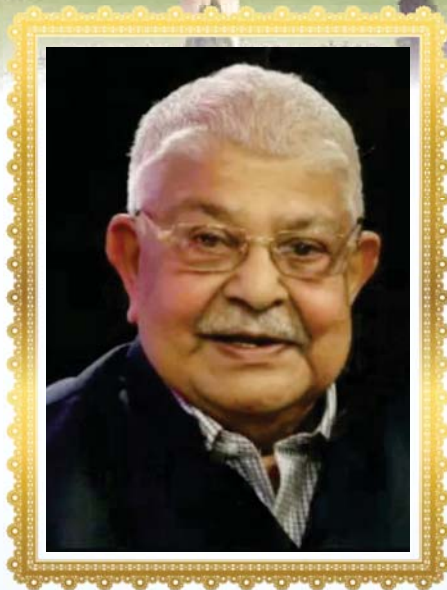




17th September, 1938 – 4th October, 2024

Full Court Reference in the memory of

Late Shri Davinder Singh Bali

Senior Advocate

held on Tuesday, the 21st January 2025

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)

22 January 2025

Madam,

A Full Court Reference was held in the memory of late Shri Davinder Singh Bali, Senior Advocate on 21 January 2025 in the Hon'ble the Chief Justice's Court. Rich tributes were paid to Shri Davinder Singh Bali by Shri Tushar Mehta, Learned Solicitor General of India; Shri Kapil Sibal, President, Supreme Court Bar Association and Hon'ble Mr. Sanjiv Khanna, 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,

M. Patankar
22/01/25

Registrar(Court & Building)

To,

Mrs. Simrat Bali,
C15, GF3 Jalpuria Building,
Sector-14, Near Seemant Vihar Society,
Kaushambi, Ghaziabad,
Uttar Pradesh – 201010.

*List of Business for 21st January, 2025 in respect of
Full Court Reference*



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR TUESDAY THE 21ST JANUARY, 2025

CHIEF JUSTICE'S COURT

AT 10.30 A.M.

**FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI DAVINDER SINGH BALI,
LATE SHRI JITENDRA SHARMA AND
LATE SHRI PRADEEP KUMAR DEY,
SENIOR ADVOCATES**

Coram of Hon'ble Judges at the Full Court Reference

- ❖ *Hon'ble Shri Sanjiv Khanna, Chief Justice of India*
- ❖ *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 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*
- ❖ *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*
- ❖ *Hon'ble Mr. Justice Manmohan*
- ❖ *Hon'ble Mr. Justice K. Vinod Chandran*

xxxxx

Reference made on 21st January, 2025

by

Solicitor General of India

Shri Tushar Mehta

in the memory of

Late Shri Davinder Singh Bali,

Late Shri Jitendra Sharma and

Late Shri Pradeep Kumar Dey,

Senior Advocates

Hon'ble the Chief Justice of India, Hon'ble Judges of the Supreme Court, the Learned Additional Solicitors General of India, President and Office Bearers of the Supreme Court Bar Association, Vipin Nair, President and Office Bearers of the Supreme Court Advocates on Record Association, Learned Senior Advocates, members of the Bar, family members of Shri Davinder Singh Bali, Shri Jitendra Sharma and Shri Pradeep Kumar Dey, ladies and gentlemen.

We are gathered here today on this occasion to honour the lives and cherish the memories and contributions of three remarkable figures in the legal profession, namely, Shri Davinder Singh Bali, Shri Jitendra Sharma, and Shri Pradeep Kumar Dey. We mark their passing with profound respect and sadness and remember them with the sincere hope that their legacies will continue to abide with us.

Shri Davinder Singh Bali

Late Shri Davinder Singh Bali was an exceptional individual, a distinguished legal luminary, a passionate cricketer, and a gifted poet.

Born on 17th September 1938 in the village of Kot Dhuni Chand, Tehsil and District Lahore (now in Pakistan), Shri Davinder Singh Bali received his early education at DAV High School in Lahore. Following the partition of 1947, he relocated to Karnal, Haryana with his family and he graduated from Dyal Singh College in Haryana. Driven by a deep passion for law, he went on to pursue his LL.B. from the prestigious University

of Delhi, laying the solid foundation for a distinguished legal career that would define his life's work.

He began his practice in Karnal, where his tireless dedication, ethical standards, and sharp intellect quickly gained him respect. His reputation grew steadily, and he was appointed a Public Prosecutor in Karnal and Hisar. In 1972, Shri Davinder Singh Bali shifted his practice to the Hon'ble Punjab and Haryana High Court, where his stature continued to rise. In recognition of his outstanding legal acumen, the Hon'ble High Court designated him as a Senior Advocate in 1989—a title few attain, and fewer still do with such distinction.

Yet, Shri Davinder Singh Bali's life was not defined by law alone, and therefore, to remember him merely through the device of Courtroom anecdotes would be to do him a disservice. He had a deep passion for cricket, a gentleman's sport that is often as much about character as it is about skill. Shri Davinder Singh Bali represented Punjab in the Ranji Trophy, a feat that speaks to both his athleticism and his leadership. He was also the captain of the Punjab & Haryana High Court Cricket Team, leading them to numerous victories.

*Shri Davinder Singh Bali's life was a vibrant tapestry woven with many threads. One of the most beautiful and profound threads in this tapestry was his love for Urdu literature. Under the pen name Daman, Shri Davinder Singh Bali became a well-known poet and author. His poetry, particularly his Nazms and Ghazals, resonated with readers across the country. His book *Khayal-e-Daman*, released in November 2015, which features a foreword by the esteemed former Chief Justice of India, T.S. Thakur, is a testament to his literary brilliance.*

Shri Davinder Singh Bali's legacy lives on in his family. He is survived by his wife, Smt. Simrat Bali, three daughters, one of whom, Mrs. Shalu Sharma, continues the family's legal legacy as an Advocate on Record in this Hon'ble Court, and a son, Salil Dev Singh Bali, who practices before the Hon'ble Punjab and Haryana High Court and grandchildren Jaiveer and Lakshya.

Shri Davinder Singh Bali peacefully ascended to his heavenly abode on 4th October 2024, at the age of 86.

Shri Jitendra Sharma

Born on 13th December 1934 in Haryana, Shri Jitendra Sharma's journey is a shining testament to the power of hard work, humility, and determination. From an early age, he exhibited an insatiable passion for the law, which he undoubtedly inherited from his father, a revered veteran lawyer at the Supreme Court of India. His unwavering pursuit of knowledge led him to the prestigious University of Delhi, where he completed his LL.B., laying the foundation for a career that would leave an indelible mark on the Indian legal landscape.

After graduating, Shri Jitendra Sharma enrolled with the Bar in March 1962, marking the beginning of a distinguished career. He quickly rose to prominence as an Advocate on Record in this Hon'ble Court. Known for his meticulousness, his professional approach, and his unwavering commitment to his clients, Shri Jitendra Sharma earned the respect and admiration of his peers across the nation.

Shri Jitendra Sharma's devotion to his work was exemplified in his commitment to ameliorating the distress of the working class. His focus on workers' rights and his involvement with the trade union movement shaped much of his career. He became a pillar of support for the vibrant Trade Union movement, representing workers in critical cases before this Court, various High Courts, and tribunals.

In 1994, Shri Jitendra Sharma was designated as a Senior Advocate by this Hon'ble Court - a fitting acknowledgement of his contributions to the legal community and his outstanding service to justice.

As Vice President of the Supreme Court Bar Association, he worked tirelessly to support his colleagues and ensure that the interests of the Bar were upheld, while maintaining the highest degree of integrity and professionalism.

His passion for justice extended beyond national borders, particularly in the realm of international law. He was deeply involved with the International Association of Democratic Lawyers (IADL), an NGO with consultative status with UNESCO. In 1980, he was elected as the General Secretary of the International Association of Democratic Lawyers (IADL) and later also served as the General Secretary of the Indian Association of Democratic Lawyers, working closely under the inspired leadership of Late Justice Krishna Iyer. His commitment to international justice was further evidenced by his

election as the first Indian President Emeritus of the International Association of Democratic Lawyers (IADL), a role that allowed him to elevate India's standing in global legal discourse.

Shri Jitendra Sharma is survived by his wife, Mrs. Surinder Sharma, his son, Prateek Sharma, who now resides in the United Kingdom, and his nephew, Arjun Jaiswal, who continues his legacy within the legal profession.

As we bid farewell to this distinguished member of our legal family, we extend our deepest condolences to his family, friends, and colleagues. Shri Jitendra Sharma's passing is a profound loss, but his legacy will continue to guide and inspire us for years to come. His work, his character, and his spirit will forever remain a beacon of inspiration to all who seek to uphold the cause of justice.

Shri Pradeep Kumar Dey

Late Shri Pradeep Kumar Dey was a man whose contributions to law, public welfare, and the betterment of society were immeasurable. Shri Pradeep Kumar Dey needs no formal introduction, for his legacy lives on in this Hon'ble Court and in the hearts of those who had the privilege of knowing him.

Born on 31st January 1954 in Bareilly, Uttar Pradesh, Shri Pradeep Kumar Dey hailed from a family rooted in values of integrity and service.

Shri Pradeep Dey's legal journey commenced after his graduation from law school when he enrolled with the Bar Council of Uttar Pradesh on 27th July 1978. His early years of practice, between 1978 and 1988, were spent in the District Courts of Bareilly, where he laid the foundation for a career that would soon blossom into one of great significance. His sharp legal acumen and unwavering commitment to justice did not go unnoticed, and it was during this time that he caught the attention of none other than the doyen of the Bar, Late Shri Ram Jethmalani.

In 1989, Shri Pradeep Dey moved to New Delhi to join the chambers of Shri Ram Jethmalani, where he worked tirelessly for eight years, from 1989 to 1996.

Shri Pradeep Kumar Dey's exemplary dedication and legal brilliance were formally recognized by this Hon'ble Court when, in 2021, he was designated as a Senior Advocate.

*His true calling, however, lay in the noble realm of legal activism, where his unwavering passion for social justice found its fullest expression. With a profound belief that the law should serve as a beacon for societal equity and empowerment, he steadfastly championed the cause of the common man. This conviction manifested itself in his active involvement in numerous Public Interest Litigations (PILs), through which he sought to elevate the cause of the marginalized and disenfranchised. His tireless work stands as a testament to his profound belief in the transformative power of law, not just as a tool of jurisprudence, but as an instrument of profound social change. Among the many PILs he championed, the case of **Mahila Dakshita Samiti v. State of Uttar Pradesh (W.P. (Crl.) No. 1378/1991)**, challenging the forced eviction of Scheduled Caste Persons from their land, stands as a testament to his commitment to protecting the marginalised and voiceless. In another case, **P.K. Dey v. State of Uttar Pradesh (W.P. (Crl.) No. 193/1992)**, he fought for the release of prisoners who had served over 30 years of imprisonment, embodying his unwavering belief in justice and human dignity.*

From 1997 to 2000, he served as an Additional Public Prosecutor before the Hon'ble High Court of Delhi, further cementing his reputation as a man of principle and dedication. In 2012, he was appointed Special Public Prosecutor for the National Investigation Agency (NIA), where his expertise played a crucial role in prosecuting high-stake cases. His role as Group 'A' counsel for the Union of India before this Hon'ble Court from 2009 onwards stands as another feather in his illustrious cap. He was also a Counsel for the Ministry of Railways and the Food Corporation of India before various High Courts, handling complex legal matters with utmost diligence and integrity.

*In addition to his advocacy and service to the public, Shri Dey's commitment to justice was also evident in his work as Amicus Curiae in several significant matters of national importance. He was appointed as Amicus Curiae by the Hon'ble Delhi High Court in the case **Court on its own motion v. Dhanraj and Ors. (Crl. Revision Petition No. 245/2017)**, which related to the 1984 Sikh Riots. This case, along with many others in which he acted as Amicus Curiae, showcased his commitment to ensuring that justice prevailed in the most complex and sensitive matters, even when he was not representing a party directly.*

Shri Pradeep Kumar Dey was also an author, and his academic contributions to the legal field were significant. He co-authored a publication titled "Dowry Deaths and Access to Justice", which was featured in the book "In Kali's Yug: Empowerment, Law

and Dowry Death" (ed. by Smt. Rani Jethmalani, New Delhi: Har-Anand, 1995, pp. 36-78). This work, a critical analysis of the issues surrounding dowry deaths and women's access to justice, reflected his intellectual engagement with the pressing issues of the time.

Shri Pradeep Kumar Dey's legal prowess was matched by his deep sense of humanity and compassion. Despite not marrying, Shri Pradeep Dey took on the responsibility of nurturing several children, ensuring they received a quality education and a strong foundation in values that he himself held dear.

He is survived by his nephew, Kaushik Dey, and niece, Shilpi Dey, both of whom have followed in his footsteps to become advocates, ensuring that his legacy continues in the legal profession.

Shri Pradeep Kumar Dey's departure from this world on the 6th of November 2024 has left a void on both the legal fraternity and the broader fabric of society. His extraordinary contributions to the field of law, his unwavering commitment to public service, and his boundless legacy of compassion and justice will undoubtedly resonate through the ages. Shri Dey was not merely a legal luminary; he was a steadfast guardian of truth, a beacon of fairness, and a tireless advocate for the voiceless.

On behalf of AG, my colleagues and myself, I offer my condolences to all departed friends.

xxxxx

Reference made on 21st January, 2025

by

Shri Kapil Sibal (Sr.)

President, SCBA

in the memory of

Late Shri Davinder Singh Bali,

Late Shri Jitendra Sharma and

Late Shri Pradeep Kumar Dey,

Senior Advocates

Hon'ble Chief Justice of India Shri Sanjiv Khanna; Hon'ble 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 Bar Association Ms. Rachana 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, Secretary and 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, and members of the families of Shri Davinder Singh Bali, Shri Jitendra Sharma and Shri Pradeep Kumar Dey.

The history of our great republic is full of stories, not yet told, and some that may never be told; of bravery, resilience, empathy and camaraderie. Embedded in the partition of India are the tragic tales of lives lost, of dreams shattered and of families torn asunder. Some unfortunate victims failed to get up and walk, while others confronted adversity with courage and equanimity. They emerged from their traumatic experiences, not with bitterness, but with hope in their hearts, transforming their pain into a lifelong commitment towards building a future for themselves and for their country. Today we remember three brave souls who epitomised a life of service and perseverance, placing their families and the community of citizens before their own

desires and needs. Their acts of service urge us to look beyond individual glory and remember the noble deeds of noble souls which do credit to our profession – for these noble souls, with their moral strength, relentlessly pursued the cause of justice, in service of the community.

Shri Davinder Singh Bali

Davinder Singh Bali was born on September 17, 1938 in Kot Dhuni Chand, a village near Lahore, to a landowning family. The easy comfort of his early childhood years was shattered when the unspeakable violence of the Partition began spreading across his hometown. Like millions of refugees engulfed by the prevailing insanity, his family too had to flee overnight, with nothing but a prayer for providence to come to their rescue. In the chaos and turbulence of their sudden flight, young Davinder was separated from his family in a train station. While his parents reached Karnal, the young ten-year-old child was left behind all alone to face the horrors he was witness to. In India, his parents made frantic efforts to find their child. Clutching at hope against all odds, they went from one relief camp to another, searching amongst hollow eyed faces to find their boy. On the other side, young Davinder was determined to be the master of his fate, and with indefatigable resilience, he made his way across the border on his own. The parents and child were miraculously reunited two weeks later and thus began the family's new chapter of life, a second chance provided by the benevolent hand of fate.

Young Davinder did his schooling at Karnal, where the family got land in lieu of their holdings in Lahore. He was an avid sportsman and played for Punjab in the Ranji Trophy in the early 1960s when he was 22 years old. He then did his graduation from Dyal Singh College at Delhi University, after which he studied law at the Faculty of Law, Delhi University. After earning his LL.B. degree, he started his practice as an advocate at Karnal and continued thereafter as a Public Prosecutor at Karnal and Hissar. He shifted his practice to the High Court of Punjab and Haryana in 1972. He also began appearing in this Court and would often spend long periods in Delhi. He was designated as a Senior Advocate by the High Court of Punjab and Haryana in 1989.

*Mr. Bali has argued a number of important cases through his career before this Court as well as the High Court of Punjab and Haryana. In **North Zone Cultural Centre v. Vedpathi Dinesh Kumar**, (2003) 5 SCC 455 this Court accepted the*

*proposition he argued, that non-communication of the acceptance of resignation does not make the resignation inoperative provided there is in fact an acceptance before withdrawal. Representing the Appellant in **Avtar Singh v. Bimla Devi, (2021) 13 SCC 816**, he convinced this Court to clarify the law on the scope of a Second Appeal under Section 100 of the Code of Civil Procedure, 1908. In **Dayanand v. State of Haryana, (2011) 2 SCC 224** he defended a convicted juvenile who was sentenced to undergo rigorous imprisonment. The sentence was set aside and the accused was directed to be produced before the Juvenile Justice Board.*

*Before the High Court of Punjab and Haryana, he appeared before various 3-judge benches and contributed towards the development of the law. In **State of Haryana v. Mehal Singh** the High Court upheld his submission that a Final Report under Section 173(2) would not be deemed to be incomplete when the police failed to append police reports or reports of experts which were still awaited. In **Bhagat Singh Sohan Singh v. Om Sharma** the High Court accepted his argument that amounts paid by the insurance company would not be taken into consideration when computing computation for motor vehicle accidents.*

Law apart, Davinder was a sports buff and had a number of hobbies. He was a member of the High Court of Punjab and Haryana's cricket team which he captained with success. Such was his love for Urdu that he authored several books in Urdu poetry under his pen name "Daman". His published nazms and ghazals received public acclaim. The foreword for one of his books, "Khayal-e-Daman," was written by the former Chief Justice of India, Hon'ble Mr. Justice T.S. Thakur. He was also the Charter President of an NGO "Lions Club Chandigarh Central" which is involved in various service projects like arranging for free artificial limbs for persons with disabilities, free eye operation camps, blood donation camps etc.

Today, we are joined by his family: his wife, Smt. Simrat Bali, his three daughters and one son. Two of his children followed in his footsteps in the legal profession. His daughter, Mrs. Shalu Sharma is an Advocate on Record in this Court and his son, Mr. Salil Dev Singh Bali is a practicing advocate before the Punjab and Haryana High Court.

We offer our sincere condolences to his family in this time of grief.

Shri Jitendra Sharma

To represent the rich and the powerful is an easy and lucrative option. Such clients have resources and deep pockets. To be wedded to the cause of the poor and the less privileged is a noble calling. We owe a debt of gratitude to those who have spent their professional careers protecting the weak and the hapless. Jitendra Sharma was a man who did this with relentless zeal. A man of steadfast principles, he was a staunch believer in the dignity and worth of every person. He defended, with passionate advocacy, the rights of workers throughout his illustrious career. This zeal for justice was his armour right from his students days when he was actively involved in Left student politics in Delhi University. He became a member of the CPI, but being an action oriented person, he eschewed a life in politics and chose to follow the example of his own father, the Late Janardhan Sharma, who was also an advocate of this Court, and to fight for the voiceless and marginalised in court. He was a born leader, and used his razor sharp intellect to build solidarity for important causes amongst lawyers, through tireless efforts in establishing and institutionalising various lawyers associations.

After graduating from Faculty of Law, Delhi University, Shri Jitendra started his practice in Delhi from the early 1960s. Shri Jitendra championed the causes of the underdog and fought for them at every turn, even if this entailed potentially taking a stand against the state. From the word go, he devoted himself to, and worked diligently to expand worker's rights in cases emerging from the inevitable conflict between capital and labour. His clients were workmen who faced arbitrary orders of termination, retirees who were denied due pension, and unions who were silenced from voicing their concerns. He fought several cases on behalf of the All-India Trade Union Congress. His goal was to shape the development of the law in a way that reflected the constitutional promise of justice. His people centric approach is one we all admired and imbibed. Recognising his outstanding contributions to the law, he was designated as a Senior Advocate by this Court on the 11th of May 1994.

Shri Jitendra Sharma perfected this art in turbulent times, where Indian jurisprudence was freshly adapting to a changing social, economic and political order. Environmental protection had become a pressing issue, and this was then followed by an era of globalisation that fell heavily on the existing regime of labour law. It was at this

critical juncture that Shri Jitendra made his mark. In the case of **Gammon India Limited v. Niranjana Dass (1984) 1 SCC 509**, Shri Jitendra Sharma successfully got an order not only for reinstatement of the workers, but also for payment of back wages, including bonuses, if any, paid during the period, with interest at the rate of 12% on all arrears. In **Dena Bank v. Kiritikumar T. Patel (1999) 2 SCC 106**, as amicus, he was asked to interpret whether the expression “full wages last drawn” in Section 17-B of the Industrial Disputes Act, 1947 means wages drawn by a workman at the time of termination of his employment or wages which he would have drawn on the date of the award. Shri Jitendra proposed that the expression should be interpreted to mean wages that would have been drawn on the date of award of reinstatement. His proposed interpretation demonstrated a pragmatic understanding of the limitations that often plague our legal system. He highlighted to this Court that a long-drawn litigation has an uneven impact on a workman as opposed to an employer, and that the intent inherent in the section had been to protect a workman. Though this Court took an alternative view, Shri Jitendra Sharma would forever be remembered for his perseverance and dedication towards social welfare and institutional safeguards for industrial workers. In **Noise Pollution v. Union of India (2005) 5 SCC 728**, he was once again invited by the Court to act as Amicus Curiae in framing guidelines to prevent noise pollution. When it came to the issue of firecrackers, Shri Jitendra suggested carefully curated guidelines to prevent accidents that arose from the usage of firecrackers whilst simultaneously reducing the level of noise pollution. The Court issued interim orders based on these guidelines that were heavily publicised across different media platforms including print and television, and marked an important shift away from indiscriminate use of firecrackers in India.

In **Virender Gaur and Ors. v. State of Haryana (1995) 2 SCC 577**, he represented the Appellants against the State Government which had leased open land to a private party for the purpose of construction. This act of the state was successfully challenged by him, relying upon the underlying legislative intent behind land allocation, namely, that the land had been vested with the Government to provide public amenities for residents, and to maintain the ecology. In **Management, Assistant Salt Commissioner**

v. Secretary, Central Salt Mazdoor Union (2008) 11 SCC 278, this Court, while relying on Shri Jitendra's submissions, held that the actions of statutory authorities must be confined within the four corners of the statute.

In 1991, despite a seismic shift in the economic trajectory of a liberalised India, Shri Jitendra held steadfast to his beliefs. This, however, did not mean that he was dogmatic. To the contrary, he enjoyed debating ideas, and happily immersed himself in long conversations on economic and political affairs. Many years later, he would continue this dialogue with his son Prateek, who was attracted by the new economic landscape providing fresh opportunities for the aspiring young. His son finally took up a career in finance in Switzerland. Divergent as this choice may have been from his own path, Shri Jitendra Sharma did not persuade his son to follow his footsteps. He supported his son's endeavours and shared in the joy of his successes.

Shri Jitendra Sharma's belief in collective action extended beyond his cases, and he actively involved himself in legal associations at the national and international level. In one of his most commendable achievements, he was elected Secretary General in 1994 to the International Association of Democratic Lawyers or IADL in South Africa. He then became its President in 2000, and was re-elected in 2005 again due to the diligence with which he discharged his many duties. This non-governmental organisation of international repute, spanned across 139 countries and even today shares a consultative status with ECOSOC and UNESCO. Shri Jitendra Sharma has shared the stage with the likes of Fidel Castro and Nelson Mandela, and upon becoming President Emeritus of the organisation upon his retirement, his name has been immortalised on the IADL website alongside these great men.

Throughout the mid 1980s up till the 2010s, Shri Sharma was also an active member of the Indian Association of Lawyers where he served as President. In his tenure as the President, he represented the organization in various international conferences. This organisation would subsequently become one of the founding members of the Confederation of Lawyers of Asia and Pacific, or COLAP, which seeks to strengthen cooperation and solidarity among lawyers in Asia and the Pacific Region. In recognition of his limitless capabilities, he was conferred with the Presidency of

COLAP, and under his guidance, the organisation grew in its goal to strengthen cooperation amongst lawyers.

He has also served as the Vice-President of the Supreme Court Bar Association. He held the post of Vice President of the United Lawyers Association. These are just examples of his passion for justice and his unwavering commitment to helping others, a value that shaped all aspects of his life.

Shri Jitendra Sharma epitomised humility, sincerity and perseverance, and his firm belief in social justice can be traced across many of his endeavours. This included bringing together lawyers, judges and academicians to strengthen the ethos of the Indian legal system.

Shri Sharma loved international travel, often visiting his son and grandchildren in Switzerland and attending international conferences. He was an amazing father and a doting grandfather. His favourite haunt, apart from this Court and his chamber, was the India International Centre, where he could be spotted sipping coffee every evening. He was very close to his siblings. He had three brothers, one of whom is no more with us and two sisters. He drew great support and joy from the fact that they all lived together in Delhi throughout their lives.

Shri Jitendra Sharma was deeply loved by his family, friends and colleagues. He is survived by his wife Smt. Surinder, his son Prateek, and his family. He has left behind much to be remembered by and his contributions have left an indelible mark in the legal ethos of our country.

We offer our sincere condolences to his family in this time of grief.

Shri Pradeep Kumar Dey

Pradeep Kumar Dey was no ordinary person. The story of his life is a story of a man who was deeply compassionate and who was imbued with a zeal to confront the vicissitudes of life with courage and determination. His life was a testament to the power of perseverance, integrity, and service to others.

In 1948, Shri Pradeep Dey's parents found themselves swept by the violence that marred the sub-continent during the turbulent days of the Partition. The family torn

from their home, were forced to endure the perilous journey from East Bengal to Uttar Pradesh. Though they lost their possessions, the loved ones who came across alive were a gift more precious than the wealth of their belongings. The importance of keeping the family together was a value that Shri Dey would embrace as the defining philosophy of his life. Without much to live on, Shri Dey's father secured a job in the Indian Railways and the family made Bareilly their new home. Young Pradeep Dey was born in 1954, the third son in the family. The family would go on to have eight children, who lived together in a closely knit joint family that stayed on in Bareilly.

Shri Dey's illustrious career spanned over four decades, during which he emerged as a highly respected and accomplished legal professional. He completed his B.Sc. and LL.B. in Bareilly and enrolled with the Bar Council of Uttar Pradesh on July 27, 1978. Beginning his practice in the District Court of Bareilly with his mentor, the late Shri Bankesh Bihari Mathur, he dedicated a decade to mastering the nuances of trial and procedural law before moving to Delhi in 1988. He then joined the Chambers of one of the greatest lawyers - the irrepressible Shri Ram Jethmalani. He then practised before the Supreme Court of India and the Delhi High Court. What began as a simple aspiration to practice law soon became a lifelong passion for upholding the Rule of Law.

His expertise was vast and diverse, encompassing criminal, constitutional, service, taxation, family laws, and those relating to armed forces and customs. Among the many notable cases that he worked on were landmark judgments such as **Kehar Singh v. Union of India** and **Indira Sawhney v. Union of India**. His relentless pursuit of justice in cases like **Lalita Kumari v. Government of Uttar Pradesh** underscored his commitment to safeguarding the fundamental rights of individuals.

Shri Dey was known for his meticulous preparation and unwavering commitment to excellence. Whether working on a high-profile case or a pro-bono matter, he approached every assignment with the same level of dedication and diligence. His colleagues often remarked on his ability to distil complex legal arguments into clear, compelling narratives that resonated with judges and clients alike.

Despite his numerous accolades and achievements, Shri Dey remained humble and grounded. He was a firm believer in the principle that the law should serve as a tool for justice and equality, not as an instrument of privilege. This ethos guided his practice and earned him the respect and admiration of his peers, juniors, and clients.

Beyond his professional accomplishments, Shri Dey's legacy is defined by his unwavering commitment to pro-bono work and social justice. He firmly believed that access to justice should not be determined by one's financial means, and he dedicated a significant portion of his career to representing the underprivileged and marginalized.

*Shri Dey was not merely an advocate of the law but a champion of humanity. His commitment to justice transcended the courtroom. One of his most impactful contributions was his work with the National Commission for Women, where he served as an Honorary Consultant. In this role, he investigated cases of dowry deaths, bride burning, and child abuse, often waiving his fee to ensure that victims received the representation they deserved. He also appeared in numerous Public Interest Litigations, such as **Mahila Dakshita Samiti v. State of U.P.**, which fought against the forceful eviction of persons from various scheduled castes from their lands.*

*Shri Dey's compassion extended to prisoners who had been forgotten by the system. In cases like **P. K. Dey v. State of U.P.** and **P. K. Dey v. State of Orissa**, he personally took up the quest to release prison inmates who had served over 15–30 years in jail. His efforts not only secured them their freedom, but also highlighted the need for systemic reforms in the criminal justice system.*

Shri Dey was known for his composed manner and hardworking nature. He was diligent to a fault and used to work for eighteen (18) hours a day. The only thing he was more devoted to than the law was his family. He believed in the power of familial bonds and the importance of lifting up others, values he exemplified every day. Though he never married, he was a father figure to all in his joint family. When his brother Mr. Prabir Kumar Dey passed away in a tragic fire in 1987, he took on the role of mentoring and supporting his nephew Apoorva and his niece Monica. He funded their studies, in India and abroad, and both are now well-settled. His generosity did not stop there. Shri Dey was a big believer in education and he financially supported advanced studies for

each of his fourteen (14) nieces and nephews. He ensured that his four sisters were married into loving families and took care of their marriage arrangements. Shri Dey's example is a great testimony to the best aspects of the joint family system where family is a source of support and solace throughout one's life. Beyond his immediate family, he educated thousands of underprivileged children, often providing financial assistance and mentorship to help them achieve their dreams. He left a significant grant in his will of a sum no less than a few crores for the education of girl children. He has donated his entire foreign book collection to the Supreme Court library. His generosity knew no bounds, and his actions were driven by a genuine desire to make the world a better place.

For those who had the privilege of knowing Shri Dey, his warmth, humility, and generosity were as remarkable as his legal acumen. He was a mentor to many young advocates, sharing his knowledge freely and encouraging them to uphold the highest standards of integrity and professionalism. His advice to focus on the quality of work, not the quantity, remains a guiding principle for those he mentored. His juniors remember him not just as a mentor but as a friend, someone who believed in their potential and encouraged them to rise to greatness.

Shri Dey's contributions extended to the broader legal community as well. He served as a Special Public Prosecutor and Panel Counsel for various government bodies, including the Ministry of Railways and the Food Corporation of India. His work in these roles reflected his commitment to public service and his belief in the transformative power of the law.

As we reflect on the life of Shri Pradeep Kumar Dey, we are reminded of the profound impact one individual can have on the lives of many. Life is a saga in which you hear little about great souls who come and go, contributing to the life of the nation without making a grand show of it. These are little stories which show us the nobility of human beings and their dedication to helping others. Shri Dey's life was a beacon of hope and inspiration, of rising from a humble beginning and carrying people along with him on that journey.

From Bareilly to this Court was a dream come true and a life well spent. His service to the community is to be cherished and admired.

He is survived by his three brothers, Chanchal Dey, Sandeep Dey and Shantanu Ghosh; and three sisters Purnima Nandi, Sunita Dey and Iti Mishra as well as his nieces and nephews namely, Kaushik, Saubhik, Shilpi, Apoorva, Monica, Karunesh and Sreeti. We offer our sincere condolences to you in this time of grief as you mourn not only the loss of a dear loved one, but also the comfort of a trusted father figure.

May the brave souls of departed sons of India rest in peace.

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Reference made on 21st January, 2025

by

Hon'ble The Chief Justice of India

Shri Sanjiv Khanna

in the memory of

Late Shri Davinder Singh Bali,

Late Shri Jitendra Sharma and

Late Shri Pradeep Kumar Dey,

Senior Advocates

Sister and Brother Judges, Shri Tushar Mehta, Solicitor General of India, Shri Kapil Sibal, President, Supreme Court Bar Association, Mr. Vipin Nair, President, Supreme Court Advocates-on-Record Association, Members of the Bar, Families of Senior Advocates Shri Davinder Singh Bali, Shri Jitendra Sharma and Shri P.K. Dey.

Today, we gather to pay homage to three distinguished Senior Advocates who walked these storied corridors. The loss of Senior Advocates Shri Davinder Singh Bali, Shri Jitendra Sharma and Shri P.K. Dey has left the Bar poorer – because each one of them was unique, and contributed in his own way to the art of profession.

*In law school, we learn of the Seven Lamps of Advocacy. Shri Bali, Shri Sharma and Shri Dey are amongst those whose lives embodied the Seven Lamps: **honesty, courage, industry, wit, eloquence, judgment, and fellowship.***

*Their **honesty** served as a guiding compass, shepherding every decision and grounding their advocacy in integrity. Their **courage** propelled them to champion justice, even in the most daunting of circumstances. Their **industry** stood as a testament to relentless dedication and meticulous preparation. Their **wit** brought sharpness and levity to their arguments, simplifying even the most complex issues. Their **eloquence** elevated advocacy into an art, with words that resonated persuasively. Their **judgment** reflected a rare balance of wisdom and pragmatism, shaping strategies that were both insightful and effective. Their **fellowship** enriched the Bar, fostering collaboration, mentorship, and camaraderie that strengthened the profession. They remind us that true*

advocacy is as much about character as it is about skill. Let us take a moment to recognize the contributions of these fine Senior Advocates.

Shri Davinder Singh Bali

Shri D.S. Bali was born in Kot Duni Chand, Lahore (now Pakistan) in 1938. During Partition, his family relocated to Karnal, Haryana, where he pursued his education at Dyal Singh College before earning his degree in law from Delhi University.

Shri D.S. Bali's career began in Karnal as a Public Prosecutor. In 1972, he elevated his practice to the Punjab & Haryana High Court. Due to his expertise, he was designated as a Senior Advocate in 1989. He undoubtedly had a brilliant legal mind but he also donned many other hats. His altruistic spirit manifested through his leadership of Lions Club Chandigarh Central, where he spearheaded community initiatives including artificial limb camps, eye operation camps, and blood donation drives.

Beyond his legal prowess, Shri D.S. Bali was a renaissance man. He distinguished himself as an accomplished athlete, captaining the High Court Cricket Team and representing Punjab in Ranji Trophy. His artistic soul found expression through Urdu poetry – writing under the pseudonym "Daman,". He authored several books, and his Nazms and Ghazals were published regularly. One of his works, "Khayal-E-Daman," garnered widespread acclaim. Through his multifaceted contributions to law, literature, sports, and humanitarian service, D.S. Bali exemplified a life well lived.

Today we are joined by his wife, Mrs. Simrat Bali, daughters, Mrs. Shalu Sharma and Dr. Neelu Mittal, son, Mr. Salil Bali and other beloved family members.

Shri Jitendra Sharma

Shri Jitendra Sharma, was born in 1934 in Jakholi, Haryana. He completed his education at Ramjas School and later at Delhi University. He enrolled at the Bar in 1962. Subsequently, his practice expanded at the Supreme Court as an Advocate-on-Record. He was designated as a Senior Advocate in 1994.

As Secretary General and later as the President of the International Association of Democratic Lawyers (IADL), an NGO recognized by the United Nations Economic and Social Council and United Nations Educational, Scientific and Cultural Organization (UNESCO), he advocated for peace and human rights across more than 100 countries, and eventually earned the title of President Emeritus. He also held key

positions as the President of both the Indian Association of Lawyers and Confederation of Lawyers of Asia and Pacific. He also ably contributed to the Bar by serving as the Vice President of the Supreme Court Bar Association from 1991 to 1993. Owing to his proficiency, Shri Jitendra Sharma was also invited to preside over many international conferences.

In his 55-year legal career, Shri Jitendra Sharma was known for his exceptional work ethic and principled choices, often taking cases based on merit rather than fees. He was also a gifted conversationalist and remained approachable to everyone. His commitment to helping others, especially those in need, defined his practice until his passing on October 16, 2024.

Through his work in law and human rights advocacy, Shri Jitendra Sharma built a legacy that bridged local courtrooms and global human rights forums.

We are joined by his wife, Dr. Surinder J. Sharma, son, Mr. Prateek Sharma and other dear members of the family.

Shri Pradeep Kumar Dey

Shri Pradeep Kumar Dey (P.K. Dey) was a distinguished advocate whose influence extended far beyond the courtroom. He enrolled with the Bar Council of Uttar Pradesh in 1978, with his practice spanning the District Court of Bareilly, the High Courts of Delhi and Allahabad and also the Supreme Court. Shri P.K. Dey's practice spanned civil, criminal, constitutional, taxation, labour, company and service law. He also took up many cases pro bono and was also appointed as the Amicus Curiae on many instances due to his intellect and integrity.

Renowned for his affable and kind nature, he was adored at the Bar. He earned the epithet of "Ukeel Kaku" or Vakeel Chacha from youngsters. Despite the rigours of a demanding legal career, his commitment to the education of children is commendable. He directly supported education of over 1,000 children from underprivileged backgrounds, turning his home into a space where learning flourished and potential was realized.

Shri P.K. Dey having suffered the loss of his brothers early on in his life, he built brick-by-brick a practice dedicated to the service of others, whilst at the same time shouldering family responsibilities. Shri P.K. Dey saw knowledge as a gift that gained its

true value when shared. With utmost dedication, he gave freely his time and resources, ensuring others had the tools to thrive and succeed.

Despite his achievements, Shri P.K. Dey lived simply. His legacy lives on through the countless lives he touched.

We are joined today by his brothers, Mr. Chanchal Kumar Dey and Mr. Santanu Ghosh and other cherished family and friends.

On behalf of my Brother and Sister Judges, members of the Bar, and the court staff, I convey our heartfelt gratitude for the service rendered by these distinguished Senior Advocates.

To the families of Shri Davinder Singh Bali, Shri Jitendra Sharma and Shri Pradeep Kumar Dey – their spirit lives on through the paths they pioneered and the values they cherished. We honour them by following the principles that guided their journey.

May their souls rest in peace.

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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 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 Shri Davinder Singh Bali
Senior Advocate
at the Full Court Reference***

- ❖ *Mrs. Simrat Bali, Wife*
- ❖ *Mrs. Shalu Sharma, Daughter*
- ❖ *Mr. Salil Bali, Son*
- ❖ *Mr. Saurabh Sharma, Grandson*
- ❖ *Mr. Jaiveer Bali, Grandson*
- ❖ *Ms. Shambhavi, Granddaughter*
- ❖ *Dr. Rajan Mittal, Son-in-law*
- ❖ *Mr. Rajiv Datta, Brother*
- ❖ *Mr. Arun Datta, Son-in-law*
- ❖ *Mr. Ankit Rattan, Grandson*
- ❖ *Ms. Parul Bali, Daughter-in-law*
- ❖ *Mr. Ernst Andreas Schlaepfer, Son-in-law*
- ❖ *Ms. Puja Kesarwani, Niece*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

India