

## **Judge Dalveer BHANDARI**

**Member of the Court since 27 April 2012; re-elected from 6 February 2018 for a term of nine years.**

Born on 1 October 1947 in Jodhpur, India.

### **Educational Qualifications and Academic Achievements**

Bachelor of Humanities, Jodhpur University, India (1966)

Bachelor of Laws, Jodhpur University, India (1968)

Masters of Laws, Northwestern University, Chicago, Illinois, USA (1971)

The following international and national universities have conferred LLDs and DLitts (Honoris Causa) on Judge Bhandari:

National Law University, Delhi

KIIT University, Bhubaneswar, Orissa

Tumkur University, Karnataka

Jain Vishva Bharati University, Rajasthan

Amity University, Noida, Uttar Pradesh

University of Cambodia, Phnom Penh, Cambodia

Raffles University, Neemrana, Rajasthan

Vardhman Mahaveer Open University, Kota, Rajasthan

Hanseon University, South Korea

IIS (deemed to be University), Jaipur

Invited to attend a six-week workshop organized by the University of Chicago on research on Indian law at Chicago, USA (1970).

Worked at the Northwestern Legal Assistance Clinic and appeared in Chicago courts on behalf of the litigants at the Clinic (senior law students are allowed to appear in law courts on behalf of the clients of legal aid clinics in the State of Illinois).

As the recipient of an international fellowship, visited Thailand, Malaysia, Indonesia, Singapore and Sri Lanka on an observational-cum-lecture tour on legal aid and clinical legal educational programmes associated with the law courts and law schools.

Worked on an international project, "Delay in the Administration of Criminal Justice in India", sponsored by the United Nations.

Member of a high-level Indian delegation that visited many places in the then Union of Soviet Socialist Republics to study and understand the Soviet legal and judicial system and its relevance for India.

Conferred with the distinction of Honorary Emeritus Professor of Law by the O.P. Jindal Global University.

Evaluated theses for the granting of the degree of Doctor of Philosophy at the request of the University of Delhi and the Banaras Hindu University.

Delivered the convocation address at Sampurnanand Sanskrit Vishwavidyalaya, Varanasi, Uttar Pradesh.

Delivered the convocation address at Bhopal University, Madhya Pradesh.

Delivered the first convocation address of O.P. Jindal Global Law University, Sonapat, Haryana.

Delivered the convocation address at Mahatma Gandhi Kashi University, Varanasi, Uttar Pradesh.

Delivered convocation address at Raffles University, Rajasthan.

As a Supreme Court judge, trained a large number of students who worked as Law Clerks from Indian, American and Canadian universities.

Member, Governing Council of the National Law School of India University, Bangalore for several years (India's best law school).

Member, Governing Council of the National Law University, Jodhpur, Rajasthan since 2006.

Closely associated with many Indian, American and Canadian law schools.

### **International Court of Justice (ICJ)**

Associated with all the cases decided by the ICJ from 19 June 2012 to date.

Delivered separate opinions on various important areas covering maritime disputes, whaling in Antarctica, the crime of genocide, delimitation of continental shelves, nuclear disarmament, financing of terrorism, violation of sovereign rights, etc.

### **Judge, Supreme Court of India**

Dr. Justice Bhandari served as a senior judge of the Supreme Court of India. He was elevated as a judge of the Supreme Court on 28 October 2005. He delivered a large number of judgments while exercising the Supreme Court's jurisdiction under Article 131 to decide disputes between the Government of India and one or more of its constituent States; between the Government of India and any State or States on one side and one or more other States on the other; or between two or more States.

#### Judicial Role

He also delivered a large number of judgments on comparative law, public interest litigation, constitutional law, criminal law, civil procedure code, administrative law, arbitration laws, insurance and banking, and family laws.

Keeping in view his landmark judgment in a divorce case, the Union of India is seriously considering his suggestion for an amendment of the Hindu Marriage Act, 1955, incorporating irretrievable breakdown of marriage as a ground for divorce.

Justice Bhandari's various orders in the food grains matter led to the release of a higher quantum of supply of food grains to the population living below the poverty line.

Justice Bhandari's orders in the night shelter matter led to state governments' construction of hundreds of night shelters for homeless people all over the country.

Justice Bhandari's orders in the matter of the right to free and compulsory education for children led to the availability of basic infrastructural amenities in primary and secondary schools all over the country.

#### Administrative Role

Justice Bhandari was nominated as the Chairman of the Supreme Court Legal Services Committee.

He was nominated as the Chairman of the Mediation and Conciliation Project Committee and supervised mediation and conciliation programmes all over the country.

He was the Chairman of the Selection Committee for appointing the Judicial and Administrative Members for the National Consumer Disputes Redressal Commission.

He was the Chairman of the Selection Committee for appointing the Chairman and Members of the Railway Claims Tribunal.

He was the Chairman of the Committee to consider cases of accreditation of legal correspondents in the Supreme Court of India.

He was the Chairman of the Committee for the selection of law clerks-cum-research assistants to be provided to the Chief Justice and other judges of the Supreme Court of India.

He was the Chairperson of the Committee for selecting the teaching faculty for the National Judicial Academy set up by the Supreme Court of India at Bhopal, Madhya Pradesh.

He was nominated as a member of the Third High-level Indo-Australian Legal Forum Meeting held on 9 and 10 November 2011 at New Delhi, which consisted of chief justices, judges and attorneys general from India and Australia.

## **Chief Justice of Bombay High Court (Maharashtra and Goa)**

Justice Bhandari was elevated as the Chief Justice of the Bombay High Court on 25 July 2004 (having the states of Maharashtra and Goa under its jurisdiction). Bombay High Court is one of the oldest and largest High Courts in India (equivalent to the state supreme courts in the United States of America).

### Judicial Role

As the Chief Justice he delivered a number of landmark judgments in various branches of the law. His judgments and orders have led to a much larger allocation of funds for malnutrition in the five most impoverished districts of Maharashtra.

By his judgment, 100 judicial officers were appointed to deal with the cases pertaining to Section 138 of the Negotiable Instruments Act, 1881.

### Administrative Role

During the tenure of Justice Bhandari as the Chief Justice, the Bombay High Court achieved the rare distinction of functioning on a full strength of 60 judges for the first time and, on the recommendation of Justice Bhandari, the sanctioned strength of the Bombay High Court was increased from 60 to 75 judges. During his tenure a large number of new court buildings were constructed in the states of Maharashtra and Goa. Other incomplete court buildings were completed, renovated and modernized. On his persuasion, the state government agreed to set up the National Judicial Academy and National Law Schools in the state of Maharashtra.

Justice Bhandari took a special interest in mediation and conciliation. He was instrumental in setting up mediation and conciliation centres all over the states of Maharashtra and Goa. He also organized an International Conference on Mediation and Conciliation in Mumbai. He ensured better infrastructural facilities, particularly for the subordinate judiciary in the states of Maharashtra and Goa. He also took a keen interest in computerization, videoconferencing facilities, legal aid and legal literacy programmes. He was instrumental in setting up the Information Centre for Litigants in the Bombay High Court.

## **Judge, High Court of Delhi**

Justice Bhandari was elevated as a judge of the High Court of Delhi on 19 March 1991. He served as a judge of the High Court of Delhi for more than 13 years before he was elevated as the Chief Justice of the Bombay High Court.

### Judicial Role

As a judge in the High Court of Delhi, Justice Bhandari delivered several landmark judgments in almost all branches of the law. His directions in public interest litigation led to the closure of a 100-year-old slaughterhouse and the construction of a new, modernized and mechanized facility.

His judgment on "John Doe" orders (intellectual property rights), namely *Taj Television Ltd. v. Rajan Mandal*, was published in a leading English Journal, Fleet Street Reports (2003) F.S.R. 407.

### Administrative Role

Justice Bhandari was Chairperson of the Delhi High Court Legal Services Committee for several years. He was also Chairperson of the Advisory Board of Delhi State on the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA) and the National Security Act (NSA) for a number of years.

## **Professional Career**

Justice Bhandari practised in the Rajasthan High Court from 1968 to 1970 and then went to the United States of America on an international scholarship to pursue a Master of Laws degree. He returned to India in 1973 and thereafter, until February 1977, practised in the Rajasthan High Court on all branches of law and taught International Law and Constitutional Law at Jodhpur University for about three years. Dr. Bhandari practised law, primarily in the Supreme Court of India, on the civil, criminal, constitutional, corporate, election and central excise branches of law, from 1977 until his elevation as a judge in the High Court of Delhi.

Dr. Bhandari has argued many landmark cases before Constitution Benches and other Benches of the Supreme Court of India. He was an arguing counsel on the senior panel of the Union of India. He was also the Standing Counsel for the State of Uttar Pradesh and for many other public undertakings for more than a decade before the Supreme Court of India. He represented many other states in the Supreme Court of India. He also appeared in many leading High Courts, such as the High Court of Delhi, the Bombay High Court, the Calcutta High Court, the Andhra Pradesh High Court, the Allahabad High Court, the Rajasthan High Court and the Punjab and Haryana High Court.

## **International Law**

Member of the Advisory Board of the Asian Society of International Law.

President of the India International Law Foundation since 2007.

Chairperson of the Delhi Chapter of International Law Association for several years.

Executive Member of the International Law Association in the Supreme Court for several years.

The Indian Society of International Law has conferred an honorary life membership on Dr. Justice Bhandari and also awarded him the distinction of Emeritus Professor of the Academy of International Law and Diplomacy.

### **Exceptional Achievements**

Recipient of "Padma Bhushan", the third highest civilian award in India, 2014.

Selected as one of its 16 most illustrious and distinguished alumni at the celebrations for its 150-year anniversary (1859-2009), Northwestern University School of Law, Chicago, USA.

Recipient of Dr. Nagendra Singh International Peace Award, 2014.

International Alumni Award, Northwestern University, 2013.

### **Addresses to International Conferences and Seminars**

Keynote address, international conference organized by the United Nations on intellectual property at Auckland, New Zealand (2001).

Keynote address, international conference on "Judicial Education on Equality Issues in South Asia: What We Have Accomplished Together" at Kathmandu (13 March 2006).

Keynote address, "Gender Justice and Sensitization of the Judiciary: An Overview", organized by the Asia Pacific Advisory Forum on Judicial Education on Equality Issues at Karachi, Pakistan.

Keynote address on "Transnational Enforcement of Intellectual Property Rights" at the Fifth International Judges Conference on Intellectual Property Law at Washington, D.C. (21 to 23 April 2009).

Special address, Northwestern University, Chicago, on "Supreme Court of India and Public Interest Litigation" (23 April 2009).

Public Lectures at York and Toronto Universities in Canada (2013).

Inaugurated an International Conference jointly organized by Fudan University of China and Deakin University of Australia at Shanghai, China (2015).

### **Addresses to Important Universities, Different Forums and Conferences**

Dr. Bhandari has addressed many leading universities and other important forums on various elements related to the law, including alternate dispute resolution, intellectual property rights, international law, judicial and legal education and public interest litigation.

He was the chief guest and delivered the presidential address at the Stamp Releasing Ceremony in honour of former distinguished Chief Justice M.C. Chagla of Bombay High Court on 1 October 2004 at Mumbai.

He was the chief guest at the function organized on the eve of United Nations Day on 21 October 2004 at Durbar Hall, Raj Bhavan, Mumbai. He delivered the keynote address on that occasion.

He delivered the valedictory address on the occasion of national rounds of the Philip C. Jessup International Law Moot, 2009, organized by the University Institute of Legal Studies, Punjab University and Surana and Surana International Law Firm, at Chandigarh on 18 January 2009.

He delivered the inaugural address at the eighth and ninth editions of the Henry Dunant Memorial Moot Court Competition organized by the Indian Society of International Law and the International Committee of the Red Cross on 11 September 2008 and 10 September 2009, at New Delhi.

He delivered a special address on the occasion of the release of the book entitled "Cyber Laws and Information Technology" at New Delhi on 7 October 2009.

He delivered the keynote address at the function on "Paper for National Consultation for Second General Reforms in Legal Education" organized by the Ministry of Law in association with National Law University, Delhi, and the Bar Council of India at New Delhi on 1 and 2 May 2010.

He delivered the inaugural address at a national tax conference on "Global Economic Scenario: Role of Tax Professionals" organized by the All India Federation of Tax Practitioners at Varanasi on 7 March 2009.

He delivered the keynote address at the colloquium on "Justice Delivery of Human Trafficking Crimes for Judicial Officers, Prosecutors and Police Officers" organized by the National Legal Services Authority and the United Nations Office on Drugs and Crime on 15 November 2008 at New Delhi.

He delivered the keynote speech at the International Conclave of Intellectual Property for Judiciary and IP Practitioners on 20 January 2007 at Goa.

He inaugurated a national seminar on "Right to Education" which brought together distinguished academicians and educationists from all over India at New Delhi on 21 February 2009.

He delivered two lectures at the International Conference organized by the Bombay High Court on "Alternative Dispute Resolution" in 2004, in which a large number of judges, academicians and scholars from different parts of the world participated.

He delivered the valedictory address of the First Nani Palkhivala Memorial National Tax Moot Court Competition on 18 December 2004.

He addressed a conference organized by the Ministry of Law and Justice on "Is This the Time to Review Arbitration Law in India" at Hotel Taj Mahal, Mumbai, on 21 October 2004.

He delivered the presidential speech at the conference on "Equal Justice and Legal Aid" at YB Chavan Auditorium, Mumbai, on 3 April 2005.

He delivered a special address on "Alternate Dispute Resolution System" at the District Bar Association, Pune, on 21 April 2005.

He addressed the Bar Council of Maharashtra and Goa and Bharati Vidyapeeth University at Pune on "Professional Ethics" on 18 June 2005.

He delivered the Shri C. L. Agarwal Centenary Memorial Lecture at Jaipur on 29 January 2006.

He delivered the inaugural address at the State Lawyers Conference organized by the Bar Council of Maharashtra and Goa at Pune on 9 December 2006.

He has addressed many Rotary Clubs, Lions Clubs and other philanthropic organizations.

He delivered a special address on "Clinical Legal Education" at a function organized by the Supreme Court Bar Association on 9 March 2007 at New Delhi.

He delivered the keynote address on the occasion of an All India Seminar on "Access to Justice" organized by the Confederation of the Indian Bar at Vigyan Bhawan, New Delhi.

He delivered a special address on 15 August 2007 at the Institute of Judicial Training and Research, Lucknow, Uttar Pradesh on "Challenges before the Judiciary, Role of Judges in Efficient Functioning of the Judiciary, Judgment Writing and Judicial Ethics".

He delivered a keynote address on 18 August 2007 at the Karnataka Judicial Academy at Bangalore on "Effective Role of Alternative Methods of Dispute Resolution and Section 89 of the Civil Procedure Code".

He delivered the inaugural address on the occasion of the "Tenth Raj Anand Moot Court Competition on Intellectual Property Rights in India" at India Habitat Centre, New Delhi, on 25 August 2007.

He delivered a special address at the National Judicial Academia North Zone Regional Judicial Workshop on "Techniques and Tools for Enhancing Timely Justice" at the Scope Complex, New Delhi, on 28 September 2007.

He delivered the main address at the National Law Conference on "Dispensation of Justice: Challenges Posed by New and Emerging Trends in Law" organized by the Bar Council of Rajasthan and the Bar Council of India at Jodhpur on 16 December 2007.

He delivered the keynote address on "Importance of Moot Court Competition: An Overview" at the Fourth K.K. Luthra Memorial National Moot Court Competition at India Habitat Centre, New Delhi, on 20 January 2008.

He delivered a special address at the function organized by the Delhi High Court Legal Services Committee and Delhi High Court Bar Association on "Advance Training in Mediation" at Delhi on 1 February 2008.

He delivered a special address on "Review of Legal Education in Law Schools and Continuing Legal Education" at the All India Seminar on Judicial Reforms organized by the Confederation of the Indian Bar at New Delhi on 23 February 2008.

He delivered the keynote address on "Professional Ethics in Reporting: Problems in Observance and Solutions" at the workshop on "Law Reporting and Administration of Justice" organized by the Supreme Court Legal Services Committee, the Press Council of India, the Indian Law Institute, the National Legal Services Authority and the Editors Guild of India on 30 March 2008.

He delivered a special address at the "Five day Residential Training Course on Reporting of Court Proceedings by Media and Administration of Justice for Legal Correspondents/Journalists" organized by the National Legal Services Authority and Indira Gandhi National Open University in association with the Press Council of India and the Editors Guild of India at Indira Gandhi Open University on 8 December 2008 in New Delhi.

He delivered the inaugural address at the foundation stone laying ceremony for the establishment of the Centre for Continuing Legal Education and Advocates Academy organized by the Bar Council of Rajasthan at Jodhpur on 14 December 2008.

He delivered a special lecture on the "Impact of Globalization on the Legal Profession" in the lecture series organized by the Supreme Court Bar Association on 21 January 2009 at New Delhi.

He delivered the inaugural address at the Judicial Colloquium on "Right to Education" organized by the Human Rights Law Network on 21 February 2009 at Casuarina Hall, India Habitat Centre, New Delhi.

He delivered the inaugural address at the seminar on "Expectations and Experiences of Dispute Resolution in Telecom and Broadcasting Sectors" organized by the Telecom Disputes Settlement and Appellate Tribunal on 1 March 2009 at Jodhpur.

He delivered a special address on the occasion of inauguration of the Rajasthan Chapter of the International Law Association at Jodhpur.

He delivered the main address at the International Law Association Regional Conference at New Delhi on 20 September 2009.

He delivered the inaugural address at the National Tax Conference on "Taxation Policy an Economic Development" organized by the All India Federation of Tax Practitioners on 19 December 2009 at Jaipur.

He delivered the keynote address on "Legal Profession, Reforms in Legal Education and Continuing Legal Education" at a function of the Bar Association of India at Gauhati on 3 April 2010.

He delivered the keynote address on "Alternative Dispute Resolution Mechanism: National and International Perspectives" at ASC Hall, University of Rajasthan, Jaipur, on 24 March 2007.

He delivered the keynote address at the National Colloquium on "Emerging Issues in Public Law" organized by the National Judicial Academy at Bhopal.

He delivered the keynote address on "Child Labour: Moral and Legal Conflicts" at the symposium organized by the Delhi Legal Services Authority and Guru Gobind Singh Indraprastha University on 17 November 2007 at New Delhi.

He delivered the keynote address on "Ethics in Medical Profession and Medical Negligence" at the Medico-Legal Conference organized by the Indian Medical Association, Gurgaon, at Gurgaon on 9 December 2007.

He delivered a special address on "Indian and US Education: Challenges and Opportunities" at the seminar organized by the National Law University, Delhi, in collaboration with the Law School Admission Council, United States of America, and Institute of International Education, United States of America, on 14 September 2008 at New Delhi.

He delivered a special address on "The Judicial Role and Activism and Need for Positive Response from Legislature and Executive" at the function organized by Eastern Book Company on "Judicial Review: the Current Controversy" at New Delhi on 25 October 2008.

He delivered the valedictory address at the seminar on "Terrorism, Human Security and Human Rights" organized by the OP Jindal Global University and the Benjamin N. Cardozo School of Law of Yeshiva University on 8 January 2009 at New Delhi.

He delivered the main address on the occasion of "Maaeaswaramma Day" organized by the Sri Sathya Sai Seva Organization at New Delhi on 6 May 2009.

He delivered a lecture on "Lawyers: Past, Present and Future" at the National Academy of Legal Studies and Research, Hyderabad, on 20 March 2010.

Justice Bhandari is recipient of many national and international awards, including the prestigious Rao Sinha Award, 2012.

Justice Bhandari's several hundred judgments have been reported in various important law journals.

Canadian Prime Minister, Stephen Harper, and the Government of Canada, acknowledging the extraordinary contribution of Dr. Justice Dalveer Bhandari, observed that throughout his career he has served his country and the rest of humanity with leadership and distinction. In the citation it was also observed that Justice Bhandari's contribution to the world had a lasting and positive impact.

#### **The Citation of Degree of Doctor of Laws (Honoris Causa)**

Tumkur University, Karnataka, India, conferred the degree of Doctor of Laws (LLD) on Justice Bhandari for his magnanimous contribution to law and justice. The citation reads as follows: "Man of mettle and integrity. An illustrious legal luminary of international repute. A pioneer in the implementation of novel innovative practices in the legal system of India. A staunch crusader for gender justice, equality rights and intellectual property rights. The laurels and awards conferred on him in recognition of his yeoman service stand on the proud pedestal of his magnanimous contribution to law and justice are laudable."

On 15 June 2013, in the presence of His Excellency the President of India, Shri Pranab Mukherjee, National Law University, Delhi, conferred on Justice Dalveer Bhandari an honorary Doctorate of Laws LLD (Honoris Causa). The citation read as follows: "Dr. Justice Dalveer Bhandari is a thorough crusader of gender justice and equality rights, particularly, the rights of the poor and the marginalized sections of the society. Dr. Justice Dalveer Bhandari is known for delivering landmarks and innovative judgments in many branches of law. He is recognized for his judgments in relation to providing food grains for population below poverty lines, night shelters for homeless people, right to free and compulsory education for children, larger allocation of funds for malnourished children and protection of ecology and environment, amongst others. The superior quality of his judgments is well recognized both in India and abroad. Dr. Justice Dalveer Bhandari is a shining example of legal acumen with a human touch."

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