

22nd March, 1942 – 26th August, 2020

Full Court Reference in the memory of

Late Hon'ble Dr. Justice A. R. Lakshmanan

Former Judge, Supreme Court of India

held on Monday, the 13th December 2021 at 10.30 a.m. in the Auditorium at 3rd Floor, 'C' Block, Additional Building Complex, Supreme Court of India

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Letter from the Registrar, Supreme Court of India

Avani Pal Singh Registrar Supreme Court of India



F.No.99/Ref/2021/SCA(Genl) Dated the 16th December, 2021

Shri A.R. L. Sundaresan, Meenakshi Illam, No. 6, Alambattar Street, Devakottai, Sivaganga District, Tamil Nadu.

Sir,

There was a Full Court Reference in the Auditorium of the Additional Building Complex, Supreme Court of India on 13th December, 2021 in the memory of late Hon'ble Dr. Justice A.R. Lakshmanan, former Judge, Supreme Court of India. Rich tributes were paid to His Lordship by Hon'ble Shri N.V. Ramana, Chief Justice of India, Shri K.K. Venugopal, Learned Attorney General for India and Shri Vikas Singh, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed. I have the honour of forwarding a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid.

Kindly permit me to convey the heart-felt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Yours sincerely,

Registrar (AG)

Encls: As above

List of Business for 13th December, 2021 in respect of Full Court Reference



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR MONDAY THE 13TH DECEMBER, 2021

AUDITORIUM AT 3RD FLOOR, 'C' BLOCK, ADDITIONAL BUILDING COMPLEX, SUPREME COURT OF INDIA INSTEAD OF THE COURT OF THE HON'BLE CHIEF JUSTICE OF INDIA AS ORIGINALLY FIXED.

AT 10.30 A.M.

FULL COURT REFERENCE IN THE MEMORY OF LATE HON'BLE MR. JUSTICE K. JAYACHANDRA REDDY, LATE HON'BLE MR. JUSTICE N.P. SINGH AND LATE HON'BLE DR. JUSTICE A.R. LAKSHMANAN, FORMER JUDGES, SUPREME COURT OF INDIA.

Coram of Hon'ble Judges at the Full Court Reference

- Hon'ble Shri N.V. Ramana, Chief Justice of India
- Hon'ble Mr. Justice Uday Umesh Lalit
- ❖ Hon'ble Mr. Justice A.M. Khanwilkar
- Hon'ble Dr. Justice D. Y. Chandrachud
- ❖ Hon'ble Mr. Justice L. Nageswara Rao
- Hon'ble Mr. Justice Sanjay Kishan Kaul
- Hon'ble Ms. Justice Indira Banerjee
- ❖ Hon'ble Mr. Justice Vineet Saran
- ❖ Hon'ble Mr. Justice K.M. Joseph
- Hon'ble Mr. Justice Hemant Gupta
- Hon'ble Mr. Justice R. Subhash Reddy
- Hon'ble Mr. Justice Ajay Rastogi
- Hon'ble Mr. Justice Dinesh Maheshwari
- Hon'ble Mr. Justice Sanjiv Khanna
- Hon'ble Mr. Justice Surya Kant
- ❖ Hon'ble Mr. Justice Aniruddha Bose
- Hon'ble Mr. Justice A.S. Bopanna
- Hon'ble Mr. Justice Krishna Murari
- Hon'ble Mr. Justice S. Ravindra Bhat

- * Hon'ble Mr. Justice V. Ramasubramanian
- Hon'ble Mr. Justice Hrishikesh Roy
- Hon'ble Mr. Justice Abhay S. Oka
- ❖ Hon'ble Mr. Justice Vikram Nath
- ❖ Hon'ble Mr. Justice J.K. Maheshwari
- ❖ Hon'ble Ms. Justice Hima Kohli
- Hon'ble Mrs. Justice B.V. Nagarathna
- ❖ Hon'ble Mr. Justice C.T. Ravikumar
- ❖ Hon'ble Mr. Justice M.M. Sundresh
- ❖ Hon'ble Ms. Justice Bela M. Trivedi
- ❖ Hon'ble Mr. Justice Pamidighantam Sri Narasimha

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Reference made on 13th December, 2021

by

Hon'ble The Chief Justice of India Shri N. V. Ramana

in the memory of

Late Mr. Justice K. Jayachandra Reddy,

Late Mr. Justice N. P. Singh and

Late Dr. Justice A. R. Lakshmanan,

Former Judges, Supreme Court of India

My Brother and Sister Judges, learned Attorney General Shri K. K. Venugopal, learned Solicitor General Shri Tushar Mehta, learned law officers, Shri Vikas Singh, President, Supreme Court Bar Association, Shri Shivaji M. Jadhav, President, Supreme Court Advocates-on-Record Association, Members of the Bar, Family members of late Shri Justice K. Jayachandra Reddy, late Shri Justice N.P. Singh and late Dr. Justice A.R. Lakshmanan who are present here and who have joined online, ladies and gentlemen.

We have assembled this morning to remember and pay homage to Shri Justice K. Jayachandra Reddy, Shri Justice N.P. Singh and Dr. Justice A.R. Lakshmanan, all three, who had adorned the Bench of this Court and have made rich contributions to the growing constitutional jurisprudence of our nation.

Shri Justice K. Jayachandra Reddy

- 1. Shri Justice K. Jayachandra Reddy was born in the Kadapa district of Andhra Pradesh on 15th July 1929. He received his high school education at the Theosophical High School at Madanapalli and Board High School at Rayachoti. He earned his law degree at the Madras Law College in 1951 and enrolled as an Advocate in the High Court of Madras in 1952.
- 2. He joined the office of Shri P. Basireddy, who later retired as the Acting Chief Justice of the High Court of Andhra Pradesh. Justice K. Jayachandra Reddy was appointed as the Additional Public Prosecutor in 1966 and later as Public Prosecutor in 1970, which position he held till his elevation to the High Court of Andhra Pradesh in 1975.

- 3. He was appointed as an Additional Judge of the High Court of Andhra Pradesh for a period of two years. As a High Court Judge, he took up several responsibilities. Most notably, he was the Chairman of the A.P. State Legal Aid Board, Chairman of the Rules Committee of the High Court and Chairman of the Advisory Board. He was then appointed as Permanent Judge of the High Court of Andhra Pradesh with effect from 30th June, 1976.
- 4. Shri Justice K. Jayachandra Reddy was elevated to the Supreme Court on 11th January, 1990 and retired on 14th July, 1994. Considering his passion for the cause of justice, he humbly accepted to continue as ad-hoc judge in the Supreme Court for another year. His commitment to the issues of rights and liberties can be witnessed in his various pronouncements such as Sanjay Kumar Aggarwal v. Union of India, Ayub v. S.N. Sinha.
- 5. He was equally respected and valued by the Bar and the Bench. With his wit and humour, he made the court lively. I remember, when I was a young advocate, I had appeared before him multiple times. He had the exceptional ability to make young lawyers feel at ease and always used to encourage them with a patient hearing.
- 6. Justice K. Jayachandra Reddy's accomplishments are well known. In 1994, he was awarded the Rajiv Gandhi Excellence Award for the services he rendered in the legal field and the National Law Day Award in 1996 by the Indian Council of Jurists.
- 7. He also served as the Chairman of the National Law Commission from July, 1995 to August, 1997. He worked tirelessly to ameliorate the circumstances of undertrial prisoners.
- 8. Justice K. Jayachandra Reddy also served as the Chairman of the Press Council of India from August, 2001 to February, 2005. He was deeply passionate about the role of the media as a public institution.
- 9. In 1999, he was appointed by the United Nations as a Member of the Expert Group in Hague to review the effective operation and functioning of the International Criminal Tribunals for the former Yugoslavia and for Rwanda.
- 10. He was also an avid reader and a tennis player. He enriched people's lives around him and contributed in many ways to the society. He loved poetry and music. He often used to quote poems from the Bhagavatham.
 - 11. He passed away on 9th February, 2020, in Bengaluru at the age of 90, in the midst

of family and loved ones. He is survived by his wife, Smt. Sarojini Devi and daughter Smt. Swarnalata Reddy.

12. He was a legal stalwart in the truest sense. He took up several roles in the Indian judicial system, and his contribution to the same is immense. He was deeply committed to the effective administration of justice.

Shri Justice N.P. Singh

- 1. Justice N. P. Singh was born on 25th December, 1931, into a family of legal luminaries. Justice N. P. Singh's father and grandfather were both lawyers. His father, Late Baldeo Prasad Singh, practiced at the Patna High Court and served as the President of the Barristers' Association for a long period of time.
- 2. Shri Justice N.P. Singh did his schooling from Gaya Zila School and graduated in B.A. (Hons.) in Economics from the Patna College, Patna University.
- 3. He enrolled as an Advocate on 9th January, 1956 and took his initial steps at the bar practicing at the High Court of Patna with late Balachandran Prasad Singh, the then Advocate General.
- 4. He was elevated as a Judge of the High Court of Patna in 1973, at the young age of 42 and had one of the longest and most illustrious tenures as a Judge. He became the Acting Chief Justice of the Patna High Court in 1991. He was then elevated as the Chief Justice of the Calcutta High Court. He was elevated to the Supreme Court in 1996.
- 5. Justice N. P. Singh, in his tenure at the Supreme Court, lasting for four years, gave several important judgements on various legal subjects. He delivered landmark judgments in the field of Service Laws, Industrial Disputes, Civil laws and the Motor Vehicles Act. He was part of several Constitution Benches and has delivered several judgements in furtherance of the Constitutional Mandate and constitutional duties. Some of his notable contributions included Smt. Gian Kaur case, the Balaji Raghavan case, etc.
- 6. Justice N. P. Singh's innings at the Bench did not end with his retirement as a judge of the Supreme Court. After he retired in 1996, he took on the tough role to solve one of the longest running litigations in the country the Cauvery Water Dispute. As the Chairman of the Cauvery water Dispute Tribunal, Justice N. P. Singh, delivered the award in the long-standing Cauvery Water Dispute. The Report was subsequently affirmed by the Supreme Court of India. His ill-health led him to resign from the Cauvery Water Dispute Tribunal in 2012.

- 7. Justice N. P. Singh was fond of gardening, movies and good music. He breathed his last on 21st July, 2020.
- 8. He is survived by his three sons- Dr. Ajit Singh, Shri Shekhar Singh, Shri Justice Sudhir Singh.
- 9. Justice N.P. Singh was a Judge par excellence. His demise is a great loss to the judiciary. He leaves behind a legacy of a great jurist.
- 10. Justice N. P. Singh enjoyed abundance of goodwill and affection from every member of the bar and the bench. He truly believed that, with sheer hard work and humility, you can achieve greatness. His life is an inspiration for the young generation during these times.

Dr. Justice A.R. Lakshmanan

- 1. Justice Lakshmanan was born on 22nd March 1942, in Devakottai, Sivaganga District, Tamil Nadu. After successfully graduating in Economics from St. Joseph's College, Trichy, he decided to pursue the law from Madras Law College. In the year 1966, after completing his Bachelor of Law degree, he started his legal career by assisting some of the most prominent seniors of the bar.
- 2. Justice Lakshmanan, being a first-generation lawyer, himself admitted to struggling initially in order to survive in the profession. After practising as a lawyer for over 23 years, as a result of his sheer hardwork, he was appointed as a Permanent Judge of the Madras High Court in 1990. Justice Lakshmanan excelled as a Judge and during his tenure in the Kerala High Court, he was appointed as acting Chief Justice on three occasions. He became Chief Justice of the Rajasthan High Court and also served as Chief Justice of the Andhra Pradesh High Court. Thereafter, he was elevated as a Judge of the Supreme Court in the year 2002. He served the Supreme Court of India for five years before retiring in 2007.
- 3. During his tenure in the Supreme Court, he contributed more than 200 judgments touching upon wide-ranging issues, including that of taxation, management of religious institutions, service matters, labour laws and employee welfare, and many more. During his tenure in the Supreme Court, he was a part of several constitution benches.
- 4. After his retirement, he was appointed as the Chairman of the 18th Law Commission of India. After undertaking the long journey from an advocate to a judge, he firmly believed that the justice delivery system needs to be improved. In a short span of

two years, he reflected upon the entire state of affairs of the Indian legal system and the necessity of implementing changes. He submitted 32 comprehensive reports to the Government of India recommending various measures to improve the Judicial System in India. He contributed immensely to the development of Family Law jurisprudence through various reports during his Chairmanship.

- 5. Throughout his life, he wore multiple hats. One such hat was that of an educationist. He was committed to the cause of improving the quality of legal education in India. His endeavour was to enrich young minds to pursue a profession of excellence and commitment. He has served as Chancellor of the National Law University of Jodhpur, and of NALSAR, Hyderabad, which are renowned centres of legal education in the country.
- 6. As a testament to his knowledge and learning, he has authored several works in Tamil and English. His books provide a deep insight into his years of experience, his depth of knowledge and his unending wisdom. His life and times are bound to be remembered, and will certainly inspire generations to come.
- 7. When Justice Lakshmanan was the Chief Justice of the Andhra Pradesh High Court, I had the fortune to share a Bench with him. I had attended his 60th Birthday celebrations in Devakottai. I will never forget his affection and concern towards me. He was a very good host.
- 8. He was very closely connected with his birth place, culture and language. Often, with pride, he used to recollect the rich Tamil architecture and Chettinadu culture and cuisine. He was indeed a proud Tamilian and had close connections with his roots.
- 9. He left for heavenly abode on 26th August, 2020 hardly within 36 hours of the demise of his wife-Smt. Meenakshi Aachi. He is survived by his two sons, Shri L. Arunachalam and Shri A.R.L. Sundaresan and two daughters, Smt. A.L. Umayal and Smt. S. Swarnavalli.
- 10. I pay my respectful homage to the departed souls. I pray to God to give strength and courage to the family members of Justices K. Jayachandran Reddy, N.P. Singh and A.R. Lakshmanan.
- 11. My Brother and Sister Judges join me in conveying our heartfelt condolences to the bereaved families, and we pray to the Almighty to give them strength to bear this irreparable loss with fortitude.
 - 12. May the departed souls rest in peace.

Reference made on 13th December, 2021

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Attorney General For India Shri K. K. Venugopal

in the memory of

Late Mr. Justice K. Jayachandra Reddy,
Late Mr. Justice N. P. Singh and
Late Dr. Justice A. R. Lakshmanan,
Former Judges, Supreme Court of India

Hon'ble Chief Justice of India N.V. Ramana, Hon'ble Judges of the Supreme Court of India, the Solicitor General of India, the Additional Solicitors General, Shri Vikas Singh, President, and other Office Bearers of the Supreme Court Bar Association, Shri Shivaji Jadhav, President, and other Office Bearers of the Supreme Court Advocates on Record Bar Association, friends at the Bar, family members of Late Hon'ble Justice K. Jayachandra Reddy, Late Hon'ble Justice N.P. Singh, and Late Hon'ble Justice A.R. Lakshmanan, ladies and gentlemen:

The year 2020 has taken away three of our stalwart judges.

Justice K. Jayachandra Reddy

Justice K. Jayachandra Reddy was born on July 15, 1929 in the Kadapa District of Andhra Pradesh. He obtained his education at the Theosophical High School, Madanapalli, the Board High School, Rayachoti, the Government College, Anantapur, and the Besant Theosophical College, Madanapalli.

Justice Reddy acquired a degree in law from the Law College, Madras, and enrolled as an Advocate of the Madras High Court on 04.08.1952. He moved to Hyderabad on 01.11.1956 after the formation of Andhra Pradesh and joined the office of Shri P. Basireddy, who later retired as Acting Chief Justice of the Andhra Pradesh High Court. As a lawyer, he excelled in consitutional and criminal law.

Justice Reddy was appointed as Additional Public Prosecutor at the Andhra Pradesh High Court in 1966, and was promoted to the position of Public Prosecutor in 1970. Obviously on account of the mark that he had made at the Bar, Justice Reddy was appointed as an Additional Judge of the High Court of Andhra Pradesh in 1975 and

became a permanent judge in 1976. Later on, he donned different mantles and was Chairman of the A.P. State Legal Aid Board; Chairman of the Rules Committee of the High Court and Chairman of the Advisory Board of the High Court for advising on preventive detention cases. On account of his legal acumen, integrity and learning, it was only to be expected that he would occupy the highest office available to a judge of the High Court, and he was elevated to the Supreme Court on January 11, 1990. After a memorable four-and-a-half-year tenure in the Supreme Court, he retired on July 14, 1994. What is remarkable is that the Chief Justice of India and the Government of India wanted him to continue on the Bench of the Supreme Court, and he was sworn in again as an ad hoc Judge for a year more.

With the benefit of hindsight, his professional life appears to have progressed like clockwork, as if the hand of destiny was steadily pushing him along. This invisible force appears to have been with him even after his illustrious tenure at the Supreme Court. Justice Reddy was given the National Law Day Award in 1996 by the Indian Council of Jurists, the Chairman of which was Justice P. N. Bhagwati and the Award was presented by the then Prime Minister. In 1994, he was given the Rajiv Gandhi Excellence Award for his services rendered in the legal field. The award was presented to him by the Speaker of the Lok Sabha.

After his retirement, Justice Reddy served as the Chairman of the Law Commission from July 1995 to August 1997 and as the Chairman of Press Council of India from August 2001 to February 2005.

The accolades continued, and Justice Reddy was appointed by the United Nations in 1999 as a Member of the Expert Group to review the effective operation and functioning of the International Criminal Tribunals for the former Yugoslavia and for Rwanda. The Expert Group, apart from Justice Reddy, consisted of a Supreme Court Judge from Argentina, a Supreme Court Judge from Gambia, the then President of the United Nations Administrative Tribunal and a former Under-Secretary-General of the U.N. The Report was submitted to the U.N. General Assembly.

Of course, this list of achievements, impressive as it is, does not do full justice to the life of Justice Reddy. I read somewhere that in his free time, Justice Reddy worked tirelessly for the development of his village where he was born, and motivated many people to pursue higher studies, some of whom have become successful lawyers, IAS officers and senior officials in the police departments.

His tenure at the Supreme Court of India was marked by a series of notable

judgments, and the reports of those years immortalise his contribution to the law during that time, especially in the field of criminal law. Justice Reddy delivered a number of significant judgments as a member of Constitution Benches.

In Attorney General for India v. Amratlal Prajivandas, (1994) 5 SCC 54, in a decision authored by Justice Reddy, a Constitution Bench of the Court held that 'Parliament was perfectly competent to enact both the COFEPOSA and the SAFEMA.' While upholding the laws, Justice Reddy revealed his philosophy. Quoting Lewis Henry Morgan, Justice Reddy stated:

"May we say in conclusion that "the interests of society are paramount to individual interests and the two must be brought into just and harmonious relation. A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past"."

Justice Reddy was also a part of the Constitution bench that delivered the celebrated judgment in Kihoto Hollohan v. Zachillhu, 1992 Supp (2) SCC 651, which, while upholding the insertion of the tenth Schedule to the Constitution of India, struck down paragraph 7 thereof. The Court held that judicial review was a part of the basic structure of the Constitution and could not be taken away even by constitutional amendment. This meant that the decision of a Speaker under the tenth Schedule would be subject to judicial review.

Soon after this judgment was delivered, the Court was called upon to give effect to the decision in a rather difficult case. In I. Manilal Singh v. H. Borobabu Singh (Dr), 1994 Supp (1) SCC 718, a constitution bench with Justice Reddy as a member issued a per curiam opinion summoning the Speaker of the Manipur Legislative Assembly to face contempt proceedings, as the Speaker while exercising powers under the tenth Schedule failed to follow the judgments of the Court and thereafter failed to respond to the summons issued by the Court. The Court directed the Union of India to produce the Speaker before the Court. In the strongest words, the Court declared:

"We must remind ourselves that the 'rule of law' permits no one to claim to be above the law and it means — 'be you ever so high the law is above you'. It was said long back: 'to seek to be wiser than the laws, is forbidden by the law'."

I recently came across two rather prescient orders passed by Justice Reddy, where in tax cases, the Ld. Judge dismissed SLPs filed by the Government on the only ground that the tax value involved was too small for the court to issue notice invoking its jurisdiction under Article 136. Of course, now the Government itself has framed guidelines where only cases with a pre-defined minimum tax implication will reach the Supreme Court.

Justice Reddy passed away on February 9, 2020 at the age of 90. He lived a long and full life. His contribution to the development of the law, especially criminal law, and his selfless service to causes of public welfare, stand testament to his life, and will continue to keep his memory alive.

We all deeply mourn his death. I offer my deepest condolences to the members of his family.

Justice N.P. Singh

- 1. Justice N.P. Singh was born on 25.12.1931 to a family of legal luminaries. His grandfather, Late Nand Kishore Prasad Singh, practised at the District Court, Chhapra in Bihar. His father, Late Baldeo Prasad Singh, Bar-at-Law, practiced before the Patna High Court and was the President of the Barrister's Association for a long time. It was therefore not surprising that the young N.P. Singh should have taken naturally to law.
- 2. Justice N.P. Singh enrolled as an advocate in 1956 and practiced before the Patna High Court, for 17 years, appearing in civil and criminal cases till his appointment as a Judge of the Patna High Court.
- 3. He served as a High Court judge for a considerable period, from 12.04.1973 when he was appointed as a Judge of the Patna High Court. He then became the Acting Chief Justice of the Patna High Court in 1991 and thereafter the Chief Justice of the Calcutta High Court in February 1992 before he was elevated to the Supreme Court of India in June 1992.
- 4. During his tenure as judge of the Supreme Court, Justice NP Singh, delivered about 450 judgements of which he had authored about 116 judgments covering almost all fields of law including constitutional law, election matters, criminal jurisprudence, service law, property disputes, arbitration cases, and competition law among others.
- 5. In a case relating to the acquisition by the Kerala State Government of the cashew factories in the State under the Kerala Cashew Factories (Acquisition) Act, 1974, Justice NP Singh set aside the Orders passed by the State Government and directed the State to handover possession to the respective owners. In another case, Justice NP Singh upheld the preferential promotion given to certain officers in the defence services observing that officers who joined the defence services during emergency due to external aggression form a separate class and cannot be equated with those who joined after the emergency ended.²

Indian Nut Products and Ors. v. Union of India and Ors. (1994 (4) SCC 269) [3 judges]

- 6. In a case where the Janata Dal had challenged the withdrawal, by the Election Commission, of recognition of the party as a national party, Justice NP Singh had upheld the order of the Commission observing that for withdrawal of the recognition, one need not wait till elections are held in all the States within the Union of India, but that one only needs to await the result in four or more States.³
- 7. Justice NP Singh showed his compassion in cases arising out of the Motor Vehicles Claims Tribunals. While enhancing the compensation awarded to an advocate who was rendered paraplegic on account of an accident, Justice NP Singh observed (in R.D. Hattangadi v. Pest Control (India) Pvt. Ltd. and Ors. (1995) 1 SCC 551) that:

"No amount of compensation can restore the physical frame of the appellant. [....] it is impossible to equate the money with the human sufferings or personal deprivations. Money cannot renew a broken and shattered physical frame."

- 8. His compassion however did not come into the way of firmly applying the law when the situation required it. It was a Division Bench comprising of Justice A.S. Anand and Justice N.P. Singh that dismissed the appeal filed by Dhananjoy Chatterjee, a security guard who was held guilty of the rape and murder of a young girl of 18 years, and who was thereafter awarded the death penalty and hanged for his crime, making him the first person who was judicially executed in India in the 21st century for murder.⁴
- 9. After his retirement in December 1996, Justice NP Singh was appointed as the Chairman of the Cauvery Water Disputes Tribunal, but before he could complete the hearings, he had to resign as Chairman in 2012 on account of his ill health.
- 10. Justice NP Singh passed away in 2020, just a year before his 90th birthday. His son, Hon'ble Justice Sudhir Singh is a sitting Judge of the Patna High Court who continues to carry the torch lit by his great grandfather and carried by his father. I offer my deepest condolences to Justice Sudhir Singh and his family.

Justice A.R. Lakshmanan

1. Justice A.R. Lakshmanan who retired from the Supreme Court of India on 22.03.2007, passed away on 26th August 2020 at the age of 78 years.

³ Janata Dal vs. Election Commission of India (1996 (1) SCC 235) [3 judges]

⁴ Dhananjoy Chatterjee v. State of West Bengal (1994 (2) SCC 220) [2 judges]

- 2. Born on 22.03.1942 at Devakottai, Tamil Nadu, Justice Lakshmanan began his career as an advocate in 1968 in the Madras High Court. He served as Government Pleader in the Madras High Court and was appointed permanent judge of the Madras High Court on June 14,1990. He later held the office of acting Chief Justice of the Kerala High Court on three occasions and was thereafter appointed Chief Justice of the Rajasthan High Court on 29 May 2000. He was appointed Chief Justice of the Andhra Pradesh High Court on 26 November 2001 and being a judge of excellence was elevated to the Supreme Court of India on 20 December 2002. On retirement from the Supreme Court, he was appointed Chairman of 18th Law Commission of India, a position which held for about three years.
- 3. During his tenure in the Supreme Court, Justice Lakshmanan was party to over 200 judgments many of which are regarded as landmarks. He was also an ardent scholar of literature, as well as of numerous other fields apart from the law, such as spiritualism, art and education. He would often recount to his colleagues on the Bench numerous facts about ancient heritage of the Tamil language, the culture of which he was very proud and even Chettinad cuisine which he was quite partial to. He has written several books, as well as delivered countless lectures on a variety of legal subjects, from the more conventional such as Taxation, Constitutional Law and Criminal Law to more esoteric subjects such as 'Spiritual Empowerment for Jurists', 'Philosophy and Science in Human Development', 'Capital & Labour' etc. As Chairman of the Law Commission of India, he was responsible for submitting 32 full reports to the Government of India on aspects of legal reform.
- 4. His wide reading, and in depth academic scholarship were visible in several of his judgments. For example, in Commr. Of Police v. Acharya Jagadishwarananda Avadhuta (2004) 12 SCC 770 Justice Lakshmanan dissented from the majority and took the view that the Ananda Margis being a religious denomination had the right to perform the Tandava dance, in public with a human skull in hand, which was protected under Article 25 of the Constitution of India being part of their right to religion. While holding thus, he observed:
 - "64. Whilst our Constitution is neutral in religion, it at the same time, is benign and sympathetic of all religious creeds however unacceptable they may be in the eyes of the non-believers. Articles 25 and 26 embody a tolerance for all religions...It is in that spirit of tolerance that creeds like the petitioner with their practices must be accepted in our society."
 - 5. In Saurabh Chaudri v. Union of India, [(2003) 11 SCC 146], while a member of a

Constitution Bench hearing the validity of the "domicile" requirement imposed for reservations in medical colleges, Justice Lakshmanan, by a separate judgment displayed his farsightedness, when he observed:

- "109....To the extent possible, they (the students) should be made to feel that they are part of one nation. Tensions and frustrations at their impressionable age will surely result in a society with distorted and negative values damaging the foundations of a healthy society. The policies and procedures for admissions should be viewed from the larger impact on the future of India."
- 6. In John Vallamattom v. Union of India [(2003) 6 SCC 611], he held that Section 118 of the Indian Succession Act, inasmuch as it imposed only upon members of the Christian Community restrictions in respect of bequeathing property for religious and charitable purposes violated Article 14 and therefore unconstitutional. While so holding, he stated:
 - "62...In all these cases, the principle is the same, namely, that there should be no discrimination between one person and another if as regards the subject-matter of the legislation their position is the same. In my view, all persons in similar circumstances shall be treated alike both in privileges and liabilities imposed."
- 7. As Chairman of the Law Commission of India, he spearheaded the study of several complex legal issues to arrive at practical and efficacious solutions. In its 229th Report, the Law Commission of India with Justice Lakshmanan as Chairman made far reaching recommendations for the division of the Supreme Court of India into a Constitution Bench at Delhi and four Cassation Benches, in four regions i.e. Delhi, Chennai/Hyderabad, Kolkata and Mumbai. This is a recommendation which I too have wholeheartedly endorsed on numerous occasions and would, if brought to fruition go a long way towards tackling the docket explosion in the Supreme Court.
- 8. Another innovative recommendation made by the Law Commission of India during Justice Lakshmanan's tenure was to place more reliance upon technology for the purpose of smoother and more efficient case management. As far back as in 2009, over a decade ago, the Commission stated:

"We have modern technology, which facilitates us to collect a lot of information and making it available to Chief Justices, so that they are able to allocate their manpower efficiently. Digital techniques and tools are at our disposal, to collect information from an entire database from the time a case is

instituted in a court of law to the final stages of appeal. Building up a judicial database will enable us to assess the performance of the courts as an institution, and the Chief Justices will be able to use it to assess the individual performance of judges. This will go a long way in identifying what the backlog is, what types of cases are clogging the dockets, etc."

- 9. When one reads these words, one is amazed at the foresight which was on display over a decade ago. I am sure it would have been a source of happiness to Justice Lakshmanan to know that today the Supreme Court has in fact accepted this suggestion in right earnest, and is fully harnessing the power of technology through its e-committee to streamline the process of litigation.
- 10. Justice Lakshmanan was more than just a judge of the Supreme Court of India. He was a jurist, an innovator and a scholar. The Supreme Court and the country have benefited from his service.
- 11. I read with dismay that just a few days before his passing, his wife, Smt. Meenakshi Achi too passed away. I offer my deepest condolences to the family, his sons Sh. ARL Arunachalam, Sh. ARL Sundaresan, Senior Advocate and his daughters Smt. Umayal and Smt. Swarnavalli. May the warm memories of Justice Lakshmanan bring solace to the bereaved family members.
- 12. To quote from Thiruvaluvar's Tamil classic Thirukurral, a work of literature which Justice Lakshmanan himself held in very high regard:

"That life's tree will always be in leaf, is a foolish and fond belief."

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Reference made on 13th December, 2021

by

Shri Vikas Singh (Sr.)
President, SCBA

in the memory of

Late Mr. Justice K. Jayachandra Reddy,

Late Mr. Justice N. P. Singh and

Late Dr. Justice A. R. Lakshmanan,

Former Judges, Supreme Court of India

Hon'ble the Chief Justice of India, Hon'ble Judges of this Court, Ld. Attorney General of India, Law Officers, Members of the family of Late Justice K. Jayachandra Reddy, Members of the family of Late Justice N.P. Singh, Members of the family of Late Justice A.R. Lakshmanan, Members of Executive Committee of SCBA, Shivaji Jadhav, President SCAORA, Members of Executive Committee of SCAORA and Members of the Bar.

I consider it a sad, but a proud privilege, that I am allowed to pay my tribute to the three great Judges of their times who adorned the Bench of this Hon'ble Court.

Justice K. Jayachandra Reddy

(15 July 1929 – 9 February 2020) (Judge, Supreme Court of India :- 11 January 1990 – 14 July 1994)

Justice Kamireddy Jayachandra Reddy was the epitome of learning, humility, integrity and simplicity and who immensely contributed to Indian jurisprudence and left an indelible mark on society. He did his schooling at the Theosophical High School at Madanapalli and Board High School at Rayachoti. He attended Government College at Anantapur and Besant Theosophical College at Madanapalli. Subsequently, he earned his Law Degree at the Madras Law College in 1951. He enrolled as an Advocate of Madras High Court on 4th August 1952, which marked the beginning of his illustrious career as a lawyer and then a stellar judge. He embarked upon his legal journey by working under Sri P. Basireddy, who later retired as acting Chief Justice of Andhra Pradesh High Court and mainly practised Criminal Law and Constitutional Law. Soon

thereafter, he moved to Hyderabad after the formation of Andhra Pradesh on 1st November 1956. After years of tremendous hard work and dedication, he was appointed as Additional Public Prosecutor of the Andhra Pradesh High Court in 1966 and later appointed as a Principal Public Prosecutor of the High Court in 1970 and held the post till his elevation.

Justice Reddy by nature was judicious in everything that he did and this tempered his career as a Judge of the Andhra Pradesh High Court and as a Judge of the Supreme Court of India. On 7th March 1975, he was elevated to the Bench of the Andhra Pradesh High Court and was appointed as an Additional Judge for two years. He also served as Chairman of the Andhra Pradesh State Legal Aid Board, Chairman of the Rules Committee of the High Court and Chairman of the Advisory Board. He was then sworn in as permanent Judge of Andhra Pradesh High Court on 30th June 1976. Subsequent thereto, on 11th January 1990, he was elevated as Supreme Court Judge.

He showcased utmost intellect, humility and courtesy and always maintained the highest standards of ethics in his Court. A force to reckon with, he was known to have encouraged and motivated junior counsels by giving them more time to argue and helped boost their confidence. Throughout his distinguished career as a Judge, he delivered many landmark judgments, few of which deserve special mention. He was a part of the majority judgment in Kihoto Hollohan vs Zachillhu and Ors.(1992), which upheld the sweeping discretion available to the Speaker in deciding cases of disqualification of MLAs. In Union of India v. Hindustan Development Corpn., he dealt with the concept of legitimate expectation. In the case of Vishal Jeet v. Union of India, he was a part of the Bench along with Justice S. Ratnavel Pandian which issued directions to the State Government for setting up rehabilitation homes for children found begging on the streets and protective homes for minor girls who had fallen victim to forced prostitution.

Even after his retirement, from July 1995 to August 1997, he greatly contributed to the Indian Judicial System as the Chairman of the National Law Commission. Under his able guidance, the Commission recommended several fundamental changes to the Indian Penal Code and the Code of Criminal Procedure. It also recommended the establishment of civil and criminal investigating agencies independent of law-enforcing agencies. In the year of 1999, he was appointed by the United Nations as a Member of the Expert Group to review the effective operation and functioning of the International Criminal Tribunals for the former Yugoslavia and Rwanda. The Expert Group, comprised of Supreme Court Judges from Argentina and Gambia, the then President of the United Nations Administrative Tribunal and a former Under-Secretary-General of the United Nations. The Report submitted was also considered by the U.N. General

Assembly. He also served as the Chairman of the Press Council of India from 8th August 2001 to 7th February 2005. He was vocal about the importance of media in a democratic setup like India and emphasized the vital duty of the press to be responsible in their work while keeping away from all the vices. He was also an ardent believer and supporter of Alternate Dispute Resolution and emphasized that "ADR is not an alternative to the court system but is rather meant to supplement the same aiming on less lawyering. The ADR is intended to cover almost all disputes, including commercial, civil, labour and family disputes in which parties are entitled to conclude a settlement and to be settled by ADR procedure."

Tennis tournament was conducted for the first time by SCBA due to passion for the game of Justice Reddy and Justice S Mohan. The Tournament was held between the Judges, members of SCBA and members of Delhi High Court Bar Association. I also participated in the tournament and few other participants were Justice CK Mahajan (an advocate then and now retired Judge), Justice Badar Durrez Ahmad (an advocate then and now retired Judge), Justice Jasmeet Singh (an advocate then and now Judge, Delhi High Court). I always had good memories of the said tournament and thus organised tennis tournaments in my previous term in 2018 and recently as well where Justice Gavai also participated.

Justice Reddy tirelessly worked for the development of his hometown and guided many people, some of whom rose to high positions and became successful lawyers, IAS officers and senior officials in the police department. An inspiration for the people, he has received several awards, including, "Rajiv Gandhi Excellence Award" for his excellent services rendered in the field of law, National Law Day Award by the Indian Council of Jurists.

Justice Reddy was staying in Bangalore with his grandsons and granddaughters and was ill for some time after the death of his son. Justice Reddy passed away on 9 February 2020 at the age of 90. He is survived by his wife Smt. Sarojini Devi and two children. We may have lost Justice Reddy, however, his path-breaking judgments live on and bear testimony to his contribution to the development of law.

Justice Nagendra Prasad Singh

(25th December 1931 – 21st July 2020) (Judge, Supreme Court of India :- 15 June 1992 – 24 December 1996)

Justice Nagendra Prasad Singh was born on 25th December 1931 at Gaya into a family of legal luminaries. His grandfather, late Nand Kishore Prasad Singh practised at the District Court, Chhapra. His father, late Baldeo Prasad Singh, Bar-at-law from

England, mainly practised criminal law at the Patna High Court and also remained the President of the Barrister's Association for a long period of time.

Justice N.P. Singh did his schooling from Gaya Zila School. A topper right from the beginning, he did his matriculation in 1947. He did his B.A. (Hons.) in Economics from the Patna College, Patna University and stood sixth in the then combined State of Bihar and Jharkhand. On 9th January 1956, Justice N.P. Singh embarked on his legal journey and enrolled as an advocate. He started practicing at the Patna High Court under late Balabhadra Prasad Singh, the then Advocate General. He became a Government Pleader in 1970. He was well-known as one of the most successful and highly learned constitutional lawyers of the State.

He was elevated as a Judge of the Patna High Court on 12th April 1973 at a young age of 42. He was appointed as the acting Chief Justice of Patna High Court in 1991. Shortly after, he took over as Chief Justice of Calcutta High Court on 4th February 1992. Normally outsiders would face a lot of problems in the Calcutta High Court, however, he had a very smooth tenure due to his affable nature both with the Bar and in the Court. He was polite, self-effacing, humble and down to earth. His magnanimous and charismatic personality won him the favour of others. As a Chief Justice, I am told, he would always remain cool and calm during court proceedings and would give a patient hearing to all the advocates. Finally, on 15th June 1992, he was elevated as the Judge of the Supreme Court. After delivering many landmark judgments on different branches of law, he retired on 24th December 1996.

Justice N.P. Singh had a phenomenal memory and would remember names of judgements on his finger tips. During his illustrious tenure as a judge, Justice N.P. Singh contributed to and authored numerous judgments. Any attempt, therefore, to summarize the entirety of his legacy in such a short time would be a disservice thereto and hence I shall endeavour to succinctly highlight only a few of them. In Action Committee on Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra & Ors. vs. UOI & Ors. (1994), the bench of Justices A.M. Ahmadi, P.B. Sawant, M.M. Punchhi, Yogeshwar Dayal and N.P. Singh pronounced that a person cannot get the benefit of caste for admission unless specified in a particular notification. He along with Justice N. Pandey authored the judgement in Allama Iqbal College Teachers Association and Ors. vs. The State of Bihar and Ors., holding that the State correctly labelled Allama Iqbal College as a minority institution. In Ajit Singh Januja and Ors. vs. State of Punjab and Ors. (1996), the bench comprising Justices J.S. Verma, N.P. Singh and K. Venkataswami held that "the rule of reservation gives accelerated promotion, but it does not give the accelerated consequential seniority". In Arti K. Chhabra and Ors. vs. Union

of India (UOI) and Ors.(1994), the bench comprising Justices M.N. Venkatachaliah, P.B. Sawant and N.P. Singh upheld the validity of Rule 17 of Central Services Examination, 1990.

Justice N.P. Singh was also appointed as Chairman of the Cauvery Water Disputes Tribunal in December 1996 until he resigned from the post in 2012 citing health issues. His service to the Indian judiciary earned him a reputation of being a crusader for the masses and a saviour of people in distress. Unparalleled in equity, he had an undying empathy and compassion for the litigants that made him one of the most equitable judges of his time. He had an ideal temperament, and everybody would leave his court being satisfied. Most of the old practitioners of this Hon'ble Court would agree that the Bench comprising Justices R.M. Sahay and N.P. Singh was said to be the most equity minded Bench in the history of Supreme Court.

There is an interesting anecdote that I must share with you all today. Unscrupulous litigants to avoid Justice N.P. Singh who was conservative in granting bail, would seek his recusal alleging that his father has been briefed by them. It so happened one day that in all bail matters listed similar mention was made. To curb this practice, he said in the open court that he has no problem in hearing his father's arguments. That resulted in the stoppage of the practice of seeking his recusal.

A dedicated lawyer and jurist, he immensely contributed to the legal world and society at large. Being from a family of legal luminaries, he was never overshadowed by the legacy and reputation of his father and grandfather and truly was the "brightest star of the family".

Justice N.P. Singh breathed his last on 21st July, 2020 and is survived by three sons. His eldest son, Dr. Ajit Singh, is the Head of Department, Urology, P.M.C.H., Patna. The second son, Shekhar Singh worked with the Tata Group and is now settled in Gurugram. His youngest son, Justice Sudhir Singh, is a Judge at the Patna High Court, who is carrying forward the family legacy of maintaining high standards in the judiciary. We have lost a great soul and all that we can do in this reference is to remember the humane qualities which he possessed. His departure is a loss to the Bar, the Judiciary and also a tragic loss to his family.

Dr. Justice Arunachalam R. Lakshmanan

(22 March 1942 – 26 August 2020) (Judge, Supreme Court of India :- 20 December 2002 – 21 March 2007)

Dr. Justice Arunachalam R. Lakshmanan, a distinguished and eminent jurist was born on 22nd March 1942. He was the son of Shri. AR. Arunachalam Chettiar and hailed

from Devakottai in Sivaganga District, Tamil Nadu. During his early years as a student, he displayed a strong passion for the Indian judicial system. He dreamed of joining the judiciary and would read all the judgements reported in the newspapers. Being a brilliant student, he excelled in his studies and graduated from St. Joseph's College, Trichy with a degree in Economics. He decided to follow his heart's desires and pursued law from Madras Law College and completed his Bachelor of Law degree in 1966. While attending a function in Devakottai, it was the then Chief Justice K. Veerasamy who persuaded Justice Lakshmanan's father to send him to Chennai to embark on a legal career. He enrolled as an advocate on 10th January 1968 and worked under prominent senior lawyers R. Krishnamurthy, Shri. G.Ramanjuan and Shri. K. Venkataswami. Being a first-generation lawyer, he admitted that he initially struggled to survive in the profession. Known for his vast knowledge of the law and his meticulous preparation before arguing matters, he dappled in various branches of law including Civil, Criminal, Company Law, Taxation, Insolvency, Trade Marks and Patents Law, Matrimonial, Admiralty, Writ jurisdiction amongst others. He was the Secretary of Madras Bar Association for four times. After practising as an advocate for over 23 years, he was appointed as Government Pleader for Tamil Nadu in the Madras High Court on 22nd March 1989. He was nominated to impart training to law graduates belonging to the Backward Classes. He was appointed as a Permanent Judge of the Madras High Court by the President of India on 14th June 1990. On 4th December 1997, he was transferred to Kerala High Court and was appointed as acting Chief Justice on three occasions. He was appointed as Chief Justice of the Rajasthan High Court on 29th May 2000. Subsequently, he was sworn in as Chief Justice of Andhra Pradesh High Court on 26th November 2001. He was elevated as a Judge of the Supreme Court on 20th December 2002.

During this period, he contributed to hundreds of judgments dealing with diverse issues, including labour laws and employee welfare, management of religious institutions, service matters and taxation. He was a part of several constitution benches and retired in 2007. Later, he was appointed as Chairman of the 18th Law Commission of India. He undertook an analysis of the Indian legal system and concluded that there was a dire need to implement changes. In a short period before retiring in 2009, he submitted 32 reports to the Government of India recommending various measures to improve the Judicial System. He was also nominated as the Representative of the State of Tamil Nadu to the Empowered Committee constituted by the Supreme Court to resolve the Mullai Periyar Dam dispute between the States of Kerala and Tamil Nadu.

Justice Lakshmanan has more than 137000 judgements to his credit, many of which have been lauded for being thought-provoking ground-breaking and are etched in the

history of the Indian Judiciary. One of the most notable judgement was that of K. Ramakrishnan and Anr v. State of Kerala wherein smoking in public places was banned. He was also a member of the bench which gave relief to 2.5 lakh government employees who were dismissed by J Jayalalithaa. Further, he had permitted a gold cover for the Sabarimala temple and ordered that anyone who donated elephants to temples ought to create a cash endowment for the care of the elephant. He was the presiding judge who directed the CBI to investigate the Disproportionate Asset case against an important politician. In similar petitions, he passed an order that a political person cannot file PILs against their political opponents and that a PIL cannot be Political Interest Litigation or Personal Interest Litigation. However, he said that an issue of public importance cannot be ignored merely on the ground that the petitioner belongs to an opponent political party. He was a part of the bench holding that government employees do not possess a right to strike. During his tenure in the Madras High Court, he had issued a telephonic order to permit a student to write a university exam.

Justice Lakshmanan would rarely reserve judgments and even so then it would only be for 2-3 days. He believed that Judicial Officers discharge divine functions though they are not divine themselves. He emphasised the importance of not delaying the delivery of judgments to prevent untold hardship to the litigants, depriving them of their chances of preferring appeals/revisions in time.

Justice Lakshmanan possessed innumerable qualities and was a man of humility, kindness and patience. A proud Tamilian, he remained deeply connected with his roots and would share stories of Tamilian heritage, traditions, Chettinad culture, literature, architecture and cuisine. He was very pious from his early childhood and carried out the ordained sacred work of constructing a temple in his home town for Baghavan Shirdi Sai Baba. He had a deep social commitment and dedicated a considerable amount of time and effort to improve the welfare of the people. He rallied against the suppression of women and believed that to realise the just demands of women they ought to be given more representation in politics, police and judicial services. His classmate Mr. P. Chidambaram, recounted that Justice Lakshmanan brought repute to his land Sivaganga.

Being an eminent legal luminary, many awards and felicitations were showered upon him in appreciation of his distinguished services as an exceptional Judge and a champion of human rights and social causes. To count a few, he received the "Shiromani Vikas Award" for National Integration and Development, the "Vijay Shree Award" for his professional excellence, "Bharat Shiromani Award – 2009", "Doctor of Laws" (By Annamalai University), "For the Sake of Honour" (by Rotary Club, Chennai).

Throughout his life, Justice Lakshmanan wore multiple hats. One such hat was that of a prolific writer who authored several books in Tamil and English. To name a few "Neethiyin Kural" ("The Voice of Justice") and "The Judge Speaks" contain hundreds of lectures delivered by him on various judicial and social issues. "Varalatru Suvadugal" and "Kalamellam Vasantham" is his autobiography in Tamil.

Apart from this he was an educationist, committed to the cause of improving the quality of legal education in India and served as Chancellor of the National Law University of Jodhpur and NALSAR, Hyderabad. Naturally, the service of a person of his calibre was much sought after by various institutions and he was a member of several social and cultural clubs and associations in India. He also had a special interest in the arbitration system and was of the view that to dispose of the large pendency of cases in Courts, alternative disputes resolution methods ought to be promoted. He was a member of the Indian Council of Arbitrators and a panel arbitrator in International Centre for Alternative Dispute Resolution, New Delhi.

Justice Lakshmanan passed away due to cardiac arrest on 26th August 2020. He breathed his last at Kauvery Hospital in Trichy, Tamil Nadu, two days after the demise of his wife Smt. Meenakshi Aachi after she had tested positive for COVID-19. His relatives said he didn't take this very well and stopped eating properly. He is survived by two sons A.R.L. Aarunachalam (a businessman) and A.R.L. Sundaresan, practising as designated senior counsel in the Madras High Court and two daughters Umayal and Saravanavalli.

It is said that although a life lived with integrity may lack the trappings of fame and fortune, it is always a paragon for others to follow, for whilst it's a donnée that all good men must die, even death cannot etiolate their galvanizing legacies. I, on behalf of the Supreme Court Bar Association offer my heartfelt condolences to the members of the family of Late Justice Reddy, Late Justice N.P. Singh and Late Justice Lakshmanan. May their souls rest in divine peace.

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List of Attendees at the Full Court Reference

- Shri K.K. Venugopal,
 Ld. Attorney General for India.
- Shri Tushar Mehta,
 Solicitor General of India.
- Shri Vikas Singh, (Sr.)
 President,
 Supreme Court Bar Association.
- Shri Pradeep Kumar Rai, (Sr.)
 Vice President,
 Supreme Court Bar Association.
- Shri Ardhendumauli Kumar Prasad, Hony. Secretary, Supreme Court Bar Association.
- Shri Shivaji M. Jadhav,
 President,
 Supreme Court Advocates-on-Record Association.
- Shri Manoj K. Mishra,
 Vice President,
 Supreme Court Advocates-on-Record Association.
- Shri Joseph Aristotle S.,
 Hony. Secretary,
 Supreme Court Advocates-on-Record Association.

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Family Members of

Late Hon'ble Dr. Justice A. R. Lakshmanan Former Judge, Supreme Court of India

at the Full Court Reference

- * AL. Umayal, Daughter
- * AL. Alagappan, Son-in-law
- * AL. Alagappan, Grandson
- Swarnavalli Swaminathan, Daughter
- * AR.L. Sundaresan, Son
- S. Abirami, Daughter-in-law
- ❖ S. Meenakshi, Granddaughter
- * L. Arunachalam, Son
- * AR. Sophy, Daughter-in-law
- * AR. Karthik Lakshmanan, Grandson
- ❖ G. Meenakshi, Granddaughter
- * Mr. R Arunachalam, Nephew

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THE SUPREME COURT OF INDIA

New Delhi - 110001 India