

Reference Speech on 03.07.2017 at 3.45 PM
by Hon'ble The Chief Justice Mr. Pradeep Nandrajog
on the sad demise of Hon'ble Mr. Justice P.N. Bhagwati, Former Chief Justice of India
&
Hon'ble Mr. Justice Maheshwari Prasad Singh, former Acting Chief Justice,
Rajasthan High Court

My Esteemed Colleagues on the Bench,

Shri Rajesh Panwar
Additional Advocate General, State of Rajasthan

Shri Jagmal Singh Choudhary,
Adhoc Member, Special Committee of the Bar Council of Rajasthan.

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

Shri Kuldeep Mathur,
President, Rajasthan High Court Lawyers Association, Jodhpur

Learned Senior Advocates,

Learned Members of the Bar,

Officers of the Registry and

Members of the bereaved families.

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We have assembled here to mourn the sad demise of an illustrious son of the country *Padma Vibhushan* Hon'ble Mr. Justice Prafullachandra Natwarlal Bhagwati, former Chief Justice of India and Hon'ble Mr. Justice Maheshwari Prasad Singh, former Acting Chief Justice, Rajasthan High Court, who breathed their last on June 15, 2017.

Hon'ble Mr. Justice P.N. Bhagwati:

Justice Bhagwati was born on December 21, 1921 in Gujarat in a family of well educated and prolific people. His father Shri Natwarlal H. Bhagwati also served as Judge, Supreme Court of India. Justice Bhagwati did his Matriculation in Bombay and in between he gave up studies and joined the freedom struggle and also went to jail for a month. Later on, following the footprints of his father, he drifted to the Government Law College, Bombay,

where he excelled as a Law Student and completed his LL.B with 1st division. He was enrolled as an Advocate in Bombay on February 24, 1948 and practiced commercial, company and Constitutional cases at the Bar before the High Courts and the Supreme Court of India from 1948 to 1960. As an advocate, Justice Bhagwati exhibited great skill, caliber, enthusiasm, intellectuality and in recognition of these qualities and roaring success in legal profession he was appointed as a Judge of the Gujarat High Court on July 21, 1960 and was then appointed as Chief Justice of that High Court in 1967 and served in that capacity till 1973. On two occasions he also acted as Governor of Gujarat. On July 17, 1973, Justice Bhagwati was appointed as Judge, Supreme Court of India and later on elevated as Chief Justice of India in July, 1985 and retired on December 20, 1986.

It is really difficult to highlight in a few words the brilliant and sparkling career of late Justice Bhagwati. He had been appointed as Chairman for various Committees and Commissions by the State Governments and Government of India. In October 1980, the Government of India setup a Committee for implementation of Legal Aid Schemes under the Chairmanship of Justice Bhagwati with an object to inject equal justice through a dynamic scheme of legal aid. Based on Justice Bhagwati's report recommending Legal Aid Scheme in India, the Legal Services Authorities Act, 1995 was enacted. The most outstanding feather in his cap came with his appointment as member of the Permanent Court of Arbitration at Hague. He was the first Indian who was appointed as member of Human Rights Committee of the United Nations in September, 1994. That apart, he had also carried out several missions for the United Nations Centre for Human Rights, the Common Wealth Secretariat and the International Commission of Jurists.

Late Justice Bhagwati, during his tenure as Supreme Court Judge, introduced the concept of Public Interest Litigation and absolute liability to the Indian Judicial system. As a champion of PILs, he had ruled that there was no need for a person to have any locus standi to knock the doors of a Court on the issue of fundamental rights. Honours and awards have been bestowed on Justice Bhagwati time and again including *Bharat Guarav Award*, *Vijaya Ratna* and the *National Citizen Award*. In 2007, the Government of India honoured him with Padma Vibhushan, India's second highest civilian award, for his outstanding contributions to the field.

Justice Bhagwati's path breaking verdicts are occupying dominant place in the library of every legal practitioner. He delivered innumerable landmark and historical judgments on all branches of law including one in Maneka Gandhi passport impounding case in 1978, wherein he elaborated the concept of right to life and ruled that a person's movement cannot be restricted. His judgments are clear, lucid and purposive and bear the testimony and shadow of his intellectual excellence and judicial wisdom. Justice Bhagwati was embodiment of simplicity, compassion, discipline, monumental patience, uprightness, dedication and devotion. Apart from a most virtuous human being, he was a distinguished legal luminary and multi-faceted personality. With his humility, virtues and qualities of head and heart, he commanded respect of not only Bar and Bench, but litigant public throughout the country. His commitment, high standard of dignity and integrity, dedication, judicial pronouncements illustrating legal acumen, lucidity & intellectuality and contribution for the cause of justice are source of inspiration for those who believe in hard work. On the death of Justice Bhagwati a vacuum has been created in the legal fraternity, which would be impossible to fill. He is survived by his wife and three daughters.

Hon'ble Mr. Justice M.P. Singh:

Justice Maheshwari Prasad Singh was born on April 10, 1936 in Allahabad. After obtaining degree of M.Sc. and LL.B., he enrolled himself as an Advocate in August, 1960. He practiced mainly on Civil, Criminal, Constitutional and Revenue side in Allahabad High Court. During advocacy, Justice Singh exhibited a great skill, caliber, enthusiasm, intellectuality and in recognition of these qualities, he was appointed as Judge of Allahabad High Court on July 31, 1987 and later on transferred to Rajasthan High Court on April 28, 1994. Justice Singh was appointed as Acting Chief Justice of Rajasthan High Court on December 25, 1997 and retired in that capacity on April 9, 1998.

Though I did not have an occasion to meet Justice Singh, but whatever I heard of him reflects that apart from a great human being, he was a distinguished legal luminary and an eminent jurist. His ability was notable. He was soft spoken, polite and courteous to all. Anyone who came in his contact, admired and respected him. He rendered outstanding services to uphold the ethics and moral values of Indian Legal System. His judgments bear the stamp of intellectual excellence and wisdom and are shining in the Law Journals. His contribution in dispensation of justice was commendable and is praiseworthy. He performed his functions in such a manner which enhanced the image and reputation of the Institution in the mind of public, thereby increased faith of the people in the judicial system. Justice Singh is survived by his wife, two sons and one daughter.

I on behalf of my colleagues and on my own behalf offer heartfelt condolences to the members of the bereaved families and implore the Almighty to give strength, courage and fortitude to them to bear this irreparable loss. May the noble souls rest in eternal peace.

