



1-7-1990

## Judgments of Justice O Chinnappa Reddy: A Humanist by R Venkataramani

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### Recommended Citation

Mallar, VS (1990) "Judgments of Justice O Chinnappa Reddy: A Humanist by R Venkataramani," *National Law School Journal*: Vol. 2: Iss. 1, Article 23.

Available at: <https://repository.nls.ac.in/nlsj/vol2/iss1/23>

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**Judgments by O. Chinnappa Reddy — A Humanist** by R. Venkataramani — Publishers: International Institute of Human Rights Society (Regd.) 134, Lawyers Chambers, Supreme Court Compound, New Delhi-110 001, Published 1989 — Price Rs. 90/-£9, \$15 — Pages 316.

Justice E.S. Venkataramiah, former Chief Justice of India has aptly described Justice O. Chinnappa Reddy as "a Socialist at heart and humanist in outlook" and said that "Justice Reddy's contribution to the cause of humanity and to the growth of human rights Jurisprudence has been in very significant proportion".<sup>1</sup> Justice M.N. Venkatachaliah has stated in the Foreword of this Book that "a rich and golden harvest of the learned judge's judicial opinions remained ungathered" and that this publication "has enriched this branch of legal literature by collecting them ..... this brings into bold relief the judicial philosophy and message of a great judge".<sup>2</sup> All these observations amply evidence that Justice O. Chinnappa Reddy was not only a great legal luminary with a distinct philosophy of his own but a great humanist and a distinguished judge. His contributions to legal literature constitute a treasure of legal scholarship and have been instrumental in giving dynamism and direction to the legal system of India in general and to the Constitution in particular. It is only in the fitness of things that judgments of such significance should be compiled into a volume, and Sri. R. Venkataramani, Senior Advocate of the Supreme Court has rightly called this volume "a tiny treatise of some flowers of justice".<sup>3</sup> Indeed, these flowers of justice not only decorate the legal edifice but also exude an unfolding aroma of relief to the underdog and the under-privileged.

It is significant to note that there was a stage in the history of the Supreme Court when the Constitution of India was so interpreted as to invite a view that it served the cause of vested interests and the propertied class.<sup>4</sup> But this phase took a U-turn with induction of social activist judges like Justice V.R. Krishna Iyer, Justice D.A. Desai, Justice P.N. Bhagwati and Justice O. Chinnappa Reddy. These judges considered Constitution of India as a value document rather than a mere power arrangement mechanism, and consequently, they interpreted the Constitution of India in such a way to come to the rescue of the oppressed, depressed, suppressed and the suffering. It is in this back ground that the judgments of Justice Chinnappa Reddy assume a seminal significance in the history of judicial process in our country.

Justice Chinnappa Reddy introduce a value based humanist approach to the understanding of our Constitution and made a signal contribution to the development of human rights jurisprudence.

The judgments of Chinnappa Reddy "speak with authority and sternness but are

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1. P. *xiii*.

2. P. *xvii*.

3. P. *xix*.

4. See, Upendra Baxi, 'Taking suffering seriously: Social Action Litigation in the Supreme Court of India', Law and Poverty — Critical Essays, Upendra Baxi (ed.), Tripathi, 1988 at P. 387.



condensed with concern. They are persuasions of humanism. They exude compassion".<sup>1</sup> Judgements of Justice Chinnappa Reddy have been selected carefully, analysed thoughtfully and presented effectively by Sri Venkataramani with commendable clarity in thinking and lucidity in explanation. The collection of thirty-one select judgements of Justice Chinnappa Reddy touch upon issues of diverse dimensions from protection of human rights to principles of natural justice, interpretation of statutes to implications of 'Equal Pay for Equal Work'; attempt to destroy the criminality in a human being without destroying the humanity in a criminal, to administrative carelessness resulting in undue delay and injustice. This book not only is an instructive and impressive study on "a realistic assessment of the capacities and limitations of judicial institutions and a striving for achievement of the judicial potential",<sup>2</sup> but also portrayal of the judicial philosophy and message of a great judge, whose judicial vision and scientific humanism have few parallels.

This book is divided into nine parts. Part I deals with epoch making judgements of Justice O. Chinnappa Reddy in the filed of human rights,<sup>3</sup> Part II deals with ambit and application of the text and context rule in the province of interpretation of the Constitution;<sup>4</sup> Part III focuses attention on the foundations and functions of the principles of natural justice in a wide variety of situations;<sup>5</sup> Part IV probes into the *Escort's* case which leads to the inference that 'State' as a centre of public power "ceases to be 'State' when it begins to operate as a share-holder in a Company".<sup>6</sup> Part V highlights the judicial pronouncements constituting 'Jurisprudence for Lilliputians — Voyage through Part IV of the Constitution',<sup>7</sup> the plight of daily wagers, the problem of contract labour and the policy of invocation of emergency provisions of the Land Acquisition Act in favour of the houseless and disadvantaged group form the core of delightful discussion. Part VI adumbrates contribution of Justice Chinnappa Reddy to the field of criminology and penology by his humanistic attitude and humane approach to the question of convicts slated for death penalty, the problem of prosecutorial discretion and delayed trial,<sup>8</sup> Part VII embodies inaugural Address at the Seminar "on Regulation of Rural and Urban Property" and "Second Bertrand Russel Memorial Lectures of Justice Chinnappa Reddy". These elegant and erudite lectures portray his deep and abiding humanism and intense and intimate concern for the distressed and disadvantaged people;<sup>9</sup> Part VIII entitled 'Journeys End' contains concluding remarks by the author Sri. S. Venkataramani.<sup>10</sup> Part IX is an index to cases cited in the select judgments.<sup>11</sup> This anthology of cases does not only demonstrate the academic soundness, analytical acumen and scientific insight of Justice O. Chinnappa Reddy but also his catholicity in outlook, conviction and commitment to the cause of scientific insight of Justice O. Chinnappa Reddy but also his catholicity in outlook, conviction and commitment to the cause of scientific socialism and benign concern and care for the lowliest and humblest segment of the people of our country.

The Book has a excellent format, the get-up of this book is superb and the printing is fine. Adequate foot-notes are provided. The utility of the book is enhanced by the critical comments and conceptual explanations given by the author at the beginning of

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1. P. xix.

2. P. xv.

3. Pp. 1-137.

4. Pp. 148-157.

5. Pp. 158-186.

6. Pp. 187-198.

7. Pp. 199-218.

8. Pp. 219-280.

9. Pp. 281-296.

10. Pp. 297-300.

11. Pp. 301-316.

each select judgment. Every line of this stimulating and illuminating book deserves careful reading and reflection and the volume is undeniable, a rich addition to the existing treasure of legal literature. As Justice E.S. Venkataramaiah has observed in his introductory remarks, "bringing out this book is the best way of honouring Justice Reddy, a great humanist".<sup>1</sup> There cannot be a second opinion. But one should not be satisfied with this tiny volume as it tickles the appetite for the collected works of all the judgements addresses and other writings of Justice O. Chinnappa Reddy.

B.S.MALLAR

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1. Pp. P *xiii*.