

My memories of Punjab and Haryana High Court

**Hon'ble Mr. Justice Ashok Bhan,
Judge, Supreme Court of India .**

The partition of the Country in 1947 brought with it amongst other huge issues, the problem of choosing a Capital for the new State of Punjab as Lahore , the erstwhile Capital, was left on the other side of the Border. A committee was set up by the Government and after examining various sites, chose the present one for the construction of the capital keeping in view the general surroundings and the fact that a minimal population would be displaced. The Capitol complex consisting of the High Court, the Secretariat and several other buildings was conceived on the northern fringe of the proposed Capital. In the interregnum, however, the Capital was shifted to Shimla with the High Court being housed in the complex known as Peterhoff. The present High Court building was inaugurated on 19th March, 1955 by Pt.

Jawahar Lal Nehru. The building originally visualized and constructed provided for accommodation for one Chief Justice and six puisne Judges. Residences for the puisne Judges were constructed right across the road in Sector 4, through the residence of the Chief Justice came much later. The High Court shifted from Shimla to Chandigarh with the total strength of the Bar being about 60. Of the stalwarts, who came down from Lahore and Shimla, sadly only Mr. Hira Lal Sibal, remains with us. On the re-organisation of the States in 1956 the Patiala and East Punjab States Union (PEPSU) was also merged with the Punjab State with Judges from the PEPSU High Court in Patiala also shifting to the Punjab High Court. Some senior members of Bar Association including Mr. Jagan Nath Kaushal and Sardar Dara Singh thereupon shifted their practice from Patiala to Chandigarh .

I joined the Bar Association after having completed my law from the Law Department of Punjab University in the year 1965. My recollection of the

Bar, at that time, was of one small family with joys and sorrows being shared by all, and great rapport, regard and respect between the Bar and the Bench inter se. I re-collect that the Chief Justice of the High Court was by convention unanimously elected as President of the Chandigarh Club, the only Club in Chandigarh in those days. Several Judges of this Court would play cards in the card-room followed by a drink or two in the Club Bar without the slightest hesitation or a flicker of the eye brows.

The High Court building is truly an imposing one and its powering personality is a clear representation of the majesty of law. An institution must, however, be adjudged not only on this parameter but more importantly by those who man it. Some great traditions of the Lahore High Court, which had been set by renowned Judges like Justice Sir Shadi Lal, Justice Sir Douglas Young, Justice Muhammad Munir and many others, were continued in the Punjab High Court after partition. As a young Advocate, who joined the Bar in 1965, I too was groomed in those

lofty traditions which had been carried on by the Judges and Advocates who were aware of the history and traditions of the Lahore days and who brought them to Chandigarh via Shimla. The first Chief Justice of Punjab High Court was Justice Ram Lall. He was followed by a succession of Chief Justices belonging largely to the elite Indian Civil Services -- Chief Justices A.N. Bhandari, Chief Justice G.D. Khosla and Chief Justice Donal Falshaw. Chief Justice Bhandari has long since left us but Mrs. Bhandari is well and lives in Delhi . Hon'ble Mr. Justice G.D. Khosla was a person with varied interests and his fondness for literature, poetry and for nature was often talked about. Chief Justice Falshaw was well known for his quick decisions rendered with great forth rightness and was a great exponent of the rule of law though he himself was an Englishman. The Bar Room gossip had it that he would not sit after lunch for court work as he preferred to go home to have his daily glass of beer. Hon'ble Mr. Justice S.S. Dulat was not only a brilliant

Judge, but a gentleman par excellence with a wonderful sense of humor. The memories of these and other Judges will always live with us and be an inspiration and example to move ever higher.

I also remember with profound respect Judges who later followed and before whom I had the good fortune of appearing as a counsel. I vividly recall Chief Justice D.K. Mahajan, very brusque in his behavior, but with a heart of gold. When asked by one of his colleagues as to why he had the habit of shouting at lawyers in Court, he replied that if he had done so, the lawyers were fully at liberty to shout back at him. Chief Justice D.K. Mahajan was closely followed by Chief Justice Harbans Singh, a person of unquestioned brilliance and in the words of Mr. Sidhartha Shankar Ray, a great Advocate himself, one of the most brilliant of Judges, he had ever come across. Sadly Justice Harbans Singh left us a few months ago. In the more recent past this Court has had the unique pleasure of having as its Chief Justice, Justice S.S. Sandhwalia, whose poise and

dignity remains unparalleled and has set a tradition of excellence for all those who are a part of the legal profession. A gentleman of impeccable manners, always suitably dressed for the occasion, a great host with a charming sense of humor, he epitomized to me all the attributes which go to make a great Judge. Chief Justice Sandhwalia has the distinction of being Chief Justice of this Court and the Patna High Court for about a decade. He has left an indelible impression on both Courts.

The Bar Association itself was a great club. The 11 o'clock coffee break was then, as it is now, an unending ritual. I vividly recall the various coffee clubs in the High Court. One consisting largely of members practising on the Criminal side headed by Sardar Dara Singh, Mr. Mulakh Raj Mahajan, Mr. Anand Swaroop and several senior counsel, another of Mr. Hira Lal Sibal, Mr. Jagan Nath Kaushal, Justice Kuldeep Singh and youngsters like us, the third known as the LPA group (the LPA not having

anything to do with Letters Patent Appeals) but an abbreviated version of Leg Pullers Association with several outstanding members, some of them later adorning the Bench. A fourth prominent group was 'Nyasalanders' consisting largely of members of a particular community, well known not only for their acumen and intelligence but also for their dark complexions. Several members from this group were also elevated to the bench of this Court and the Supreme Court. Yet another group, larger than life, was of Mr. Yashpal Gandhi, Seth Bhagirath Dass, Mr. Puran Chand, Mr. Ajit Singh Sarhadi, who despite their advanced ages kept the Bar Association young and alive by their conversation often bordering on the *risque* and regaled the younger members with stories of Lahore and Sialkot .

I have no doubt that the essential spirit of the Bar remains intact, but with the huge increase in the members of the Association, the informality, which earlier existed, has undoubtedly diminished. Today, Chandigarh is a thriving city vying with Bangalore as

the Information Technology Capital of India. It appears to me that the bar is equally prosperous and an indication of this is available from the huge number of cars of the latest models which I have seen in the parking area adjoining the High Court building. Fifteen years ago, all the cars could have easily fit in the parking lot in front of the old Advocate General's Building.

Till 1966 it was the Punjab High Court. Later on with the reorganization of the States and creation of Punjab and Haryana as separate States and Chandigarh , their joint capital, the High Court of Punjab became the joint High Court for both these States and the Union Territory of Chandigarh.

I was elevated to the Bench on 15th of June, 1990. After nine months, ten of my colleagues were also elevated to the Bench. Since all of us knew each other very well, we worked with team spirit. I was transferred from Punjab and Haryana High Court to Karnatka High Court in September/October, 1997 and with that my physical association with the High

Court came to an end although I always had and shall have a sense of belonging to this Court.

Today, Chandigarh is alive and vibrant with huge shopping areas, shopping malls, modern theaters and large commercial interests. There is much to be said for these developments. Contrarily, those of us, who grew up with Chandigarh and have matured with the City miss its innocence, Chandigarh has come of age