

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

OBITUARY REFERENCE ADDRESS BY HON'BLE MR. JUSTICE SUDHANSHU DHULIA, CHIEF JUSTICE OF GAUHATI HIGH COURT, GUWAHATI, ON 22.09.2021 AT 3.30 PM, ON ACCOUNT OF SAD DEMISE OF SENIOR ADVOCATE NILAYANANDA DUTTA, MEMBER OF THE GAUHATI HIGH COURT BAR ASSOCIATION SITTING IN THE COURT NO.1 (NEW BLOCK).

- P R E S E N T -

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE AJIT BORTHAKUR
HON'BLE MR. JUSTICE HITESH KUMAR SARMA
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
AND
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

Reference by:

1. Mr. P.J. Saikia, Sr. Vice-President, Gauhati High Court Bar Association.
2. Mr. Putul Chandra Deka, President, Gauhati High Court Advocates' Association.
3. Mr. Sailendra Das, Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
4. Mr. Devajit Saikia, Advocate General, Assam.
5. Mr. Diganta Das, Advocate General, Mizoram.
6. Mr. B.D. Goswami, Additional Advocate General, Arunachal Pradesh.
7. Mr. Ranjit Kumar Deb Choudhury, Assistant Solicitor General of India.
8. Ms. T Khro, Additional Senior Government Advocate, Nagaland

Reply by: Hon'ble the Chief Justice

1. My esteemed colleagues on the Bench.
2. Mr. P.J. Saikia, Sr. Vice-President, Gauhati High Court Bar Association.
3. Mr. Putul Chandra Deka, President, Gauhati High Court Advocates' Association.

4. Mr. Sailendra Das, Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
5. Mr. Devajit Saikia, Advocate General, Assam.
6. Mr. Diganta Das, Advocate General, Mizoram.
7. Mr. B.D. Goswami, Additional Advocate General, Arunachal Pradesh.
8. Mr. Ranjit Kumar Deb Choudhury, Assistant Solicitor General of India.
9. Ms. T Khro, Additional Senior Government Advocate, Nagaland.
10. Members of Judicial Service and Registry.

Today, we have assembled here to mourn the sad and untimely demise of Senior Advocate Nilayananda Dutta. Nilayananda Dutta, one of our finest legal minds who passed away in the midnight, on Sunday on 19.09.2021 at Coorge in Karnataka. This was following a massive heart attack. He was only 68 years of age.

Born on 16th of December, 1953 to the family of Bhabananda Dutta and Nilima Dutta, he did his early schooling from Don Bosco School, Guwahati and then pursued his Higher Secondary from Cotton College, Guwahati. He was then admitted to St Stephens College, Delhi, but returned to Guwahati to complete his graduation from Cotton College, Guwahati. He took his LL.B degree from Government Law College, Guwahati. Though he initially joined the Banking Services but very soon decided to practice law before the Gauhati High Court, which he did in 1983, and within sixteen years of his practice was designated a Senior Advocate by the Gauhati High Court in the year 1999.

Senior Advocate Nilay Dutta was the Advocate General of Arunachal Pradesh from 2008-2012 and then was again given this honour in 2016 which he held till the time of his death. Prior to that, he was Additional Advocate General of Assam from 2001-2002 and the Advocate General of Nagaland between 2004 and 2006. Late Dutta was also the Chairman of the Northeast Bar Council till January, 2020. He was also the former President of the Gauhati High Court Bar Association and Advisor to the All Assam Lawyers' Association.

Apart from the legal profession, Nilay Dutta was also a well known figure in the cricketing world. He was, I am told, a qualified International Cricket Umpire, and had also served as the President and Vice President of the Assam Cricket

Association. He also earned a rare distinction of sports commentator with All India Radio. Late Dutta was also a member of the three member Mudgal Committee which was appointed by the Supreme Court of India to probe into the betting and fixing allegations in the Indian Premier League.

Senior Advocate Dutta was the President of the Studio Nilima, which is a collaborative network for research and capacity building on inter-disciplinary issues of law as well as development in Northeast India, which also gives free legal services and spread legal awareness amongst the marginalized sections of the society. Nilay Dutta wore many hats. He was a man for all seasons.


There is none present here today in this Court room, who can say that Senior Advocate Dutta was not known to him. Although I cannot claim to have known him as much as the members of the Bar who have spoken before me, but I must say, in my short period as Chief Justice of this High Court, he appeared before me as the Advocate General of Arunachal Pradesh as well as in his capacity as a lawyer for the petitioner or for the respondents in many cases. Due to his co-morbidities and the fact that he had Covid earlier, on two occasions, he was largely addressing the Court on-line. But then there were many occasions when we did meet face to face in person. It was only last week and, those dates I vividly remember, 14th and 15th September of 2021, when as members of the Committee which had to designate senior advocates, we had interacted with lawyers for a considerable length of time. In the Committee were myself, Justice N Kotiswar Singh, Justice Manash Ranjan Pathak, Senior Advocate Nilay Dutta and Sri Devajit Saikia, Advocate General of Assam. On 14th September, this meeting lasted for four hours and more than two hours the next day. During those interactions, the members of the Committee were as much interacting amongst themselves as with the lawyers. It was then that I realized and then admired the qualities of Nilay Dutta. I realized how well read he was. His love for life, his sense of humor and his positive attitude towards life set him apart. He was a man of multi interests. Books, travel, cinema and music were some of the subjects on which he could talk for hours. Nilay Dutta deserves the rich homage given to him by the members of the Bar.

In my thirty four years of experience in the Bar and Bench, I can easily say that Senior Advocate Dutta was amongst the best of the lawyers I have come across. He was indeed one of the best in the country. Apart from being erudite, which he was, he had that great quality of a lawyer who could think while on his legs before the Court. This High Court is going to be poorer with his death, but then I can also say with confidence that lawyers like Nilay Dutta remain as the intangible heritage of this great institution. He deserves every word of the rich tribute given to him today by the members of the Bar.

In John Steinbeck's novel "Grapes of Wrath", though said there in different context by the protagonist, yet needs to be referred here in the same manner, since it is my belief that Nilay Dutta lived his life so much for others; others who needed him. Whenever a young lawyer will fumble for words in a Court or for an argument and is comforted by a colleague or by his senior, Nilay Dutta would be there. Whenever, the Bar and the Bench are looking for a solution for a problem which is being faced by the High Court and ultimately that problem is resolved by deliberation and discussion, Nilay Dutta would be there too. Whenever, this Court needs assistance of a lawyer on a point of law and that assistance is given to the Court by the Bar, Nilay Dutta would be there. When a litigant, hard pressed for money, finds assistance in a public spirited lawyer, Nilay Dutta would be there. Lawyers like Nilay Dutta do not die, they are kept alive in our memory, and in our good deeds.

I, on my behalf and on behalf of my colleagues on the Bench and members of the Registry convey our heartfelt condolence to the members of the bereaved family, his wife Dr. Biju Choudhury, daughter Abantee Dutta and his son Priyankar Dutta and pray the Almighty to grant eternal peace to the departed soul and give sufficient strength and courage to the members of his family to bear this irreparable loss.

As a mark of respect to the departed soul, I request the learned members of the Bar and Bench to observe a minute's silence.



(Sudhanshu Dhulia)

Chief Justice
Gauhati High Court, Guwahati