

S. R. DAS

With profound grief we record the passing away on September 18, 1977 of Shri Sudhi Ranjan Das, former Chief Justice of India. He was 83. He is survived by Mrs Anjana Sen, wife of Mr A. K. Sen, Member, SCC Editorial Board. We offer our heartfelt condolences to Mrs and Mr Sen.

Reference by the Hon'ble Mr. Chief Justice M. H. Beg

My brother Judges, Mr. Attorney General, and
Members of the Bar,

We have gathered here to record our deep sense of sorrow at the passing away of a great jurist, a great Judge, and a great gentleman, and to pay our tributes to his Olympian qualities and his magnificent contributions to judicial wisdom and the legal literature of which the whole country may feel justly proud. He was a Judge of this Court from its very inception. He was one of those who laid the foundations of this Court's high and glorious traditions. His judgments were marked by a philosophical grasp of basic problems of human existence, by sobriety and chastity of language and expression, by a very well balanced maturity of thought and sentiment, by a keen perception and mastery of the fundamental principles of law and justice in a changing world, by dignity and poise, by a singular freedom from all kinds of bias, by humanism and broad sympathies in approaching the multitude of cultural, social, economic, and political problems which keep coming up before this Court constantly in one legal garb or another in changing contexts. Whenever we read any one of his judgments we feel instinctively that here is the work of one of :

Those grand old masters those bards sublime

Whose distant footsteps echo through the corridors of time.

Times have indeed changed since Justice Sudhi Ranjan Das gave his opinions on Fundamental Rights in our Constitution in **A. K. Gopalan's case** (1950 SCR 88), on the limits of delegated legislation in the **Delhi Laws' case** (1951 SCR 747), on the distinction between administrative and quasi-judicial action in **Khushaldas Advani's case** (AIR 1950 SC 222), on canons of statutory construction in **Bengal Immunity Co.'s case** [(1955) 2 SCR 603], on the principles of protection to Government servants against dismissal in **Purshotam Lal Dingra's case** (1958 SCR 828), on the extent of a right to carry on a trade or profession involving cow slaughter in **Mohd. Hanif Quareshi's case** (1959 SCR 629), on the protection of educational and cultural rights of minorities in the presidential reference on the **Kerala Education Bill, 1957**, (1959 SCR 995). But,

again and again, we still turn to his sage words of wisdom and find that, whenever he has stated a proposition in what became a leading case on the subject, he has been very careful to state it in such a way as not to overstress any particular aspect and not to close the doors against further thinking and development of law on the subject. The rendering of a sound and impartial judgment, after considering the application of frequently conflicting principles, resembling the operation of the two blades of scissors used to cut a Gordian knot, is perhaps seen at its best in the judgments of Justice and later Chief Justice S. R. Das. We are proud of his achievements, of the examples he set, and of the light he shed in the pages of our law Reports. We continue to turn to this light with great benefit in order to see our way through the profusion of even the new laws made in the context of changing conditions of social and economic life which come up before us constantly for consideration.

Sudhi Ranjan Das, a scion of the famous Das family, was born on October 1, 1894. He had a brilliant scholastic and educational record. He received his early education in Tagore's School at Shanti Niketan, followed by graduation from Bangabasi College at Calcutta, and then an LL.B., in which he obtained a first class first, from the University College in London. He was called to the Bar in 1918 from Gray's Inn, London. He joined the Calcutta Bar in 1919 and also lectured at the University Law College. His infinite capacity for hard work, his erudition, and his perspicacity soon brought him to the forefront in the legal profession. In those days, lawyers of the front rank did not shun judicial office. Mr. Justice S. R. Das was appointed a Judge of the Calcutta High Court in 1942, and, finally, a Judge of the Federal Court of India on January 20, 1950, a few days after that, to become one of the first batch of Judges of the Supreme Court of India. He was a very illustrious Chief Justice of this Court from 1956-59. His vast knowledge and experience and sterling qualities were utilised also in the spheres of education and public life. He was a member of the University Grants Commission from 1962 to 1965, and the Vice-Chancellor of Vishwa Bharati University from 1959 to 1965. In November, 1961, he was appointed the Chairman of the Commission to enquire into the grievances of the Sikh Community. In November, 1963, he constituted the one-man Commission which investigated allegations of corruption and misuse of power against Chief Minister Kairon of Punjab who lost his office as a result of his findings. He was also invited to become the Chairman of the Board of Trustees of the Statesman Newspaper at a critical juncture in its history. He was a man of outstanding wit, charm, serenity, saintliness, and godliness. No one can recall a single unkind word uttered by him. He bore his misfortunes with unsurpassed resignation and philosophical calm. The strength of his character was tested first by the loss of his younger son in a motor accident, and, some-time later, by the death of his elder son, a test pilot, in plane crash. He is survived amongst his children only by his daughter, Mrs. Kajal Asoke Sen, an Advocate of this Court. We bow our heads in homage to the light that shone amidst us for a while, as everything in this world only shines for a while, and which has gone out. We offer our profound condolences to the bereaved relations. Our hearts go out to them in sympathy. We share their sense of the loss and sorrow.

My Lords,

My Lord the Chief Justice has made a touching reference to the passing away of Mr. Sudhi Ranjan Das, a former Chief Justice of this Court. In response, it is my privilege to associate members of the Bar and myself with your expression of deep sorrow and sense of loss and pay our tribute. My Lords, on a solemn occasion like this it is difficult to express in adequate words either our sense of loss or to do justice to his qualities as a man and a Jurist. Happily the story of his life and work are well and widely known.

He was a distinguished alumnus of Shanti Niketan and of the University of Calcutta. He went abroad for a degree in law of the University of London and won laurels there. He was called to the Bar in England in 1918 and joined the Bar of the Calcutta High Court at a time when some outstanding lawyers were bringing more and more distinction to that Bar. Late Mr. Das worked his way up to the top until he was appointed in 1942 as an Additional Judge of the High Court. There began his long and distinguished judicial career. In 1948 he was appointed Chief Justice of the High Court of Punjab, but after only a very short time he was called to the high office of a Judge of the Federal Court of India. Not many months later he became one of the first few Judges of this Court. In 1956 he became the Chief Justice of India and presided over this Court for some four years.

To those who had no occasion to appear before him in this Court, his judgments alone must reveal his qualities as a distinguished Judge and Jurist. Upon him, as on his colleagues in the Constitution Court, fell the great responsibility not only of deciding constitutional questions of great and abiding interest under the Constitution which the people of India had just then given themselves, but of laying the foundations of a sound judicial process in the last Court of the land. He had his share of the great task of setting up a trend and tradition of that judicial process at the earliest stage. The task of interpreting the Constitution was by no means an easy one in those distant days but he, together with his colleagues, endeavoured unremittingly to give to our law a direction and dimension with an eye on its future development. His judgments carry the impress of great scholarship, learning and vision. This indeed was an achievement of which any person could well be proud.

He served in many fields. After his retirement he was for a time the Vice-Chancellor of Vishwa Bharati. Whatever the field in which he worked, he acquitted himself with great distinction and charm.

By all accounts, he was a versatile man — a lawyer, a jurist, a teacher of law, an educationist and even a considerable actor in his early days.

Many recall his acts of charity, his proverbial gentleness with the members of the Bar, and mildness of his manner but firmness in the discharge of what he conceived to be his duty.

By repute, he was a man of simple habits and gentle of disposition. Many testify to his sympathy for the poor. A Brahma Samajist he endeavoured at all times to pursue earnestly the ideals of that sect.

He had a lively and wholesome sense of humour as is evident from his speech on the occasion of what was undoubtedly an unprecedented farewell given to him on his retirement from this Court.

Some years after his retirement as Chief Justice he had to face at a late and difficult age the ordeal of losing his two sons in sudden and tragic accidents and later his wife. He faced these tragic events with fortitude and courage of his own.

Altogether we get the profile of a man, humane and gracious, and of a Judge, both erudite and pragmatic.

He came from a family of lawyers : his brother, Mr. P. R. Das, was an Advocate par excellence ; his other brother, Deshbandhu Chittaranjan Das, was not only a lawyer of eminence but a colossus on the political scene of his day. Another brother, Mr. Satish Ranjan Das, was the Advocate-General of Bengal and later the Law Member of the Executive Council of the Viceroy ; yet another brother, Mr. J. R. Das, sat in the High Court at Rangoon. One of his pupils, Mr. Amal Kumar Sarkar, became a Judge of this Court and in the fulness of time became the Chief Justice of India, though unhappily one for a short spell of time.

In this hour of grief our thoughts must naturally turn to Mrs. Anjana Sen and Mr. A. K. Sen, both members of this Bar. We share their great loss and convey to them in their great bereavement your as well as our sorrow and condolences.