



*5th May, 1935 – 8th August, 2024*

*Full Court Reference in the memory of*

***Late Hon'ble Mr. Justice D. P. Wadhwa***

***Former Judge, Supreme Court of India***

*held on Thursday, the 12th September 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)  
13 September 2024

Madam,

A Full Court Reference was held in the memory of late Hon'ble Mr. Justice D.P. Wadhwa, former Judge, Supreme Court of India on 12 September 2024 in the Hon'ble the Chief Justice's Court. Rich tributes were paid to His Lordship by Hon'ble Dr. Dhananjaya Y Chandrachud, the Chief Justice of India; Shri R Venkataramani, Learned Attorney General for India and Shri Kapil Sibal, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed in His Lordship's 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

*M T Patankar*  
13/09/24  
Registrar(Court & Building)

To,

Ms. Krishna Wadhwa,  
C40, Panchsheel Enclave,  
New Delhi-110017.

*List of Business for 12th September, 2024 in respect of  
Full Court Reference*



**SUPREME COURT OF INDIA**

**LIST OF BUSINESS FOR THURSDAY THE 12TH SEPTEMBER, 2024**

**CHIEF JUSTICE'S COURT**

**AT 10.30 A.M.**

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

## ***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 Mrs. Justice B.V. Nagarathna*
- ❖ *Hon'ble Mr. Justice C.T. Ravikumar*
- ❖ *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 Manoj Misra*
- ❖ *Hon'ble Mr. Justice Rajesh Bindal*
- ❖ *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*
- ❖ *Hon'ble Mr. Justice Satish Chandra Sharma*
- ❖ *Hon'ble Mr. Justice Augustine George Masih*
- ❖ *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 12th September, 2024*

*by*

***Hon'ble The Chief Justice of India***

***Dr. Justice D.Y. Chandrachud***

*in the memory of*

***Late Mr. Justice D. P. Wadhwa***

***Former Judge, Supreme Court of India***

1. *My distinguished brother and sister judges, Mr R Venkataramani - Attorney General for India, Mr Tushar Mehta - Solicitor General, law officers, Mr Kapil Sibal - President of the SCBA and Mr Vipin Nair - President of Supreme Court Advocates-on-Record Association, family members of Justice Wadhwa (Krishna, Geeta, Rajeev, Darpan, Nidhi, Ashwan, Shreya, Sahil, Maahira and Ananmay), and everyone present here.*

2. *Today we have gathered here to commemorate the remarkable life of Late Justice D P Wadhwa. For those with an eye for detail, he was at birth Devinder Pratap Wadhwa. He left for his heavenly abode on 8th August 2024. India has lost a fine legal mind, and we have lost a true friend of the legal fraternity whose examples of integrity, leadership and fealty to the Constitution shall continue to live. Justice Wadhwa began his legal career in 1958 as a pleader at the Punjab High Court, before starting his practice in Delhi. In 1962, he became an Advocate.*

3. *As a lawyer, he practiced in the District Courts at Delhi and the High Court of Delhi. His skills and knowledge were soon recognized resulting in Justice Wadhwa's appointment as the Prosecution Counsel for the Central Board of Direct Taxes in 1971. In April 1980, he was appointed as a Standing Counsel for the Union Government at the High Court of Delhi. Followed by his elevation to the High Court of Delhi on 12th August 1983.*

4. *Justice Wadhwa went on to become the Chief Justice of the Patna High Court from 1995 until his elevation to the Supreme Court of India in 1997. As the Chief Justice of the Patna High Court, he heard a PIL against an illegal construction allegedly built by influential people from ill-gotten wealth. Justice Wadhwa sought details of the ownership of the land and how the construction came to be. When none came forward to take*

responsibility of the illegal construction, Justice Wadhwa took over the land for the High Court to run a legal services authority and ensure that the premises transform from a sight of illegality to a sight of access to justice. Talks of his characteristic charm continue to echo in the halls of the Patna High Court which has also named a lawyers block after him.

5. His stint as a judge of this Court enriched the Supreme Court and our nation is thankful for it. Justice Wadhwa was not one to complain or squabble. Whenever the journey became hard, Justice Wadhwa worked harder. His measure of success was never about what he got out of the offices that he held, but whether he left those institutions better than he found them.

6. His legal wisdom and clarity was second only to his graceful and conversational style of advocacy and his warm and comforting smile. Justice Wadhwa lived larger than life and made a family out of every place he went to. As a judge, he knew each of his colleagues and their spouses personally. But he also remembered the names of each of the children of his colleagues. Such was his genuine interest in those around him that Justice Wadhwa could swiftly recall where each of the children of the judges were studying, their course as well as their class. Justice Wadhwa always believed in the virtues of humility and the power of the legal profession to build bridges between people.

7. Justice Wadhwa was known for his integrity, hard-work and as an ardent defender of the rule of law. Over a span of three years at the Supreme Court, Justice Wadhwa was on the bench for 586 cases and authored 115 judgments. His judgments not only reflect his astute command over the law but also his ability to empathize and humanize the litigant before him. Significant judgments authored by Justice Wadhwa continue to guide successive generations of lawyers and judges.

- In **State of Gujarat v. High Court of Gujarat**,<sup>1</sup> while dealing with the question of whether convicted prisoners ought to be paid for the labour which they are required to do – Justice Wadhwa held that labour which is remunerated below the minimum wage amounts to 'forced labour' which is in violation of Article 23 of the Constitution. He opined that the Constitutional prohibition against forced labour was expansive and cannot be interpreted in a restrictive manner. Justice Wadhwa repelled the argument of deterrence by boldly declaring that the purpose of criminal law in India is not to hate the criminal but to reform him.

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<sup>1</sup> (1998) 7 SCC 392.

- In **Gaurav Jain v. Union of India**,<sup>2</sup> Justice Wadhwa held that the children of sex-workers have the right to equality of opportunity, dignity, care, protection and rehabilitation and to be part of the 'mainstream of social life' without any stigma. A reading of Justice Wadhwa's opinion would not only reflect the humanity and justice which were the cornerstone of his legal outlook, but they also reflect his poetic bent of mind.
- In **MI Builders v. Radhey Shyam Sahu**,<sup>3</sup> Justice Wadhwa directed the demolition of illegally constructed shopping complexes in Lucknow at the site of a historical park. Justice Wadhwa directed the State to restore the park for its environmental impact and historical significance. He boldly declared that the spending of a few crore rupees in building the complexes is no ground to violate the fundamental rights guaranteed under Article 21 of the Constitution.
- Most memorably, in **State of Tamil Nadu v. Nalini**,<sup>4</sup> Justice Wadhwa upheld the conviction and sentencing of the assassins of former Prime Minister, Late Shri Rajiv Gandhi. Justice Wadhwa underscored the sacrifices made by leaders in their pursuit of peace and stability, reminding us that the pursuit of justice is not just about punishment, but about upholding the values that define our collective identity. Justice Wadhwa's legacy, therefore, is not only one of legal rigor but also of a profound understanding of the moral dimensions of justice, leaving an indelible mark on the legal landscape of India.

8. But these judgments were in no way delivered without the humility and grace with which we fondly remember Justice Wadhwa. In one case, two senior advocates were in a ferocious argument with each other. As the temperature of the Court rose with the voices of the senior advocates, Justice Wadhwa intervened with his calm but commanding voice. He politely asked the seniors why they were raising their voices when everyone knows that they will share their cup of coffee at India Coffee House after Court. The decibels immediately shrunk as the Court room burst into laughter.

9. Another instance of Justice Wadhwa's genuine interest in the betterment of everyone around him is his initiative in establishing INSOL India. As a judge of the Supreme Court, Justice Wadhwa had visited London for a Judicial Conference at INSOL International. He keenly observed the working of the organization and returned with a

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<sup>2</sup> (1997) 8 SCC 114.

<sup>3</sup> (1999) 3 SCR 1066.

<sup>4</sup> (1999) 3 SCR 1.

vision to open an India chapter of INSOL to promote insolvency law in India. The success of INSOL India is a testament to his visionary leadership borne out of his hard-work.

10. After he demitted the office of a Supreme Court judge, Justice Wadhwa went on to preside over the National Consumer Disputes Redressal Commission and later the Telecom Disputes Settlement Appellate Tribunal. His tenure was marked by his zeal to increase efficiency and uphold the rule of law.

11. Justice Wadhwa was made the Chairman of the Central Vigilance Committee in 2006 by the Supreme Court to look into the issues affecting the functioning of the Public Distribution Systems and to suggest remedial measures. He visited and studied the system in over 20 States and gave his final report. In his report, Justice Wadhwa wrote that “The Public Distribution System of the country has not yielded its intended benefits due to corruption in the implementing machinery.” He advocated for the use of modern technology to enhance transparency and efficiency in the Public Distribution System.

12. Justice Wadhwa's leadership extended to the realm of capital markets, where he chaired the Committee on Initial Public Offerings and laid down principles for addressing unjust enrichment and improving the allocation of IPOs. These principles continue to influence regulations even today. From humanizing the interface between law and crime, imparting his knowledge to creating a strong consumer movement to anticipatory cutting edge developments in financial regulation, insolvency and capital markets this was truly, to use the title of John Kenneth Galbraith's memoir “A life in our times”.

13. Bereavements are difficult. But a life well lived deserves to be celebrated in equal measure. I am reminded of the timeless poem by Clare Harner<sup>5</sup> –

*Do not stand by my grave, and weep.*

*I am not there, I do not sleep—*

*I am the thousand winds that blow*

*I am the diamond glints in snow*

*I am the sunlight on ripened grain,*

*I am the gentle, autumn rain.*

*As you awake with morning's hush,*

*I am the swift, up-flinging rush*

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<sup>5</sup> Clare Harner, *The Gypsy*, December 1934

*Of quiet birds in circling flight,  
I am the day transcending night.  
Do not stand by my grave, and cry—  
I am not there, I did not die.*

14. *Justice DP Wadhwa shall continue to live in our collective memories. He is survived by his wife, Mrs. Krishna Wadhwa and three children - Dr. Geeta Wadhwa, Mr. Darpan Wadhwa and Mr. Ashwan Wadhwa. His son-in-law and daughters – in – law: Dr. Rajeev Suneja, Ms. Nidhi Jalan and Ms. Shreya Dhawan; and three grandchildren - Sahil, Maahira and Ananmay. We extend our deepest condolences to his family, friends, and colleagues. May his soul rest in eternal peace.*

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*Reference made on 12th September, 2024*

*by*

***Attorney General for India***

***Shri R. Venkataramani***

*in the memory of*

***Late Mr. Justice D. P. Wadhwa***

***Former Judge, Supreme Court of India***

1. *Hon'ble the Chief Justice of India, Hon'ble Judges of the Supreme Court, the Solicitor General of India, Additional Solicitors General, President and Office Bearers of the Supreme Court Bar Association, President and Office Bearers of the Supreme Court Advocates on Record Association, members of the Bar, and family members of Justice DP Wadhwa.*

2. *Ladies and Gentlemen.*

3. *We have gathered here today to honor the remarkable life and legacy of Justice D. P. Wadhwa. On solemn occasions of remembering the lives and contribution of Hon'ble Judges of this Court, we not only chronicle special and important milestones in their lives in terms of chronology of events, all of which may have their distinct and notable feature, but we also endeavor to present a portrait which captures with relevance some of the distinguished contributions made by them.*

4. *The portrait of Justice DP Wadhwa carries with it notable contributions made by him both on the bench over 14 years as a judge of the High Court of Delhi, and less than 2 years as the Chief Justice of the Patna High Court, and during a period of 3 years as the judge of this Hon'ble Court and thereafter as the President of the National Consumer Redressal Commission and as the Chairperson of the Telecom Disputes Settlement and Appellate Tribunal.*

5. *It is indeed interesting to note that like many great names in the field of law, justice, and public services, hailed from Lahore. Justice Wadhwa hailing from Lahore, and born into the family of Lawyer, founded his legal career in Punjab, and his shifting of his practice to Delhi, marked the beginning of a remarkable professional career. His*

*professional history shows that his practice in the District Court and the High Court of Delhi earned him high regard and reputation for being a counsel with admirable practice.*

6. *His journey in 1971, from being counsel for Central Board of Direct Taxes and to 1980 on becoming Central Government Standing Counsel in the High Court of Delhi, is the road map of deep professional commitment, excellence, and integrity. During the years of 1980 to 1983, I had the opportunity of being on the other side in a number of wide ranging cases. I must say it is my duty to record that his amiable encouragement and warm wishes on my professional career were so encouraging, and indeed indelible. I think that was Justice Wadhwa's general disposition to encourage younger entrants to the bar. I must also record that his enquiring mind accompanied by a soft spoken personality, went beyond matters of law, and I can recollect many occasions when we exchanged information and thoughts on Indian culture, poetry and philosophy. All this was very invigorating, given the professional demography of the Delhi High Court in the early 1980s.*

7. *Given the exceptional quality of his contribution as a Judge, it was but natural that he was called upon to discharge certain responsibilities as heading committees on matters of public importance. If only someone were to write the structural changes and the accountability principle which came into the public distribution system, and which looks very different today, the contribution of the Justice Wadhwa Committee will stand out as one of the most significant milestones. With a visionary outlook, the Learned Judge, very strongly recommended adoption of digital technology, which can bring in transparency. His further suggestions that State Level Corporation and Panchayati Raj Institution should be substantially involved in this system has led to significant institutional changes in the PDS system. It is noteworthy to see that many of the suggestions given by the Learned Judge have become part of the public distribution system under several Central and State schemes.*

8. *The report of Justice Wadhwa Committee on Initial Public Offerings at the request of SEBI, had assisted SEBI in its endeavor to deal with any abuses and illegality in the IPO scheme.*

9. *Justice Wadhwa had to his credit, yet another contribution, and that was the formation of INSOL India, which was the emanation of long cherished desire of the legal fraternity, chartered accountant, companies secretaries, and other corporate associates to have an association to promote exchange of ideas, dissemination of information, and*

*on emerging understanding of insolvency law. The deliberations of INSOL India, and in association with INSOL International, can certainly be assigned a significant role in the evolution of insolvency law in India.*

10. *We often talk about the predispositions or proclivities of Hon'ble Judges. Evaluations of the judging process of appellate or constitutional courts if to be realistic must go beyond this. In contemporary times the yesteryear's formalism that judge only apply law and do not make it is reasonably buried. The principle of deference to other agencies which judge Richard Posner calls process jurisprudence involves modesty in law making. Constitutional restraint in legislative invalidations calls for higher deliberations. All these functions collectively inform the judicial processes. Each one of the chapters or domains of judging if we may consider so also demands artful delineations of rules of judging.*

11. *Keeping these in view, if we scan the judgments and opinions of Justice Wadhwa in the field of tax law and other fields, we can see how ably he perceived these distinctions and applied them. He skilfully put to service his practice of tax law and his exposure to the emerging branches of practice in the Delhi High Court in the eighties. I particularly have in mind his reading of Section 293 of Income Tax Act, and how ingenious legal procedures devised to circumvent this provision need to be guarded against. Next comes his opinion in the case under Kerala Agricultural Income Tax Act, in State of Kerala vs Shanti Verma Jain, where he thought the claim for exemption on agriculture income by a trust whose dominant purpose was propagation of a particular religion, was not well founded. These are not mere ephemeral opinions. They add to the collection of principles which will be very often required to be applied. I think we will be doing a great contribution to the restatement of our tax laws if we can reflect and write on some of his affirmations of seminal principles and the subtle nuances introduced in the application of law so also his opinions in application of proportionality principles in service law. The short period of his service in the Supreme Court notwithstanding, the remarkable volume of judgments penned by Justice Wadhwa and their relevance will be remembered as noteworthy.*

12. *His opinions in the field of criminal law too show the balance between strict views and leniencies. His views in the case of former Prime Minister Sri Rajiv Gandhi assassination case in confirming death sentence has stood the field for long. I find many instances when the Hon'ble Judge found it disconcerting that in criminal matters where*

*the ethics of punishment is a liberty issue, High Courts had not employed relevant care. With justifiable anguish did Justice Wadhwa underscore the importance of witness protection in criminal trials in Swaran Singh v State of Punjab. The pages spent on underscoring this importance are a testimony to a Judge's sensitivity to fairness in the criminal justice system.*

13. *Justice Wadhwa's opinion in a case under Medical Termination of Pregnancy Act, which involved the attempt of the accused to secure the assistance of an unqualified medical professional was wholly unconscionable. The well settled principle under Section 34 of the Indian Penal Code, that common intention may develop at spot was relevantly applied as the judge felt about the importance of securing all due process about women's health.*

14. *Justice Wadhwa eminently belongs to the class of judges who have contributed to legal literature. His work on the law of consumer protection along with Mr N L Rajah, an eminent senior lawyer in Madras High Court, is a worthy contribution to the law of consumer protection. On a personal note, I may add here that, while the Ld Judge was the President of the National Consumer Disputes Redressal Commission, he used to call me and share about occasions when he could use my volume on Torts. I remain in personal gratitude for his warm remarks which always remain encouraging.*

15. *Between responsible deliberations and chance involved in the listing of matters in the Court, the opportunity to deal with matters of the moment beyond the run of the mill even among the appellate and constitutional crowding, land in the laps. These are occasions for innovations and creativity. The pages of Supreme Court reports are sprinkled with a large number of them. One such opportunity was well engaged in by the Hon'ble judge when he was a judge in the Delhi High Court and that was the Navin Jindal national Flag case. The Supreme Court affirmed the view taken by the Ld. Judge which reflects on the deep understanding of the exercise of fundamental rights, in promotion of national values of culture.*

16. *He is survived by his wife Smt Krishna Wadhwa, his daughter, Dr Geeta Wadhwa and her family; son Mr. Darpan Wadhwa (Senior Advocate) and his family, and son Ashwan Wadhwa and his family.*

17. *My deepest condolences to the members of the bereaved family.*

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*Reference made on 12th September, 2024*

*by*

***Shri Kapil Sibal (Sr.)***

***President, SCBA***

*in the memory of*

***Late Mr. Justice D. P. Wadhwa***

***Former Judge, Supreme Court of India***

*Hon'ble Chief Justice of India Dr. D. Y. Chandrachud; Hon'ble Judges of the Supreme Court of India; Attorney General for India Shri R. Venkataramani; Solicitor General of India Shri Tushar Mehta, Additional Solicitors General of India; 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; President of the Supreme Court Advocates-on-Record Association Shri Vipin Nair; 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; Senior Advocates of the Supreme Court of India present here, Advocates-on-Record present here, Members of the Wadhwa family and friends.*

*We are gathered here today to pay homage to the memory of Justice Devinder Pratap Wadhwa, who was born on May 5, 1935 and passed away on August 8, 2024 at the age of 89. As I began to pen the journey of his life, both as a judge and the man behind the judge, I marvelled at the values that he cherished and practiced, his sense of right and wrong, empathy for those unjustly dealt with, and the courage that he displayed in a world of falling standards of integrity. I got a glimpse of these traits of his personality in my interactions with those who knew him and from the members of his family, apart from the slew of significant judgments that he rendered. From a humble beginning, through sheer hard work and commitment, he came to play a significant role as a member of the legal fraternity. He adorned this court after having served as Judge of the Delhi High Court as well as the Chief Justice of the Patna High Court.*

*Justice Devinder Pratap Wadhwa had to overcome grave adversity in his early*

*childhood. His father passed away when he was only four. That was way back in 1939. Then came the Partition of India. One can imagine the impact of the tragedy of Partition on a 12 year old. It broke millions of homes and destroyed millions of lives. The Wadhwa home was one such home. The unheard tales of grief and woe impact our lives even today. Yet, from these tragic events, emerge stories of some brave sons and daughters of India who struggled, had the courage to face adversity and set examples for us to emulate. The journey of some of these brave persons symbolises the quintessential human spirit to conquer extreme adversity and rise to the pinnacle of power. Justice Devinder Pratap Wadhwa, by the dint of his commitment to hard work and to the values he espoused, rose to become a judge of this court.*

*As we all climb the ladder of life, we need to honour those who hold up the ladder, without whom, we will fall by the wayside. That is the support system that we all need and must never forget. When the Wadhwa family were displaced during Partition, they stayed with his mother's brothers at several places, starting from Kullu. The family had to struggle for a living, but benefited from the unflinching support of Devinder's maternal uncles, who not only helped them financially, but also educated them, helping them to realise their dreams. It is this support that moulded young Devinder's character and taught him the values of commitment to not just his own family, but also the extended family of citizens of this country.*

*Justice Devinder Pratap Wadhwa cleared his B.Sc. from Allahabad University and then pursued his LL.B from the University of Delhi. In 1958, he became a pleader of the Punjab and Haryana High Court and in 1960, having become an advocate, he started his practice in Delhi. He joined the chambers of Shri Kundan Lal Arora, a seasoned practitioner of criminal law, who soon realised that young Devinder had the spark in him, having the necessary qualities of head and heart to be a successful lawyer. So impressed was he with young Devinder's character that he suggested that Devinder would be an appropriate suitor for his niece, Krishna Wadhwa. After a few years of practicing largely in the trial court, Justice Wadhwa got an opportunity to practice in the Delhi High Court when he was appointed counsel for the Government of India. This enabled him to appear in multiple causes before the High Court where he excelled. Judges soon realized that he was a lawyer who would be of great asset to the Bench. He was offered judgeship at a time when lawyers considered it both an honour and a duty to move from the Bar to the Bench. He accepted the offer with humility. Thus began his journey as a Judge in 1984.*

*In 1995, after a long stint in the Delhi High Court, Justice Wadhwa was appointed as the Chief Justice of the Patna High Court. In a short span of one and a half years, he brought in sweeping reforms in the state's judicial system, endearing himself both to the members of the Bar and the Bench. He left behind a legacy which is remembered till date. As Chief Justice of Patna High Court, he activated the Department of Vigilance in the High Court to ensure that the administration of justice is done with an iron hand. He inculcated the importance of punctuality in officers both on the judicial and administrative side of the so called 'subordinate' judiciary. He activated the Legal Aid Committee where he involved young members of the Bar by forming Committees to visit jails across Bihar. This was a step towards jail reforms. As the Chief Justice of Patna High Court, he personally visited almost every district in Bihar, for he loved to travel by car. During one such visit, he found that a person who had been granted bail by the High Court continued to be in custody as the jail authorities had not received the bail order. He, therefore, ensured that the moment bail is granted by the High Court, information to this effect was sent by fax to every district to implement bail orders forthwith. This brought about a sea change in the lives of people. Two centres for free legal aid were opened at Musallahpur Hat and Lady Stephenson Hall where members of the legal fraternity sat every evening to give free legal advice. A magazine called 'Aid and Advice' was launched under his guidance, with the chief editor being Justice A.K. Ganguly. Acquisition of the historic White House building for the High Court, setting up of a railway reservation counter, canteen, book shop etc. within the Patna High Court were all because of Justice Wadhwa's initiative.*

*While on the Bench, he was extremely courteous and always encouraged younger members of the Bar. There were many instances when he would ask the junior lawyer to argue the case. It is only when he found that the case was likely to be dismissed that he would call upon the senior to argue. Such was his attitude towards the young members of the Bar that he became exceptionally popular. When he discovered that there was no sitting space for the young members of the Bar in the Patna High Court, he created a space for them, reflecting his genuine concern for every section of the legal fraternity. The fact that there is a Wadhwa Chamber in the Patna High Court is evidence of the legacy he left behind.*

*Justice Wadhwa was elevated to the Supreme Court in 1997 and served in this Court till his retirement in the year 2000. His judgments reflected his concern for the supremacy of law and protection of the rights of the individual. He authored the*

*judgment in **Pepsi Foods**, which laid down that High Courts, in exercise of their inherent powers, must quash criminal complaints and summoning orders in cases where the launch of a criminal prosecution is an abuse of the process of the court. He exhorted Magistrates not to be “silent spectators” when such complaints are filed and laid down that the order of the magistrate summoning the accused must reflect that he has applied his mind to the facts and the law. This judgment has been the first line of defence for individuals cursorily hauled up before trial courts in mala fide complaints. His concern that the processes of the law must be fair and reasonable is evident in his several pronouncements. In **Zunjarrao Bhikaji Narvarkar**, he held that disciplinary proceedings cannot be initiated against an officer on mere suspicion, or on information which is vague or indefinite. In **G Sagar Suri** he laid down that an employee cannot be made to undergo mental agony coupled with monetary loss from protracted disciplinary proceedings and that inordinate delay was a valid ground to quash the same.*

*In **Jaspal Singh Sehgal’s** case, Justice Wadhwa brought in fair and objective standards for awarding maintenance by directing that the family court must ensure that the wife can live in reasonable comfort, considering her status and the mode of life she was used to when she lived with her husband, but that the amount fixed cannot be excessive or extortionate. He was attentive to the plight faced by women and children in our patriarchal environment and upheld the right of the second wife and children born out of such union to receive pensionary benefits on an equal basis along with other beneficiaries.*

*Justice Wadhwa was very meticulous in acknowledging the role of precedent in his pronouncements. This brought much needed clarity to several areas of law, especially taxation and service law. He always held state authorities to a very high standard of fairness and reasonableness. In **M.I. Builders Pvt. Ltd. v. Radhey Shyam**, he upheld the order of the Allahabad High Court setting aside a contract for the construction of an underground shopping complex in the iconic Ameeruddaula Jhande Wala Park at Lucknow. He admonished the State authorities holding that bad governance sets a bad example allowing for judicial review where the impugned action is against law or in violation of the prescribed procedure or is otherwise unreasonable, irrational or mala fide. In another judgment, noting the strong language used against the petitioner in a counter affidavit filed by the Union of India, he cautioned them, observing that “One can be firm without being impolite.”*

*In the case of UP State Cooperative Land Development Bank Ltd., Justice Wadhwa expounded upon the vastness of the High Court's powers when exercising its jurisdiction under Article 226 to protect a citizen, when wronged whether "that wrong be done by the State, an instrumentality of the State, a company or a cooperative society or association or body of individuals whether incorporated or not, or even an individual." At the same time, he cautioned that the High Court should not interfere when an equally efficacious alternative remedy is available or when there is in place established procedure to remedy a wrong or enforce a right. He always struck a balance between all interests and sincerely endeavoured to give full meaning to the phrase "complete justice."*

*I had the privilege of appearing before him in several matters. As Judge, Justice Wadhwa was a man of few words. His expressions on the Bench seldom revealed the way the matter was moving. However, on occasions, a bemused smile gave us a faint flicker of hope or despair for one could never read his mind. He was a great listener and having participated in proceedings at all levels of the judicial hierarchy, he could instinctually separate the facts from fiction and arrive at a just verdict. His judgments reflect clarity of thought and exude a sense of justice which he embraced all his life.*

*Outside court, Justice Wadhwa brought the same conviction and clarity to each of his endeavours across a range of issues. In 1997, he was instrumental in forming INSOL, a world-wide federation of lawyers specialized in solvency law, and he was the only Indian member of INSOL International at that time. An Archive is in fact named after Justice Wadhwa in recognition of his role in development of the insolvency regime in India. He presided over several important commissions and prescribed critical reforms, including the 2006 Supreme Court appointed commission on eliminating corruption in the PDS system, which spent eight months consulting all stakeholders, from government officials to NGOs to fair price shop licensees, and closely scrutinising the gaps in the PDS system in Delhi. The Commission's recommendations were detailed and far reaching, setting out stage wise steps that needed to be taken in the short term and in the long term to ensure that every person in Delhi has enough food on their plate. The Commission was also one of the first bodies to recommend the use of technology to prevent fraud and leakages in the PDS system, and advocated for self-help groups from marginalised communities to be trained to run fair price shops so that affected persons could actively participate in the running of the system in which they had the most at stake.*

*Justice Wadhwa also chaired a SEBI appointed commission on reallocation of shares in the matter of Initial Public Offerings (IPO) irregularities between 2003-2005. After six months of investigation and deliberation, the Commission diagnosed that the allotment of shares to fictitious entities by financiers and company officials resulted in their unjust enrichment to the tune of Rs. 95 crores and that genuine investors were deprived of their chance to secure allotment. The Commission identified 13.57 lakh individuals as eligible for restitution. SEBI has since fully recompensed over 11 lakh individuals and is in the process of completing payouts to others. The reforms introduced pursuant to the Commission were crucial to re-establishing investor confidence in the Indian stock markets.*

*A committed family man, he taught his children to believe in themselves, and encouraged them to realise their dreams. He was an avid gardener and a foodie who, according to his daughter, made the most amazing 'rogan josh'. His leisure time was spent with his family and after retirement with friends at the ICC consuming fried snacks in the evening, away from the vigilant eye of Krishna, his wife. Magnanimous, he always kept an eye open for the poor and the weak; patient, dignified, with a sour sense of humour and an occasional mischievous smile; this made him the person he was, loveable and endearing.*

*Six years ago he suffered a spinal injury which, to his utter dismay, limited his movements. Ultimately it was prostrate cancer along with Covid that took him away from us. He is survived by his wife Krishna, his daughter Geeta Wadhwa, who is a GP settled in Manchester UK, his elder son Darpan Wadhwa, a senior advocate and his architect technologist son Ashwan Wadhwa. May his soul rest in peace.*

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

- ❖ *Shri R. Venkataramani*  
*Ld. Attorney General for India.*
- ❖ *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 Vipin Nair,*  
*President,*  
*Supreme Court Advocates-on-Record 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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*Family Members of  
Late Hon'ble Mr. Justice D. P. Wadhwa  
Former Judge, Supreme Court of India  
at the Full Court Reference*

- ❖ *Mrs. Krishna Wadhwa, Wife*
- ❖ *Mr. Darpan Wadhwa, Son*
- ❖ *Ms. Nidhi Jalan, Daughter in law*
- ❖ *Ms. Maahira Jalan Wadhwa, Granddaughter*
- ❖ *Mr. Ananmay Jalan Wadhwa, Grandson*
- ❖ *Mr. Ashwan Wadhwa, Son*
- ❖ *Ms. Shreya Wadhwa, Daughter in law*
- ❖ *Dr. Geeta Wadhwa, Daughter*
- ❖ *Dr. Rajeev Suneja, Son in law*
- ❖ *Mr. Sahil Suneja, Grandson*
- ❖ *Hon'ble Mr. Justice Prateek Jalan, Judge, High Court of Delhi,  
Brother in law of son*
- ❖ *Ms. Radhika Chandrashekhar, Wife of brother in law of son*

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**THE SUPREME COURT OF INDIA**

**New Delhi - 110001**

**India**

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