

5th September, 1946 – 21st November, 2024

Full Court Reference in the memory of

Late Hon'ble Mr. Justice H. S. Bedi

Former Judge, Supreme Court of India

held on Wednesday, the 8th January 2025 at 10.30 a.m. in the Court of The Hon'ble The Chief Justice of India

INDEX

Sl. No.	Description	Page Nos.
1.	Letter from the Registrar, Supreme Court of India	1
2.	List of Business at 10:30 A.M. for 8th January 2025	2
	held in the Chief Justice's Court	
3.	Coram of Hon'ble Judges at the Full Court Reference	3 - 4
4.	Reference made by Hon'ble the Chief Justice of India	5 - 8
5.	Reference made by Ld. Attorney General for India	9 - 13
6.	Reference made by the President, Supreme Court	14 - 27
	Bar Association (SCBA)	
<i>7</i> .	List of Attendees at the Full Court Reference	28
8.	Family members of Late Hon'ble Mr. Justice H. S. Bedi,	29
	Former Judge, Supreme Court of India	

Letter from the Registrar, Supreme Court of India

Mahesh T. Patankar Registrar Supreme Court of India



Supreme Court of India

Tilak Marg, New Delhi-110001 reg.mtpatankar@sci.nic.in 011-23112524

F.No.99/Ref/2024/SCA(Genl) 9 January 2025

Lordship,

A Full Court Reference was held in the memory of late Hon'ble Mr. Justice H.S. Bedi, former Judge, Supreme Court of India on 8 January 2025 in the Hon'ble the Chief Justice's Court. Rich tributes were paid to His Lordship by Hon'ble Mr. Sanjiv Khanna, the Chief Justice of India; Shri R Venkataramani, Learned Attorney General for India and Shri Kapil Sibal, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed in His Lordship's memory.

I humbly forward a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid, along with heartfelt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Encl.: As above.

Yours sincerely

Registrar (Court & Building)

To,

Hon'ble Mr. Justice Jasjit Singh Bedi, Judge, Punjab and Haryana High Court, House No. 127, Sector-8, Chandigarh.

List of Business for 8th January, 2025 in respect of Full Court Reference



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR WEDNESDAY THE 8TH JANUARY, 2025

CHIEF JUSTICE'S COURT

AT 10.30 A.M.

FULL COURT REFERENCE IN THE MEMORY OF LATE HON'BLE MR. JUSTICE KULDIP SINGH, LATE HON'BLE MR. JUSTICE M. JAGANNADHA RAO AND LATE HON'BLE MR. JUSTICE H.S. BEDI, FORMER JUDGES, SUPREME COURT OF INDIA

Coram of Hon'ble Judges at the Full Court Reference

- Hon'ble Shri Sanjiv Khanna, Chief Justice of India
- Hon'ble Mr. Justice Bhushan Ramkrishna Gavai
- Hon'ble Mr. Justice Surya Kant
- * 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 Mrs. Justice B.V. Nagarathna
- * Hon'ble Mr. Justice M.M. Sundresh
- Hon'ble Ms. Justice Bela M. Trivedi
- Hon'ble Mr. Justice Sudhanshu Dhulia
- Hon'ble Mr. Justice J.B. Pardiwala
- Hon'ble Mr. Justice Dipankar Datta
- Hon'ble Mr. Justice Pankaj Mithal
- Hon'ble Mr. Justice Sanjay Karol
- Hon'ble Mr. Justice Sanjay Kumar
- ❖ Hon'ble Mr. Justice Ahsanuddin Amanullah
- Hon'ble Mr. Justice Manoj Misra
- Hon'ble Mr. Justice Rajesh Bindal
- Hon'ble Mr. Justice Aravind Kumar
- Hon'ble Mr. Justice Prashant Kumar Mishra
- ❖ Hon'ble Mr. Justice K.V. Viswanathan

- Hon'ble Mr. Justice Ujjal Bhuyan
- ❖ Hon'ble Mr. Justice Sarasa Venkatanarayana Bhatti
- ♦ Hon'ble Mr. Justice Satish Chandra Sharma
- ❖ Hon'ble Mr. Justice Augustine George Masih
- Hon'ble Mr. Justice Sandeep Mehta
- ❖ Hon'ble Mr. Justice Prasanna Bhalachandra Varale
- ❖ Hon'ble Mr. Justice N Kotiswar Singh
- ❖ Hon'ble Mr. Justice R Mahadevan
- ❖ Hon'ble Mr. Justice Manmohan

xxxx

Reference made on 8th January, 2025

by

Hon'ble The Chief Justice of India Shri Sanjiv Khanna

in the memory of

Late Mr. Justice Kuldip Singh,

Late Mr. Justice M. Jagannadha Rao and

Late Mr. Justice H. S. Bedi,

Former Judges, Supreme Court of India

My esteemed Colleagues, Mr. R. Venkataramani, Attorney General for India, Mr. Tushar Mehta, Solicitor General of India, Mr. Kapil Sibal, President, Supreme Court Bar Association, Mr. Vipin Nair, President, Supreme Court Advocates-on-Record Association, Members of the Bar, Family members of Late Mr. Justice Kuldip Singh, Late Mr. Justice M. Jagannadha Rao and Late Mr. Justice H.S. Bedi present in person and online.

The Supreme Court of India carries within it the intellectual heritage of those who have served on its Bench. Each judge shapes our understanding of justice anew, with their decisions illuminating unexplored corners of law. As they interpret the Constitution, they also strengthen its living spirit.

Today, we convene to pay homage to three distinguished judges of this Court — Mr. Justice Kuldip Singh, Mr. Justice M. Jagannadha Rao, and Mr. Justice H.S. Bedi. We reminisce about their time and contribution to the law of this country. While their judgments and intellect have decisively shaped legal doctrine, it is their traits as judges that resonate deeply. They and the law lives through their judgments. The institution's spirit is enriched by the grace and wisdom they brought.

Shri Justice Kuldip Singh

The beginning of Justice Kuldip Singh's life was as extraordinary as his professional ascent. At the tender age of 15, during the partition, he took responsibility for his family in the absence of his father and safely brought them to India. Later on, he

had the option to continue his family business, but he chose a career in law. Over the years, his repertoire as an advocate grew - combining an eidetic memory for precedents with deep conceptual clarity. Yet it was in his role as a mentor that Justice Kuldip Singh outdid himself. Those who have worked in his chambers say that there were no grand instructions or heavy-handed lessons—just room for each person to find their footing. This quiet, deliberate approach allowed many of those he mentored to flourish in the profession.

His elevation to the Supreme Court in 1988 was a historic feat in itself – it was only the third direct appointment from the Bar at that point in time. The soubriquet of 'Green Judge' that he earned captures the essence of his legacy. He transformed environmental law from a set of regulations into a living guardian of our natural heritage. Today, the Green Benches across the High Courts and the National Green Tribunal stand as a testament to his vision. Quite admirable was the way he bridged the traditional divide between Bar and Bench with natural ease - as comfortable in spirited discussions in the Court's coffee shop as in the courtrooms. In a career spanning decades, his eight years on this Bench were distinguished by a rare fusion of judicial wisdom, warmth and transparency.

Justice Kuldip Singh passed away on 25th November, 2024. He is deeply remembered by his loving family. We are joined by his wife, Prof. Gurminder K Singh, two sons both Senior Advocates Mr. Paramjit Singh Patwalia and Mr. Deepinder Singh Patwalia, his daughters Ms. Simran Chadha and Ms. Chandana Singh, and other family members.

Shri Justice M. Jagannadha Rao

Justice M. Jagannadha Rao's journey into the legal profession was as unique as inspiring. Though he briefly pursued advanced studies at the Indian Statistical Institute in Kolkata, his heart was drawn to law, where he found his true calling. As an Advocate, he was admired for his modest fees and his willingness to support younger colleagues, often arguing their cases with dedication and grace. His generosity and mentorship left an enduring legacy in the legal community.

After an accomplished career at the Bar, he went on to serve as the Chief Justice of both the Kerala High Court and Delhi High Court, before his elevation to the Supreme Court in 1997.

His judgments reflect a mind that valued precision and principles. His work on the lakes of Hyderabad have created lasting foundations in environment law, establishing the precautionary principle and reverse burden of proof. The reforms he brought to civil procedure and arbitration reveal his gift for making complex legal machinery practical and effective.

His contributions to the legal profession continued long after he hung up his robes. He served as the Vice-Chairperson and Chairperson of the Sixteenth and Seventeenth Law Commission of India from 2001 to 2006. He submitted about 26 Reports, starting from 176th Report to the 201st Report, on myriad legal issues of contemporary relevance.

His straightforward approach to life and law is something quite remarkable. He lived by principles – integrity in action, simplicity in living, and dedication to justice.

Beyond his judicial tenure, he remained deeply engaged with legal education, seeing teaching as a natural extension of his service to law. He served as a professor at NALSAR University and was a distinguished member of Academic Councils at several leading National Law Universities and institutions across India.

Justice Rao has left a legacy that merged scholarly rigor with practical wisdom, professional excellence and personal humility – a model for a judge.

Justice Rao passed away on 25th November, 2024. From his family, we are joined today by his son, Mr. Justice M.S. Ramachandra Rao, Chief Justice, Jharkhand High Court, his daughters Ms. G. Ratna Manjari and Ms. Rama, and other dear family members.

Shri Justice Harjit Singh Bedi

Justice H.S. Bedi brought his own unique blend of wisdom and warmth to these halls. Justice H.S. Bedi's roots lay in the agricultural lands of Sahiwal.

His ascent through the legal ranks was meteoric. Enrolled as an advocate in 1972, he seamlessly balanced legal practice with academia, taking on the role of a part-time Lecturer in Law in 1974. This dual commitment to the bar and the classroom highlighted his dedication to both the practice and as a student of law.

He served as the Deputy Advocate General of Punjab from 1983 to 1987, a role that deepened his engagement with public law. Elevated as a Senior Advocate in 1987, he was soon appointed as the Additional Advocate General, a position he held until 1989,

before serving as the Advocate General of Punjab until the end of 1990. His judicial career began with his elevation to the Punjab and Haryana High Court in 1991. Justice Bedi served as the Chief Justice of the Bombay High Court from 2006 to 2007. His career milestones were marked by brilliance, finesse and dedication. He was elevated to the Supreme Court in 2007.

He brought tremendous gravitas to the Court, yet could fill these halls with smile and laughter even in the sternest proceedings. During his four years at this Court, his presence carried a quiet authority that commanded respect while creating ease.

Outside of his work, he found immense joy with his dogs, whom he doted on.

Justice Bedi passed away on 21st November, 2024. With us here today are his sons, Mr. Justice Jasjit Singh Bedi, Judge, Punjab and Haryana High Court and Mr. Sarvjit Singh Bedi, together with other beloved family members.

These three distinguished judges, though different in their approaches, shared a common thread - they saw law as an instrument of positive change. Their legacies live on not only through their judgments, which undoubtedly continue to guide us, but also in the profession itself—in moments of laughter, kindness, encouragement, and mentorship. They strengthened institutions, upheld principles, and brought a distinctive character to this Court.

On behalf of my Brother and Sister Judges, members of the Bar, and the court staff, I convey our heartfelt gratitude for the yeomen service rendered by these distinguished jurists. To the bereaved families of Mr. Justice Kuldip Singh, Mr. Justice M. Jagannadha Rao, and Mr. Justice H.S. Bedi—while no words can soothe the depth of your loss or fill the void they leave behind, we honour their memory by striving to uphold the principles, wisdom, and integrity that defined their extraordinary lives.

May their souls rest in eternal peace, and may their example remain a guiding light for all to follow.

Reference made on 8th January, 2025

by

Attorney General For India Shri R. Venkataramani

in the memory of

Late Mr. Justice Kuldip Singh, Late Mr. Justice M. Jagannadha Rao and Late Mr. Justice H. S. Bedi, Former Judges, Supreme Court of India

- 1. Hon'ble the Chief Justice of India, Hon'ble Judges of the Supreme Court, the Solicitor General of India, Additional Solicitors General, President and Office Bearers of the Supreme Court Bar Association, President and Office Bearers of the Supreme Court Advocates on Record Association, members of the Bar, and family members of Justice Kuldip Singh, Justice M. Jagannadha Rao, and Justice H.S. Bedi, Ladies and Gentlemen.
- 2. Today, we come together to honor and celebrate the extraordinary lives and legacies of these esteemed Judges. On such solemn occasions, as we reflect on their lives and contributions to this Court, we go beyond merely recounting significant milestones and events, each with its own unique and notable aspects but offer our acknowledgements of their special and impactful contributions to the causes of law and justice.
- 3. On a personal note paying homage to the three Hon'ble Judges brings to my mind many deeply etched reminiscences. Each one of them have touched my professional career and life in special and many ways too profound and too many to be chronicled.

Shri Justice Kuldip Singh

4. While Justice Kuldip Singh and me were travelling together from Cochin to Delhi much later after his retirement after attending a conference on environmental law, I learnt about his younger days of migration from Pakistan, the tremendous responsibilities he shouldered in caring for the family, and his days of work in the consolidation department in Patiala. His narrations were a mix of the hardships, the sad

history of partition and subtle teaching of endurance and it was emotionally fulfilling. This brought me closer to understanding the evolution of his many sided personality.

- 5. While we talked about study of law in India compared to the then systems in England he was keen to stand by and support the law school experiments in its need to cater to larger sections of the community. Looking back, I now gather that he was prophetic.
- But what remains with me is another incident. This I recall and state only for its 6. importance of how the ethical reputation we gather in our profession, much more than anything else, has its rewards. When I sought to make a distinction in favour of one amongst a batch of SLPs involving allotment of industrial plots in Faridabad heard by a bench presided by Justice Kuldip Singh, rejected my request. My entreaties on the ground of corruption did not prevail. Deeply disturbed by the disastrous consequences for the client I filed a review petition and I mentioned before the bench for oral hearing. Justice Kuldip Singh said we cannot make exceptions and the procedure will follow. I sat in the first row quietly for some time till miscellaneous matters were heard, showing my deep disappointment and the Judge kept watching me. I stood up again rather emotionally, and I said if there is room for truth and corruption should not be condoned, I should be heard. Something seems to have touched Justice Kuldeep Singh's heart. He asked the Court Master to place the paper book during lunch hours and during lunch hours I was asked to meet him. With trepidation did I go, but the Judge said I respect your ethical values and the pro bono work you do, which I have noticed in your practice and it is that prompts me to hear you again. The matter was heard and I succeeded. Light returned to my client's life. I narrate this not as my incident, not as anything about me, but only to chronicle the deep sensitivity of the Judge to respect the importance of ethical values in the profession and his endearing sense of justice. I consider that he did display this sterling quality to the utmost throughout his stay in the court. This stands higher may be than all other oft mentioned narrations about the wit and humour, the light banter in the court and besides the magnetic qualities he had of attracting people being a very special quality.
- 7. The Green Judge appellation which the learned Judge earned came to him so naturally. I must say that the plenary principles of environmental law such as sustainable development, polluter pays and precautionary principles got embedded in our green jurisprudence owing to the sustained efforts made by the learned Judge. The skeletal environmental law received flesh and blood through his pushing hands. The intellectual

and visionary fervour which Justice Kuldip Singh brought into the bridge between these principles and operationalising them are remarkable and remain as environmental law history.

- 8. Justice Kuldip Singh had developed a warm and enduring relationship with Justice Krishna Iyer, who I knew had applaudingly regarded Justice Kuldip Singh's fertile contributions to green law. His eight years on the bench are etched with indelible footprints, of both the manner of doing justice and doing justice.
- 9. I remember the toil he gave to the work on delimitation as the Chairman of the Delimitation Commission. Few tasks were assigned to me informally and I recollect his deep insights on the working of elections and how important it is to facilitate the connection between the voters and the candidates. His report on the delimitation subject is a contribution with lasting impact.
- 10. We join his family of illustrious achievers in sharing their loss of a wonderful human being and great companion to all.

Shri Justice M. Jagannadha Rao

- 11. Rajahmundry in the East Godavari District in the State of Andhra Pradesh has produced certain notable public figures in the State of Andhra Pradesh. Justice Jagannadha Rao, hailing from Rajahmundry, and having the benefit of being born in a family of Judges, coupled with his school and college educations from prestigious institutions in Madras, had naturally acquired all the foundations of entering the Higher Judiciary.
- 12. In his nine years of judgeship in Andhra Pradesh High Court from 1982 till 1991, about two and a half years as Chief Justice of Kerala High Court, and three years as Chief Justice of Delhi High Court, one can pick up a series of judgments penned by him which were affirmed by the Supreme Court later. One notable instance of constitutional value was in the question whether a cooperative society would be amenable to writ jurisdiction.
- 13. The extraordinary legal acumen, and erudition, and passion for simplifying legal principles, led to his being a member in the sub-committee on fundamental rights in the National Commission to Review the Working of the Constitution. One can say that the consultation paper presented by Justice Rao, on the financial autonomy of the Indian Judiciary, as part of the committee headed by Justice H R Khanna and Justice B. P. Jeevan Reddy, is a scholarly treat. His reports to the Supreme Court, as head of the

committee concerning case management formula, and ADR and mediation rules, have not only been approved judicially, but have become integral part of the working of the subjects. The twenty-one reports which were submitted by the Sixteenth and Seventeenth Law Commission under his chairmanship, not only covered a wide spectrum of subjects, but the range and depth of scholarship coupled with simplicity of presentation will always remain as venerable pieces of legal contribution to the growth of law. Many of these reports have been in some form or the other, translated into statutory instruments. I had the privilege and opportunity of assisting him in doing research for some of his reports. The scintillating mind of Justice Rao was indeed a treasure to be acquainted with.

- 14. In the short period of three years, Justice Rao not only had the opportunity but engaged himself in demonstrations of his extraordinary legal-craftsmanship, in almost all branches of law. The views on proportionality expounded by him in **Ganayutham** case and further elaborated in the case of **Om Kumar** are brilliant pieces of legal exposition. Amongst other judgments which are always quoted, are his pronouncement in M. V. Naidu case, are deeply entrenching the sustainable development principles, and reversing the burden of proofs in litigation involving environmental protection, and his equally brilliant exposition of law in Radhey Shyam Gupta's case relating to termination of services of probationers or temporary servants, will remain as part of our jurisprudence.
- 15. True to his nature and inclination towards sharing knowledge, Justice Rao spent as much time in academic and educational activities as he could spare for some important international commercial arbitrations.
- 16. It would be no exaggeration if one were to say that the word pious may be too small a word to describe the personality of Justice Rao as the endeavoring quality of his life went around him like robe which cannot be shed.

Shri Justice Harjit Singh Bedi

- 17. Justice H.S. Bedi being an adorable part of the legal fraternity and contributing to justice administration runs in the family of Justice H.S. Bedi with his father who adorned the Punjab and Haryana High Court till 1969 and his illustrious son now on the bench.
- 18. As every Hon'ble Judge who receive a calling to be in the Supreme Court have their special qualities and attainments and contributions, Justice Bedi, can be credited with the singular passion he had for teaching. He taught as a part time lecturer of law

from 1974 till 1983, even while he had gathered a huge practice. This passion egged him on to later taking up the duties of editorship of Indian Law Reports for nearly a decade. Truly has this love for teaching and legal, writing took him on to author two books one on the law of evidence, a masterly treatise of a complex subject, and another on the law of contracts with lucid exposition of the Indian law.

- 19. It is said that during his tenure as Deputy Advocate General, Additional Advocate General and then as Advocate General, true to his compassionate nature and being a master of intellect he often prevailed against wasteful litigation. Prof. Balram Gupta who taught with the Judge in Punjab University fondly recollects their days together as committed teachers and this is how he describes Justice Bedi on the bench: "he was a perfect mix of Socrates recipe. Hear courteously, consider soberly, answer wisely and decide impartially."
- 20. Sensitivity which Hon'ble Judges bring to criminal justice will always be remembered as they become enduring part of the legacy of courts as protectors of rights. Justice Bedi employed it in good measure. His strong emphasis on procedural safeguards in Balbir Singh's case relating to Narcotic drugs and on the illegitimacy of unprincipled use of evidence collected during police custody are only few examples. His caution in Dasgupta's case against Public Interest Litigations running riot remain words of powerful balancing ever to be reflected upon.
- 21. Justice Bedi was a great believer in diversity and internalized the richness of Indian spiritual thought which he practised in full measure having been bestowed to be in the long line of the lineage of the great Guru Guru Nanak.
- 22. On behalf of the bar let me convey our deepest condolences to the members of the families of the three Hon'ble Judges, all of whom are achievers in their respective fields and our gratitude in honour of their invaluable contributions to law and justice.

Reference made on 8th January, 2025

bv

Shri Kapil Sibal (Sr.)
President, SCBA

in the memory of

Late Mr. Justice Kuldip Singh,

Late Mr. Justice M. Jagannadha Rao and

Late Mr. Justice H. S. Bedi,

Former Judges, Supreme Court of India

Hon'ble Chief Justice of India Shri Sanjiv Khanna; Hon'ble Judges of the Supreme Court of India; Attorney General for India Shri R. Venkataramani; Solicitor General of India Shri Tushar Mehta, Additional Solicitors General of India; Vice President of the Supreme Court Bar Association Ms. Rachana Srivastava; Secretary of the Supreme Court Bar Association Mr. Vikrant Yadav, Members of the Executive Committee of the Supreme Court Bar Association; President of the Supreme Court Advocates-on-Record Association Shri Vipin Nair; Vice-President, Secretary and Office Bearers of the Supreme Court Advocates-on-Record Association; Senior Advocates of the Supreme Court of India present here, Advocates-on-Record present here, Members of the families of Late Justice Kuldip Singh, Late Justice M Jagannadha Rao, Late Justice H. S. Bedi and friends.

We gather here today to pay homage to three great sons of India. Two of them Justice Kuldip Singh and Justice H. S. Bedi, witnesses to the tragic events during the Partition of India, found their lives uprooted, facing an uncertain future. Despite the accompanying trauma and adversity, they gathered the strength to confront life with courage. With seemingly insurmountable odds they rose to become Judges of this Court. The third, Justice M Jagannadha Rao also met adversity at the start of his career with the untimely demise of his father, but he carried on his father's legacy with great sincerity, perseverance and humility. These three distinguished Judges of this Court have contributed significantly to the development of the law and have brought prestige to this institution through their impeccable public service.

Shri Justice Kuldip Singh

I will begin by paying tribute to Justice Kuldip Singh who left for his heavenly abode on November 25, 2024 at the age of 92.

He was born in Jhelum, Pakistan on January 1, 1932. He was only 15 when Partition took place. At the time, his father was running a business in Tehran. He could not, given the spate of the prevailing senseless violence, travel to protect his family. Young Kuldip, as the eldest child, safely brought the family across the border to Patiala. As refugees, they suffered the fate of millions, not knowing what the future held for them. In order to provide for his family young Kuldip took up a job in the consolidation department in Patiala. This desire to protect and provide for his family, reflective of his nobility, continued throughout his life. Such was his greatness, that even judgments, no matter how erudite, cannot reveal.

When peace prevailed Justice Kuldip Singh completed his schooling from Col. Brown Cambridge School in Dehradun and obtained a law degree in 1955 from Punjab University, situated in Ludhiana at the time. His father wished him to join his business in Tehran but he had other plans. He went to London where he obtained, in 1958, a second law degree from the University of London. He was called to the bar at Lincoln's Inn where he became a Barrister-at-Law. Soon thereafter he along with his friend bought a Roll's Royce which they drove from London to Tehran to Chandigarh. This prized possession I believe was later donated to the Engineering College in Punjab!

Clearly for him life was an adventure. The next great adventure began when he started his practice in the District Court in Amritsar and soon thereafter began practising in the Punjab and Haryana High Court at Chandigarh. With his booming voice and forensic skills, he quickly rose to prominence. He developed a large practice and the multitude of subject matters he dealt with ranged from service law, election law, land acquisition and constitutional law. He had a spring in his step; when he walked into a room he was noticed and the passion with which he presented his case made him a formidable opponent. The indomitable spirit with which he challenged and overcame adversity was reflected in his manner in court. He would always stand up for his client, make his arguments forcefully, knowing that he can deal with any challenge. He was undaunted, however difficult the case, or bad the facts - which made him an excellent

lawyer. He was extremely persuasive and never gave up his point – which is a characteristic that his son Paramjit has imbibed – and he had the ability to persuade the Judge to hold in his favour even though the Judge may have felt that the client had a bad case. That was the quality of his lawyering.

Always eager to engage in the development of new ideas, he also worked as a lecturer at Punjab University Law College alongside his legal practice from 1960-71. He was soon appointed a Senior Standing Counsel for the Central Government at the High Court and was elected as the President of the Punjab and Haryana High Court Bar Association in 1976. Given his stellar reputation as a lawyer, he was discreetly invited by a government in the 1970s to be a High Court Judge on the condition that he gave an undertaking to abstain from consuming alcohol after he assumed office, an ideological position for that political party. Justice Kuldip Singh was known for his extravagant acts of generosity in regularly sponsoring a round of drinks at the Chandigarh Club, which was frequented by senior and junior lawyers alike. True to himself, he responded to the offer by saying that he could not give an undertaking that he did not intend to keep. He refused to barter his liberty to enjoy a drink for judgeship.

His career continued to grow and in 1987, he was appointed an Additional Solicitor General of India. Justice Kuldip Singh was a nurturing mentor and a dedicated educator. Three lawyers from his chamber went on to become judges on constitutional courts – Justice S. S. Nijjar who was appointed as a Judge of this Court, Justice R.S. Mongia who went on to become Chief Justice of the Gauhati High Court and Justice M M Kumar who went on to become the Chief Justice of Jammu and Kashmir.

In December 1988, Justice Kuldip Singh earned the distinction of becoming the third lawyer ever to be invited to directly be a Judge of the Supreme Court.

He loved nature and was passionate about trekking. He would trek from Chandigarh to Kasauli every other weekend. He would spend all his summers upto 1987 in Kashmir. Anyone who finds solace in the midst of nature is both a free spirit and has a love to preserve the pristine qualities of the gift of nature. Hence, he proved to be one of the most eloquent, innovative and forceful Judges that this Court has seen, institutionalising Public Interest Litigation and championing a new field of environmental jurisprudence. As a Judge he had to stop these weekly treks, but continued climbing mountains nevertheless, conquering heartless corporations and

lackadaisical governments to fight against environmental pollution. He espoused several important doctrines in environmental jurisprudence such as the "polluter pays" principle, the "precautionary principle" and the "public trust doctrine" for natural resources, giving much needed weight to environmental claims. Justice Kuldip Singh was a principled pragmatist who masterfully wove together doctrinal leaps with concrete and realisable outcomes. He passed thoughtful orders curbing industrial activity around the Taj Mahal and moved hazardous factories out of Delhi.

Justice Kuldip Singh also contributed significantly to the development of human rights jurisprudence. In a case I remember clearly, PUCL v. Union of India, Justice Kuldip Singh drew on international human rights law to accept my submissions, as amicus, that phone-tapping is a serious invasion of an individual's privacy. He passed extensive directions curtailing the power of the government to tap phones, which continue to be one of the only concrete sets of directions protecting citizens against the invasion of their privacy. He was highly critical of police atrocities in Punjab, and awarded large amounts as compensation in encounter killing cases. In Citizens for Democracy v. State of Assam, (1995) 3 SCC 743 he directed that handcuffing of prisoners is a violation of the right to life with dignity and shall be summarily punishable under the Contempt of Courts Act. In Mohini Jain v. State of Karnataka, (1992) 3 SCC 666 he held that State action in permitting capitation fee to be charged by educational institutions is wholly arbitrary and violative of Article 14. In arriving at this conclusion, he drew on the Preamble, Fundamental Rights and the Directive Principles to hold that all persons have a fundamental right to education and that access to education cannot be made beyond the reach of the poor.

Justice Kuldip Singh was a staunch proponent of judicial independence and transparency as a means of preserving judicial integrity. In 1993, he was a part of the 9 Judge Bench in the **Second Judges case** which gave primacy to the collegium for appointment of judges. In his separate concurring opinion, he overruled the First Judges case wisely observing that "re-consideration and re-examination are among the normal processes of intelligent living." Though he sided with the majority on judicial primacy in appointments, he disagreed that seniority alone should be the basis for appointment of the Chief Justice of India, given the "initiative and dynamism" necessary for the job, which he believed could only be tested based on the performance of a Judge after taking office as a Judge in the Supreme Court.

Justice Kuldip Singh never hesitated to speak his mind and stood firm in his beliefs. In his separate dissenting opinion in the Indra Sawhney case, he observed that the caste system has become a "cancer-cell" to Hindu society and that secularism, which is a basic feature of the Indian Constitution, also envisages a "casteless" society. Given his own experiences rising to the very top through dint of hard work, he was concerned that expanding caste-based reservations would entrench these identities rather than facilitate their dissolution for those trying to escape histories of oppression. He warned that reservation alone is not sufficient for the oppressed classes to promote equality and that substantive socio-economic rights have to be guaranteed for vulnerable groups to break free from intergenerational experiences of marginalisation. It was in this context that he held that occupation plus income or otherwise, or any other secular criteria should be the basis for the identification of "backward classes", but "caste" alone ought not to be the basis for such identification of a "class" under Article 16(4).

A similar concern can be seen in Justice Kuldip's separate opinion in a Constitution Bench decision on the rights of street vendors, where he expressed his extreme frustration that the executive had failed to take steps to materially alter the conditions of poverty in which the majority of India lives, which he described as a violation of Article 21. He went on to hold that the state must designate specified areas in which street hawkers could engage in their trade and earn their livelihood. This deep concern for substantive equality was evident in Justice Kuldip's interaction with litigants, especially in matrimonial cases, where the otherwise towering Judge transformed into a gentler avatar, often addressing clients in Hindi or Punjabi. However, for those who attempted to wriggle out of his clear directions, a stern task master awaited them, with many bureaucrats coming close to facing jail time for contempt. Despite this sternness with lawyers who were not prepared with their cases, he shared a great camaraderie with the Bar, often meeting lawyers at the Supreme Court canteen.

On retirement, Justice Kuldip was entrusted with the formidable task of chairing the Delimitation Commission of 2002 to delimit the Parliamentary and Assembly constituencies on the basis of changes in population, an exercise which had last been undertaken in 1973.

He is survived by his wife, Prof. Gurminder Kaur, daughters Simran and Chandana, and sons Paramjit and Deepinder. Paramjit Singh Patwalia was appointed as a Judge of the Punjab and Haryana High Court but resigned to return to practising law. He has a flourishing practice and later served as Additional Solicitor General of India. Deepinder Singh Patwalia is also a designated Senior Advocate and has served as the Advocate General of Punjab. Such was his love for the family that he took care of not just his immediate family but also his extended family and helped them in every possible way whenever such situations arose. He was a father figure to all and it is that comfort of a father that they today all miss.

Shri Justice M. Jagannadha Rao

Justice M. Jagannadha Rao was born in Rajahmundry, Andhra Pradesh on 2 December 1935. He studied in Madras, as his father Late Justice MS Ramachandra Rao was practising in the Madras High Court at the time. He then did a B.Sc. in Statistics from Presidency College, Madras. For a short stint he joined the Indian Statistical Institute but left, opting to follow his father's footsteps. With an LL. B. degree from Osmania University he enrolled as an advocate in 1960. The tragic passing away of his father just four months after his appointment as a Judge of the Andhra Pradesh High Court created a void. In the absence of a father's protection, young Jagannadha found himself alone, with a family to provide for. A man of immense grit and dedication, determined to carry forward his father's legacy, he immersed himself in the law.

It is only dedication that distinguishes a champion from the crowd. As a lawyer, it is this quality of commitment and dedication throughout his professional life that made him stand out from the rest. He soon excelled on the civil side, and service matters his forte. His inquisitiveness and familiarity with judicial decisions of other common law jurisdictions helped him acquire in-depth knowledge of constitutional and administrative law. Even as he became a well sought after counsel, he charged modest fees along with his pro bono practice. Dedication to the law became the leitmotif of his life-a life of service to the cause of justice.

Spirituality and humanity personified the man. He never hesitated to help those who sought his advice to resolve contentious issues. Those who knocked at his door knew that his wise counsel will help them find a way forward, such was their confidence in him.

Justice Rao's journey on the bench began when he was appointed Additional Judge of the High Court of Andhra Pradesh in September 1982 and thereafter made permanent Judge on November 29, 1982. As a judge, Justice Rao was patient, courteous and academically oriented, though he never allowed his intelligence and erudition to create a distance between himself and other lawyers or litigants before him. He had a strong sense of empathy and was known for his steadfast commitment to justice.

Justice Rao authored several landmark judgments while serving as a High Court Judge such as the judgment in **Bhagwan Das v. Mohd. Arif, AIR 1988 AP 99,** providing for a scientific method of computation of compensation for death and personal injury in motor vehicle accidents. This formed the basis for the table of computation later inserted in the Motor Vehicles Act, 1988.

Justice Rao also authored several decisions that clarified important tangled areas of the law while sitting in a Full Bench of the Andhra Pradesh High Court. This included the judgment in Sri Konaseema Cooperative Central Bank v. N. Seetharama Raju, AIR 1990 AP 171 which considered the question whether a writ petition lies against a Cooperative society and if it did, in what circumstances, which came to be upheld in U.P. State Coop. Land Development Bank Ltd. v. Chandra Bhan Dubey, (1999) 1 SCC 741. In Sada v. Tahsildar, AIR 1987 AP 77 (FB), the Full Bench fortified the rights of a protected tenant, even in cases where they no longer enjoyed physical possession, a judgment that was upheld by the Supreme Court in Boddam Narasimha v. Hasan Ali Khan, (2007) 11 SCC 410. Another notable decision authored by him in a Full Bench was with regard to shifting of burden of proof relating to promissory notes under Section 118 of the Negotiable Instruments Act, 1872 a judgment that was later upheld by the Supreme Court in Bharat Barrel and Drum Manufacturing Company v. Amin Chand Pyarelal, (1999) 3 SCC 35.

After nearly a decade at the Andhra Pradesh High Court, he was appointed Chief Justice of Kerala High Court in August 1991 where he opened a Computer Cell: the first step towards digitisation of the judicial work. With his excellent record on both the judicial and administrative side, he was subsequently appointed as Chief Justice of the Delhi High Court from 1994 to 1997. He was then elevated to this Court where he served as a Judge from March 21, 1997 till his retirement on December 2, 2000.

As a Judge, Justice Rao believed in the dignity of each litigant and in doing justice in each case. His son, Justice MS Rao who is present here today and continued in his father's footsteps, first as a Judge of the Andhra Pradesh High Court and presently as the Chief Justice of the Jharkhand High Court, recounted to me his father's advice about a good judge: "Pendency is not your problem", he advised. "Pendency is the CJ's problem. Your duty is to do justice for the person whose case is before you."

Justice Rao was known for his in-depth analysis, strong grasp of comparative law and scientific approach to legal issues. He authored several landmark judgments in a number of fields including Administrative Law, Arbitration, Service Law, Labour law, and Civil Procedure. In Union of India v. G. Ganayutham, (1997) 7 SCC 463 he evaluated several decades of administrative law and held that Wednesbury reasonableness was the legal standard under Indian law for testing administrative or executive action under Article 14, and also made early references to the principle of "proportionality", observing that in cases where fundamental rights under Articles 19 and 21 are involved, courts would be open to adopt that standard. In Om Kumar v. Union of India, (2001) 2 SCC 386 he went a step ahead and held that even in cases where challenges to State action are mounted under Article 14, where the basis of the legal challenge is hostile discrimination, the proportionality standard would apply, giving courts a primary role as a reviewing court, "to consider correctness of the level of discrimination applied and whether it is excessive and whether it has a nexus with the objective intended to be achieved by the administrator."

In Radhey Shyam Gupta v. U.P. State Agro Industries Corpn. Ltd. (1999) 2 SCC 21 he succinctly expounded on how to ascertain whether the termination of services of a probationer is punitive or not. He also authored the judgment of the Constitution Bench in Ajit Singh's case, (1999) 7 SCC 209 which dealt with reservation in promotions, explaining the decision in Indra Sawhney.

This soft spoken, learned and impartial Judge was appointed to several committees after his retirement from the bench in December 2000, many of which related to the functioning of the judicial system. The National Commission to Review the Working of the Constitution was set up by the Union Government in 2000. Justice Rao was invited to be a member of the sub-committee headed by Justice Krishna Iyer which prepared a

consultation paper on the "enlargement of Fundamental Rights". He was also a Special Invitee to the Committee headed by Justice HR Khanna with Justice B.P. Jeevan Reddy as Member-in-Charge for submitting the consultation paper presented on "Financial Autonomy of the Indian Judiciary".

The Supreme Court also appointed him as head of the Committee to suggest Case Management formula and Alternative Dispute Resolution (ADR) and Mediation Rules. He submitted reports to the Supreme Court on amendments to the Code of Civil Procedure, 1908, and on proposed Rules of Alternative Dispute Resolution and Mediation and Court Management, 2003. These rules were later notified and are being implemented across the country. In view of the country wide strikes when the Civil Procedure Code, 1908 was amended in 1999 and 2002, the matter was referred by the Supreme Court in case of Salem Advocates Bar Association (I) v. Union of India (2003) 1 SCC 49 to a committee headed by him. Recommendations of the said Committee and his earlier recommendations on Alternative Dispute Resolution were accepted and adopted in the judgment Salem Advocates Bar Association (II) v. Union of India (2005) 6 SCC 344.

Justice Rao was appointed as the Vice Chairman of the XVIth Law Commission of India and as its Chairman in 2002. He was thereafter appointed as Chairman of the XVIIth Law Commission from 2003-2007. As Chairman, he gave 22 reports on a broad range of issues including the right against self-incrimination, review of the Evidence Act, on legal education, witness protection programs, unfair contractual terms, transnational litigation and so on. One of his most remarkable reports was a proposal for the constitution of commercial courts in High Courts and for digitisation of the judicial system, both of which have proved to be revolutionary changes in the Indian judiciary.

After he relinquished office as Chairman of the Law Commission in 2007, he was also made Chairman of the 2nd Pay Revision Committee constituted by the Government of India for revision of pay scales, where his recommendations were implemented.

As is clear from his tremendous work on various commissions, Justice Rao was a diligent scholar and brought academic rigour to all his endeavours. As an arbitrator in commercial disputes, he would research latest developments in the law in English,

Australian and other common law countries, and share these decisions with lawyers on both sides, even prior to the first sitting! He attended the Commonwealth Law Conferences in Melbourne in 2003 and in London in 2005; the Commonwealth Law Commission Conference at Wellington, New Zealand in 2004; the Law Commission Meeting in Kuala Lumpur in 2003; and cross-Border Insolvency Conferences at Singapore and Colombo in 2004 and 2006.

He was very tech savvy and worked entirely on the ipad, including doing his own international law research, even during his last days. During the pandemic, he typed out his own arbitral awards, some of which ran into 400 pages. He was also a member of the Board of M/s Truth Labs, a private forensic laboratory and also served in the CR Rao Advanced Institute of Mathematics, Statistics and Computer Science at Hyderabad.

A great lover of Carnatic music, he especially loved listening to recordings of MS Subbulakshmi. He lived a simple, yet eventful life. For him the self was not that important, for he never indulged himself in the manner we get to see in the world of today. He embraced the law for public good, dedicating himself to upholding its majesty. The law was his life and his complete dedication unwavering.

Befittingly, he brought up his three children to respect hard work, to value money and most of all, to dedicate themselves to public service. He is survived by his son Justice MS Ramachandra Rao, his daughters Ratna Manjari, an M.Sc in Mathematics and Rama Devi, a software engineer who are both based abroad with their families.

Shri Justice Harjit Singh Bedi

Justice Harjit Singh Bedi, or Harry as I used to call him, was a great personal friend. His persona epitomised simplicity, humility, equanimity and sincerity, attributes he wore on his sleeve. He always endeavoured to do the right thing, a value he inculcated in his children. He was truly a noble human being. Even though he hailed from a royal family, they being direct descendants of Guru Nanakji, he never considered himself as someone special.

Harry was also born in rural Pakistan in 1946, a year before Indian Independence. After fleeing from the horrors of Partition, the family initially settled down in a small township on the India-Pakistan border. Following the footsteps of his father Justice

Tikka Jagjit Singh Bedi, who rose to become a Judge of the Punjab and Haryana High Court, Harry completed his LL. B. at Delhi University and enrolled in the bar in 1972. We were together at the Faculty of Law and developed a close friendship, not knowing what fate had in store for us. He began his practice at the District Court and thereafter shifted to the Punjab and Haryana High Court at Chandigarh. For years he, along with Ashok Bhan, worked in the chamber of Shri Jagannath Kaushal, a renowned lawyer who was one of the counsel for Indira Gandhi in her election appeal and later went on to become Law Minister in her cabinet. The courtesy and respect displayed by chamber juniors then is found missing nowadays. Times have changed so has the practice of law-from service to the community it is now business from the community.

Having imbibed the values of a doyen of the bar of hard work and honesty, his practice soon flourished. He developed a burgeoning civil law practice. That did not deter him from continuing to teach students as a part-time lecturer in law at Punjab University from 1974-83. As an Advocate, Harry had the special quality of being confident and assured as well as gentle in his manner of presentation. He was very pleasant to listen to and all the more persuasive for his amiable manner in which he presented his case. By 1983, he was appointed as Deputy Advocate General of Punjab and in 1987 he was given a senior's gown. With his masterful understanding of constitutional and administrative law, he was soon appointed Additional Advocate General and then Advocate General (Punjab). In March 1991, he was elevated as Additional Judge of Punjab & Haryana High Court.

As a Judge, Justice Bedi was an attentive listener, extremely patient and displayed exceptional clarity of thought in his interactions with counsel. This only happens when a judge has an uncluttered, impartial disposition. But he held lawyers to a very high standard of intellectual rigour while preserving a warm and congenial atmosphere in his courtroom. He encouraged young lawyers to argue cases and gently advised them on ways to improve their craft.

Justice Bedi was elevated as Chief Justice of Bombay High Court on October 3, 2006 and thereafter appointed a Judge of this Hon'ble Court on January 12, 2007. Justice Bedi's judicial philosophy was deeply rooted in what he often called "constitutional compassion." He believed that the Constitution was not merely a legal

but a social document, meant to transform society and protect its most vulnerable members. Justice Bedi's legacy in the Indian judiciary is also marked by his meticulous attention to detail, particularly in criminal law matters.

In **Prem Singh v. State of Haryana (2011) 9 SCC 689,** Justice Bedi held that the presumption of innocence of an accused is greatly strengthened when the trial court records an acquittal; that the High Court should not easily interfere on appeal on the sole ground that a different view may be possible. This judgment has become a cornerstone in criminal jurisprudence, offering a balanced approach that protects both the rights of the accused and the interests of justice.

Justice Bedi believed in separation of powers and famously observed that "it is not the court's business to attempt to run the Government in a manner which the court thinks is the proper way." However, this did not mean that he was hesitant to take the government to task in cases of excessive and arbitrary government action or incidents of human rights abuses. In the case of K.H. Shekarappa v. State of Karnataka, (2009) 17 SCC 1, Justice Bedi reaffirmed the right to life and personal liberty while dismissing an appeal against a conviction u/s 304 IPC for an incident of custodial death, despite crucial witnesses having turned hostile in the case. In Satyavir Singh Rathi, ACP v. State, (2011) 6 SCC 1, he upheld the conviction of 10 police officers in a fake encounter killing that occurred in New Delhi, holding the ACP in-charge vicariously liable, even though he was not an active shooter in the incident.

Justice Bedi's contribution to evidence law is particularly noteworthy. His analysis went beyond the mere restatement of principles, providing practical guidance on how courts should approach each piece of evidence. He particularly emphasized the need for courts to evaluate the cumulative effect of all circumstances rather than examining each circumstance in isolation. He sifted through medical and forensic evidence with great precision and introduced scientific rigour in the appreciation of evidence in criminal cases. These contributions stand as foundational principles, providing clarity and guidance to courts across the country. They reflect not just legal scholarship but also a deep understanding of the social and economic implications of judicial decisions.

In K.K. Saravana Babu v. State of T.N., (2008) 9 SCC 89, Justice Bedi set aside an order of preventive detention, while elucidating on the distinction between "law and

order" and "public order", holding that only cases affecting the public order can attract the law of preventive detention.

In Ram Singh v. Central Bureau of Narcotics, (2011) 11 SCC 347, he held that possession of contraband must be conscious for recording a conviction under the NDPS. Therefore, a servant of a hotel cannot be made criminally liable and said to be in possession of contraband belonging to his master unless it is proved that it was left in his custody over which he had absolute control.

Justice Bedi's strong grasp of scientific evidence also made him a pioneer in the field of medical negligence. In Nizam's Institute of Medical Sciences v. Prasanth S. Dhananka, (2009) 6 SCC 1, Justice Bedi scientifically calculated compensation to be awarded to a person who became paralysed from the waist downwards at the age of 20 years due to a mishap in surgery and awarded compensation of a total of Rs. 1 crore to the young man.

Perhaps most notably in 2012, post his retirement, Justice Bedi demonstrated extraordinary courage and commitment as Chairman of the Supreme Court appointed Monitoring Authority when examining alleged fake encounters in Gujarat. The Special Task Force headed by Justice Bedi was asked to monitor the investigation of 17 encounter cases in Gujarat between 2002 and 2006. After meticulously sifting through the evidence, Justice Bedi found that three of the seventeen incidents reviewed reflected that persons were, prima facie, killed in "fake" and staged encounters. Justice Bedi recommended prosecuting several police officers and officials involved demonstrating his unwavering commitment to truth and justice. The report has further led to calls for reforms in police accountability and stricter oversight to prevent misuse of authority.

As a person though Harry was gregarious, he loved to be in the midst of nature, far away from the madding crowd, reading and going for long walks. His visits to Kasauli, for he had a great love for the hills, provided him that space and solitude. In his youth he was a national level trap and skeet shooter and represented Punjab at the national level. In the early days, while it was still legal, he would also shoot wild partridges, a treat for which I was invited whenever I was in Chandigarh. Titara shooting, as he would call it was his favourite pastime as a young man. At his lovely farm in Punjab he took care of many animals — ducks, rabbits, cows, emus. His love for the animals defined him for the

man he was, empathetic, caring and at one with nature; that empathy he exuded while on the Bench. He also enjoyed music and used to regale guests with performances on his mouth organ.

He is survived by his two sons Jasjit and Sarvajit. His legacy in the law is now being carried forward by his son Justice Jasjit Singh who is a Judge of the Punjab and Haryana High Court. We offer our sincere condolences to you and your families in this time of grief.

May the souls of the three great sons of India rest in peace.

List of Attendees at the Full Court Reference

- Shri R Venkataramani,
 Ld. Attorney General for India.
- Shri Tushar Mehta,
 Ld. Solicitor General of India.
- Shri Kapil Sibal, (Sr.)
 President,
 Supreme Court Bar Association.
- Ms. Rachana Srivastava, (Sr.)
 Vice President,
 Supreme Court Bar Association.
- Shri Vikrant Yadav,
 Hony. Secretary,
 Supreme Court Bar Association.
- Shri Vipin Nair,
 President,
 Supreme Court Advocates-on-Record Association.
- Shri Amit Sharma,
 Vice President,
 Supreme Court Advocates-on-Record Association.
- Shri Nikhil Jain,
 Hony. Secretary,
 Supreme Court Advocates-on-Record Association.

Family Members of

Late Hon'ble Mr. Justice H.S. Bedi

Former Judge, Supreme Court of India

at the Full Court Reference

- Hon'ble Mr. Justice Jasjit Singh Bedi, Judge, High Court of Punjab and Haryana, Son
- Mr. Sarvjit Singh Bedi, Son
- * Dr. Shruti Bedi, Daughter-in-law
- * Mrs. Gayatri Bedi, Daughter-in-law
- Mr. Gurmehar Singh Bedi, Grandson
- Ms. Heeya Bedi, Granddaughter
- Ms. Kanwal Sukhinder Singh, Sister
- * Dr. Balram Gupta, Daughter-in-law's father
- Mr. Rana Gurmit Singh Sodhi, Daughter-in-law's father
- ❖ Mrs. Rita Sodhi, Daughter-in-law's mother
- * Ms. Nanaki Singh, Niece
- Mr. Amitabh Jhingan, Niece's husband



THE SUPREME COURT OF INDIA

New Delhi - 110001 India