

14th January, 1945 – 7th July, 2023

Full Court Reference in the memory of

Late Hon'ble Mr. Justice Tarun Chatterjee

Former Judge, Supreme Court of India

held on Wednesday, the 9th August 2023

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

Vivek Saxena
Registrar



Supreme Court of India
Tilak Marg,
New Delhi-110 001
Phone - +911123115611
email - reg.cb@sci.nic.in

F.No.99/Ref/2023/SCA(Genl)
New Delhi, dated the 10th August, 2023

Madam,

A Full Court Reference was held in the memory of late Hon'ble Mr. Justice Tarun Chatterjee, former Judge, Supreme Court of India on 9th August, 2023 in the Hon'ble Chief Justice's Court. Rich tributes were paid to His Lordship by Hon'ble Dr D.Y. Chandrachud; Chief Justice of India, Shri R Venkataramani; Learned Attorney General for India and Dr Adish C. Aggarwala; President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed in His Lordship's memory.

I have the honour of forwarding 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 of Hon'ble Mr. Justice Tarun Chatterjee.

Encl.: as above, the booklet.

Yours sincerely,

Registrar (Court & Building)

To,

Smt. Kumkum Chatterjee
P-75, Scheme VI-M, CIT Road,
Kankurgachi,
Kolkata - 700 054.

*List of Business for 9th August, 2023 in respect of
Full Court Reference*



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR WEDNESDAY THE 9TH AUGUST, 2023

IN THE COURT OF HON'BLE THE CHIEF JUSTICE OF INDIA

AT 10.30 A.M.

**FULL COURT REFERENCE IN THE MEMORY OF
LATE HON'BLE MR. JUSTICE TARUN CHATTERJEE,
FORMER JUDGE, SUPREME COURT OF INDIA**

Coram of Hon'ble Judges at the Full Court Reference

- ❖ *Hon'ble Dr. Justice D.Y. Chandrachud, Chief Justice of India*
- ❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul*
- ❖ *Hon'ble Mr. Justice Sanjiv Khanna*
- ❖ *Hon'ble Mr. Justice Bhushan Ramkrishna Gavai*
- ❖ *Hon'ble Mr. Justice Surya Kant*
- ❖ *Hon'ble Mr. Justice Aniruddha Bose*
- ❖ *Hon'ble Mr. Justice A.S. Bopanna*
- ❖ *Hon'ble Mr. Justice S. Ravindra Bhat*
- ❖ *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 Sarasa Venkatanarayana Bhatti*

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Reference made on 9th August, 2023

by

Hon'ble The Chief Justice of India

Dr. Justice D.Y. Chandrachud

in the memory of

Late Mr. Justice Tarun Chatterjee

Former Judge, Supreme Court of India

My esteemed colleagues, Mr R Venkataramani Attorney General, Mr Tushar Mehta, Solicitor General, Mr Adish C Aggarwala President of the Supreme Court Bar Association, Mr Manoj Mishra, President of Supreme Court Advocates-on-Record Association, Members of the Bar, Ladies and Gentlemen.

Today, we gather here to commemorate and pay tribute to a truly remarkable individual, Justice Tarun Chatterjee who left for his heavenly abode on 7 July, 2023 at the age of 78 years. In his 40 years of service, Justice Chatterjee wore many hats. In him, we have lost an inimitable legal mind, a mentor and above all, a lawyer dedicated to the selfless service of the Constitution.

Justice Chatterjee's distinguished lineage can be traced back to his great grandfather Shri Digambar Chatterjee - who was a Judge of the Calcutta High Court. His grandfather, Shri Gunamoy Chatterjee was an executive magistrate, and his father, the late Hon'ble Mr. Justice Purushottam Chatterjee, was a Judge of the Calcutta High Court.

Following in the footsteps of his predecessors, Justice Chatterjee graduated in law from Calcutta University. In 1970, he enrolled as an Advocate and practiced at the Calcutta High Court, building a strong reputation in civil and public law disputes. Remarkably, in a span of less than a year, he appeared before five Special Benches of the High Court. His unique conversational style of advocacy earned him recognition and appreciation from both the Bar and the Bench.

As Winston Churchill once wisely said, "We make a living by what we get, but we make a life by what we give." Justice Chatterjee not only excelled as a lawyer but also served as a mentor to several other juniors who had the distinction and privilege of learning from him. One of his juniors, Justice Jyotimay Bhattacharyya, eventually

retired as the Chief Justice of the Calcutta High Court and Justice Bibek Chaudhuri, is presently a judge of the Calcutta High Court. Many of his juniors have gone on to occupy eminent judicial positions and set up flourishing practices.

Justice Chatterjee would appear in pro-bono causes and would be engaged as special counsel in matters involving intricate points of law. Recognizing his brilliance and commitment to justice, he was called to the Bench and appointed as a permanent Judge of the Calcutta High Court on August 6, 1990. Later, he went on to become the Chief Justice of the Allahabad High Court.

*Elevated to the Supreme Court on 27 August 2004, Justice Chatterjee made significant contributions to the jurisprudence of this Court. Notably, as a member of the bench in *P.A. Inamdar v State of Maharashtra* (2005), he played a key role in a landmark judgment that emphasized the duty of educational institutions to ensure accessible and transparent admission procedures. He was appointed as the head of the Commission constituted for the Assam-Arunachal boundary dispute in 2007.*

Justice Chatterjee retired from this Hon'ble Court on 14 January 2010. Retirement from the Bench was hardly his retirement from public life. Shortly after, he was appointed as the Chairperson of the Uttar Pradesh Human Rights Commission.

Throughout his distinguished career, Justice Tarun Chatterjee exemplified the true essence of justice. His unwavering commitment to upholding the Constitution and defending the rights of individuals set him apart as a jurist of unmatched integrity. He possessed an extraordinary understanding of the complexities of the law and the evolving needs of society, which guided him in making decisions that stood the test of time.

Beyond the courtroom, Justice Chatterjee was a beacon of kindness, humility, and empathy. He had an exceptional ability to connect with people from all walks of life, treating each person with utmost respect and understanding.

"What is this life if, full of care, we have no time to stand and stare." The first lines of "Leisure," a poem by Welsh poet W. H. Davies, published in 1911, resonate deeply with Justice Chatterjee's approach to life. Throughout his illustrious career, Justice Chatterjee never allowed the pressures of his offices to come between his love for football and cricket. Even until his last breath, he remained an ardent supporter of the Mohun Bagan Club, one of India's oldest and celebrated football clubs.

The words of the renowned Roman orator and lawyer, Marcus Tullius Cicero, echo through time: 'The soil of their native land is dear to all the hearts of mankind.' Justice Chatterjee's remarkable contributions to his village stand as a testament to his unwavering passion and dedication. He was a member of the Vivekanand Society of Kolkata and contributed immensely to the educational institutions of his village of Mallara, situated in the district of Bankura, West Bengal.

In this time of remembrance, let us find solace in the knowledge that Justice Chatterjee's impact on the lives of countless people will endure for generations to come. As we bid farewell to this respected jurist, let us recommit ourselves to honoring his memory by striving for a world that embraces fairness, compassion, and understanding.

May his soul rest in eternal peace, and may his memory forever be a guiding light in our pursuit of justice.

Thank you!

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Reference made on 9th August, 2023

by

Attorney General For India

Shri R. Venkataramani

in the memory of

Late Mr. Justice Tarun Chatterjee

Former Judge, Supreme Court of India

Hon'ble the Chief Justice of India, Hon'ble Judges of the Supreme Court, Solicitor General of India, President of the Supreme Court Bar Association, office bearers of SCBA, President and office bearers of SCAoRA, respected family members of late Justice Tarun Chatterjee, members of the Bar

Whenever we assemble to remember and pay our respects to a former judge of this court, we assemble to gather in our memory, in the most solemn way, the best of the life and contributions of the Hon'ble Judge and to cherish forever the indelible values left behind by the judge by conduct and pronouncements. We also recollect fondly some of the special and endearing qualities of the judge, which might have impacted lives of people around her or him.

So said, it can be said about Justice Tarun Chatterjee that honesty and simplicity, humility and intense commitment were his permanent qualities of life, always informing and standing by his side in his judicial function. I have personal recollections of these qualities reflecting in the effortless discharge of his judicial work. Rightly did the learned advocate general of Kolkata in the obituary reference reminisced; thus, as a lawyer he had a style of advocacy that was easy going, devoid of histrionics, and more conversational. We will celebrate this quality as a Justice Chatterjee quality and aspire to practice it. It is said that in bearing the load of his huge volume of work, this quality earned him in the court, the luxury of adjournments without entreaties.

He is said to have happily shared his great volume of work with his chamber colleagues, on the eve of his elevation and showed the great value of not retaining that which must be shared. I understand that Justice Chatterjee cherished pro bono work and willingly spent his time true to being a model professional. In keeping company with such values never did he charge a doctor or a sportsperson.

Justice Chatterjee loved many a sports activity and found time to watch or play. Time management in the midst of many calls is an art and Justice Chatterjee practiced that art, artfully.

A few words of understanding the judicial contributions of the Hon'ble Judge are important. In Union of India vs Devendra Nath Rai, a case of death penalty by the court martial, and limited intervention by the High Court in writ proceedings the Hon'ble Judge even while invoking the balancing principle, did not decide the issue of penalty himself, but thought a remit to the court below was also in tune with avoiding impressionistic decision making. Again, in Ajay Goswami vs UoI the Hon'ble Judge delicately handled the question of obscenity in the context of minor's exposure to sexually explicit materials, freedom of expression, agreed with the need for amendment of section 14 of the Press Council Act 1978, but declined to invoke the mandamus route to command Union of India to carry out reforms, as that would call for many a policy mix. In Punj Lloyd vs Corporate Risks, the Hon'ble Judge was sensitive to the right of a consumer complainant to be heard notwithstanding disputed questions of facts. In Chandrasekhar vs Additional Special Land Acquisition Officer, on the question as to a litigant should loose merely for reason of non-payment of court fees when substantial issues of compensation for land acquisition are involved obviously the verdict went in favour of the land loser. In Residents' Welfare Association Noida vs State of UP, as part of the bench he could resolve thorny issues of stamp duty and market value and gave relief to the harrowed home buyers. One of the issues which often confront Supreme Court lawyers is one of in-limine dismissal of special leave petitions. He was on the bench in State of Kerala vs K Paramabhanmoosa, which rightly held that no merger doctrine will arise if the dismissal is on delay. In the case of P. Venugopal, Director of AIIMS he was on the bench which found fault with section 11(1A) of the institute Act which gave room for curtailment of tenure of the director.

After his retirement he devoted his time to the cause of UP Human Rights Commission a cause which he served with dedication. His sense of humour and amiable disposition earned him a big circle of well wishers and friends. Even when unfounded talks about his work went around, I am told he withstood them with equanimity and believed in truth prevailing I join the Hon'ble Chief Justice and Hon'ble Judges, members of the bar in sharing my condolences with the members of his family.

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Reference made on 9th August, 2023

by

Dr. Adish C Aggarwala (Sr.)

President, SCBA

in the memory of

Late Mr. Justice Tarun Chatterjee

Former Judge, Supreme Court of India

Hon'ble the Chief Justice of India, Other Hon'ble Judges of Supreme Court, Mrs. Kumkum Chatterjee wife of late Justice Tarun Chatterjee & other family members, Learned Attorney General for India Mr. R. Venkataramani, Learned Solicitor General for India Mr. Tushar Mehta, Learned Chairman of Bar Council of India Mr. Manan Kumar Mishra and his colleagues in Bar Council of India, Mr. P.H. Parikh, former President of Supreme Court Bar Association, Learned Additional Solicitors General of India, Senior Advocates, Hon'ble sitting and retired Judges from different parts of India, Learned Advocates General of different states, Office bearers and members of Supreme Court Bar Association including Vice-President Mr. Sukumar Pattjoshi and Hony. Secretary Mr. Rohit Pandey, President of Supreme Court Advocates on Record Association Mr. Manoj Kumar Mishra and other office bearers, Officers of Registry of Supreme Court and My fellow colleagues

We have gathered to pay homage to Hon'ble Mr. Justice Tarun Chatterjee, a distinguished legal luminary and a pure soul.

Since Hon'ble the Chief Justice of India and learned Attorney General for India have already spoken about the life and achievements of Hon'ble Mr Justice Tarun Chatterjee, I will instead like to speak about how Justice Chatterjee touched the lives of other persons around him.

I would start with a brief anecdote which I fondly remember. This is when I had first met Justice Chatterjee. It was year 2002 and Justice Chatterjee was then the Chief Justice of Allahabad High Court. At that time I was Vice-Chairman of the Bar Council of India. Justice Chatterjee had been invited by the Bar Council of Uttar Pradesh for All India Conference of Lawyers at Agra. At that time the situation in Agra was volatile and

there was communal tension. Many areas were under curfew. The District Judge, Agra informed Justice Tarun Chatterjee that due to the curfew it will be risky for him to attend Conference because there were high chances that the situation escalates and there could be riots and violence. Justice Chatterjee was advised not to attend the conference and he relented on the advice of the District Judge. The Bar leaders and members were disappointed because for lawyers the grace of the event is only by the presence of the highest judicial dignitary of the State- the High Court Chief Justice. When I reached the hotel in Agra, Mr. P.K. Singh, Chairman of Bar Council of Uttar Pradesh told me that Justice Tarun Chatterjee is not attending the Conference due to curfew in some areas of Agra and he requested me to convince the Chief Justice to attend the Conference. I talked to Justice Chatterjee and requested him to attend the Conference keeping the sentiments of the lawyer fraternity in mind. To this, Justice Chatterjee instantly told me that he will not let down the lawyers of Uttar Pradesh and he will travel by train even at the risk of being targeted by anti-social elements. He travelled through the night by train and attended the conference at the risk of his life. This was Justice Chatterjee to me - a religious and God fearing man who stood by his commitment despite adverse conditions; who valued sentiments of others and understood their predicament. It is this sense of courage and brotherhood that will make me and also lawyers of Uttar Pradesh remember him forever.

My association with Justice Chatterjee continued ever since. On the occasion of Shivratri, we travelled together to Baba Vishwanath temple in Varanasi. To my surprise, Justice Chatterjee knew all the rites of the Puja, so much so that we did not need any pandit. He guided me that first we should do Pooja at Kaal Bhairav in Varanasi and afterwards at Baba Vishwanath. He would chant Durga kavach himself at Durga temple in Varanasi.

He was a regular visitor to Tarapith in West Bengal. He took me along once and I distinctly remember his words that he got elevated as Judge of the Supreme Court only because of the blessings of Tara Maa, which shows that for his success he would attribute credit not to his hardwork but to the blessings of the Almighty.

He also used to visit Maha Kaleshwar Jyotirlinga temple in Ujjain. I had the occasion to visit this temple for the first time only because of him.

On my invitation, he attended the International Conference of Jurists in London. At that time, I needed one more speaker in the inaugural ceremony. I requested him to

speak on International terrorism and he spoke without any prior preparation. He spoke so fluently on the basis of his own knowledge and experience that many judges from western countries praised him for his eloquence.

In the year 2009, my book on Constitution of India was being presented to the President of India Mrs. Pratibha Devisingh Patil, at Rastrapati Bhawan. Such was his regard for the institution of the Supreme Court and for the Chief Justice of India, that after the CJI had spoken, he said it would be a breach of protocol for him to address the gathering. All these little things which came from his wisdom are forever etched in my memory.

During the presentation ceremony of my book on the Constitution of India at Raj Bhawan, Kolkata, Justice Chatterjee told me that he having retired as Judge of Supreme Court, will sit among the gathering and not on the stage. Such was his humility and grace.

Justice Chatterjee kept reminding me of the importance of always showing up. He was full of life and he had a funny bone.

I will cherish my association with him forever and his demise is a great personal loss to me. On behalf of members of Supreme Court Bar Association, I offer condolences to his wife and family and respectfully pay homage to him.

Jai Bharat.

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List of Attendees at the Full Court Reference

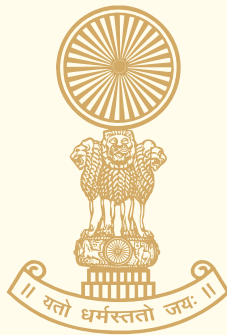
- ❖ *Shri R Venkataramani,
Ld. Attorney General for India.*
- ❖ *Shri Tushar Mehta,
Solicitor General of India.*
- ❖ *Dr. Adish C. Aggarwala, (Sr.)
President,
Supreme Court Bar Association.*
- ❖ *Shri Sukumar Pattjoshi, (Sr.)
Vice President,
Supreme Court Bar Association.*
- ❖ *Shri Rohit Pandey,
Hony. Secretary,
Supreme Court Bar Association.*
- ❖ *Shri Manoj K. Mishra,
President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Snehasish Mukherjee,
Vice President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Devvrat,
Hony. Secretary,
Supreme Court Advocates-on-Record Association.*

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

- ❖ *Smt. Kumkum Chatterjee, Wife*
- ❖ *Smt. Aditi Chatterjee, Daughter-in-law*
- ❖ *Mr. Aditya Chatterjee, Grandson*
- ❖ *Mr. Abhijeet Chatterjee, Brother*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

India