

My Lord the Chief Justice of India, My Lords, Distinguished Members of the Bar, Family Members of Late Justice Krishna Iyyer, Ladies and Gentleman,

We are here to condole the death of the one of the greatest son's of India.

Shelley in his Poem on Death tells us,
*'Death is here and death is there,
Death is busy everywhere,
All around, within, beneath,
Above is death—and we are death.'*

BUT THEN DEATH OF SOMEONE AS GREAT AS JUSTICE KRISHNA IYYER IMPACTS US ALL IN A NATION.

Justice Krishna Iyyer was a legend, a phenomenon, a one man army against injustices and an unfatigable upholder of all just causes and above all a great humanist.

If Indian law for last 4 decades was to be represented by a single figure, skeptic and worshipper alike would agree that figure could be one alone, and that one, is Justice Krishna Iyyer.

Socrates once said that there are four qualities that a Judge must possess;

1. Hear courteously,
2. Answer wisely,
3. Consider soberly, and
4. Decide impartially.

If he were alive today, Socrates would have simply said a Judge should be like Justice Krishna Iyyer.

Maharshi Aurobindo says Savitri, (I quote), *"A death bound littleness is not what we are, immortal our forgotten vastnesses, awake discover*

in our summit selves, unmeasured breaths and depths of being are ours”.

Justice Krishna Iyyer’s vastness in words of Henry Brougham is thus described, *“He found law dear and left it cheap, found it in sealed book and left it in a living letter, found it in the patrimony of the rich and left it inheritance of the poor, found it in the two – edged sword of craft and oppression and left it the staff of honesty and the shield of innocence”.*

A truly great Judge belongs to an age of political liberty, and a public morality, in which he is the representative of the abstract justice of the people in the administration of the law, and is rewarded by the highest achievements of duty, by proportionate admiration and reverence. Justice Krishna Iyyer was that Judge.

No wonder Justice Krishna Iyyer was not only admired but revered by one and all in the country.

Chief Justice P.D. Desai on 20.9.1991 described him in the following words, *“Justice Krishna Iyyer needs no introduction. Such is his contribution to the progressive development of law for the attainment of the constitutional goals that not only the legal fraternity but also the common man knows him and holds him in high regard.”*

Outside India Judge Michael Kirby of Australia once said of him, *“Not many judges can speak and write with the power that V.R. Krishna Iyyer commands. He is obviously a poet, writing in prose.”*

Yet, Justice Krishna Iyyer truly considered himself, in the words of Gurudev Rabindranath Tagore, *“A wayfarer of an endless road.”* So he says in Judiciary – a reform agenda, *“A cynical jurist or acid sociologist writing on obit on an imaginary curial tomb may well describe”, ‘Here lies the law, innocent of justice, obedient to the establishment, and unconcerned with the commonality.’*

He strongly advocated operation judicial reforms, humanizing justice, justices and justising.

To Understand the greatness of Justice Krishna Iyyer, a short journey through his judicial dictums reveals his outstanding brilliance and sensitivity towards Men, Law & Justice, expressed in very measured thoughts.

He began with an advice to Judiciary in Babulal Muljibhai Patel vs. Nandlal Khodidas Barot (1974) 2 SCC 706. *“This systematic prolixity highlights the need, in this country, where litigation is notoriously dilatory and docket backlog in courts explosive, for developing better business management methods in the forensic area, more modern “methodology” and streamlining of procedure, lest the people should get disenchanted with that noble institution, the Judicature, whose credibility is the corner-stone of the rule of law and of organized government.”*

A Judge with great sense of Equity himself, he says in, in Roshanlal Kuthalia vs. R.B.Mohan Singh Oberoi (1975) 4 SCC 628. He evoked Equity and said, *“After all, equity is the humanist weapon in the Court’s armory whereby broad justice may be harmonized with harsh law”*

His knowledge and Love for Constitution was best expressed in State of Kerala vs. N.M. Thomas (1976) 2 SCC 310. In a concurring judgment he went a step further and said, *“Law, including constitutional law, can no longer ‘go it alone’ but must be illumined in the interpretative process by sociology and allied fields of knowledge. Indeed, the term ‘constitutional law’ symbolizes an intersection of law and politics, wherein issues of political power are acted on by persons trained in the legal tradition, working in judicial institutions, following the procedures of law, thinking as lawyers think. So much so, a wider perspective is needed to resolve issues of constitutional law.”*

His approach to Commercial Laws was equally refreshing in Agarwal Engineering vs. Technoimpex Foreign Trade (1977) 4 SCC 367. He spoke about commercial contracts and arbitration holding, *“Commercial causes, we may observe prolego-menary fashion, should,*

as far as possible, be adjusted by non-litigative mechanisms of dispute-resolutions since forensic processes, dilatory and contentious, hamper the flow of trade and harm both sides, who ever wins or loses the list. That is why arbitration is often prudently resorted to when controversies erupt in the course of business dealings.”

His Love for Democracy was reflected in *Mohinder Singh Gill & Anr. vs. The Chief Election Commissioner* (1978) 1 SCC 405. He warned, *“If we may add, the little, large Indian shall not be hijacked from the course of free and fair elections by mobmuscle methods, or subtle perversions of discretion by men dressed in little, brief authority.”*

He was equally innovative in Criminal Jurisprudence in *Sunil Batra vs. Delhi Administration* (1978) 4 SCC 409. In concurring judgment, he redefined the province of prison justice the conceptualization of freedom behind bars and role of judicial power as constitutional sentinel in a prison setting.

He followed this approach in decision in *Rajendra Prasad vs. State Of Uttar Pradesh* (1979) 3 SCC 646, and applied into the criminal law, the humane light of parts III and IV of the constitution illumined by the preamble and strongly advocated reformation, not retribution, as the sentencing lode-star.

But a Judge who was a great linguist surprisingly said in *Madhya Pradesh vs. Shri Ram Raghuvir Prasad Agarwal* (1979) 4 SCC 686. He cautioned, *“If King Midas suffered from the course of turning into gold everything he touched, Indo-Anglian legalism suffers from the pathology of making mystiques of simple words of common usage when they are found in the Corpus Juris. We cannot afford this luxury of legalistics, the besetting sin of law-in-action.”*

How many Judges can boast of such varied Legal Philosophies and Jurisprudence?

Pertinently, his outlook towards the Bar was also eye opening, can be amply gathered from his letter dated 10.12.1980 to then President of the

Supreme Court Bar Association upon his retirement wherein he said, *“The dynamics of the judicial process depend on a shared bench – bar vision, mission and passion.”* He further said, If orthodox regard my way as bizarre my defenses is Bernard Shaw, *“all great truths begin as blasphemies”*.

IS HE NO MORE WITH US? Because even a great Thinker, Philosopher and Rationalist in him believed in life after death. In Judges Potpourri he said, *“No longer is death a wall, it is now a door to different dimensions.”*

His life, his philosophy, his jurisprudence, his activism, his love for the common man and his unending quest to deliver justice are some of the different dimensions which were opened to us in his lifetime and will continue to guide us in his death.

We must reconcile to his Death with clear knowledge that he will Live forever for us.

My Lords, My Entire Bar, The Executive Committee and I join you in extending our Profound Condolences to the family of Late Justice Krishna Iyyer, his Son Paramesh Krishna and his wife Smt. Indrani Krishna, who are present in the Court and to the Common Man of India for this Loss. I pray that He may continue to illuminate our paths in the Next Life as Well.
