

10th December, 1928 – 15th June, 2024

Full Court Reference in the memory of

Late Shri M.C. Bhandare

Senior Advocate

held on Wednesday, the 7th August 2024

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

Mahesh T. Patankar
Registrar
Supreme Court of India



Supreme Court of India
Tilak Marg, New Delhi-110001
reg.mtpatankar@sci.nic.in
011-23112524

F.No.99/Ref/2024/SCA(Genl)
7 August 2024

Madam,

A Full Court Reference was held in the memory of late Shri M.C. Bhandare, Senior Advocate on 7 August 2024 in the Hon'ble the Chief Justice's Court. Rich tributes were paid to Shri M.C. Bhandare by Shri Tushar Mehta, Learned Solicitor General of India; Shri Kapil Sibal, President, Supreme Court Bar Association and Hon'ble Dr. Dhananjaya Y Chandrachud, the Chief Justice of India. After the references were read, two minutes' silence was observed in his memory.

I humbly forward a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid, along with heartfelt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Encl.: as above.

Yours sincerely,

MP Patankar
07/08/24
Registrar (Court & Building)

To,

Ms. Manali Singhal,
C-109, South Extension Part 2,
New Delhi-110049.

*List of Business for 7th August, 2024 in respect of
Full Court Reference*



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR WEDNESDAY THE 7TH AUGUST, 2024

CHIEF JUSTICE'S COURT

AT 10.30 A.M.

**FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI M.C. BHANDARE AND
LATE SHRI VIMLESH KUMAR SHUKLA,
SENIOR ADVOCATES**

Coram of Hon'ble Judges at the Full Court Reference

- ❖ *Hon'ble Dr. Justice Dhananjaya Y Chandrachud, Chief Justice of India*
- ❖ *Hon'ble Mr. Justice Sanjiv Khanna*
- ❖ *Hon'ble Mr. Justice Bhushan Ramkrishna Gavai*
- ❖ *Hon'ble Mr. Justice Surya Kant*
- ❖ *Hon'ble Mr. Justice Hrishikesh Roy*
- ❖ *Hon'ble Mr. Justice Abhay S. Oka*
- ❖ *Hon'ble Mr. Justice Vikram Nath*
- ❖ *Hon'ble Mr. Justice J.K. Maheshwari*
- ❖ *Hon'ble Ms. Justice Hima Kohli*
- ❖ *Hon'ble Mrs. Justice B.V. Nagarathna*
- ❖ *Hon'ble Mr. Justice C.T. Ravikumar*
- ❖ *Hon'ble Mr. Justice M.M. Sundresh*
- ❖ *Hon'ble Ms. Justice Bela M. Trivedi*
- ❖ *Hon'ble Mr. Justice Pamidighantam Sri Narasimha*
- ❖ *Hon'ble Mr. Justice Sudhanshu Dhulia*
- ❖ *Hon'ble Mr. Justice J.B. Pardiwala*
- ❖ *Hon'ble Mr. Justice Dipankar Datta*
- ❖ *Hon'ble Mr. Justice Pankaj Mithal*
- ❖ *Hon'ble Mr. Justice Sanjay Karol*
- ❖ *Hon'ble Mr. Justice Sanjay Kumar*
- ❖ *Hon'ble Mr. Justice Ahsanuddin Amanullah*
- ❖ *Hon'ble Mr. Justice Manoj Misra*

- ❖ *Hon'ble Mr. Justice Rajesh Bindal*
- ❖ *Hon'ble Mr. Justice Aravind Kumar*
- ❖ *Hon'ble Mr. Justice Prashant Kumar Mishra*
- ❖ *Hon'ble Mr. Justice K.V. Viswanathan*
- ❖ *Hon'ble Mr. Justice Ujjal Bhuyan*
- ❖ *Hon'ble Mr. Justice Satish Chandra Sharma*
- ❖ *Hon'ble Mr. Justice Augustine George Masih*
- ❖ *Hon'ble Mr. Justice Sandeep Mehta*
- ❖ *Hon'ble Mr. Justice Prasanna Bhalachandra Varale*
- ❖ *Hon'ble Mr. Justice N Kotiswar Singh*
- ❖ *Hon'ble Mr. Justice R Mahadevan*

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Reference made on 7th August, 2024

by

Solicitor General of India

Shri Tushar Mehta

in the memory of

Late Shri M.C. Bhandare and

Late Shri Vimlesh Kumar Shukla,

Senior Advocates

Hon'ble the Chief Justice of India, Hon'ble Judges of the Supreme Court, my colleagues Learned Additional Solicitors General of India, President and Office Bearers of the Supreme Court Bar Association, Vice-President and Office Bearers of the Supreme Court Advocates on Record Association, Learned Senior Advocates, members of the Bar, family members of Late Shri Bhandare and Shri Shukla, ladies and gentlemen:

We are gathered here today on this occasion to honour the lives and cherish the memories and contributions of two remarkable figures in the legal profession, namely, Late Shri Murlidhar Chandrakant Bhandare and Late Shri Vimlesh Kumar Shukla, Senior Advocates. It is with profound respect and deep sadness that we mark their passing away and remember them with the sincere hope that their legacies shall continue to remain with us.

While these legal czars need no introduction, I would be remiss if I did not allude to their remarkable contributions and inspiring careers on this occasion.

Shri Murlidhar Chandrakant Bhandare

Late Shri M. C. Bhandare was born on December 10, 1928, and left for the heavenly abode on 15 June 2024 at the age of 95. It is with profound respect that we mark his passing away and celebrate the legacy he leaves behind.

Shri Bhandare was born in a middle-class Saraswat family in Bombay, now Mumbai. The family had migrated to Mumbai from Goa when both the regions were

Portuguese territories. He had a prolific legal career at the Bombay Bar and thereafter, he shifted his practice to the Supreme Court in the late 1960s.

His legal acumen and sagacity were widely respected equally by the Bar and the Bench. He served as the President of the Supreme Court Bar Association for two terms between 1986-87 and 1987-88. Unfailingly polite, he mingled with everyone at the Bar. He was an approachable friend and a guide to several members of the Bar.

His career as a Senior Advocate at the Supreme Court of India was characterized by numerous landmark cases, thereby enabling him to wield his profound influence on the legal fraternity and the jurisprudence of the country. Shri M. C. Bhandare was respected as a champion and a crusader for the causes of the common man. He believed in the power of the law to effect positive change and worked tirelessly to ensure that it served the interests of justice and the common good.

His legacy in the legal profession is very ably being carried forward by his daughter Manali Bhandare and a brilliant granddaughter Shreya Singhal.

However, to remember Shri M. C. Bhandare only based upon the courtroom anecdotes would be to do disservice to his multifaceted personality. He was much more than a lawyer. I must at this juncture make a mention of a distinguished Judge Late Justice Sunanda Bhandare, a worthy life partner of Shri Bhandare. Shri M. C. Bhandare took a keen interest in holding annual lectures by eminent persons under the aegis of the Sunanda Bhandare Foundation which he instituted in the fond memory of his late wife with the object of fostering "gender equality". He truly supported the feminist cause. He would tell junior members of the Bar to vote for women candidates in the Bar elections.

Besides being an advocate par excellence, he was a senior political figure and represented Maharashtra in the Rajya Sabha for three consecutive terms from 1980 to 1994. His unmatched expertise bagged him several international assignments, including, as a chairman of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.

On August 21, 2007, Late Shri Bhandare was appointed as the Governor of Odisha, a role he fulfilled with dedication until 2013.

Apart from his political and legal careers, Late Shri M. C. Bhandare was also a prolific reader and an author. He was an avid golfer and continued playing golf till he reached 92 years of age. He had to stop this on after Covid. His autobiography, "The Arc

of Memory: My Life and Times," released in March 2024, offers a deep insight into his life and the various facets of his journey through India's legal and political landscapes.

Beyond his professional achievements, Late Shri Bhandare's life was characterized by his humility, his kindness, and his unwavering commitment to serving the community.

Borrowing the words of the famous playwright, William Shakespeare in his tragedy "Julius Ceasar," to describe Late Shri M. C. Bhandare: "His life was gentle and the elements so well mixed in him, that nature might stand up and say to all the world- 'This Was A good Man!'"

As we bid farewell to this esteemed and cherished member of our judicial family, we extend our deepest condolences to his family, friends, and colleagues. May his soul rest in eternal peace, and may his legacy continue to illuminate the path of justice for generations to come.

Shri Vimlesh Kumar Shukla

We are also gathered here to pay tribute to Late Shri Justice Vimlesh Kumar Shukla. He was born on 3rd June 1955. His career in law began after he secured BA and LLB degrees from Allahabad University. He enrolled as a lawyer in 1981 with the Bar Council of Uttar Pradesh and soon made a name for himself practising civil and constitutional law at the High Court of Allahabad. His profound knowledge and dedication led to his elevation as a Judge of the Allahabad High Court on December 21, 2002.

Upon his elevation to the bench, his contributions took on a new dimension. His judgments were marked by a rare combination of legal rigour and compassionate understanding. He approached each case with a meticulous eye for detail and a commitment to ensuring that justice was not only served but seen to be served. His legal opinions often reflected his belief that the law should be a force for good, addressing not just the letter but the spirit of justice.

He was also appointed as the Acting Chief Justice of Allahabad High Court. He retired on June 2, 2017, leaving behind a legacy of judicial prudence and mentorship that shaped many legal careers. After his retirement, he started his practice as a Senior Advocate before this Court and remained active all his life. He left for his heavenly abode on June 29, 2024, at the age of 69 years.

Throughout his distinguished career, he has exemplified the highest standards of professionalism and impartiality. His dedication to upholding the law and ensuring fair and just legal processes has not only earned him the respect and admiration of his colleagues and of the Bar but has also had a profound impact on the lives of the litigants.

Late Shri Justice Shukla was also a mentor to many in the legal profession. He took great pride in guiding younger lawyers and judges, sharing his wisdom and experience generously. His commitment to nurturing the next generation of legal professionals was evident in the respect he commanded among his peers and the admiration he inspired in his mentees.

Beyond his professional achievements, Late Shri Justice Shukla was known for his humility and his unwavering dedication to certain values that form the bedrock of our society and community. He remained grounded in his service to the community, always putting the principles of justice above personal gain.

In honouring his memory, let us commit ourselves to upholding the ideals he cherished: fairness, integrity, and a relentless pursuit of justice. May we strive to emulate his dedication and his exemplary conduct in our own roles within the legal community.

To the family and friends of both the stalwarts of the Bar, I on behalf of the Government of India, on behalf of the Attorney General for India and on my behalf, we extend our deepest condolences.

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Reference made on 7th August, 2024

by

Shri Kapil Sibal (Sr.)

President, SCBA

in the memory of

Late Shri M.C. Bhandare and

Late Shri Vimlesh Kumar Shukla,

Senior Advocates

Hon'ble Chief Justice of India Dr. D. Y. Chandrachud; Judges of the Supreme Court of India; Solicitor General of India Shri Tushar Mehta, Additional Solicitors General of India; Vice-President of the Supreme Court Advocates-on-Record Association Shri Amit Sharma; Secretary of the Supreme Court Advocates-on-Record Association Shri Nikhil Jain; Office Bearers of the Supreme Court Advocates-on-Record Association; Vice President of the Supreme Court Bar Association Ms. Rachna Srivastava; Secretary of the Supreme Court Bar Association Mr. Vikrant Yadav, Members of the Executive Committee of the Supreme Court Bar Association, Senior Advocates of the Supreme Court of India present here, Advocates-on-Record present here, Members of the Bhandare family and Shukla family and friends.

We are gathered here today to pay homage to two stalwarts of the legal profession.

Shri Murlidhar Chandrakant Bhandare

Shri Murlidhar Chandrakant Bhandare was born on the 10th of December 1928 and passed away at 5:45 pm on the 15th of June, 2024. He was at Salogra on a brief outing. He had lunch and was waiting to go out for a drive at 6 pm before which he silently, quietly, left us.

A lawyer's legacy is found in the footprints he leaves behind in the court room and even more significant are the footprints he leaves outside the court room. The battles within court are ephemeral. The battles outside the court are for securing the future of 1.4 billion people. We often talk of the levels of excellence achieved by the departed souls

within the court room, but forget that there is a story outside the court room, which is, perhaps, of even greater significance.

Murlidhar Chandrakant Bhandare left an imprint both within the court and outside, with his deep empathy for the poor and the marginalized. He is fondly remembered for having fought important causes in court battles, many of which were far reaching and radical, where the less advantaged were pitted against the powerful, and where citizens took on the excesses of the State. With his baritone voice, his lucid thought processes, his passion to defend the weak, and his courage within the court room, Murlidhar Bhandare spent a lifetime fighting for the voiceless: from fighting for Manjula Rath, a visually impaired woman, to championing the personal liberty of all citizens in the landmark Gurubaksh Singh Sibia case, to benefitting 50,000 contract workers in the famous Uma Devi case when he appeared for the Karnataka Contract Workers Union pro bono.

In the hustle and bustle of litigation in courts today, the big battles are often corporate battles, whereas the battles that need attention are those which decide the fate of millions for the causes of liberty, fraternity, social justice, and for the rights of those discriminated and the upliftment of women who aspire for equality, and yet continue to be discriminated in all walks of life. It is the lawyers who represent such causes within and outside the court that leave their footprints behind, for their work is known and cherished by the values that are close to their heart. Murli Bhandare was one such lawyer. He belonged to the old school, where camaraderie outside the court was not affected by confrontation within the court room, when the legal fraternity was not divided, but united for the causes that matter, where courtesy was the order of the day and where the Bench and Bar realized they are part of a family where the Rule of law is paramount.

Murlidhar Bhandare was a first generation lawyer from a middle class Maharashtrian family. He studied law at Government Law College, Mumbai where he became lifelong friends with stalwarts in the legal profession: he grew up with the likes of Anil Diwan, his best friend and classmate at Government Law College, Mumbai, was loved by teachers like the late Chief Justice Y. V. Chandrachud, Nani Palkhivala, and shared great camaraderie with his colleagues: Fali Nariman, Soli Sorabjee, Ashok Desai.

He started his practice in the Small Causes Courts and the City Civil Court in Mumbai. A large part of his early practice was spent defending factory workers and slum dwellers who did not have the capacity to pay and he had no heart to have them sell their family jewelry for his fees. Even in these early days, he had many significant victories. In an important early recognition of socio-economic rights, he secured a consequential direction for supply of electricity connections to slum dwellings in Mumbai, on an expansive reading of Article 21. With only 2-3 years' experience at the bar, he appeared before a jury to represent the victims of a tragic police shooting upon demonstrators at Flora Fountain, now Martyr's Chowk, Mumbai, during the linguistic movement for a separate State of Maharashtra. His incisive cross examination of police witnesses convinced the jury that the police firing was unprovoked and disproportionate.

Having emerged as a young star practicing on the Original Side, he decided to shift to the Supreme Court in 1969 along with his wife Sunanda, who went on to become an outstanding judge of the Delhi High Court. In the year 1971, he was designated as a Senior Advocate by the Delhi High Court. In the Supreme Court, he slowly developed a substantial practice, and with his entry into politics, he was entrusted with significant matters ranging from election law to a wide variety of litigation. He represented many distinguished personalities in India including Mr. Farooq Abdullah who he appeared for in a famous contempt case in 1984. Here are some of the important cases that he argued.

*In **S. Anbalagan v. B. Devarajan, (1984) 2 SCC 112**, he argued in favour of Mr. Devarajan, who had won an election to the Lok Sabha from a reserved constituency, and whose election was challenged in an election petition. The ground for challenge was that though Devarajan was a practicing Hindu, he was born a Christian, with his family having converted to Christianity, and could thus no longer claim to be a Scheduled Caste, even after he had "reconverted" to Hinduism. Mr. Bhandare argued that caste follows an individual even after conversion to another faith, because of how deeply engrained the social evils of exclusion are in Indian society. On the basis of these arguments, Justice Chinappa Reddy held that "The practice of caste however irrational it may appear to our reason and however repugnant it may appear to our moral and social sense, is so deep-rooted in the Indian people that its mark does not seem to disappear on conversion to a different religion" and upheld the election.*

*Being a strongly secular person, Mr. Bhandare staunchly argued that garnering of votes on the basis that the candidate would promote one's religion would amount to a corrupt practice under the Representation of the People Act, 1951. In the case of **Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra, (1976) 2 SCC 17**, he succeeded in setting aside the election of a candidate elected to the Maharashtra State Legislative Assembly, on the ground of his having made speeches that induced voters to believe they would face divine disapproval if they voted for his rival, S C. Chagla. Mr. Bhandare succeeded in proving before this Court that such speech amounted to a corrupt practice, leading to a landmark judgment of this Court on preserving the secular fabric of India.*

*Mr Bhandare has also contributed significantly to the development of criminal jurisprudence. He appeared for the State of Maharashtra in **R. M. Malkani's** case, where he argued in favour of admissibility of tape recorded telephonic conversations capturing corrupt actions of Mr. Malkhani who was the Coroner of Bombay at the time. It was argued that the evidence was illegally obtained in contravention of s. 25 of the Indian Telegraph Act, and was therefore, inadmissible. Mr. Bhandare successfully refuted this argument, stressing the urgency of tackling corruption in public life. An important note of caution, recorded in this judgment, has gone unnoticed and requires reiteration, that "The Judge has a discretion to disallow evidence in a criminal case if the strict rules of admissibility would operate unfairly against the accused. That caution is the golden rule in criminal jurisprudence."*

*When appearing on the side of the individual, Mr. Bhandare's contribution to the jurisprudence of Article 21 is invaluable. In **Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565**, he successfully argued before a Constitution Bench that the High Court and Sessions Court should be permitted to grant orders of anticipatory bail under Section 438 of the Code of Criminal Procedure. With the able guidance of counsel, a thorough exposition of the provision was provided by the Constitution Bench in this case. Though Mr. Bhandare appeared for a prominent politician of the time, attention was drawn to an important safeguard while considering anticipatory bail, leading the Court to clarify that "There can be no presumption that the wealthy and the mighty will submit themselves to trial and that the humble and the poor will run away from the course of justice, any more than there can be a presumption that the former are not likely to commit a crime and the latter are more likely to commit it."*

He continued appearing for labour unions even after he was an established Senior Advocate at the Supreme Court. He appeared in the famous Uma Devi contract labour regularization case where he argued that the disparate wages and benefits to persons hired as contract labour are violative of Articles 14 and 16.

Outside the courtroom, Mr. Bhandare went on to be an important public figure. He was elected to Rajya Sabha in 1980, 1982 and 1988 and was known for his eloquence in Parliament, especially in matters of the moment. He appeared in several Commissions of Enquiry like the Panchet Dam Enquiry Commission, the Khanna Commission in 1968 and the Sarjoo Prasad Commission in 1971.

He was passionate about defending human rights and in 1993 represented India at the United Nations, where he addressed the General Assembly. He was appointed to the Sub-Commission for Prevention of Discrimination and Protection of Minorities as it was then known, serving on it from 1984 – 1989. In 1988, he was appointed as the Chairperson of the Sub-Commission. He attended the first session of the United Nations Human Rights Council as a representative of India and in 1991 was appointed to the UNESCO Appeals Court, serving as its Chair until 2003. My late wife Nina Sibal who was the Ambassador to UNESCO at that time interacted with him during his stint in the Sub-Commission.

At a personal level when I started my practice in Supreme Court and in particular when I returned back home after my short stint in Wall Street in 1980, Murli's and Sunanda's home was the comfort zone where we spent many an evening regaled by his stories, interspersed with Sunanda's sense of humour. The couple were frequent visitors to my family home in Chandigarh, where they developed a very warm relationship with my father and all evenings while in Chandigarh were spent at our home. There is a personal side of Murli Bhandare, which was exceptionally endearing. There was a child like energy which he never lost till his last days.

What I admired about him most was his passion for the secular fabric of this country, and for the cause of equality, which he imbibed from his ancestors. The family temple of Shree Thakurji Murlidhar Mandir in Girgaum was the one which Dr. Ambedkar famously entered. It was perhaps the first temple in India, which was opened for Dalits, and when asked about the significance of the event, Dr. Ambedkar replied

“the issue is not entry, but equality”. It is that visit which made a deep impression both on Murli’s mind and heart for he embraced liberalism as an abiding faith, and equality as a mantra which he honoured through his life. In 1935, Dr. Ambedkar became the Principal of the Government Law College, Bombay, where Murli later studied. In his autobiography ‘The Arc of Memory: My Life and Times’, Murli recalls that he would see Dr. Ambedkar sitting on an armchair on the verandah always with a book. The multifaceted Murli also loved music and art, for he inherited that from his father and his grandfather, Bachubhai Bhandare, a significant harmonium player. Murli learnt to play the tabla but gave it up for a more appropriate vocation. He, however, continued his love for music for he befriended great musicians including the iconic vocalist Kishori Amonkar, a friend over several years. Pandit Bhimsen Joshi, Pandit Kumar Gandharva, Shubha Mudgal, Pandit Jasraj all performed in his home. He was equally passionate about sports and in particular about cricket.

The love of his life was Sunanda, his wife, for there was not a day of the year that he did not remember her. I am told that every evening at 6:00 pm he would go for a drive from South Extension, where he lived, to Rashtrapati Bhawan, Parliament House, India Gate and drive through the High Court Road, named after Sunanda. This was the parikrama that he performed having lost his loved one and a companion. Sunanda became a judge of the High Court and in the absence of her untimely death, would, in the context of her acumen and demeanor, have certainly become a judge of this Court. Murli founded the Justice Sunanda Bhandare Foundation in her memory, to take forward her commitment towards gender equality. The Foundation organizes an annual lecture that has featured some of the most important public intellectuals of our times, including Nobel Laureates, Prof. Amartya Sen and Prof. Abhijit Bannerjee.

Murlidhar Bhandare became the Governor of Orissa on 21st of August, 2017 for five and a half years. When violence erupted in Kandhamal District in 2008, he visited and sought to mitigate the suffering of victims by setting up relief camps and took all possible steps to restore peace. He personally reviewed the law and order situation and the relief and rehabilitation measures in the camps. He was the most popular Governor the State had ever seen.

I cannot possibly forget that despite his age, during the course of the recent Supreme Court Bar Association elections, while I entered the booth to vote, I saw

Manali with Murli in a wheelchair. He looked at me and smiled and I realised that he was a man who never let go, who always stood by his friends, upholding the causes he believed in and lived his life to the full. He is survived by his son, Rahul Bhandare, daughter in law, journalist Namita Bhandare, his daughter advocate Manali Singhal, his grand-daughters, advocate Shreya Singhal, lawyer and art advisor Teesta Bhandare and wellness promoter Ananya Bhandare and his grandson-in-law Jahan Tahiliani. May his soul rest in peace.

Shri Vimlesh Kumar Shukla

Late Justice Vimlesh Kumar Shukla, who was born on June 3, 1955, in Allahabad and passed away on June 29, 2024. He was elevated to the Bench as a permanent judge on December 21, 2002, after an illustrious career at the Bar. While lawyers have the liberty and space to move outside the courtroom and have the freedom to interact, travel when and where they like, spend an evening of leisure, and enjoy the simple things of life, a judge inundated with court work, sincere in his or her cause, finds it difficult to enjoy the freedom that we lawyers cherish. While some of us serve public causes outside the courtroom, judgeship itself comes at an enormous personal sacrifice. While it is a heavy price to pay, it is rewarding and ennobling to serve the cause of justice. Lawyers occasionally have sleepless nights worrying about the fate of their clients the next day or struggling to reconcile with having lost a good case. Judges, on the other hand, though I have no personal experience of this, must be constantly thinking about where justice lies in a cause before them and, I am sure, occasionally lamenting about the judgment they have rendered.

The endless flow of work, constant application of mind, and the herculean task of maintaining patience when confronted with unsavory situations make the work of a judge exceptionally demanding. And so, we extend our deep admiration for those who move from this side to the Bench and choose to accept the call of duty, leaving behind the lives they could have otherwise led with their flourishing practices.

Justice Vimlesh Kumar Shukla was one such judge. Son of the late Pandit Mukund Kant Shukla, a renowned lawyer in the District & Sessions Court, Prayagraj, he completed his education at St. Joseph's College and CMP Degree College. In 1977, he graduated in Arts from Allahabad University and then acquired his LL.B. from the same

university in 1980. For him, becoming a lawyer was natural. He enrolled with the Uttar Pradesh Bar Council, Allahabad, in 1981. What followed was an exceptionally successful practice that embraced constitutional, service, and civil matters. That he was a people's person is reflected by the fact that he was elected as the Secretary of the Bar Council of the High Court of Judicature at Allahabad in 1998 – 1999. He was elevated as a permanent judge of the Allahabad High Court in December 2002. I am told he may have been the only person who, after serving as Secretary, was elevated to the Bench.

As a gregarious person, he missed the freedom of being at the Bar and yet found judgeship to be extremely fulfilling. For him, work was worship, and he gave it his unequivocal commitment. In May 2016, he was appointed as Acting Chief Justice of the High Court of Allahabad. After 15 years on the Bench, he retired from his office on June 2, 2017. The extent of his popularity with the Bar and the Bench can be gathered from the fact that when he demitted office, he was given a standing ovation. His journey as a judge was appreciated by the Bar for his demeanor, his erudition, clarity of thought - as reflected in his judgments, and his relationship with both the Bar and the Bench.

Some of his landmark judgments are a testament to his commitment to justice, holding the State accountable, and contributing significantly to criminal and constitutional law jurisprudence. One such judgment was in the case of **In Re: Withdrawal of Criminal Cases by State Government (20.02.2017 - ALLHC)**. Here, Justice Shukla emphasized that the State Government is not free to exercise its authority under Section 321 Cr.P.C. whimsically or arbitrarily. He highlighted that criminal justice mandates fair and proper investigation to uncover the truth, warning that unsolved crimes and wrongful convictions tarnish the image of the judicial system, creating an impression that one can get away with crime. He remarked, "Criminal Justice is dependent on the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. Unsolved crimes, unsuccessful prosecution, unpunished offenders, and wrongful convictions bring our criminal justice system into disrepute. Truth will be a casualty if, due to external pressure, a guilty person gets away from the clutches of law."

In **Gajraj and Ors. vs. State of U.P. and Ors. (21.10.2011 - ALLHC)**, Justice Shukla was part of a bench that decided on the large-scale acquisition of agricultural and abadi land of farmers in Greater Noida and Noida. The bench set aside the land acquisition in

three villages, restoring the land to the farmers and directing additional compensation for other petitioners. This judgment not only upheld the rights of the farmers but also demonstrated his dedication to ensuring fair treatment and justice for all.

In Emerald Court Owner Resident Welfare Association v. State of Uttar Pradesh, 2014, Justice Shukla along with Justice Suneet Kumar directed the NOIDA Authority to demolish Towers 16 & 17 (Apex & Ceyane) in the Emerald Court project of Supertech Ltd. for violating building norms. The Bench also directed real estate firm Supertech to bear the expenses of the demolition and removal of the debris. The Bench wrote: “The failure of the State apparatus to take prompt action to demolish such illegal constructions has convinced the citizens that planning laws are enforced only against poor and all compromises are made by the State machinery including the development authority when it is required to deal with those who have money power or unholy nexus to the power corridors.” This landmark judgment was affirmed by this Hon’ble Court in 2021.

In a contempt matter, Court v. Sadhna (2009) that demanded the attention of a Full Bench, in 2009, Justice Shukla, along with his brother judges, laid down the parameters within which lawyers must conduct themselves. They emphasized that a lawyer’s genius should be directed towards discharging his or her duty in representing clients while maintaining respect and decorum while addressing the court. They wrote, “A person who chooses this vocation is not one who has been tossed into this world to be a sport of fortune; one is supposed to train oneself, as the profession obliges service to the institution and service to the litigant whose interest is supreme to receive justice through the rule of law.” Furthermore, they added, “The eloquence and speech of a lawyer should be direct and brilliant but eminently self-controlled and circumscribed by law. The logic and language should not be allowed to go astray and should be rarely at fault, if not perfect.”

After his retirement from the High Court, he started practicing in the Supreme Court. As he walked along the corridors of this Court, we always found him smiling, without a frown on his face, which I believe was also absent when he served as a judge. He would always come up to me and appreciate what I stood for and was delighted to learn that I had decided to contest for the post of President of the Bar. In the 7 years of practice in this Court, he argued several cases in civil, service, and constitutional law

and was appointed as Special Counsel by the State of Uttar Pradesh to appear for the State. He also was an Arbitrator in several high-stakes commercial matters, but arbitration was not the love of his life. It was the bustle of the Court that was his preferred destination. Those who worked with him remember him fondly, ever smiling, always lightening the mood. He never raised his voice. He was generous at heart, always finding time to interact with younger members of the Bar. He would often be seen in court, engaging in long conversations with younger colleagues about the practice of law. Among the most pleasant seniors to brief, he left a lasting impression on all who knew him.

His hobbies included traveling and photography, apart from our national pastime, 'cricket'. Of the times he spent with the family, I believe that he took his family on holidays while in practice, but judicial work was an impediment when he was on the Bench.

It is difficult to adjust after having served on the Bench for many years and having spent a lifetime at the Bar to adapt to another routine. Life is not just the same. The camaraderie and interactions with brothers and sisters on the Bench and a lifetime of practice at the Bar make us miss this Institution no matter where we are. Life outside this Institution is never the same. On the Bench, the Institution in upholding the law fulfills its commitments to the cause of justice. For those who practice at the Bar, we are constantly fighting the cause of justice. Central to our lives is our constant endeavor to seek and uphold justice. That, in every sense, is the leitmotif of our Republic. When great souls depart, a void is left behind. We should cherish their efforts in contributing to the forward march of our nation.

After 43 years of tirelessly contributing to the cause of law and justice, Justice Vimlesh Kumar Shukla left us far too early at the age of 69. He is survived by his wife Mrs. Poonam Shukla, daughter Ms. Parul Shukla, son Mr. Prashant Shukla, younger brother Mr. Ramesh Shukla, younger sister Mrs. Shashi Pandey, son-in-law Mr. Udayaditya Banerjee, and daughter-in-law Ms. Anshika Pandey. May his soul rest in peace.

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Reference made on 7th August, 2024
by
Hon'ble The Chief Justice of India
Dr. Justice Dhananjaya Y Chandrachud
in the memory of
Late Shri M.C. Bhandare and
Late Shri Vimlesh Kumar Shukla,
Senior Advocates

My esteemed colleagues, Solicitor General of India, President, Secretaries of SCBA, SCAORA, Amit Sharma, Vikrant Yadav, Nikhil Jain, Rachna Shrivastava, distinguished members of the Bar, and the dear family and friends of Shri Murlidhar Chandrakant Bhandare and Shri Vimlesh Kumar Shukla.

Today, we gather to honour the lives and legacies of two notable individuals whose deep understanding of the law, unwavering dedication to the legal profession, and commitment to improving the lives of others, have enriched our legal community and the nation as a whole.

Shri Murlidhar Chandrakant Bhandare

Shri Murlidhar Chandrakant Bhandare Babu, as he was called in his early childhood, grew up in the carefree embrace of Hindu colony in Dadar, Mumbai. Murli, as he was to his friends, embarked on his journey into public life early, as an active student leader in the National Union of Students. He collaborated with the residents of Usarni village to construct a 3 mile stretch of road.

Pursuing his studies in law at the pre-eminent institution of the time- Government Law College – Murli Bhandare was a contemporary of exemplars of his generation- Ashok Desai, Anil Divan, Soli Sorabjee and Fali Nariman among others. He began his legal career as a labour lawyer, advocating tirelessly for the rights of marginalised sections of the society. His father-in-law, H R Gokhale, who had moved from Baroda to Mumbai had strong roots in the labour movement. Murli moved to Delhi with his wife, Sunanda to practise at the Supreme Court. He appeared in landmark cases such as

Waman Rao v. Union of India,¹ which upheld the validity of Article 31A of the Constitution against a challenge founded in the basic structure of the Constitution. Murli was affable to the core. He was a friend to his colleagues and a mentor to his juniors. The recognition which the Bar of the Supreme Court accorded to him was reflected in his serving as President of the Supreme Court Bar Association for two consecutive terms in the 1980s.

As a prominent member of the Indian National Congress, Shri Bhandare was elected to the Rajya Sabha and was a Member of the Upper House from 1980 to 1994. During his term, he served on parliamentary committees. A humanitarian at heart, he resolutely pursued the advancement of human rights and raised his voice in defence of the rights of the Scheduled Castes and manual scavengers in Parliament. He represented India at international fora. In 1993, he delivered an address to the United Nations General Assembly, advocating for stringent global human rights protections. From 1984-1989, he served on the UN Sub-Commission for Prevention of Discrimination and Protection of Minorities, combating discrimination and safeguarding vulnerable communities. He served as Chairperson to the UNESCO Appeals Board from 1991 to 2003.

In 2007, Shri Bhandare was appointed as the Governor of Odisha. His active engagement with citizens was marked by frequent field visits to local communities and earned him the title of the "Peoples' Governor." In the traditions of the legal community, he ensured that his accumulated knowledge would continue to serve future generations. He edited two books, "The World of Gender Justice" and "Struggle for Gender Justice" which address critical legal issues faced by women. His extraordinary energy did not diminish with age. In January this year, well into his nineties, he released his autobiography, "The Arc of Memory: My Life and Times." The book captures his journey from student activist to Senior Advocate, Parliamentarian, and Governor. It eloquently outlines the colourful personalities, including the foibles within the institutions that Shri Bhandare was a part of, not to mention the various stratagems they deployed. Fali Nariman embellished it with a Foreword capturing not just Murli's achievements, but his loving personality as well.

¹ 1980 INSC 216.

Murli was above all else, a doting husband to his spouse, Sunanda. Sunanda had made a mark as a lawyer in the Supreme Court at an early age, overcoming the patriarchal structure of the legal profession. Sunanda was appointed as a judge of the Delhi High Court when she was forty-three years old and was by all anecdotal accounts regarded as a likely first woman to hold the highest judicial office in the country. Fate willed otherwise as she lost a battle to cancer on 10 November 1994. Murli and Sunanda were lovers of art and music. A concert of Shubha Mudgal was a feature of their musical soirees. Despite the chuckle in his eye and the characteristic smile, Murli had the ability to stand for what was right. A strike by lawyers was an anathema to him – he resisted a human barrier put up on the corridor of the Supreme Court, even at the cost of a dislocated shoulder.

In memory of his beloved wife, Murli Bhandare founded the Justice Sunanda Bhandare Foundation, which promotes legal literacy and gender justice. This foundation embodies his belief that empowering women is essential for empowering humanity. Beyond the spheres of law and politics, he held the twin passions of music and golf, which he continued to enjoy till his last days. A consummate Golfer, Murli was a regular on the greens at Delhi Golf Club. V M Tarkunde, SC Manchanda and Murli formed a golfing threesome- each with their distinct personality. They were unlikely companions- Tarkunde was a resolute, Radical humanist dedicated to M N Roy. Manchanda had developed his skills in the arid pages of tax laws. Murli was relaxed and full of humour - unflinching in his ability to share a golfing pun. From the courts of law to the course at Zakir Hussain Marg was an easy migration, several times each week.

Shri Bhandare left for the quiet environs of the eternal on June 15, 2024 at 95 years of age. He is survived by his son Rahul Bhandare, daughter in law and journalist Namita Bhandare, his daughter Manali Singhal who is an advocate, his grand-daughters advocate Shreya Singhal, art advisor Teesta Bhandare, and wellness promoter Ananya Bhandare, and his grandson-in-law Jahan Tahiliani. Shreya had done Murli proud by the great cause on free speech which she pursued culminating in the judgment of our Court.

Shri Murlidhar Chandrakant Bhandare was a distinguished parliamentarian, eminent lawyer, and champion of human rights. His legacy will continue to inspire our generations to strive for justice and equality in our nation.

Shri Vimlesh Kumar Shukla

Justice Vimlesh Kumar Shukla was the quintessential product of Allahabad, now Prayagraj. His father Pandit Mukund Kant Shukla was a seasoned lawyer at the District and Sessions Court. Vimlesh bhai, as he was to us, attended St. Joseph's College and CMP Degree College. He later secured a Bachelor of Arts degree from Allahabad University in 1977, where he stayed on to complete his LL.B. in 1980.

In 1981, Vimlesh Shukla began his legal career by enrolling with the Uttar Pradesh Bar Council. His career at the Allahabad Bar spanned two decades, where his practice focused on civil and constitutional law at the High Court. He built up a notable expertise in service law. His commitment to fellow lawyers and leadership abilities were demonstrated by his election as Secretary, Bar Association of the High Court of Allahabad in 1998.

Justice Shukla's talent, industry, and dedication to the law resulted in his being called to the bench. On 21 December 2002, he was elevated as a permanent Judge of the High Court of Allahabad. During my tenure as the Chief Justice of the Allahabad High Court, he was a steadfast colleague and a dear friend. I passed on the reins to him, following my elevation to this Court. Vimlesh bhai had an innate knowledge of the Bar and Bench at Allahabad. He used that ability to retrieve the court from difficult situations. He was the first to volunteer a solution in an impasse. His jovial personality and smile marked him out but it would not conceal a strength of convictions to stand by what was right.

*On May 13, 2016, Justice Shukla assumed the role of Acting Chief Justice of the High Court of Judicature at Allahabad. His fifteen years on the bench saw him deliver several notable decisions. For example, in *Shahid Anjum v. State of U.P.*,² displaying his deep understanding of service law, he held that an OBC candidate, who is selected as a Lecturer in the general category, can claim as a matter of right the institutional preference submitted as a reserved category candidate. After one and a half decades of public service, he retired on June 2, 2017. But he was not done with the law.*

² 2016:AHC:203047-DB.

*His continued passion for the profession saw him begin a practice at the Supreme Court, where he was designated a Senior Advocate. During his time as part of this Court's esteemed Bar, Justice Shukla contributed to the development of civil, constitutional, and service law. He also served as Special Counsel for the State of Uttar Pradesh, representing his home State before the Supreme Court. His command of the law was at full display as he argued notable cases, such as the seminal land acquisition dispute in *New Okhla Industrial Development Authority v. Harnand Singh*.³*

Outside the courtroom, Justice Shukla was an avid traveller and a passionate photographer. He meticulously planned his trips to explore new places to the fullest. His love for storytelling and penchant for amusing anecdotes made him a beloved figure amongst younger members of the Bar.

Justice Shukla passed away on 29 June 2024 all too suddenly. He is survived by his wife Mrs. Poonam Shukla, his daughter Ms. Parul Shukla, who practises at the Supreme Court, his son Prashant Shukla, who practises at the Allahabad High Court, his younger brother Ramesh Shukla, also practising at the Allahabad High Court, and his younger sister Mrs. Shashi Pandey, a retired teacher. They have our heartfelt condolences, and we join them in commemorating a life well lived.

Shri Murli Bhandare and Shri Vimlesh Shukla represent two careers steeped in public service which sought to improve the lives of all Indians. Their unwavering passion for the law, their defence of the underprivileged, and their commitment to the legal community has left an enduring legacy. Their influence will remain in cases they argued, decisions they authored, and most importantly, in the hearts of all who had the privilege of knowing them. As we bid them farewell, let us cherish the memories of their remarkable lives.

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³ 2024 INSC 509.

List of Attendees at the Full Court Reference

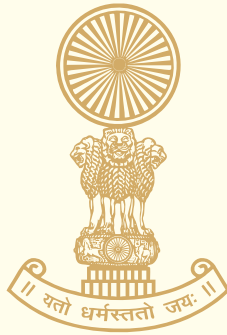
- ❖ *Shri Tushar Mehta,
Ld. Solicitor General of India.*
- ❖ *Shri Kapil Sibal, (Sr.)
President,
Supreme Court Bar Association.*
- ❖ *Ms. Rachana Srivastava, (Sr.)
Vice President,
Supreme Court Bar Association.*
- ❖ *Shri Vikrant Yadav,
Hony. Secretary,
Supreme Court Bar Association.*
- ❖ *Shri Amit Sharma,
Vice President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Nikhil Jain,
Hony. Secretary,
Supreme Court Advocates-on-Record Association.*

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*Attendees including Family Members of
Late Shri M.C. Bhandare
Senior Advocate
at the Full Court Reference*

- ❖ *Mr. Rahul Bhandare, Son*
- ❖ *Ms. Namita Bhandare, Daughter-in-law*
- ❖ *Ms. Manali Singhal, Daughter*
- ❖ *Ms. Shreya Singhal, Granddaughter*
- ❖ *Ms. Teesta Bhandare, Granddaughter*
- ❖ *Ms. Ananya Bhandare, Granddaughter*
- ❖ *Mr. Jahan Tahiliani, Grand son-in-law*
- ❖ *Mr. Takreem Ahmed, Personal Secretary to Late Shri M.C. Bhandare*
- ❖ *Ms. Shalini Munshi, Close relation of Late Shri M.C. Bhandare*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

India
