marathi and English. However, from the 15th August, 1947, he has decided normally not to speak in English. Because on that day Mahatma Gandhi had told the B.B.C. Reporter to inform the world that Gandhi does not understand English.

As a Judge, his Judgments were outstanding. He believed that judge should be impartial, but not impassive. Judgments delivered by him, relating to Rights of Women, Adiwasi Children, Mentally Challenged, Prisoners are land marks. His judgment delivered during the Emergency was a unique one. In the said Judgment he held that apart from the Constitutional Right, a Right to Life is natural and human right and therefore, even during the Emergency, a Citizen has a right to approach the High Court, as natural and human right to life can not be taken away. As per this Judgment he entertained the Petitions and released the detenues, against whom there was no material. He was known as almost up-right independent and fearless Judge.

In his landmark ruling during the Emergency, Justice Dharmadhikari had held that apart from constitutional rights, the Right to Life is natural and a human right and therefore, even during the Emergency, a citizen could approach the High Court, despite the fact that fundamental rights were suspended during the time proclamation of Emergency was in force.

Accordingly, he entertained petitions and ordered the release of those against whom there was no material (evidence). Unfortunately his view was echoed in the Supreme Court only in the dissenting Judgment of Justice H.R. Khanna in ADM Jabalpur case.

When I started practice Justice C.S. Dharmadhikari was a Senior Judge. When I entered his court for the time it was a mesmerising and awe inspiring feeling. He was image of Justice personified. A true Justice to the phrase with which he was referred to outside the court as “न्यायमूर्ती “. Though his courtroom had the aura and glow of justice, he was humane, kind and courteous.

For juniors his court was a paradise. He would be very encouraging and supportive of juniors and made each one of us very comfortable. In those days when workload was not as much as of today and the assignments were simpler every alternate assignment he would be heading a Bench hearing Civil Writes and Criminal Writs in rotation and for both Civil and Criminal Junior Bar it was a delight.

My previous speakers have mentioned about how charismatic and gifted orator he was. When one heard him for the first time it was an experience of lifetime. He would lace his speech with anecdotes and stories. His speech was a blend of wit, wisdom and thought. He was mesmerizing speaker. What added glamour to his gifted oratory was his mastery over languages.

Outside the High Court he never gave his speech in English. It was either Hindi or Marathi. To hear his chaste Hindi or Marathi was a treat. A Sanskrit saying goes that an orator occurs in thousands and a philanthropist occurs in lacs i.e. “वक्ता दशसहस्रेषु”. I think he was an orator not one in million or billion one in trillion. No one has been or will be like him.

An era has come to an end. A diverse and versatile chapter in history has come to an end. A social worker, Gandhian, Satyagrahi, freedom fighter, animal lover, environmentalist, protector of rights of women and children, a compassionate and kind person, a great those who were underprivileged or challenged lawyer, an extraordinary Judge and a unique human being is no more. No words are sufficient to describe him. That is late Justice Chandrashekhar Dharmadhikari. But an era or a chapter from history truly never ends. It is there for generations to come like a lighthouse for the boats in a dark cloudy night.

I am fortunate to be a part of an historic incidence in the history of Bombay bar Association spanning over three centuries. In 2016 we had organised Justice V.D. Tulzapurkar Memorial Lecture which was delivered by Justice C.S. Dharmadhikari on 9th March. He delivered his lecture, first time in the history of Bar Association in chaste Hindi on the subject “Role of the Judiciary in the Evolving Social Order” in this very court hall. I think that was his last visit to this historic court room.

Amongst his several tasks and responsibilities he was assigned which he undertook, one of them was his appointment by this Court. In a petition filed by Viniyog Parivar a trust dedicated for prevention of cruelty to animals, Chief Justice M.B. Shah appointed him to recommend ways to improve implantation of laws relating to animals. He had made several recommendations in that behalf.

He was a courteous, kind yet firm Judge, infact all the qualities of a Judge a lawyer would expect. He conducted his court with grace and dignity and put everyone at ease.

He was a great Social Worker, Gandhian, Legal Practitioner, Great Judge and a great human being and a fatherly figure to all of us.

Our heartfelt condolences go out to Justice Satyaranjan Dharmadhikari and his other family members.

On behalf of Bombay Bar Association I express our heartfelt condolences to the bereaved family. Let the departed soul rest in eternal peace.

ADDRESS BY SHRI V.A. THORAT, SENIOR ADVOCATE, ON BEHALF OF ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE SHRI CHANDRASHEKHAR SHANKAR DHARMADHIKARI, ON THURSDAY 24TH JANUARY 2019 AT 10.45 A.M. IN THE CENTRAL HALL OF THE BOMBAY HIGH COURT:

My Lord the Chief Justice,

Other Hon'ble Judges of the Bombay High Court,

Speakers who have preceded me and speakers to follow,

Senior Advocates and members of the Bar,

Justice Dharmadhikari, Ashutosh Dharmadhikari, other Members of Dharmadhikari family and friends.

I consider it my privilege to have known late Justice Chandrashekhari Dharmadhikari as a Judge as well as a person. He had vision of India. Alas, that vision is not fulfilled. Justice Dharmadhikari was trained in Gandhian values which he inculcated, followed and advocated throughout his life. Due to frequent incarceration of his parents during the freedom struggle, late Justice Dharmadhikari and his siblings had to parent themselves in order to advance in life. They suffered many privations.

In fact, in a TV Show, which was referred as "Satyamev Jayate", he told the audience that orthodox part of Dharmadhikari family did not welcome them and in fact, they had to sit separately whenever they were not considered to be a part of traditional Dharmadhikaris. Nagpur region is crucible of freedom fighters, social reformers and legal luminaries. The name of late Justice Dharmadhikari prominently figured in the illustrious list of persons of that region. His life required a larger canvas than most of us and the picture that is painted with different views is a wonderful picture and I do not want to repeat or highlight them which have been stated by the speakers who had preceded me.

As a Judge, he was a master of case laws. When he came to his Court, on his left hand side, there was always his case diary which he meticulously maintained and updated. As Juniors, even we had contemplated a plan to steal it. In one of our meetings outside the Court, we disclosed our plan to steal it. He just laughed aloud and stated that he would have to take additional precautions to preserve it. That case diary was instrumental in many cases being admitted and dismissed. His demeanour in the Court as has been stated by my learned speakers was courteous and it was a pleasure to appear in his Court. He gently took the lawyers to the central question on which the case turns and decides. Law journals are testimony to his legal acumen.

He was fluent in Marathi, Hindi and English probably not in that order but whatever in order. It is because that he had vowed not to speak in English on public platforms and when he spoke in Marathi or Hindi, he had clarity of thoughts and his ideas were to over compass or extended to all spheres of life. I can go on but paucity of time prevents me from narrating the incidents or my interaction with Justice Dharmadhikari. He lit a torch and I hope that torch is taken forward. On behalf of members of Western India Advocates' Bar Association, I pay my tributes to the departed soul and my condolences to Dharmadhikari family and his friends.

Thank you.

Address by Shri Nilesh Modi,
Hon. Secretary Bombay Incorporated Law Society,
at the Full Court Reference to
Late Shri Justice Chandrashekhar Shankar Dharmadhikari,
on Thursday 24th January 2019 at 10.45 a.m.
in the Central Hall of the Bombay High Court.

My Lords, The Hon'ble the Chief Justice and
the Hon'ble Judges of this Hon'ble Court.

The Learned Advocate General, Shri Ashutosh Kumbhokoni

The Learned Additional Solicitor General, Shri Anil Singh.

The President of Bombay Bar Association, Dr. Milind Sathe.

Shri Vijay Thorat, on behalf of the Advocates' Association of Western India.

My Lord Justice Shri S.C. Dharmadhikari and, my dear friend Ashutosh,
Members of the family of Late Justice Shri Chandrashekhar S.
Dharmadhikari,

My Seniors, my colleagues and friends.

We begin this year 2019 with profound grief on the loss of an
eminent jurist and outstanding judge the Hon'ble Justice Shri C.S.
Dharmadhikari.

We have heard accolades about Justice Dharmadhikari from my
previous speakers, but whatever has been said as just a fragment of his
achievements.

Since his childhood, Justice Shri Dharmadhikari was a Khadidhari.
Despite being a Brahmin, he did not believe in observing any rituals or
Sanskars restricted to a particular cast. He took part in the Quit India

Movement at the age of 14. His contribution to the National Movement has been recognized by State Government of Maharashtra by including his name in the prestigious list of Freedom fighters.

Justice Shri Dharmadhikari was appointed as the Government Pleader at the Nagpur Bench of the Bombay High Court from 1965 to 1972. On 13th July, 1972, Justice Shri Dharmadhikari was appointed as a Judge of this Hon'ble Court and was elevated as the Acting Chief Justice of the Bombay High Court and retired on 20th November, 1989. After retirement he was the Chairman of the Maharashtra Administrative Tribunal from 7th July, 1991 to 20th November, 1992.

As a Judge, Justice Dharmadhikari believed in being impartial, but not impassive. Judgments delivered by him relating to Rights of Women, Adiwasii Tribes, Child Labour, are all land mark Judgments. He was known as a most up-right, independent and fearless Judge.

Justice Shri Dharmadhikari was a multi talented personality. He was awarded the Padmabhushan, the Bhartiya Gaurav Puraskar and the Rashtra Gaurav Puraskar. Inspired by our father of our nation Gandhiji and following footsteps of his parents, Justice Dharmadhikari was a fearless Gandhian and was associated with many Gandhian Institutions as its Chairman or a member of the Advisory board like the Institute of Gandhian Studies, Wardha, Sarvodaya Ashram, Nagpur, Gandhi Research Foundation, Jalgaon and the Mani Bhavan Gandhi Sangrahalaya. He was also President and Vice-President of several trusts and institutions carrying on charitable activities in all fields. He was associated with various Educational Institutions and Social Organizations. He was actively associated with the rural development organizations, carrying on activities in the field of Health, Leprosy, Micro Water Shed Development, Agriculture Village Industries, Adiwasii Welfare, Pollution Awareness, Afforestation and Youth. He was also engaged in relief work in Gujarat, Kerala and Maharashtra.

Justice Shri Dharmadhikari was also a great leader associated with the students movement being the Secretary of the National Union of the Student. He has been the President of Rastriya Mills Mazdur Sangh.

Justice Shri Dharmadhikar had been awarded several awards. Due to paucity of time, it is difficult to name all, but the ones worth mentioning are the Government of Maharashtra Literary awards, for his books in Marathi titled "Bhartiya Savidhanche Adhistan" in 1976-1977 and the "Antaryatra" in 2002-2003. He was awarded the Distinguished Citizen Award by the Rotary Club of Bombay. In recognition of his selfless services to humanity and country and above all his dedication to cause of justice, peace and progress, he was awarded Micheal John Gold Medal.

Justice Shri Dharmadhikari was conferred a Doctorate of Law on 9th October, 2007 by the Rani Durgavati Vishwa Vidyalaya, Jabalpur.

He has also authored several other books and contributed several articles in English, Hindi and Marathi in various periodicals and magazines. He was known to be a good orator and gave several lectures organized by Universities and other Social and Culture Organizations. He has delivered Convocation Address in various Universities in Maharashtra and Gujarat.

The demise of Justice Shri Dharmadhikari is not only loss to his family, but to the legal profession and to this country. On behalf of the Bombay Incorporated Law Society, I convey our heartfelt condolences to the bereaved Dharmadhikari family and we pray for his soul to rest in peace.


Thank you.

N O T I C E

There will be a Full Court Reference presided over by Hon'ble the Chief Justice on Thursday, 24th January 2019 at 10.45 a.m. in Central Court Room No.46, Second floor, High Court Main Building to the Padma Bhushan Late Hon'ble Shri Justice C. S. Dharmadhikari, Former Acting Chief Justice of Bombay High Court, who has passed away on 3rd January 2019.

All Courts will, therefore, be in session, after the said Reference is over.

22 January 2019.


Registrar, Original Side
High Court, Bombay.

SUBMITTED TO THE HON'BLE THE CHIEF JUSTICE :

My Lord,

There will be a Full Court Reference presided over by Your Lordship on Thursday, 24 January 2019 at 10.45 a.m. in Central Court Room No. 46, Second floor, High Court Main Building to the Padma Bhushan Late Hon'ble Shri Justice C. S. Dharmadhikari, Former Acting Chief Justice of Bombay High Court, who has passed away on 3 January 2019.

All Courts will, therefore, be in session, after the said Reference is over.

Respectfully submitted.

22 January 2019.



Registrar, Original Side
High Court, Bombay.

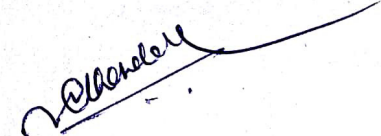
C I R C U L A R

All the Officers and Staff Members working on the establishment of the High Court, Appellate Side, Bombay, are hereby informed that there will be a Full Court Reference presided over by Hon'ble the Chief Justice on Thursday, 24th January, 2019 at 10.45 a.m. in Central Court Room No. 46, Second floor, High Court Main Building to the Padma Bhushan Late Hon'ble Shri Justice C.S. Dharmadhikari, Former Acting Chief Justice of Bombay High Court, who has passed away on 3rd January, 2019

All Courts will, therefore, be in session, after the said Reference is over.

High Court, Appellate Side
Bombay, 23 January, 2019

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(S.C. Chandak)
Registrar (Personnel)

No. G/1408-D/ 152
Date: 22nd January 2019.

From :
SHRI M. W. CHANDWANI,
Registrar, Original Side,
High Court, Bombay.

To,

1. The Registrar,
High Court of Judicature at Bombay,
Nagpur Bench, Nagpur.
2. The Registrar,
High Court of Judicature at Bombay,
Aurangabad Bench, Aurangabad
3. The Registrar,
High Court of Bombay at Goa
Panaji-Goa.

Sir,

I have been directed to inform you that there will be a Full Court Reference presided over by Hon'ble the Chief Justice on Thursday, 24th January 2019 at 10.45 a.m. in Central Court Room No.46, Second floor, High Court Main Building to the Padma Bhushan Late Hon'ble Shri Justice C. S. Dharmadhikari, Former Acting Chief Justice of Bombay High Court, who has passed away on 3rd January 2019.

I am, therefore, to request you to kindly place this letter for the kind perusal of the Hon'ble Judges sitting at Nagpur/Aurangabad Benches and High Court of Bombay at Goa including the Visiting Hon'ble Judges.

Yours faithfully,



Registrar, Original Side
High Court, Bombay.


**SUBMITTED TO THE REGISTRAR (PERSONNEL), HIGH COURT, APPELLATE SIDE,
BOMBAY :**

Sub : Full Court Reference on Thursday, 24th January 2019.

Sir,

Please find enclosed herewith Circular in respect of Full Court Reference to be held on Thursday, 24th January 2019 at 10.45 a.m. in Central Court Room No.46, Second floor, High Court Main Building to the Padma Bhushan Late Hon'ble Shri Justice C. S. Dharmadhikari, Former Acting Chief Justice of Bombay High Court, who has passed away on 3rd January 2019, with a request to circulate the same to the Registrars and Staff members working on the establishment of the High Court, Appellate Side, Bombay.

22 January 2019.


Registrar, Original Side,
High Court, Bombay.