

**ADDRESS BY HON'BLE SHRI DALVEER BHANDARI, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 12<sup>TH</sup> OCTOBER, 2004.**

My esteemed Brother and Sister Justices, Mr. Desai, Additional Solicitor General, Mr. Thorat, Advocate General of Maharashtra, Mr. Dada, President of the Bombay Bar Association, Mr. Joshi, President of Advocates' Association of Western India, Mr. Mehta, President of the Bombay Incorporated Law Society, Members of the Bar, Ladies and Gentlemen,

We have assembled here to record our deep sense of sorrow at the passing away of a great jurist and a Judge, Mr. Justice V.D. Tulzapurkar, who made immense contribution to the legal literature and judicial wisdom. His devotion to justice made him truly a great Judge.

Justice Tulzapurkar was born on 9<sup>th</sup> March, 1921. He had his education at Wilson College and Government Law College in Mumbai. At a relatively young age of 35, on persuasion of Chief Justice M.C. Chagla, he agreed to join the Judiciary and became the youngest Judge of the Bombay City Civil Court. Justice Tulzapurkar was elevated to the High Court in the year 1963 and thereafter to the Supreme Court in 1977.

The Bombay Bar has produced a galaxy of great Judges. Late Justice Tulzapurkar was amongst the brightest stars that lightened the legal horizon at Delhi. Justice Tulzapurkar had a strong conviction and commitment towards the cause of justice and was a great protagonist of the rights of individuals. In all the years of his Judgeship at Bombay and New Delhi, Justice Tulzapurkar became a symbol of courage, fearlessness and independence.

There can indeed be no greater satisfaction and higher honour for a Judge than to carry the love and esteem of the members of the Bar which he received in ample measure.

His demise is a personal loss to me as I had the privilege of knowing and practicing before him after he became a Judge of the Supreme Court of India. In my view, Justice Tulzapurkar conformed to all the principles laid down by Socrates for a good Judge i.e. to hear patiently, to answer wisely, to consider soberly and decide impartially. They say that hallmark of a good Judge is courage of conviction,

ability, integrity, independence and impartiality. Justice Tulzapurkar had all these qualities in abundance. In the Apex Court he was known for his passion for justice. He immensely enjoyed great public confidence and esteem. Justice Tulzapurkar not only contributed handsomely to the development of law and jurisprudence but also set high standards of learning, erudition, vision and excellence.

After retirement, Justice Tulzapurkar deeply got involved in Opinion and Arbitration work. He actively worked till the last days of his life.

Justice Tulzapurkar left for his heavenly abode after leading a most contented and satisfied life, leaving behind him his wife and sons, Virendra and Virag Tulzapurkar, both very able and eminent members of the Bombay Bar.

I would like to recite just two lines of wisdom from *James Shirley's* work:

*"Only the action of the just  
Smell sweet and blossom in their dust."*

These lines apply to Justice Tulzapurkar's life and work in full measure.

On my behalf and on behalf of my learned colleagues and all of you assembled here, I convey my heartfelt condolences to Mrs. Tulzapurkar and other members of the bereaved family.

I pray that his noble soul may rest in peace.

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**ADDRESS BY SHRI B.A. DESAI, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 12<sup>TH</sup> OCTOBER, 2004.**

My Lord the Chief Justice and other Hon'ble Judges,

Few days back, we met in this historic hall to eulogize the Chief Justice, M.C. Chagla, free India's first Chief Justice, on the occasion of the release of postal stamp in his memory.

We soon learnt that Justice Tulzapurkar has suddenly left for his heavenly abode. There are great men whose physical presence is no more, but they live forever through their thoughts and deeds. Justice Tulzapurkar is indeed such a great judge, whose memory will live forever.

He was born on March 9, 1921. He was educated at the Wilson College and Government Law College. He was enrolled as an advocate at the Bombay High Court on 1<sup>st</sup> December, 1942. He practiced both on Original and Appellate Sides. He was also Attorney-at-Law.

He was appointed as Judge of City Civil and Sessions Court on July 16, 1956 he became the Principal Judge of that Court on April 19, 1962.

He was appointed Judge of the High Court of Bombay on 21<sup>st</sup> December, 1963. On September 30, 1977, Justice Tulzapurkar was elevated to the Supreme Court of India and on March 8, 1986 he retired after a distinguished tenure.

After retirement, Justice Tulzapurkar resumed practice doing opinion and arbitration work. He refused to accept any official position as he firmly believed that a judge after retirement should not accept any such position.

Justice Tulzapurkar had a resounding voice, displayed admirable courage and independence as a protector of human liberty. His judgments in the case of *N.P. Nathwani v. Commissioner of Police* bears testimony to his sterling qualities as a Judge. In this context, I quote from his Supreme Court judgment in *A.K. Roy v. Union of India* pertaining, *inter alia*, to the Constitutional validity of Ordinance making power during Emergency. Justice Tulzapurkar stated and I quote:

*"The imperative necessity to protect human rights is a lesson taught by all history and human experience. Our constitution makers had lived through bitter years and seen an alien government trample upon human rights which the country had fought hard to preserve. They believed like Jefferson 'an elective despotism was not the government we fought for' and therefore while arming the government with large powers to prevent anarchy from within and conquest from without they took care that these powers were not abused to mutilate liberties of the people."*

Justice Tulzapurkar will indeed live forever through his judgments as a protector of human liberty.

Justice Tulzapurkar is survived by his widow and two sons, Virendra and Virag. Our heartfelt condolences to them and may God give them the strength to bear the loss.

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**ADDRESS BY SHRI V.A. THORAT, ADVOCATE GENERAL OF MAHARASHTRA,  
AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA  
TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY,  
12<sup>TH</sup> OCTOBER, 2004.**

My Lords,

On behalf of the bar, I associate myself with the eloquent tribute which my Lord the Chief Justice has paid to late Justice V.D. Tulzapurkar.

Late Justice Tulzapurkar served as a Judge for thirty years. He became a judge of City Civil Court on 16<sup>th</sup> July 1956 and retired as a judge of the Supreme Court of India in 1986. It is indeed a long period of time. During this period his contribution to development of law is unparalleled. His withstood the pressures of his time and his transaction from City Court to High Court and therefore to Supreme Court was well deserved and memorable.

When I joined the bar, Justice Tulzapurkar was already a Senior Judge of this Court and was shortly thereafter elevated to the Supreme Court of India. My memories of that period are brief but vivid. He was one of those judges who was not only seen and read but was heard. His high pitched voice would reverberate through corridors of this Court. I particularly remember an instance when as a junior I was led by late Shri Madhavrao Paranjape to argue a petition where my client's election to Pune Municipal Corporation was set aside on the ground of corrupt practice by Pune Court. The successful respondent was represented by Mr. Ram Jethmalani and battery of lawyers. When the case was called out before the division bench of Late Justice Tulzapurkar and Justice P.B. Sawant, my Senior Shri Paranjape was busy in another Court. I was sternly told to proceed with arguments. The petition was thereafter heard for three days and was allowed. During the said period Late Shri Paranjape was not permitted to take over and was sitting by my side. I was in the second year of my practice and this experience was a great morale booster. There was also an occasion when appearing for the respondent before Justice Tulzapurkar, I was also asked to open arguments, since Petitioner's lawyer was not prepared, the petition was thereafter allowed.

Late Justice Tulzapurkar distinguished himself in all branches of law and one has to only open law reports from 1965 to 1986 to be convinced of his erudition and versatility. But in my opinion his greatest contribution was during years of emergency. He led a brigade of courageous High Court Judges who found within

our great legal system remedies to protect and enhance individual and collective freedom. Judgment in **N.P. Nathwani v. Commissioner of Police** was like a colossal Lighthouse on a stormy night. The judgment paved way for renunciation of freedom in celebrated cases of **Binod Rao v. Minoo Masani** (where this Court deprecated prohibition on publication of reports of court cases ) or **Sadhna** case on censorship. Those were the days when as juniors we would anxiously listen to arguments in his court about freedoms under common law & Constitution and right of the State to repress them.

In **Chandrakant v. State of Maharashtra**, speaking for the Full Bench of this Court he held that circulars, orders or resolutions relating to recruitment or fixation of Pay of Government servants and issued in the name of Governor have the status of rules framed under Article 309 of Constitution of India. In **Shripatrao v. State of Maharashtra** speaking for full bench of this court it was held that 42<sup>nd</sup> Amendment to Constitution amending Article 227 did not affect pending petitions under Article 227 of the Constitution. Lawyers on the appellate side heaved a collective sigh of relief. While expanding the scope of freedoms and locus to approach court, he struck a note of caution when he perceived that the court was making inroads into state functions in the name of judicial activism. His views on role of a judge evoked debate, but they were based upon his long experience as a judge and his deep seated honest belief that activism needs to be reigned.

After living a life devoted to law, he leaves behind legacy of his judgments and two gems – Dr.Virendra and Virag who are accomplished lawyers of this Court. His life was an embodiment of a saying “ There are no short cuts to any place worth going”. He well deserves peace and tranquility of his new abode. My heartfelt condolence to the members of the bereaved family. My the departed soul rest in eternal peace.

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**ADDRESS BY SHRI R.A. DADA, PRESIDENT, BOMBAY BAR ASSOCIATION,  
AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA  
TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY,  
12<sup>TH</sup> OCTOBER, 2004.**

My Lord the Chief Justice, My Lords the Hon'ble Judges, the Advocate General for Maharashtra, Mr. Joshi, President of the Western India Advocates Association, Mr. Mehta, President of the Bombay Incorporated Law Society and Members of the Bar,

On behalf of the Bombay Bar Association, I endorse the sentiments expressed by My Lord the Chief Justice and the learned Advocate General of Maharashtra.

On Friday, the 1<sup>st</sup> October, 2004, Mr. Justice V.D. Tulzapurkar passed away. The news was received with grief all round. Death comes to all mortals but in the passing away of Mr. Justice Tulzapurkar, the members of the Bar suffered a personal bereavement.

On that fateful evening of 1<sup>st</sup> October, 2004, as we saw Mr. Justice Tulzapurkar on his last journey, memories came back of the great contribution, this noble soul had made to the Law.

Mr. Justice Tulzapurkar was educated in this city. He passed from the Government Law College, Mumbai. He spent his early years in the City Civil Court and he was one of the few judges of that court who rose to the highest court in the land.

His appointment to the Bombay High Court was very well received. The Bar gave him a glowing reference on his appointment.

Soon after his appointment he made great impact as a Judge. The court rooms in this building reverberated to his loud voice and sometimes his reprimand to dishonest litigants and officials of the administration who failed to do their duty. The Bar loved him. While he never hesitated to raise his voice, he was a wonderful judge to appear before. His passion for justice and his great infectious laughter put advocates at ease. He was an advocate's delight as a judge.

We at the bar knew Mr. Justice Tulzapurkar to be a liberal judge. However his most glorious moment came in the days of the emergency. In the famous case filed by Mr. Nathwani (retired Judge of this Court) against the Commissioner of Police, Mr. Justice Tulzapurkar struck down a decision of the Commissioner of Police to restrain a public meeting to be held on 18<sup>th</sup> October, 1975. The plea that the order was passed for the maintenance of public order and internal security was rejected by him in the strongest terms. He observed; *"such a plea in the face of the total ban imposed on any type of public debate on emergency cannot obviously be accepted, for, in my view, no government which suppresses even peaceful and constructive criticism of emergency at a public debate, no government which preserves the freedoms only for the cringing and the craven and no government which permits its police chief to perpetrate on its citizens the humiliation and indignity of being required to obtain prior permission for their normal innocent and innocuous activities can have any moral right to proclaim to the world that Democracy is alive in the country."*

Mr. Justice Tulzapurkar was elevated to the Supreme Court in 1977. The Law Reports are full of important judgments delivered by him. But one must refer to the judgment delivered in the famous case of *S.P. Gupta & others v. The Union of India*. In this case, a circular addressed by the then Law Minister of India to the Governor of Punjab and the Chief Ministers of other States was challenged. The circular sought to make a request to obtain from all additional Judges working in the High Courts their consent to be appointed as permanent Judges in some other High Court. Justice Tulzapurkar declared the circular as void and observed; *"the circular exudes an odour of executive dominance and arrogance."* He held that *"it is an interference with the judiciary, it impinges on its independence and as such is illegal and void."*

Today I may refer to a speech delivered by His Lordship on 16<sup>th</sup> January, 1977 while inaugurating a new building for the district court at Nagpur. He was then the Acting Chief Justice and he quoted from the Greek philosopher Socrates, *"four things belong to a judge: To hear courteously, to answer wisely, to consider soberly and to decide impartially."* All these qualities and more Justice Tulzapurkar had in ample measure.

Mr. Justice Tulzapurkar was a pioneer in working in the arbitration movement after his retirement. He worked conscientiously as an arbitrator almost till the end of his days.

On behalf of the Bar, I extend my condolences to Mrs. Tulzapurkar, to his sons, Dr. Virendra Tulzapurkar, Mr. Virag Tulzapurkar, and the members of their family.

Mr. Justice Tulzapurkar has left this mortal world and crossed into eternity. But he will be forever remembered as a great judge. Posterity skimming through the pages of the history of law and of this court will surely remark 'veritably he was a great Judge, a gentle colossus'.

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**ADDRESS BY SHRI BALAKRISHNA JOSHI, PRESIDENT, ADVOCATES ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 12<sup>TH</sup> OCTOBER, 2004.**

The Hon'ble the Chief Justice Shri Dalveer Bhandari of the High Court of Judicature at Bombay and the other Hon'ble Judges of the High Court, Shri Desai, Additional Solicitor General, Shri Vijay Thorat, Advocate General, Maharashtra State, Shri Rafiq Dada, the president of Bombay Bar Association, Shri Prakash Mehta, President of Incorporated Law Society and friends.

1.           Sirs, I fully endorse the views expressed by the Hon'ble the Chief Justice and y colleagues and I beg to add few words.

2.           Sirs, it is really necessary to pay tribute to Justice V.D. Tulzapurkar, who was a scholar, an intellectual and a great Judge who passed away on 1<sup>st</sup> October, 2004. Justice Tulzapurkar was born on 9<sup>th</sup> March, 1921. Justice Tulzapurkar was educated at the Wilson High School, the Wilson College, the Elphinston College and the Govt. Law College, Mumbai. Justice Tulzapurkar was enrolled as an Advocate of Bombay High Court on 1<sup>st</sup> December, 1942. Justice Tulzapurkar appeared in many civil and criminal cases both on the Original as well as Appellate Side of the Bombay High Court. Justice M.C. Chagla, the then Chief Justice of Bombay High Court persuaded Justice Tulzapurkar to take up judicial work and was appointed as a Judge of City Civil and Sessions Court of Gr. Bombay in July, 1956. Justice Tulzapurkar became the Principal and Sessions Judge of the City Civil Court, Bombay in April, 1962 and in December 1963, Justice Tulzapurkar was elevated to the Bombay High Court as an Additional judge. In September 1996 Justice Tulzapurkar was appointed as a permanent Judge of Bombay High Court. Justice Tulzapurkar acted as a Chief Justice of Bombay High Court on two occasions- once during September-October, 1973 and again from December, 1976 to April, 1977. He was elevated as a Judge of the Supreme Court of India in September 1977. Justice Tulzapurkar retired as a Judge of the Supreme Court of India on 8<sup>th</sup> March, 1986. After retirement Justice Tulzapurkar resumed practice, giving opinion and doing arbitration work. Justice Tulzapurkar after retirement refused to accept any official position or post as he firmly believed that a Judge after retirement should not accept any such position.

4.           The first requisite quality of the leader of men is courage. Justice Tulzapurkar possessed that rare quality. During the days of emergency when the metal of men was tasted Justice Tulzapurkar faced the majesty, authority and

tyranny of Government. Justice Tulzapurkar even during the emergency did his duty fearlessly. The threat of an order of transfer to another part of the country hung over his head like a sword and Justice Tulzapurkar was prepared to resign from his judicial office in the event of being served with an order of transfer. With ability, lucidity, sturdy independence, intellectual integrity, and courage Justice Tulzapurkar spoke out loudly, clearly and boldly rebuking the Governmental excesses. Justice Tulzapurkar then criticized action of the Government during emergency. Justice Tulzapurkar's judgment in the case of Nathwani vs. Commissioner of Police and Sadhana's case bear testimony of his sterling qualities. During emergency days, Justice Tulzapurkar used his noble caliber fearlessly to wage war on injustice. Justice Tulzapurkar stood up bravely for democratic rights when they were being flagrantly violated during emergency.

5. It has been said that bad laws are the worst sort of tyranny. During the days of emergency there were many holding high offices who wonder where the visionary gleam of the founding fathers of our constitution had fled. They feared to speak for the fallen and weak. They had mouth but spoke not. They had eyes but they chose not to see. They had ears but they did not care to hear. At such time Justice Tulzapurkar remained unmoved, unshaken, unswayed, unterrified and loyal to his judicial oath. Justice Tulzapurkar kept his love for the rule of law and his zeal for civil liberty.

6. Justice Tulzapurkar was tough on his principles and integrity which were non negotiable. As a great champion of independence of judiciary he continuously toiled for it and whenever Justice Tulzapurkar pursued a threat to the independence of judiciary he unequivocally condemned it. Justice Tulzapurkar stood up for individual freedom. Justice Tulzapurkar was concerned about couple of dangerous trends in judiciary which seek to affect adversely its independence, fair name and bright image.

7. Justice Tulzapurkar raised the prestige and dignity of this Hon'ble Court and the Hon'ble Supreme Court of India. Justice Tulzapurkar was the source of light and the people had confidence that in his Court justice will be done.

8. Justice Tulzapurkar worked actively till the last days of his life. Justice Tulzapurkar's two sons Virendra and Virag are practicing in this Hon'ble High Court. The members of the Association share the grief of the members of Tulzapurkar family and we sincerely hope that the family of Justice Tulzapurkar will find courage to bear this loss. MAY GOD REST HIS SOUL IN PEACE.

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**ADDRESS BY SHRI PRAKASH MEHTA PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE TO LATE MR. VIDYARANYA DATTATRAYA TULZAPURKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 12<sup>TH</sup> OCTOBER, 2004.**

My Lord the Chief Justice, the Hon'ble Judges of the Bombay High Court, Mr. Desai, the Additional Solicitor General of India, Mr. Vijay Thorat, the Advocate General for Maharashtra, Mr. Rafiq Dada, President of the Bombay Bar Association and Mr. Balakrishna Joshi, President of the Western India Advocates Association,

On behalf of the Bombay Incorporated Law Society, I express condolences on the sad demise of Mr. Justice V.D. Tulzapurkar.

With respect, I concur with what the learned Additional Solicitor General, the learned Advocate General, President of the Bombay Bar Association and the President of the Western India Advocates Association have submitted at Your Lordship's bar today. In the passing away of Justice Tulzapurkar, the legal fraternity has lost a proponent of independence of the judiciary and the rule of law.

Mr. Justice Tulzapurkar was enrolled as a Solicitor in 1947 and continued to be a member of the Bombay Incorporated Law Society during his lifetime. The Bombay Incorporated Law Society has lost not only a senior member but also its well wisher and advisor. The Society has in the past time and again turned to him for valuable advice and guidance on matters affecting the Society which he gave unstintingly.

On behalf of the Bombay Incorporated Law Society, we wish to convey to the members of his family our heartfelt condolences.

May his soul rest in peace.

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