

REFERENCE BY HON'BLE SHRI C. MOOKERJEE, CHIEF JUSTICE, HIGH COURT, BOMBAY, TO THE LATE SHRI V. A. NAIK, RETIRED JUDGE OF THE BOMBAY HIGH COURT, ON MONDAY, 31ST JULY, 1989, AT 11. A.M.

Mr. Bobde, Advocate-General, Mr. Page, Government Pleader, Mr. Cooper, President of the Western India Advocates' Association and Mr. Damodar :

We have learnt with profound sorrow that on 17th July last Mr. V. A. Naik has passed away. He had been a Judge of this Court from 1959 to 1967. He was born at Nipani, District Belgaum, in the year 1905. He was educated at Nipani and Sangli. He read law in Poona. He had practised at Belgaum and Kolhapur which in those days had the State High Court. In spite of financial loss, Mr. Justice Naik accepted the post of Assistant Judge in the year 1948. He was soon promoted as District Judge. For some time he had served as the Registrar, Appellate Side of this Court and from 1959 he was a member of the Bench. Apart from being a distinguished Judge, Mr. Naik had functioned on the resignation of Mr. Justice Bavdekar as the Tribunal to inquire into the Panshet disaster. He submitted a monumental report which showed his industry and labour.

Apart from legal field, he had other interests in life. In the earlier years he came under the spell of late M. N. Roy, the radical humanist. He had also interest in matters of philosophy and found time to participate in the deliberations of the philosophical society and other intellectual institutions. We are deeply grieved by his death and our sympathies go to the members of his family. May his soul rest in peace.

31-7-1989.

Speech by Mr. A. S. Bobde, Advocate-General.

Mr. Justice V. A. Naik is no more. Only last year we met him in Pune intensely listening to My Lord the Chief Justice's speech. Till the end he took interest in law which was his first love.

While I had not had the pleasure of appearing before him very often, Mr. Justice Naik was known for his patience and erudition, perhaps he belonged to a different age and times; he did not hustle the Counsel and had a fund of even an avoidable patience.

Two celebrated events bear witness to the industry and erudition of Mr. Justice Naik. One was Dr. Lagu's case and another Panshet Inquiry. Both these were landmark decisions. Even in those days reports of Commissions of Inquiry were intended to postpone immediate action. But Panshet report was monumental to be skirted. Its aftermath is still remembered. We pray to God that Mr. Justice V. A. Naik's soul may rest in peace for ever.

31-7-1989.

Speech by Mr. S. G. Page, Government Pleader.

It is with profound sorrow that I associate myself with all that has been said on this sad occasion by My Lord the Chief Justice and the Advocate General. Late Mr. Justice V. A. Naik will be ever remembered by the Bar and the Bench by his classic judgment in famous Nanavati Case and Dr. Lagu Case and also the Panshet Dam Enquiry Report. Though I never appeared in his Court, I have heard about his qualities as a Judge of this Hon'ble High Court from the Seniors of the Bar. Looking to the age at the demise of Mr. Justice V. A. Naik, it cannot be said that the death is untimely. Even then on this said occasion our thoughts turn to his bereaved family, particularly to Mrs. Naik, who has suffered a loss and is suffering anguish. But I can only hope that the fact, that the loss is being mourned by the Bench and the Bar, will be some comfort to the family members in their deep sorrow.

Even after retirement Mr. Justice V. A. Naik was actively involved himself in social and educational fields. He is one of the founder members of the Law College of Belgaum. He was also President of the Institutions founded by Late Dr. Dhondo Keshav Karve. He was Chancellor of the famous Tilak Maharashtra Vidhyapeeth, between 1974-1977. He was a great thinker and he has written classic books in Marathi and English. He was actively participating in social and educational activities in city of Pune, the educational and cultural capital of Maharashtra.

I join myself with My Lords in paying tributes to the memory of Late Justice V. A. Naik who had adorned this Hon'ble High Court as a distinguished Judge. May his soul rest in peace.

31-7-1989.

Speech by Mr. K. S. Cooper, President, Bombay Bar Association.

My Lord the Chief Justice, My Lady and my friends :

Today with great grief that I, on behalf of myself and the Bombay Bar Association, associate myself with the sentiments which have been expressed by My Lord the Chief Justice and by my colleague here.

I had a few occasions on which I had appeared before His Lordship Shri Justice Naik in cases which involved somewhat intricate questions of law, specially about divulging of trade secrets; and the grasp which he displayed over this developing branch of law, the patience with which he heard us and the practical common sense with which he passed his orders clearly demonstrated that he was a really first class Judge. His landmark judgments have already been mentioned; his monumental report in Panshet Dam Inquiry, his judgment in Dr. Lagoo's case and (although it is not his judgment, he participated in the judgment) and as a member of the Bench in Nanavati's case. In fact he dealt with a very wide variety of cases, but his forte perhaps was criminal law and he firmly believed in the principle of the innocence of the accused till he is proved guilty. He was very zealous of the liberty of the subject and he was never willing to uphold a conviction unless it was absolutely based on cogent and convincing evidence of the guilt of the accused. In his Court, there was never any hustling; there was in his Court never any rudeness. In his Court,

we were always at ease. We could argue and he would listen with patience, courtesy and understanding.

When he retired in 1969, we lost a very good Judge and today we have met here to mourn his passing away. May we extend our sympathies to the members of his bereaved family. May his soul mingle with the Eternal in everlasting peace.

31-7-1989.

Speech by Mr. G. R. Rege, President, Western India Advocates' Association.

As the President of the Advocates' Association of Western India, I join my Lord the Chief Justice, the learned Advocate General, the learned Government Pleader and Mr. Cooper in paying last tributes to Mr. Justice V. A. Naik. Mr. Justice Naik who began his career as a lawyer in Belgaum District Court, came to this Court as a Judge with vast experience as an Assistant Judge and the District Judge. From the time he was appointed as a Judge, he made his mark and dealt with the matters before him with case and confidence. He was known for his decisions under the Defence of India Rules. His judgments on the Criminal Law and noteworthy. As a sessions Judge the fame he earned in delivering the judgment of Dr. Lagu's case was enhanced by him by delivering many other judgment which are land-mark in his judicial career.

In my junior days, I had the privilege of appearing before Justice Naik. His treatment to the junior members of the bar was so excellent that we never felt embarrassed even though tipped against senior. The lawyers and the litigants had tremendous faith in his capacity to decide and personalities did not count in his Court.

Apart from acting as an excellent Judge, Justice Naik had varied activities. He was associated with the Radical Democratic Party and was always a Royist at his heart. He had an excellent knack of public speaking and

attended many functions where he delivered lectures. He continued his endeavour to educate people by delivering lectures even after his retirement. He was a great philosophic thinker and a research scholar in philosophy. His publication on this issue is also equally well-known.

He was actively associated with various social organisations and he participated in their functioning to the best of his capacity. Justice Naik lived a full matured life of 84 years and enjoyed good health except for the last 3/4 years. The ideals which he cherished in his life were fulfilled and he died an absolutely satisfied death.

My Lord, I join your Lordship and the Judges of this Hon'ble Court and the members of the Bar in paying last tributes to Justice Naik.

May his soul rest in peace for ever.

31-7-1989.

Speech by Mr. D. D. Damodar, President, Bombay Incorporated Law

Society.

The Hon'ble the Chief Justice, the Hon'ble Mrs. Justice Manohar and other colleagues at Bar :

On behalf of the Bombay Incorporated Law Society, I associate myself with the sentiments expressed by My Lord the Chief Justice and my colleagues at the Bar on the sad demise of Mr. Justice V. A. Naik.

On this solemn occasion when we have gathered here to mourn the death of Mr. Justice Naik, I may only add that if at all there was a gentleman Judge the Hon'ble Mr. Justice Naik was one. He was polite, courteous, soft spoken and disposed of the matters before him with ability, utmost calm and serenity. In his Court no Counsel was ever hustled or had any tension. This unusual quality made him popular with all those who came in contact with him.

After he retired as a Judge of this Hon'ble Court in the year 1969, he was appointed to head Sugarcane Price Fixation Board and as the Head of the said Board he discharged his duties in able and satisfactory manner.

In the death of Mr. Justice Naik we have lost an able jurist and a gentleman.

On behalf of the Society, I extend my sincere condolences to the members of the bereaved family.

May his soul rest in peace.