

**OBITUARY REFERENCE BY K.C. MITTAL,
PRESIDENT, DELHI HIGH COURT BAR ASSOCIATION,
NEW DELHI, TO PAY HOMAGE TO HON'BLE
MR.JUSTICE R.S. PATHAK, FORMER CHIEF
JUSTICE OF INDIA.**

Hon'ble The Chief Justice Dr. Justice M.K. Sharma, Hon'ble judges, Mr.P.P. Malhotra, Learned Additional Solicitor General, Senior Advocates, (Standing Counsel, Union of India and Govt. of NCT of Delhi), my colleagues at the Bar, family members of Justice Pathak, Ladies and Gentlemen.

On behalf of the members of Delhi High Court Bar Association, I join your Lordships in condoling the sad demise of Justice Mr. Raghunandan Swroop Pathak, Former Chief Justice of India on 18th November, 2007. An illustrious son of an illustrious father, Sh. Gopal Sawroop Pathak, who was Governor of Karnataka and Vice President of India.

The career resume of Justice Pathak need not be referred in extenso, suffice to describe him as a legend of legal profession and an eminent jurist having rare qualities and achievements. He held various positions and was entrusted with important assignments latest being the inquiry on the "Wolkar Commission Report".

Briefly, he was the President of Court of Arbitration for Sports, Olympic decision and adhoc Division Common Wealth, Games, Judge of the International Court of Justice, at the Hague; member of the board of Advisers Foundation for International Environmental Laws and Development, London, Chairman of the Nehru Trust of Indian Collections in the Victoria and Albert Museum, London. He was also elected Chairman of the World Congress on Law and Medicine in 1985 and was member of the International Panel of Chief Justice of Genetic Technology in Seoul in 1987.

Mr. Justice R.S. Pathak insisted on discipline in the approach to legal analysis and greatly appreciated brevity and clarity in such analysis. He laboured every day till late at night and on weekends to ensure that every judgment and document emanating from his office under his signature was correct and the conclusions based on the merits of each matter. He avoided Meeting business

people so that there would be no influence (perceived or otherwise) on his independent legal judgment.

He actively supported young lawyers and members of Bar and encouraged them in their career. Frequently, when he returned from Court and sat for tea with his wife, he would excitedly tell her about a new young rising star and how cogently and lucidly this young lawyer had articulated his case and arguments in the Court. To him a legal profession with young bright rising stars provided strong testimony that it was a honorable professions full of opportunity for new entrants. He always granted a hearing to young lawyers and would make it a point to hear all of the points that they wanted to make in the arguments. He never lost his cool and temper in the courts which made him Bar friendly.

His commitment to the Bar and the relationship of the Bench and Bar was well known. When he left the Allahabad High Court for the Himachal Pradesh High Court, the ancestral home at Allahabad was transferred to Allahabd High Court Bar Association and to this day has remained the office of the Allahabad High Court Bar Association.

He put a lot of emphasis on integrity in his view, integrity was crucial for becoming a good lawyer in the profession. He practiced highest standards of integrity by himself. Of his 3 sons, two wanted to become lawyers and his coincided with the time when he was a judge in the Supreme Court. He told both sons that as long as he was a judge, neither of his sons could practice law in India and that he preferred that they also studied law outside India so that the professors teaching law were free to be critical of his judgment in classes (and not impeded in their critical analysis by the presence of one of his sons in class). As a result, neither of his lawyer sons practiced law in India until he had retired from the Supreme Court. In addition, he never visited the law offices of his sons (nor interacted with their clients) based on the principle that they must work hard to create their own name and reputation independent of their father. Each member of his family learnt that there was no substitute to hard work and that rewards did not come from family connections or handouts from family relationships but from talent, ability and hard work.

Justice Pathak had always emphasized for Independence of the Judiciary and his observation in S.P. Gupta V. Union of India, are very relevant:

“875. India’s statesmen, political leaders, eminent jurists and representatives of a broad cross-section of our national life were engaged for about three years in forging a Constitution worthy of India’s greatness. In the fashioning of the provisions relating to the judiciary, the greatest importance was attached to securing the independence of the judges, and throughout the Constituent Assembly Debates the most vigorous emphasis was laid on that principle.”

Ever argument made on either side, however intricate the question of fact or law may be, he dealt with them in full detail in his inimitable restrained style, which we have found in his judgments.

He has three sons: Vivek Pathak, a Chief Financial Officer of a start up bio-medical company based in the Silicon Valley in California; Jai Pathak, a partner in a US law firm and is based in Los Angeles; and Anand Pathak, who heads the law firm P&A Law Offices and is based in New Delhi. Both his lawyer sons became lawyers in India and the US and practiced outside India in the US and in Europe until Mr. Justice Pathak retired from the Supreme Court of India. They returned to India only after he had retired from the Supreme Court of India.

The best tribute to him would be to follow his footsteps for upholding the Constitution of India and independence of Judiciary.

May his soul rest in peace and God give strength to the family members to bear this loss.

I would request Hon’ble the Chief Justice to convey condolence on my own behalf and the Delhi High Court Bar Association.