

FULL COURT REFERENCE MADE BY THE HONOURABLE SHRI A.M. BHATTACHARJEE, CHIEF JUSTICE, TO THE LATE JUSTICE DINSHAH PIROSHA MADON, FORMER CHIEF JUSTICE, HIGH COURT AT BOMBAY, AND FORMER JUDGE, SUPREME COURT OF INDIA ON THURSDAY, 30TH JUNE, 1994.

Mr. T.R. Andhyarujina, Advocate General,

Mr. Iqbal M. Chagla, President, Bar Association,

Mr. W.N. Yande, President, Western India Advocates'

Association, Mr. J.R. Gagrath, President, Bombay

Incorporated Law Society, learned Members of the Bar,

Ladies & Gentlemen,

We have assembled here today to mourn the passing away of Justice Dinshah Pirosha Madon, a former member of our Bar, a former member of our Bench, a former Chief Justice of this High Court and then a former Judge of the Supreme Court of India.

Justice Madon needs no introduction in the world of law in India and in the State of Maharashtra in particular. He practiced in this Court with enviable reputation for more than two decades and was a Judge of this Court for about 16 years and then served as a Judge of the Supreme Court for more than 3 years. We were obviously sorry to part with him when he left Maharashtra to join the Supreme Court. But we were again very much sorry when we found that we could not utilise him as the maker of law for all of us and the whole of India for a much longer period. But even during that short span of about three years in the

Supreme Court, Justice Madon could structure and re-structure our Constitutional Law and Administrative Law with spectacular depth and brilliance. To the learned lawyers of this Court and to the learned Judges I need not refer to the large number of decisions in which he shaped our laws with admirable magnitude. But I would only say that in that celebrated decision of Tulsiram Patel he rebuilt the law relating to Government Servants as laid down in yet another celebrated decision of the Supreme Court three decades ago in Parshotam Lal Dhingra. His decision in Central Inland Water Transport Corporation broke absolutely new grounds and opened up new horizons which were unknown to us till then.

Shakespearian hero Macbeth was utterly cynical when he said that a man is but "a poor player who struts and frets his hour upon the stage and then is heard no more". We have not the slightest doubt that the hallowed memory of Justice Madon shall remain as a shining manifestation to belie this thesis; for we all know that his name shall be heard and he shall be remembered so long the Constitutional and Administrative Laws of India shall continue to be taught, referred to, administered and applied. As a Judge and then as a Chief Justice of this High Court, his memories, acts and deeds shall continue to inspire us for years to come. As One-Man Commission of Inquiry, he went into and ascertained the causes of the unprecedented communal

disturbances which took place in Bhiwandi and Jalgaon and other places in the State of Maharashtra in 1970. The Report submitted by him was a masterpiece and the Report was incisive, analytical and extra-ordinarily brilliant in conclusions, sparing no one who was in one way or the other responsible for the holocaust. He was a true embodiment of the Zoroastrian teaching "MANASHNI, GAVASHNI, KUNASHNI" - Right thought, Right Speech and Right action.

His death is also a personal loss to me as I had the unique privilege of knowing him personally since 1983 when he became a Judge of the Supreme Court. When I took oath the other day as the Chief Justice of this High Court, Justice Madon greeted me with his inspiring smile and inimitable way and obliged me immensely by saying that he made it a point to attend the Oath Ceremony even though he was not keeping good health.

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In spite of all the philosophical sermon "JASTIYA HI DHRUVA MRITYU" - every one born is destined to die - and "SANJOGAT VIPRAYOGANTA" - we unite only to part - we all in this High Court have parted with Justice Madon with the heaviest heart and we are extremely sorry that he is no more with us and has left his mundane and mortal frame. But let us all pray that now that his soul is freed from the bond of flesh, may

his soul, after all this brilliant and eventful sojourn,  
find an everlasting abode of peace.

On behalf of myself, all my learned colleagues and  
all of you assembled here, I convey my heartfelt  
condolences to the members of the bereaved family.

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