

**TRIBUTE TO LATE JUSTICE T.P.S. CHAWLA**  
**FORMER CHIEF JUSTICE, HIGH COURT OF DELHI**  
**FULL COURT REFERENCE – OCTOBER 19, 2006**

HON'BLE THE CHIEF JUSTICE, HON'BLE JUDGES, MR. MILON K BANERJEE - ATTORNEY GENERAL FOR INDIA, MR. P.P. MALHOTRA - ADDITIONAL SOLICITOR GENERAL OF INDIA, MR. RAMESH GUPTA - CHAIRMAN, BAR COUICL OF DELHI; STANDING COUNSEL FOR GOVT. OF INDIA AND THE GOVT OF NATIONAL CAPITAL TERRITORY, OFFICE BEARERS OF DELHI HIGH COURT BAR ASSOCIATION AND OTHER BAR ASSOCIATIONS, RESPECTED SENIOR MEMBERS OF THE BAR, MY COLLEAGUES AT THE BAR, RESPECTED MRS. CHAWLA AND OTHER MEMBERS OF THEIR FAMILY, LADIES AND GENTLEMEN:

We were here on September 29 to pay our homage to a departed senior member of the Bar. Now, another tearful occasion within a very short period, to assemble to pay homage to a senior member of the legal fraternity, but from the Bench, who had retired as the Chief Justice of this Hon'ble High Court. Day before yesterday, Justice T.P.S. Chawla left for his heavenly abode. And we lost a luminary, the void left by whom would be difficult to fill.

A doyen of learning and a highly respected Judge, who enjoyed public confidence at its maximum, was Justice T.P.S. Chawla. Justice Chawla had completed just few months as a Judge of this Hon'ble Court, when I started appearing before this Hon'ble Court. In deciding matters, he always had an ardent view that justice is the cardinal rule in the legal system and truth should prevail.

Justice Chawla had a meritorious education, both in India and abroad. He entered the profession in 1956, at the Punjab High Court, few months after its establishment. Apart from being a member of the Bar, he was also a part-time lecturer at the Faculty of Law, University of Delhi. His students even now vividly remember his classes. Not only that, as a versatile youngman, he was a newsreader with the BBC and All India Radio! He had also

mentioned that he preferred to be a lawyer but somehow had to become a Judge and since it became so, has to do that to his best. He did both marvelously well.

About his public confidence and the respect he commanded amongst the fraternity, no example is better than the protest lead by none other than the present Chief Justice of India - Hon'ble Mr. Justice Y.K. Sabharwal as he then was, when Justice Chawla's appointment as the Chief Justice of Delhi High Court was seemingly threatened.

His judgments were well received abroad also. For example, one may look at the preface to the 19<sup>th</sup> edition of Russell on Arbitration, where his judgment in Union of India v. Bharat Engineering was gratefully acknowledged. Anthony Walton, who revised the said edition, commented that the said judgment "must henceforth form the basis for all discussions of the question whether arbitrations must be mutual." While sitting in a Full Bench in 1979 in a matter Justice Chawla held that the High Court Rules will prevail over the provisions of the Code of Civil Procedure by virtue of Section 129 of the Code of Civil Procedure itself. This view was upheld as late as 2005 by the Hon'ble Supreme Court in Iridium India Telecom v. Motorola Inc. [(2005) 2 SCC 145]. Justice Chawla used to proudly say that the Judgments of the Delhi High Court are comparable with the best judgments in the world. His efforts truly went in that direction. Justice Chawla delivered judgments in many landmark cases.

Justice Chawla understood that the judicial oath imposes on the Judge the lofty duty of impartiality. But impartiality is not easy to attain. For a Judge, as Lord Mac Milan said, "does not shed the attributes of common humanity when he assumes the ermine. The ordinary human mind is a mass of pre-possession, inherited and acquired, often none the less dangerous because unrecognized by the possessor. Few minds are as neutral as a sheet of plain water, and indeed a mind of that quality, may actually fail in judicial efficiency, for the warmer traits of imagination and sympathy are needed to temper the cold light of reason if human justice is to be done". Justice Chawla discharged this duty remarkably. He stuck to it, but with sound reasoning and strong appreciation of facts. He was able to form

his judgments with clarity of thought and perception, reasoning and facts, and deliver them without fear or prejudice of any kind.

According to him, it is not only in the grave matter of judgment that the Judge is tested. His conduct of proceedings in Court affords a measure of his ethical equipment for the judicial office. Courtesy and patience are difficult virtues to practice on the Bench than might be imagined, seeing how many otherwise admirable Judges have failed to exhibit them; yet they are very essential according to him.

He had a special fascination for younger members of the Bar. Fascination in the sense that they should be moulded properly, trained properly and perfected into gems of the Bar. He appreciated and ardently believed that learning makes one understand the value of humbleness. He used to say that members of the Bar, who, even if they were far superior in knowledge, must remain submissive in their demeanor in Court because of the respect justice commands.

To the middle section of the Bar, he would say: "do not look back or rest on your oars; strive for more and better". To the senior section of the Bar, he desired them to provide necessary incentives and opportunities to the younger members. Every new lawyer suffers from stage-fright on his first few appearances. He said that seniors should help remove this.

And to his fellow colleagues at the Bench, he suggested to conduct themselves in Court not with an overbearing attitude, but with kindness, courtesy and smile. If the Courts themselves would be guilty of transgression, to which forum should the aggrieved appeal.

Justice Chawla had an eye for finer details. I particularly remember an incident. When I sent him a congratulation letter on his elevation as the Chief Justice, he called me and enquired about the paper I used and where from I had bought it. He was fond of quality writing materials.

Justice Chawla was a golfer, a member of Delhi Golf Club and a keen sports enthusiast.

He was in the forefront of many organizations. His remarks about the Finance Commission while being a member of the 8<sup>th</sup> Finance Commission are noteworthy.

He was unanimously elected President of Youth Hostels Association of India, which has the motto of “we promote Youth for Peace and Internal Unity.”

His compassion knew no bounds. In sharing his resources, he never let the left hand know what his right hand did. Large amounts of money were given to public institutions for healthcare, education etc., including Dharamshila Cancer Hospital.

It would be apt to recall the words of Hamlet, when he speaks of his deceased father that:

“He was a man, take him for all in all,  
I shall not look upon his like again.”

Every generation is the forerunner of its next. It should handover the next generation something better and brighter. Otherwise, posterity would condemn the older generation. Justice Chawla remains before us an ever-illuminating example of learning, forbearance, generosity and compassion. He was a rare combination of a starlet lawyer, a judicious judge and a fine human being.

Time will lessen the sorrow of bereavement, but memories will stay on. Our hearts go out to Mrs. Chawla and other members of the family. Our condolences and prayers are with them. May God grant them enough strength to bear the loss and may his soul rest in peace.

A.S. Chandhiok  
October 19, 2006.