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MR. JUSTICE RAJADHYAKSHA

Death rides on every passing breeze,
He lurks in every flower;
Each season has its own disease
Its peril every hour.

Media vita in morte sumus: In the midst of life we are in death. The legal world received a rude shock on hearing the sad, sudden, and untimely death of Mr. Justice Rajadhyaksha on the morning of February 9, 1955. In the course of the last fifty-six years, seven Judges of the High Court, while adorning the Bench have breathed their last—Ranade J., Tyabji J., Davar J., Shah J., Mirza J., Somjee J., and now Rajadhyaksha J.—and it is an irony of fate that out of these seven six have succumbed to heart attack.

O God! it is a fearful thing
To see the human soul take wing
In any shape, in any mood.

Mr. Justice Rajadhyaksha was born on September 9, 1896. His father rose to be an Executive Engineer in the Public Works Department of the Government of Bombay. After passing the Intermediate Examination of the Bombay University he went to England to compete in the Indian Civil Service examination. He took the degree of B.A. at the Cambridge University, and in the Indian Civil Service Examination of 1919 he stood second. With distinction he passed the Bar Examination, and was called to the Bar by the Gray's Inn. He joined the Indian Civil Service in 1920, and began his official career in 1921 as Assistant Collector at Patna. Thereafter his services were transferred to the Bombay State, and he was appointed Assistant Collector at Dhulia. In 1926, his services were transferred to the Judicial Department as Assistant Judge, Satara, and in 1927 he was promoted as District Judge, Bijapur. He was appointed in 1928 as Deputy Secretary to the Government, Legal Department, and Secretary to the Legislative Department. From June to August 1930, he was on deputation in England to study Parliamentary Procedure; and again from October, 1930, to February, 1931, he was sent to England as Secretary to the Round Table Conference. On his return he officiated as Deputy Secretary to the Government in Political Department, but very soon he was nominated a member of the Bombay Legislative Council and acted as Deputy Secretary to Government, Legal Department, and Secretary to the Legislative Council. In 1934, he was given the important portfolio of Remembrancer of Legal Affairs, a post he held for three years. In May 1942, he went as District and Sessions Judge at Ahmedabad, and in the following August he was transferred to Poona as District and Sessions Judge and Agent to Sardars in the Deccan. He was elevated to the High Court Bench in June, 1943, as Additional Judge, and in August, 1944, he became a Puisne Judge of the High Court. He took keen interest in sports and was the Chairman of the Badminton Association of India.

In June, 1946, his services were placed at the disposal of the Government of India to the Labour Department in connection with the adjudication of Railway Dispute.

From 1940 to 1946, he was a member of the Court of Industrial Arbitration. He became the Adjudicator in the All India Postal Dispute in 1946, and in the Railways Dispute in 1947. In 1947-48 he was appointed the Chairman of the Income-tax Investigation Commission, and in 1950 he became Chairman of the Indian Air Transport Inquiry Committee. He was nominated in 1951 as the sole member of the Indian Fertilizer Inquiry Committee, and in 1952-53 he became Chairman of the Press Commission. At the time of his death he was inquiring into the Bank Award Dispute after the modification of the Award by the Government of India.

With dignity and distinction he presided over the deliberations of various Commissions, Committees, Inquiries and Disputes, and his fair and judicial temperament inspired confidence in everyone as he showed a remarkable insight in carrying on the investigations entrusted to him. He plunged himself with a singleness of heart in every cause entrusted to him. His judicial balance of mind, innate common sense, and wide and varied experience were helpful in solving many a complex problem arising in the course of the various inquiries. Often he cut the Gordian knot skilfully and dexterously. Such a vast and varied experience in matters legislative and judicial, commercial and financial, industrial and journalistic, is possessed by few public servants. He sacrificed his life on the altar of public service.

The fittest place where man can die
Is where he dies for man.

Mr. Justice Rajadhyaksha's career as a Judge has been characterised throughout by perfect judicial temperament, sound common sense, thorough consciousness, untiring patience, and uniform courtesy—qualities which inspired confidence amongst the litigating public and commanded the respect and admiration of the profession at large. His suavity of temper, urbanity of manners, and gentility of behaviour were his shining characteristics. As Emerson observes: "The flowering of civilization is the finished man, the man of sense, of grace, of accomplishment, of social power—the gentleman." Mr. Justice Rajadhyaksha's ardent and passionate desire to do real and substantial justice were manifest in every matter that came before him. He was never hasty in forming an opinion, and seldom stopped an advocate in the course of argument even though he had seen through the case. At a Mansion House dinner in London, the then Lord High Chancellor observed: "A Judge who was quick and clever might give a judgment that was right, but it did not give satisfaction if the case was not fully heard." Mr. Justice Rajadhyaksha gained the esteem of the profession and the confidence of the public owing to his keenness in administering evenhanded justice. Dame rumour in New Delhi spoke of him as a future Governor of a big State in Southern India, but Providence decreed otherwise.

Now the labourer's task is o'er ;
Now the battle day is past ;
Now upon the farther shore
Stands the voyager at last.

ON Thursday, February 10, 1955, the Hon. Mr. M. C. Chagla, Chief Justice, and all other Judges met at 11-00 a.m. in the Session's Court, where members of the Original and the Appellate Side Bar and the Attorneys of the High Court had mustered strong.

Addressing the members of the Bar and the Attorneys, the Chief Justice said :—

Mr. Advocate General, Government Pleader, President of the Incorporated Law Society, members of the Bar, and Attorneys of the High Court.

When death strikes down someone who is very near to us, however cruel and unmeaning the action may seem, one must bow our heads before the decree of fate. With the death of Mr. Justice Rajadhyaksha, the High Court and the country have

suffered a deep loss. He was a good Judge and, when I use that expression, I mean that he had all the essential qualities which ought to be present in a Judge. His approach to the litigants and to the matters that came before him was a humane approach. He was kind, courteous and patient with the Bar, and he gave unremitting industry to the solution of the problems before him and to discover the truth and to do justice. Government did not give him much time to do judicial work, but whenever he sat on the Bench those who appeared before him knew that in his judicial approach he was fully equipped. He served the country in many capacities. Whenever Government found a difficult problem, whether it was connected with railways, or post office, or air services, or the press, they turned to him for assistance to solve the problem, and they turned to him because they knew that whatever his decision it would be a fair and unbiased decision. His greatness lay in this that both sides to the dispute had confidence in him. In these days of strained relations between capital and labour, employer and employee, all sides, whatever matter was referred to him, felt that in him they had a man who would give a just and impartial decision.

As a man, I have rarely come across anyone who was kinder or more gentle than he was. I do not think in all his life he uttered an angry expression towards anyone. He was more than a colleague to me. I had the privilege of claiming his friendship, and I can sum up all his qualities in one expression that he was a great gentleman.

It is an illustration of the tragedy underlying human affairs that I intended that he should come and sit one day here before he finally retired. It was known that he was not going to resume his judicial duties, but I was anxious that the Bar should make a reference to him. Little did I realise that the Bar would meet here not to make a reference to him but to make a reference to his death. If we carry with us some part of our human aspect beyond the grave, I am sure that Mr. Justice Rajadhyaksha today will feel from the number of members gathered here today to pay respect to his memory that he had the affection and regard of the Bar.

Well, he has left behind a widow and two children. There are occasions when neither words nor tears are of much assistance. All that we can do is to pray that God will give them strength to bear this loss.

We have all to go the same way that Mr. Justice Rajadhyaksha went. The end of the journey is the same, whether the journey is a long one or a short one. But we can make the journey a journey of service and dedication, and in his case his life was one of service and of dedication. I know that when he had finished the Press Commission report and the ink of the signature that he had appended to it was hardly dry, he was called upon to undertake the work of the Bank Award. He was not well, he wanted rest badly, but ungrudgingly and uncomplainingly he responded to the call of the country. That work literally killed him and he died in the service of the country.

He was a great Judge, a great gentleman, and a great citizen of our country. May his soul rest in peace!

Mr. M. P. Amin, the Advocate-General, said :—

My Lords, on behalf of the members of the Bar, I fully associate myself with everything that your Lordship, the Chief Justice, has said about Mr. Justice Rajadhyaksha, an esteemed and popular Judge of our High Court. My Lords, yesterday when we learnt the tragic news of his sad demise, it came like a shock to many of us because most of us were not knowing about his illness and such of us who knew that he was taken ill a fortnight ago never dreamt that his life would end so soon. The sad news spread with rapidity in the city of Bombay so that even in the short time many mourners representing all shades of life rushed to his residence to pay their last respects to the deceased Judge.

My Lords, Mr. Justice Rajadhyaksha entered the Indian Civil Service in 1920 and soon thereafter he became an Assistant Collector of Patna, and in course of time higher and higher offices were meant for him till he became a High Court Judge in 1943. Long before that I came in contact with him when he was the District Judge of

Ahmedabad and also when he was a member of the Industrial Tribunal, and I immediately noticed that he possessed all the remarkable qualities befitting a Judge of a very high character.

During his tenure of office as a High Court Judge, he had been very courteous and polite to all members of the Bar who appeared before him. It was indeed a pleasure to appear before him. His sense of courtesy and politeness was so great that there was not even one occasion on which his Lordship showed any sign of displeasure even though there may have been cause for it. Every member of the Bar who appeared before him, senior or junior, had the fullest confidence that his Lordship would appreciate and duly consider every argument that was advanced. He was a pillar of strength to all who appeared before him and particularly to members of the junior Bar who never felt themselves at any disadvantage in his Court. His sound knowledge of law is noticed in the various judgments reported in the Law Reports which clearly shows with what consummate skill and remarkable intelligence and dexterity he tackled any question that came up before him for consideration.

My Lords, as a Judge he was simple and straight; he never believed in ostentation or display. Even as a man he was simple, sincere and unassuming. He was very kind; genial in his disposition. These were the qualities that endeared him to everyone who came in contact with him. He had a charming smile, a word of appreciation and affection for everyone who met him.

My Lords, his activities were not merely confined to the judicial field. As your Lordship observed he was very often required by Government for various other activities of a public nature, and even there he showed such an admirable quality that everyone, whether he appeared on one side or the other, had complete confidence in him. He worked as Adjudicator, Commissioner, and Chairman of various committees, the most important being the Press Commission, the report of which was acclaimed with great admiration and respect. The last work of that type which he had taken in hand was with regard to the Bank Inquiry Dispute where also he did his level best in the direction of bringing about a conciliation. But unfortunately before the report was out, fate had destined otherwise.

My Lords, in the annals of the High Court his memory as a High Court Judge would remain for years and years to come. The large gathering that has assembled today is a clear tribute to the memory of the deceased Judge. He was not only popular amongst the members of the Bar, but he was equally popular amongst the members of the public, and that popularity was clearly exhibited yesterday at the cremation ground where people of all shades of life—Governor, Judges, Ministers, lawyers, businessmen, and members of the public—gathered together in order to pay their tribute to the memory of the deceased Judge.

May his soul rest in peace !

Mr. H. M. Choksi, the Government Pleader, said :—

On behalf of the Bar and myself, I beg to join in the warm tribute paid to the late Mr. Justice Rajadhyaksha. His death is a shocking blow to all of us. For a moment when I was informed it was impossible to believe that he was dead. For minutes I was stunned, refused to believe the news. The cruel hand of death has fallen on one who was beloved of all of us and called by all of us affectionately as Raja. Born in September 1896, he joined the Indian Civil Service in 1920. After working for a short time on the executive side, he joined the Judiciary and worked in several important districts of this State as a District and Sessions Judge with distinction. He became the Remembrancer of Legal Affairs. He was elevated to the Bench of the High Court in 1943. Few realised that in that short body—a personality which was so unassuming—there was a great and brilliant soul. As a Judge his qualities were great. It is impossible to find adequate words to describe those qualities,—his great patience, great industry, learning, and above all great courtesy to his brother Judges, to the Bar, and to those who came in contact with him. Besides being a great and good Judge, he was one whose services were called for now and then in matters alike for adjudication, for presiding over commissions, and wherever he went he gave his services with distinction,

brought great lustre and credit to this Court of which he was a member. In him this Court, the State and the people have lost a great Judge—a great and good Judge—a great public servant and a thorough and great gentleman. We may shed tears; we may cry, but we are not going to see him back in human form. But his memory shall be cherished as long as this High Court is there by people of the State, by people of the country as one who stood for justice, as one who devoted himself to his duty with singleness of purpose and with selflessness. He died in harness doing his duty to his country, and our deepest sympathies go to his family, Mrs. Rajadhyaksha, young Mr. Rajadhyaksha, his daughter, and his brothers. May the great soul rest in peace!

Mr. N. H. Sethna, President of the Incorporated Law Society, said:—

On behalf of the Bombay Incorporated Law Society as representing the profession of Attorneys, I beg to associate myself with the sentiments of sympathy and sorrow expressed by your Lordship and the other speakers. Mr. Justice Rajadhyaksha did not happen to work on the Original Side of the High Court; even so, the attorneys' profession knew him very well. His life was a life of service not only to the High Court, to the litigating public, but also to the State. In the annals of this Court, there is no record of any Judge who had so many important assignments given to him which were so satisfactorily performed in so short a span of life. His life will be a shining example to all people who occupy a position of trust in the country. My Lord, as your Lordship said, he was not only a good and great Judge, but a greater gentleman. In him the country has lost a devoted servant and a genuine patriot who showed himself as such not only by his reports, but also by what he did, not by what he said and spoke, but what he performed and achieved. May his soul rest in peace!
