

My esteemed colleagues on the Bench,

Shri Rameshwar Lal Jangid, Additional Advocate General,
Government of Rajasthan,

Shri Jagmal Singh Choudhary, Representative, Bar Council of
Rajasthan,

Shri Ranjeet Joshi, President, Rajasthan High Court Advocates'
Association,

Dr. Pushpendra Singh Bhati, President, Rajasthan High Court
Lawyers' Association,

Senior Advocates designated,

Officers of the registry,

Officers of the subordinate courts,

Members of both the Bar Associations,

Ladies and Gentlemen.

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It is my mournful duty to make reference to the unexpected death of Hon'ble Mr. Justice Jagdish Sharan Verma and Hon'ble Mr. Justice Arun Kumar.

Hon'ble Mr. Justice Jagdish Sharan Verma, an outstanding Indian citizen, a prolific jurist and a legal legend of our time, passed away on 22nd April, 2013.

Born on January 18th, 1933, Justice Jagdish Sharan Verma had his early education at Satna, Madhya Pradesh. He did

his graduation in law from Allahabad University and begun his legal career in 1955.

In the young age of 39 years, he was appointed as Judge of Madhya Pradesh High Court on September 12, 1972. He became Chief Justice of Madhya Pradesh High Court in June, 1986. He adorn the office of Chief Justice, Rajasthan High Court from 1.9.1986 to 2.6.1989. He also remained acting Governor of Rajasthan from 15.10.1987 to 20.2.1988 and from 3.2.1989 to 20.2.1989. In June, 1989 he was appointed as Judge, Supreme Court of India and became Chief Justice of India on 25.3.1997.

After his retirement in January, 1998 he remained Chairperson of National Human Rights Commission from 4.11.1999 to 17.1.2003. He was also the first Chairperson of News Broadcasting Authority. In the aftermath of a gang rape in Delhi, Justice Verma was appointed as Chairperson of three members' committee constituted to suggest changes required in existing laws to provide better security to women in India.

Justice Jagdish Sharan Verma was always regarded as a shining symbol of uprightness and a true custodian of supremacy of law. Cast in a mold of probity with a soul aflame for truth and justice, he was the beacon for a civil society.

In his illustrious career spanning 26 years as Judge, he delivered several judgments touching minute issues of Indian society and also of national importance. While sitting with Justice A.P. Sen, as a Judge of Madhya Pradesh High Court, he delivered the judgment to release political detainees. This judgment though was reversed by Hon'ble Supreme Court in the case of ADM, Jabalpur, but ultimately the law laid down in that case was highly appreciated and affirmed.

As a Judge of Supreme Court, in Manohar Shyam Joshi v. Nitin Bhau Rao Patil, while speaking for the Court, Justice Verma commented on the fundamentals of Hinduism and also the role of communalism in electoral democracy.

In Jamat-E-Islame Hind v. Union of India, Justice Verma discussed about necessary foundation to declare an association as "unlawful association".

He was a member of nine Judges Bench that gave landmark verdict in S.R. Bommai's case relating to proclamation of President's Rule under Article 356 of the Constitution of India.

Justice Verma will always be remembered for his pioneering judgment in Vishakha's case, that resulted in a series

of guidelines to prevent sexual harassment of women at work place.

His judgment in the case of Supreme Court of India v. Civil Advisory Jurisdiction, commonly known as second judges case, was the foundation for introduction of collegium system, while making appointments of Judges to the Constitutional Courts.

As a 27th Chief Justice of Supreme Court, he left a proud legacy, as a defender of Constitution and of fundamental human rights.

Justice Verma is also known for his active role in forming democratic values and essentials of good governance.

Even after his retirement, he remained active in public life by participating in all important debates on various platforms including electronic and print media. His opinion was always having universal acceptance, being objective.

Without a doubt, Justice Verma was a heroic and courageous man. He was a person struggling for a society with justice, reconciliation and reconstruction.

On 24.8.2011, he wrote a detailed letter to Hon'ble Prime Minister of India pointing out the need of immediate action to check corruption in the system. He wrote and I quote -

“The nation is focused on the urgent need to combat corruption at all levels, which most affects the common man in every aspect of daily life. The demonstration of their anger on the streets is sufficient evidence that remedial measures cannot be delayed. The rule of law, which is bedrock of democracy, is in peril. No referendum is needed to know that the nation unanimous on the necessity of taking prompt remedial measures, which is the prime responsibility of the government, to be discharged with the aid of citizens doing their duty. The people's participatory role in governance is the justification for public outcry against corruption and the inordinate delay in taking remedial steps. The prime need of your government, therefore, is to convince the people of government's equal commitment on this behalf.”

Justice Jagdish Sharan Verma while addressing Indian Studies Centre of Chulalongkorn University, Bangkok on November 2, 2011, on the issue of “Judicial Activism and Democracy in India”, emphasised the need of judicial activism, with a caution for courts to work within the four corners of law. As per Justice Verma -

“Judicial activism must necessarily mean, the active process of implementation of the rule of law, essential for the preservation of a functional democracy”.

“.....The Courts are not above the Constitution and must be conscious of the conscience of preamble”.

He also asserted that “the judicial activism and judicial restraint are two faces of the same coin. Self-discipline is to be practiced strictly by the members of the judiciary and Judges must refrain from commenting on any policy matters”.

While presenting report of the committee that was constituted by the Government of India to suggest changes required in existing laws to provide better security to women, Justice Verma mentioned that “failure of good governance is the reason for current situation, not the lack of legislation”.

Justice Verma was an ideal Judge, his robes remained spotless throughout.

As a young lawyer, I was fortunate enough to have opportunity to appear before him. He was full of compassion and humility, beside a sharp legal acumen.

Only last year, he visited Jodhpur and this Court Campus. While with him, we observed his affection and love for Jodhpur people. In his every sentence he was remembering and admiring senior members of Jodhpur Bar like Late Shri Marudhar Mridul, Shri Lekh Raj Mehta and Shri Murlidhar Purohit. We will really miss him.

Justice J.S.Verma has successfully completed his journey and fulfilled the undertakings made in his oath of office.

As we mourn his passing on, we also celebrate his titanic legacy. We shall console ourselves with the memories of sterling contribution made by Justice Verma to judiciary and judicial system of our country.

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Born on April 12, 1941, Late Justice Arun Kumar did his B.C.L. from Delhi University and LL.M. From Yale, United States of America. He entered into legal profession on being registered as an advocate with Bar Council of Delhi on July 15, 1964. He worked as a Lecturer in Faculty of Law at University of Delhi in 1965-66. He remained President of the High Court Bar Association, Delhi during 1988-89. On July 13, 1990 he was

appointed as Judge, Delhi High Court. Justice Arun Kumar became Chief Justice of Rajasthan High Court on December 2, 2001 and then elevated as Judge, Supreme Court on 3.10.2002. After demitting this office on 12.4.2006, he was appointed as Chairperson, Telecom Disputes Settlement and Appellate Tribunal for a term of three years from 6.9.2006.

My appearance before Justice Arun Kumar, when he was Chief Justice of this Court was quite frequent. In his short term of 11 months as Chief Justice, he acted in equal measure of ability and honesty. His decisions reflected his erudition and keen sense of justice. With pleasure, I recall his last two visits to Jodhpur. In the year 2005 he came as a Judge, Supreme Court and then in 2011 to join a marriage. In both the visits he was too warm with his attractive smile, but keeping quite and hearing others without being obstructive.

We mourn the death of Late Justice J.S.Verma and Late Justice Arun Kumar.

On behalf of the Rajasthan High Court, at its Principal Seat, I convey our deepest condolences to the families of Justice Verma and Justice Arun Kumar. We share their grief.

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Their loss is our loss.

(GOVIND MATHUR)