

TRIBUTE TO
LATE MR. MILON KUMAR BANERJEE, SENIOR ADVOCATE
AND
MR. KEWAL KRISHAN SAREEN, ADVOCATE
FULL COURT REFERENCE – JULY 27, 2010

MY LORD CHIEF JUSTICE, YOUR LORDSHIPS,
STANDING COUNSEL FOR GOVERNMENT OF INDIA
AND GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI, MR. KIRTI UPPAL, MR. D.K.
SHARMA, MR. RAMESH GUPTA AND OTHER OFFICE
BEARERS OF DELHI HIGH COURT BAR
ASSOCIATION, MR. JAIVEER NAGAR, ACTING
CHAIRMAN, BAR COUNCIL OF DELHI AND OTHER
MEMBERS OF THE DELHI BAR COUNCIL AND
OTHER BAR ASSOCIATIONS, MY ESTEEMED
COLLEAGUE, MR.GOURAB BANERJEE, ASG AND MR.
P. P. MALHOTRA, MRS. KIRAN SAREEN AND MR.
AMAN SAREEN AND MEMBERS OF FAMILIES OF
LATE MILON KUMAR BANERJEE AND LATE KEWAL
KRISHAN SAREEN, RESPECTED SENIOR MEMBERS
OF THE BAR, MY COLLEAGUES AT THE BAR, LADIES
AND GENTLEMEN:

Today, we are here to pay our homage to two of our senior members, who passed away within the past ten days. On July 17, we lost Mr. Sareen and three days later, on the 20th of July, we lost Mr. Banerji. Death's irrevocable demand

does not recognize any seniority created by us or age itself!

It picks and chooses its own way – Mr. Sareen was little over 63 and junior in profession whereas Mr. Banerji was about 81 and very senior in profession and standing.

Mr. Banerji was tall not only in height, but his legacy flows far beyond the boundaries of India. Leaving behind a leading and lucrative practice in Kolkata, Mr. Banerji, by then already a designated senior, moved to Delhi, when he was appointed an Additional Solicitor General of India, in the year 1979. Here, he had come to stay. As a Law Officer of the country, he had a matchless record. He served the country for about nineteen years holding the offices of Additional Solicitor General, Solicitor General and Attorney General, the last position for two terms – 1992 to 1996 and 2004 to 2009. And that is a record, except the long stint of the legendary M.C. Setalvad, who continuously remained in that august office for about thirteen years.:

Mr. Banerji appeared in a number of important cases for the government. He had conducted and resolved many international arbitrations successfully, the latest being the well-known Dabhol case. I had appeared before the Tribunal in London in connection with this arbitration alongwith him. In a matter arising out of this, I had the chance of appearing before this Hon'ble Court also alongwith Mr. Banerji. I fondly remember that he chose me to argue the matter, rather than doing it himself. There were enough occasions of consultations and meetings with him. I fondly remember them and the man, who was considerate and courteous. He used to say that he always wished to be able to associate with lawyers of impeccable integrity, who would make him think harder, benefit from their ideas and analysis, improve upon them and use them better. His lifestyle bore simplicity and kindness and was devoid of vanity.

Mr. Banerji had won many laurels, the most notable amongst them being the Padma Vibhushan, and his election

to the position of an Honorary Bencher of the Hon'ble Society of Lincoln's Inn, London. He was a permanent member of the Permanent Court of Arbitration at The Hague.

All in all, Mr. Banerji had an illustrious career and reached the pinnacle of the profession which any one in the field would look with awe and envy. He is survived by two sons who are also well settled in the legal profession. Mr. Debal Banerji is a senior advocate and Mr. Gourab Banerji is an Additional Solicitor General of India.

Three days prior to Mr. Banerji's eternal departure, Mr. Sareen walked the way. Mr. Sareen's is a different story. He had a humble beginning. After his graduation, he had to work to earn a living. His passion saw him complete the law degree and pursue the profession. His chosen arena was criminal law, where he battled well and secured a position. He was the public prosecutor for the Government of Delhi and a Special Public Prosecutor for the CBI. He

ardently believed that no eloquence, no quickness or wit, no knowledge of law can be a substitute for the mastery over facts. Facts in their logical array would outshine wordplay.

Mr. Sareen's immediacy with members of the Bar and their appreciation for him, are evident from the fact that he was the elected Secretary of New Delhi Bar Association for a number of times, once its President and of late was elected the Chairman of the Bar Council of Delhi. His popularity in the Bar was tremendous. His election to the aforesaid positions amply demonstrates that. His finest quality was his innate humility. He wore his learning and achievements lightly. And was always tolerant too.

He was so resolute when it came to fighting injustice.

Consequent to the police atrocities against a peaceful march of lawyers to the Parliament House, he as President of the New Delhi Bar Association associated with the Delhi High Court Bar Association, the Bar Council and pursued the matter which ultimately led to amendments to the Code of

Civil Procedure and foreign lawyers have yet to see the official green signal to set up practice in India. He was fully active, agile and vigilant when it came to matters concerning the Bar. He was a visionary leader, who well understood that willing followers are as essential as visionary leaders to sustain an organization or institution. Without that even the best of institutions will fail and fall.

Mr. Sareen is survived by his wife, Mrs. Kiran Sareen, son Aman and daughter Ritu. It is heartening that Aman and his wife are in the path chosen by Mr. Sareen. While Aman is a lawyer practicing on the criminal side, his wife Purva is an Officer of the Delhi Judicial Service.

Despite all the claims one can make or get regarding his contribution to his country and countrymen, it is time who evaluates everything finally and keeps his imprints in its chest. Lawyering is a very confidential profession. Much of the brilliant work is done behind closed doors. The public know very little about lawyers. The most brilliant of

arguments is remembered only momentarily. They are not kept recorded. As the Bar renews itself with new talent, history forgets the older ones.

It has been said by Alexis De Tocqueville that “the profession of the law is the only aristocratic element that can be amalgamated without violence with the natural elements of democracy and be advantageously and permanently combined with them.” We stand at such a point of time to think aloud again as to “who lives if India dies and who dies if India lives?” And we are also at such a point that the administration of justice suffers from many an affliction. It is the Judiciary and the Bar that protect democratic values and human rights from all possible onslaughts. Justice must flow like a mighty river. Then only it can nourish people and let them live a fearless life. This must be well understood by each member of the Bar and the Bench. Let the lives of the departed leaders inspire us.

Today, the Goddess of Justice is wearing a black arm band as she mourns the loss of two of her stalwarts. Her tears but only add force to the flow of the mighty river of justice that marks their legacy.

Every death has an underlying and unpalatable message or say, a warning – *memento mori* – remember you must die! We hate death. We fear to die. And all hate and fear end with death.

To borrow the American Poet Longfellow's words, we can say that these stalwarts have proved that life is not an empty dream and things are not what they seem. To quote Longfellow further,

“Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time.”

In the death of Mr. Banerji and Mr. Sareen, the Bar lost two eminent members, the Court two efficient officers and their friends two very dear friends and their family their heads.

Our hearts go out to Debal and Gourab, Mrs. Sareen, Aman
Purva, and Ritu and rest of the families. May God give
them enough strength to bear the loss.

AND MAY THE DEPARTED SOULS REST IN PEACE.

AMARJIT SINGH CHANDHIOK
July 27, 2010.