

**SPEECH OF HON'BLE THE ACTING CHIEF JUSTICE IN  
FULL COURT REFERENCE TO CONDOLE THE SAD  
DEMISE OF SH. MADAN BHATIA, SENIOR ADVOCATE  
AND SH. S. C. DHANDA, ADVOCATE.**

My brother and sister judges,

Mr A.S.Chandhiok, Learned Additional Solicitor General of India and President of the Delhi High Court Bar Association,

Mr Rajeev Mehra, learned Additional Solicitor General, High Court of Delhi,

Mr J. P.Sengh, Vice-President of the Delhi High Court Bar Association,

Mr Mohit Mathur, Secretary, Delhi High Court Bar Association,  
Executive Members of the Delhi High Court Bar Association,

Mr Murari Tiwari, Secretary, Bar Council of Delhi,

Mr O. P. Faizi, Member, Bar Council of Delhi,

Ms Zubeida Begum, Standing Counsel, Govt. of NCT of Delhi,  
Learned members of the Bar,

Family members of Late Shri Madan Bhatia and

Late Shri S. C. Dhanda,

Ladies and gentlemen.

We have assembled here today to express our sorrow on the sad demise of Sh. Madan Bhatia on 27<sup>th</sup> June, 2013 and Sh. S.C. Dhanda on 14<sup>th</sup> July, 2013.

**Sh. Madan Bhatia** was born on 21<sup>st</sup> August, 1929 at Jhelum (now in Pakistan) to Sh. Radha Krishan and Smt. Mohini Bhatia. In 1955, after doing his masters in English, he joined Christ's College in the University of Cambridge to read English Literature. He was a keen sportsman and was a member of the College Rowing Team. While at Cambridge, a friend of his suggested that he put his name down at the Lincoln's Inn in London. Even though Sh. Bhatia expressed his initial disinterest in law, he was egged on by his friend to do so. After his Tripos at Cambridge, he moved to London and became a barrister at Lincoln's Inn and then moved to Delhi in 1961 and started his legal practice.

Although he had entered the legal field by accident, Sh. Bhatia worked with such zeal and passion that he was noticed by one and all. His contribution to the development of law is well known not only to the legal fraternity but even to every member of society who is conscious of personal rights and liberties. The landmark judgment of the Supreme Court in Menaka Gandhi's case in 1978-79 is well known and is a foundation for the development of the law on the fundamental right to personal liberty --- that a person can be deprived

of his liberty only by due process of law, which should be just, fair and reasonable. Sh. Bhatia had argued that case for Smt. Maneka Gandhi before the Supreme Court. I have always believed that the seeds of new ideas are planted by the lawyers and it are those seeds that grow into large trees of firm precedents which are nurtured through time by lawyers and judges. And, from the main trunk grow many branches and off-shoots pruned and trimmed by the exigencies of each following case. But, the main idea, the trunk, remains and gathers strength through time. Sh. Bhatia has, through his arguments in the Maneka Gandhi case, planted one such tree. And, for this, he shall always be remembered.

Then there was the famous case of Smt. Indira Gandhi wherein she challenged her prosecution by the Shah Commission and the prosecution was quashed by the Delhi High Court.

Outside the courtrooms also, Sh. Bhatia participated in many activities that furthered the cause of law and humanity. He chaired the All India Conference of Lawyers in October, 1980. He was a trustee of the Nehru Memorial Fund and the Nehru Trust for

Cambridge University as also the Treasurer of the Sanjay Memorial Trust.

Sh. Madan Bhatia was also a nominated member of the Rajya Sabha for two successive six-year terms spanning from 1982 to 1994. While he was a member of the Rajya Sabha, he participated in several important committees including—

The Committee on subordinate legislation – 1983-85;

The Committee of privileges – 1984-85, 1991-92, 1994;

The Committee on rules – 1986-87; and

The Standing Committee on Home Affairs.

In recognition of his contribution to the development of law, he was designated as a **Senior Advocate** by this Court *suo moto* on 22<sup>nd</sup> May, 1993.

Despite his busy schedule, he also found time to author the book titled “Public Service Law through the cases”.

As a Judge of this court, I had the privilege of hearing his arguments in several cases. However, one of them stands out. This was a case of a young Australian swimmer who was in Delhi on

vacation and who suffered an injury in a Hotel Swimming Pool. She became a paraplegic. Sh. Bhatia presented the case on her behalf. The suit was filed in 1982 and was decided after almost 3 decades. It required Sh. Bhatia to go to Australia on several occasions as the evidence was, for the most part, recorded there. The evidence was voluminous. But, Sh. Bhatia argued with precision and clarity. He displayed great perseverance in seeing the case through from start to finish. These qualities of perseverance and precision had impressed me and are worthy of emulation by young advocates.

Sh. Madan Bhatia made his mark not only as a legal luminary but he is also remembered today as a fine human being. An example of his social awareness and concern for the poor is the establishment of Janta Vikas Kendras in Slum areas of Delhi.

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**Sh. S.C. Dhanda** was born on 19<sup>th</sup> October, 1930 in Ludhiana. He passed away on 14<sup>th</sup> July, 2013 after having lived a meaningful life.

His early years took him from school in Lahore to Government College, Ludhiana and then to the Law Faculty, Delhi University. He enrolled with the Bar Council of Delhi in 1958 and started practice in Delhi.

45 years ago, he, along with Sh. Harish Chandra Aggarwal, started a law firm by the name of Chandra & Chandra Advocates, dealing in all kinds of civil cases. Sh. Harish Chandra Aggarwal was elevated to the Bench of this High Court on 7<sup>th</sup> March, 1979 after which the said firm was managed by Sh. S.C.Dhanda. His quest for knowledge made him delve into all fields of civil litigation from being a counsel for almost all the Insurance Companies to handling cases relating to Motor Accident Claims, Service Matters, Education Matters etc. He handled all kinds of Original, Civil, Commercial and Property matters. He was the standing counsel for the Jawaharlal Nehru University since its inception.

Sh. S.C. Dhanda was a source of inspiration to the juniors through his sincerity and simplicity. He was a multifaceted personality. He was scholar of Persian and Urdu and was an avid

reader and would read everything from history to drama to Urdu poetry.

Sh. Dhanda had argued many cases before me and what impressed me was his simplicity. To be able to put your point across simply is an art. Today, we find many young lawyers trying to introduce artificial complexity into their arguments. But, the true mettle of an advocate is to present a complex case simply.

Coming back to Sh. Dhanda's love for Urdu, I remember, about twenty years ago, when I was a practicing advocate, I had a long discussion with him on the plight of Urdu. He lamented about the fact that Urdu newspapers had dwindled in number and size and were on the verge of extinction. He was troubled by the fact that despite Urdu being an Indian language, it was languishing in its motherland. We agreed that the reason for this was that fewer and fewer people were able to read the Persio-Arabic script. Every language needs a vehicle for its transmission. That vehicle is the script. If the script is inaccessible for whatever reason, the language dies. And, it is here that Sh. Dhanda expressed the idea that perhaps the entire treasure

trove of Urdu prose and poetry could be transliterated into the Devnagri script. This would unlock the gems of Urdu literature and, indeed, culture, spanning over two hundred and fifty years. I hope that this idea germinates and coming generations hold the key to unlock their invaluable heritage.

I, on my behalf and on behalf of my brother and sister Judges convey heartfelt condolences to the members of the families of Late Shri Madan Bhatia and Late Shri S. C. Dhanda and pray to God to give them strength to bear this irreparable loss. May the Almighty bestow peace upon the departed souls.

I end with a couplet from Ghalib. Although, it is about himself, but I think it applies with equal vigour to all sensitive and questioning minds and particularly to lawyers who examine every nuance of fact and law.

*“Huii muddat kih Ghalib mar gayaa par yad aata hai,  
Vuh har ik baat par kehnaa kih yuun hotaa to kyaa hotaa.”*