



*8th August, 1944 - 19th March, 2019*

*Full court Reference in the memory of  
Late Hon'ble Mr. Justice S. B. Sinha*

*Former Judge, Supreme Court of India*

*held on Wednesday, the 24th April, 2019*

*at 10.30 a.m. in the Court of The Hon'ble the Chief Justice of India*



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# Letter from the Registrar, Supreme Court of India

F.No.99/Ref/2019/SCA(Genl)  
Dated the 26th April,2019


Smt. Utpala Sinha,  
D-361, Second Floor,  
Defence Colony,  
**New Delhi 110024.**

Madam,

There was a Full Court Reference in the Hon'ble Chief Justice's Court on 24th April, 2019 in the memory of late Hon'ble Mr. Justice S.B. Sinha, former Judge, Supreme Court of India. Rich tributes were paid to His Lordship by Hon'ble Shri Ranjan Gogoi, Chief Justice of India, Shri K.K. Venugopal, Attorney General for India and Shri Rakesh Kumar Khanna, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed. I am enclosing herewith copies of the references made by Hon'ble the Chief Justice of India, Ld. Attorney General for India and President, Supreme Court Bar Association.

Kindly permit me to convey the heart-felt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Yours sincerely,

  
26.04.19  
Registrar

Encls: As above

*List of Business for 24th April 2019 in respect of  
Full Court Reference*



**SUPREME COURT OF INDIA**

**LIST OF BUSINESS FOR WEDNESDAY THE 24TH APRIL, 2019**

**CHIEF JUSTICE'S COURT**

**AT 10.30 A.M.**

FULL COURT REFERENCE IN THE MEMORY OF LATE  
HON'BLE MR. JUSTICE K. RAMASWAMY AND LATE  
HON'BLE MR. JUSTICE S.B. SINHA, FORMER JUDGES,  
SUPREME COURT OF INDIA

## *Coram of Hon'ble Judges at the Full Court Reference*

- ❖ *Hon'ble Mr. Ranjan Gogoi, Chief Justice of India*
- ❖ *Hon'ble Mr. Justice S. A. Bobde, J.*
- ❖ *Hon'ble Mr. Justice N. V. Ramana, J.*
- ❖ *Hon'ble Mr. Justice Arun Mishra, J.*
- ❖ *Hon'ble Mr. Justice R. F. Nariman, J.*
- ❖ *Hon'ble Mr. Justice A. M. Sapre, J.*
- ❖ *Hon'ble Mrs. Justice R. Banumathi, J.*
- ❖ *Hon'ble Mr. Justice U. U. Lalit, J.*
- ❖ *Hon'ble Mr. Justice A. M. Khanwilkar, J.*
- ❖ *Hon'ble Dr. Justice D. Y. Chandrachud, J.*
- ❖ *Hon'ble Mr. Justice Ashok Bhushan, J.*
- ❖ *Hon'ble Mr. Justice L. Nageswara Rao, J.*
- ❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul, J.*
- ❖ *Hon'ble Mr. Justice M. M. Shantanagoudar, J.*
- ❖ *Hon'ble Mr. Justice S. Abdul Nazeer, J.*
- ❖ *Hon'ble Mr. Justice Navin Sinha, J.*
- ❖ *Hon'ble Mr. Justice Deepak Gupta, J.*
- ❖ *Hon'ble Ms. Justice Indu Malhotra, J.*
- ❖ *Hon'ble Ms. Justice Indira Banerjee, J.*
- ❖ *Hon'ble Mr. Justice Vineet Saran, J.*
- ❖ *Hon'ble Mr. Justice K. M. Joseph, J.*
- ❖ *Hon'ble Mr. Justice Hemant Gupta, J.*
- ❖ *Hon'ble Mr. Justice R. Subhash Reddy, J.*
- ❖ *Hon'ble Mr. Justice M. R. Shah, J.*
- ❖ *Hon'ble Mr. Justice Ajay Rastogi, J.*
- ❖ *Hon'ble Mr. Justice Dinesh Maheshwari, J.*
- ❖ *Hon'ble Mr. Justice Sanjiv Khanna, J.*



*Reference made on 24th April, 2019*

*by*

*Hon'ble The Chief Justice of India*

*Shri Ranjan Gogoi*

*in the memory of*

*Late Mr. Justice S. B. Sinha,*

*Former Judge, Supreme Court of India*

*Any judicial system, even if it is perfectly structured, may yet not be an effective justice-delivery system if the persons working as judicial officers and administrative officers discharging judicial functions do not have the requisite operational skill or are not enthused to deliver robust substantial justice.'*

*These words from Justice SB Sinha not only serve as a valuable piece of advice for those of us in charge of discharging judicial functions. They also provide us with the opportunity to have an idea of the sense of responsibility and sincerity which Justice Sinha had for his work, and the same is exemplified by the mammoth 2202 judgments he was part of during his tenure as a SC judge. But dedication for work was only one of many attributes of Justice Sinha's outstanding personality as he was a man who was widely respected for his legal acumen, scholarly bent of mind, and his affable and humble persona.*

*Justice Sinha began his legal career at the Dhanbad District Court in 1968 and later shifted his practice to Ranchi upon the constitution of the Permanent Bench of the Patna High Court in 1976. Owing to*

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1. Justice SB Sinha, 'Judiciary and Training', (2004) 7 SCC (J) 39. Available at [https://www.ebc-india.com/lawyer/articles/2004\\_7\\_39.htm](https://www.ebc-india.com/lawyer/articles/2004_7_39.htm)



*hard work, sincerity of purpose, sound knowledge of law and the legal acumen, he was soon designated as Senior Advocate by the Patna High Court, and subsequently elevated to the Bench of Patna High Court in 1987. Thereafter he was transferred to the Calcutta High Court in 1994, where he also served as the Acting Chief Justice. Thereafter, he was made Chief Justice of the High Courts of Andhra Pradesh and Delhi before being elevated as a Judge of the Supreme Court of India in 2002. After retirement from the Supreme Court in 2009, he was appointed as the Chairman of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) and served for three years until the end of 2012.*

*Justice Sinha is amongst those legal luminaries who spoke in a redoubtable manner through their judgments. His judgements encapsulated the legal position on any point of law with remarkable clarity of thought. His decision in Santosh Bariyar v. State of Maharashtra, (2009) 6 SCC 498, is amongst the finest example of the same. In that case, Justice Sinha, modified a sentence for death penalty to rigorous imprisonment for life, and held that Ravji v. State of Maharashtra, (1996) 2 SCC 175, which held the legal precedent on death penalty in the country at the time, was faulty and needed to be reconsidered as it was contrary to the Bachan Singh principles. In holding so, he stated that “judicial principles for imposition of death penalty [in the country] are far from being uniform, [and also] that life imprisonment is the rule and death penalty an exception”. In line with his latter view on death penalty, Justice Sinha denied upholding the penalty in 17 cases (he decided in favour of acquittal of accused in 3 cases) which he heard on the issue while serving at the SC.*

*Justice Sinha is also amongst those judges of the Indian SC who are known for their instructive dissenting opinions. In his tenure as a SC*

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2. *Justice H.R. Khanna in ADM Jabalpur v. Shivkant Shukla drawing from Justice Charles Evan Hughes aphorism.*

judge, Justice Sinha wrote 19 dissenting opinions with due acknowledgment of the fact that “a dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day when a later decision may possibly correct the error into which the dissenting Judge believes the court to have been betrayed”.<sup>2</sup> For him, dissents were at the core of democratic thought, and thus, he firmly believed in the view that for good ideas to be continually tested and reaffirmed, it is imperative that all ideas, especially the contrarian ones, should be aired. For example, in his notable dissenting opinion, in *Zee Telefilms vs. Union of India*, AIR 2005 SC 2677, Justice Sinha argued for the wider meaning of phrase, 'other authorities' under Article 12 of the Constitution, so that the Board of Cricket Control for India may be brought under the purview of the State.

Besides, he was also a firm supporter of the view that our justice delivery system needs to be improved for better results. In that regard, he vehemently argued for better utilization of human resources, transparency, judicial impact assessment, filling up of vacant judicial posts, use of information technology and ADR. There is no doubting the fact that with his passing away, the legal fraternity has lost a stellar jurist who has contributed immensely to the development of law in India. Although Justice SB Sinha is not with us anymore, but the bar that he has set for us in professional and ethical terms is so high that it will serve as a beacon light for us.

I, on behalf of my brother and sister Judges convey our deep felt condolences to the members of the bereaved families and pray for the eternal peace of the departed souls.

x x x x x

*Reference made on 24th April, 2019*

*by*

*Attorney General For India*

*Shri K. K. Venugopal*

*in the memory of*

*Late Mr. Justice S. B. Sinha,*

*Former Judge, Supreme Court of India*

*Hon'ble Chief Justice of India, Justice Ranjan Gogoi; Hon'ble Judges of the Supreme Court; Shri Rakesh Khanna, President of the Supreme Court Bar Association; Office Bearers of the Association; Shri Shivaji Jadhav, President of the Supreme Court Advocates-on-Record Association; Office Bearers of the Association; Learned Solicitor General of India, Shri Tushar Mehta; Additional Solicitors General; respected members of the Bar; family members of Late Jus. K. Ramaswamy and Late Jus. S.B. Sinha:*

*We are assembled here today to pay homage Late Jus. K. Ramaswamy and Late Jus. S.B. Sinha.*

*Jus. Satya Brata Sinha, has been aptly described as one who was 'forever a student of the law'. His mind was a ready reckoner for cases on each and every point of law. He worked, even post retirement, with vigour, often sitting late into the evenings while conducting arbitration proceedings.*

*Born in 1944 in Dhanbad, Jharkhand, Jus. Sinha received his Law degree from Chota Nagpur Law College in 1967 after which he practiced for a few years in the Dhanbad District Court. He thereafter shifted his practice to Ranchi when a permanent bench*

of the Patna High Court was established there in 1976. Soon after, he was designated as Senior Advocate by the Patna High Court and was then elevated to the Bench of the Patna High Court in 1987.

In 1994, Jus. Sinha was transferred to the Calcutta High Court, where he then served as Acting Chief Justice. He was also appointed as Chief Justice of the High Courts of Andhra Pradesh and then as Chief Justice of the Delhi High Court, before being elevated as Judge of the Supreme Court of India in 2002.

During his time at the Supreme Court, Jus. Sinha quickly became known for his dissenting judgments. In the case of *Zee Telefilms Ltd. and Ors. v. Union of India and Ors.* [(2005) 4 SCC 649], which was heard and decided by a Constitution Bench of 5 judges, Jus. Sinha delivered a bold dissenting judgment taking the view that the Board of Control for Cricket in India (BCCI) is a 'State' as it answers the description of "other authorities" as contained in Article 12 of the Constitution. Over 10 years later, in 2018, the Law Commission in its 275th Report has recommended that BCCI is to be viewed as an instrumentality of the State under Article 12, thereby making it amenable to the writ jurisdiction of the Courts and answerable under the RTI Act.

In the *Swami Sradhananda* case,<sup>1</sup> Jus. Sinha took the view and held fast to his belief that the death penalty should not be given in all cases. He observed that:

“Any characteristic of trial, such as conviction solely resting on circumstantial evidence, which contributes to the uncertainty in

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1. *Sharaddhananda v. State of Karnataka*, (2007) 12 SCC 288



*the culpability calculus, must attract negative attention while deciding maximum penalty for murder.”*

*The case was thereafter referred to a three judge bench which agreed with the view taken by Justice Sinha and substituted the death sentence, awarded by the trial court, with life imprisonment.*

*Justice Sinha's judgments are insightful and have significantly contributed to the development of the law. In Santosh Kumar Bariyar and Ors.v. State of Maharashtra [(2009) 6 SCC 498], while again finding that it was not a case where the death penalty should be imposed, Jus Sinha noted that:-*

*“Most research on this issue shows that the relationship between deterrence and severity of punishment is complicated. .... In the absence of any significant empirical attention to this question by Indian criminologists, we cannot assume that severity of punishment correlates to deterrence to an extent which justifies the restriction of the most fundamental human right through the imposition of the death penalty. The goal of crime reduction can be achieved by better police and prosecution service to the same or at least to a great extent than by the imposition of the death penalty.”*

*In that case, Justice Sinha referred to the various judicial pronouncements and observed that the principles for imposition of death penalty are far from being uniform. Therein lies the beauty of his judgments - Justice Sinha first mapped the interpretation of the law by various prior judgments before culling out the principles and applying them to the issue at hand. This approach was followed in each of his pronouncements.*

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2. *In Conversation with former Supreme Court judge Justice S B Sinha, published by Bar and Bench, December 28 2011*

*In Anuj Garg and Ors.v. Hotel Association of India and Ors. [(2008) 3 SCC 1], Jus. Sinha struck down the provision in the Punjab Excise Act, 1914 which prohibited the employment of men below 25 years of age and women in premises in which liquor is consumed by the public. He opined in that case that:-*

*“It is state's duty to ensure circumstances of safety which inspire confidence in women to discharge the duty freely in accordance to the requirements of the profession they choose to follow. Any other policy inference (such as the one embodied under Section 30) from societal conditions would be oppressive on the women and against the privacy rights.”*

*After his retirement in 2009, Jus. Sinha was appointed as the Chairman of the Telecom Disputes Settlement and Appellate Tribunal, where he served for three years till retirement in 2012.*

*Justice Sinha valued brevity in judgments. In an interview<sup>2</sup> in 2011 he had stated that 'the practice of writing long judgments should no longer be followed'. He had recommended following the practice in other countries, particularly the European courts, whose judgments, he felt, were 'more precise than lengthy'. He proclaimed that 'Brevity of judgment is the order of the day'.*

*Justice Sinha had also voiced his concern regarding the accessibility of the higher judiciary to the poorer sections of population. In an article on “Access to Justice and Judicial Reforms”<sup>3</sup> he had written that “Access to Justice” is a curious phrase as it implies that the system of justice is not in fact available to all and that there are obstacles in the way.” He went on to say that:*

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*3. Access to Justice and Judicial Reforms, Justice S.B. Sinha, Journal of the National Judicial Academy, 1 J Nat'l Jud.Acad. 2005, p.40.*

*“If access to justice is to be given to the citizens of India truly and effectively, justice must be given a new meaning and must be demonstrated with a different objective. Socio-economic right of the citizens should be at the forefront for giving access to justice to the needy, poor and deprived people.”*

*In the article, Justice Sinha provided important suggestions for changes in the judicial system, both at the structural and operational level, to ensure access to justice. His suggestions include discontinuing with the practice of establishing Appellate Tribunals for he felt that the rationale for establishing appellate tribunals was no longer valid in view of the Supreme Court's decision in *L. Chandrakumar* wherein it was held that jurisdiction of the High Court under Articles 226 and 227 is part of the basic structure and cannot be taken away by a constitutional amendment.*

*In his 2011 interview, referring to a survey which showed that only 9% of the people have approached a court of law, he had stressed on the need for judicial reform and disposal of old cases, to create 'space' for new cases.*

*In the 2011 interview, when he was asked about his future plans after completion of his tenure at TDSAT, he had said: “No future plans. I don't plan my future as such”.*

*His retirement from the post of Chairman, TDSAT in 2012 did not permit Jus. Sinha to rest - he was a much sought after arbitrator who was engaged in several commercial matters, which permitted him to continue being the natural workaholic that he was!*



*I am told that his irritation was evident when any party was not immediately prepared to handover caselaws on any particular legal issue that came up for his consideration. For him, the development of jurisprudence on any point of law, right from the first judgment to the most recent case, was all tucked away; neatly filed in his memory and retrieving it, with the relevant page and paragraph number, could be done in a matter of seconds!*

*As a septuagenarian arbitrator, and much to the chagrin of his co-arbitrators, who probably had other engagements or were expected at home for dinner, Jus. Sinha was ready to permit the other party to commence arguments even as the clock ticked past 7:30 pm!*

*Unfortunately, time did not permit him to continue being a fervent student of law. His untimely demise on 19 March 2019 after a brief illness is cause for much sorrow. His passing is a great loss to the legal community. Justice Sinha had that unique quality of being highly knowledgeable and yet most humble, showing utmost sensitivity to others. We have lost a fine soul and the world today is poorer without him.*

*Jus. Sinha is survived by his wife, daughter, and two sons, who are both in the legal profession and have earned a name in their own right. We all deeply mourn his death and offer our sincere condolences to his family.*

*x x x x x*

*Reference made on 24th April, 2019*

*by*

*Shri Rakesh Kumar Khanna (Sr.)*

*President, SCBA*

*in the memory of*

*Late Mr. Justice K. Ramaswamy*

*&*

*Late Mr. Justice S. B. Sinha,*

*Former Judges, Supreme Court of India*

1. *My Lord, Hon'ble Mr. Justice Ranjan Gogoi, Hon'ble The Chief Justice of India,*
2. *Hon'ble Judges of this venerable Court,*
3. *Shri K.K. Venugopalji, Ld. Attorney General for India,*
4. *Shri Tushar Mehta, Ld. Solicitor General of India and other Law Officers,*
5. *Executive Members of the SCBA, SCAORA and other Bar Associations,*
6. *Distinguished members of the Bar,*
7. *Family members of the Late Justice Ramaswamy and Justice SB Sinha,*
8. *And my dear brother and sister colleagues...*

*While interviewing for a documentary in 1994, Nelson Mandela had appositely stated that "death is something inevitable. When a man has done what he considers to be his duty to his people and his*

country, he can rest in peace.” As members of a collective conscience, our *raison d'être* therefore was never to try and live forever but to create something that will.

It is precisely that sempiternal legacy of My Lords, Justice Ramaswamy and Justice Sinha, that has intrinsically gravitated this august gathering to solemnly congregate here today and pay homage to their memories.

### **Justice K. Ramaswamy**

Justice Katikithala Ramaswamy was born into a dalit family during the early hours of October 11, 1933 in the hamlet of Kakileru, which is situated in the West Godavari District of Andhra Pradesh.

Right from a young age, Justice Ramaswamy was no stranger to hardships. He lost his mother when he was just 18 months old, was disowned by his stepmother and never received any support from his father. Adding to his misfortunes, he lost his grandparents who had lovingly fostered him till boyhood and was compelled to work in penury as an orphaned agricultural labourer for his own sustenance.

However, his indomitable spirit and insatiable hunger for knowledge not only saw him top the 'Adarsh Class' that had been set up in his school for grooming talented students, but also saw him secure a first-class distinction in his SSLC Examination, proving that god only helps those who help themselves.

His Lordship managed to pursue his graduation in Arts from the West Godavari Bhimavaran College (now renamed as the Dantuluri Narayana Raju College) by supplementing his own savings with a loan from his agricultural employer and by further continuing to offer his services to him as an agricultural labourer.

After negotiating his marriage himself, Justice Ramaswamy pursued his bachelors in Law from the Andhra University Law

College, Vishakhapatnam with the intent of becoming a Gazetted Officer.

His Lordship enrolled as an advocate on the 9th of July 1962 and joined the office of Shri P.R Rao, where he worked from December 1962 till May 1964. Thereafter he became a part of the State Brief Panel of the Andhra Pradesh High Court and pursued an independent career in litigation.

Subsequently, Justice Ramaswamy was appointed as the Additional Public Prosecutor on the 17th of December 1970, becoming the first Dalit law officer in the country as well as the youngest with only eight years of standing at the Bar. His Lordship was appointed as a Government Pleader in the High Court of Andhra Pradesh in October 1974. He also worked as the Associate Editor of the Andhra Pradesh Law Journal from the year 1971 to 1981.

His Lordship was elevated as an Additional Judge of the Andhra Pradesh High Court on the 29th of September 1982 and was subsequently appointed as a permanent Judge thereof on November 26, 1982. He also served as the Vice-President of the International Jurists Organisation (Asia) in the year 1989, before finally being elevated to the Hon'ble Supreme Court of India on the 6th of October 1989.

During his tenure as a judge of this Hon'ble Court, Justice Ramaswamy authored numerous landmark judgments and contributed to several others. However, for the sake of brevity, I shall only adumbrate a few of them.

In the famous case of *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee*, His Lordship had laid down cogent guidelines apropos to probing allegations of misconduct against Judges of the Supreme Court and the High Courts.

*In the case of Samatha v. State of Andhra Pradesh, Justice Ramaswamy had taken conscious steps to ensure the effective enjoyment of all the constitutionally guaranteed rights and protections to all the members of the forest communities residing in India.*

*In the case of Mrs. Valsamma Paul v. Cochin University & Ors, Justice Ramaswamy had eruditely propounded the idea that inter-caste marriages and adoptions are two important social institutions through which secularism could find a fruitful and solid base for an egalitarian social order under the constitution.*

*My Lord, Justice Ramaswamy also served as the Executive Chairman of the National Legal Services Authority (NALSA) from August 1995 till the date of his retirement in July 1997. His Lordship took special interest in promoting Lok Adalats and was renowned for the phenomenal rate at which cases were settled therein under his charge.*

*During his tenure as Chairman, nearly 8,077 Lok Adalats were held and approximately 14,52,348 cases were settled as on December 1996.*

*Following his retirement, Justice Ramaswamy served as a member of the National Human Rights Commission from November 1998 till July 2002, wherein he ardently worked on the issues of bonded labour and child labour. He also chaired the Advisory Panel on the 'Pace of Socio-Economic Change and Development under the Constitution' for the 'National Commission to Review the Working of the Constitution.'*

*His Lordship's work was always informed by a sensitive, deep and abiding concern for the poor and the discriminated. If one were to peruse through the many travails endured by Justice Ramaswamy*



during his lifetime, they would indisputably agree that he personified man's innate ability to elevate his own self through relentless endeavour and ceaseless will, exemplifying the adage that the best place to find a helping hand is at the end of your own arm.

### ***Justice S.B. Sinha***

*Justice Satya Brata Sinha had an unparalleled capacity to work indefatigably, which endearingly earned him the fitting sobriquet 'The Workaholic Judge' from his colleagues and members of the Bar.*

*Thomas Jefferson, the Third President of the United States of America, in a letter to his wife in the year 1787, had famously advised her as under:*

*“Determine never to be idle. No person will have occasion to complain of the want of time, who never loses any. It is wonderful how much may be done, if we are always doing.”*

*Nobody exemplified those words better than My Lord Justice Sinha. It is said that the difference between ordinary and extraordinary is that little extra, but in His Lordship's case, he made sure to invest a whole lot of extra.*

*Justice Sinha was born on the 8th of August 1944 at Dhanbad. After successfully clearing his Matriculation Examination from the H.E. School, Dhanbad, His Lordship pursued a degree in Law from the Chota Nagpur Law College and received his Bachelor of Laws in the year 1967.*

*Justice Sinha commenced his distinguished legal career as an advocate in the Dhanbad District Court in the year 1968 and later transposed his practice to Ranchi in the year 1976, after the Permanent Bench of the Patna High Court had been constituted therein.*

*In recognition of his legal acumen and assiduous temperament, His Lordship was designated as a Senior Advocate by the Patna High Court and was also appointed as the first Government Advocate of its Ranchi Bench.*

*Justice Sinha was elevated as a Judge of the Patna High Court on the 9th of March 1987. Subsequently, His Lordship was transferred to the Calcutta High Court on the 11th of May 1994, where he later served as the Acting Chief Justice thereof in the year 1999.*

*From the December of 2000 till the November of 2001, Justice Sinha served as the Chief Justice of the High Court of Andhra Pradesh, before being appointed as the Chief Justice of the Delhi High Court on the 26th of November 2001. His Lordship was elevated to the Hon'ble Supreme Court of India on the 3rd of October 2002.*

*During his long and illustrious tenure as a judge of this Hon'ble Court, My Lord Justice Sinha has exceptionally authored more than 1,511 judgments with an unprecedented 365 dissents. Cumulatively speaking, His Lordship contributed to an impressive aggregate of over 2,073 judgments as a judge of this Hon'ble Court.*

*Any attempt, therefore, to summarize the entirety of His Lordship's legacy in such a short time would be a disservice thereto and hence I shall endeavour to succinctly highlight only a few of them.*

*In the landmark case of Zee Telefilms Ltd. & Ors. v. Union of India & Ors, His Lordship had famously dissented from the majority judgment penned by Justice Hegde and held that the writ petition was maintainable as the Board of Control for Cricket in India (BCCI) answered the description of "other authorities" as contained in Article 12 of the Constitution and satisfied all the legal tests therefor, resultantlly making it a state actor.*



*In the case of Anuj Garg v. Hotel Association of India, His Lordship had eruditely held that legislations encapsulating majoritarian impulses rooted in biological, social and cultural determinants and moralistic traditions, which impinge upon individual autonomy deserve deeper and heightened judicial scrutiny.*

*In the case of S.K. Satishbhusan Bariyar v. State of Maharashtra, Justice Sinha had cogently observed that the constitutional role of judiciary also mandates taking a perspective on individual rights at a higher pedestal than majoritarian aspirations, while holding that apart from the Doctrine of Proportionality, the Doctrine of Rehabilitation should also be taken into consideration, particularly in light of Section 354(3) of the Cr.PC, which must be read with Article 21 of the Constitution.*

*After his retirement on August 8, 2009, His Lordship was appointed as the Chairman of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) where he served for three years until the end of 2012.*

*Post-retirement from the TDSAT, Justice Sinha was an extremely sought-after arbitrator and was appointed in several commercial matters involving high stakes.*

*Justice Sinha was a man of few words, but His Lordship spoke verbosely through his judgments, dissents, arbitration awards and legal opinions. The legal fraternity has lost a stellar jurist who has contributed immensely to the Indian jurisprudence.*

*On this solemn occasion, I am reminded of a few words by Emily Dickenson, which appropriately capture the moment and the essence of their Lordships' immortal legacies...*

*“Because I could not stop for Death,  
He kindly stopped for me...  
The Carriage held but just Ourselves,  
And Immortality.”*

*On behalf of the entire Bar and my own behalf, I respectfully join My Lords in extending our heartfelt condolences to the bereaved family members of the Late Justice K. Ramaswamy and Justice S.B. Sinha. May their souls rest in peace. Thank you.*

*x x x x x*

## *List of Attendees at the Full Court Reference*

- ❖ *Shri K.K. Venugopal,  
Ld. Attorney General for India.*
- ❖ *Shri Tushar Mehta,  
Solicitor General of India.*
- ❖ *Shri N.S. Nadkarni,  
Additional Solicitor General of India.*
- ❖ *Ms. Pinky Anand,  
Additional Solicitor General of India.*
- ❖ *Shri Vikramjit Banerjee,  
Additional Solicitor General of India.*
- ❖ *Shri Aman Lekhi,  
Additional Solicitor General of India.*
- ❖ *Ms. Madhavi Goradia Divan,  
Additional Solicitor General of India.*
- ❖ *Shri K.M. Nataraj,  
Additional Solicitor General of India.*
- ❖ *Shri Sanjay Jain,  
Additional Solicitor General of India.*
- ❖ *Shri Rakesh Kumar Khanna,  
President,  
Supreme Court Bar Association.*
- ❖ *Shri Jitender Mohan Sharma,  
Vice President,  
Supreme Court Bar Association.*

- ❖ *Shri Vikrant Yadav,  
Hony. Secretary,  
Supreme Court Bar Association.*
- ❖ *Shri Shivaji M. Jadhav,  
President,  
Supreme Court Advocate-on-Record Association.*
- ❖ *Shri Prashant Kumar,  
Vice President,  
Supreme Court Advocate-on-Record Association.*
- ❖ *Shri Snehasish Mukherjee,  
Hony. Secretary,  
Supreme Court Advocate-on-Record Association.*
- ❖ *And other Ld. Advocates of the Bar.*

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*Family Members of  
Late Hon'ble Mr. Justice S.B. Sinha,  
Former Judge, Supreme Court of India  
at the Full Court Reference*

- ❖ *Smt. Utpala Sinha, Wife*
- ❖ *Mr. Abhijeet Sinha, Son*
- ❖ *Mr. Indrajit Sinha, Son*
- ❖ *Ms. Anusuya Sadhu, Daughter-in-law*
- ❖ *Mr. Sushovon Mitra, Nephew*

*x x x x x*



**THE SUPREME COURT OF INDIA**

**New Delhi - 110001**

**India**