

A TRIBUTE TO MR. RAM JETHMALANI

- BY MR. DUSHYANT DAVE

HON'BLE THE CHIEF JUSTICE OF INDIA, MR. JUSTICE SHARAD A. BOBDE, HON'BLE JUDGES OF SUPREME COURT OF INDIA, DISTINGUISHED ATTORNEY GENERAL OF INDIA, MR. K.K. VENUGOPAL, SOLICITOR GENERAL OF INDIA, MR. TUSHAR MEHTA, LAW OFFICERS, VICE-PRESIDENT OF SCBA, MR. KAILASH VASUDEV, SECRETARY, MR. ARORA, OTHER LEARNED MEMBER OF EXECUTIVE COMMITTEE, PRESIDENT OF ADVOCATE'S ON RECORD ASSOCIATION, MR. SHIVAJI JADHAV AND VICE PRESIDENT MR. KUMAR, DISTINGUISHED MEMBERS OF THE BAR, MEMBERS OF REGISTRY, MEMBERS OF THE JETHMALANI FAMILY, HIS SON, MR. MAHESH JETHMALANI, SENIOR ADVOCATE, HIS DAUGHTER SHOBHA JI AND GRAND DAUGHTER, SERENA, MS. LATAKRISHANAMOORTHY, A LONG TIME FRIEND OF MR. RAM JETHMALANI, LADIES AND GENTLEMEN.

WE COULD NOT HAVE ASSEMBLED HERE FOR MORE WORTHY A LAWYER THAN MR. RAM JETHMALANI, AFFECTIONATELY ADDRESSED AS RAM. RAM WAS AN INSTITUTION BY HIMSELF. A LAWYER PAR- EXCELLENCE, WITH GREAT INTELLECT- ORIGINAL THINKING-TREMENDOUS KNOWLEDGE OF LAW- ARTICULATE IN HIS EXPRESSION-COMplete COMMAND OVER ENGLISH

LANGUAGE-POSSESSESSING UTMOST SKILLS IN COURT CRAFT AND ADVOCACY-
INCISIVE TONE AND BOOMING VOICE-DISARMINGLY SMILING-CHARMING TO THE
BENCH AND THE OPPOSING COUNSELS, RAM WAS THE GREATEST OF THE
LAWYERS OF HIS TIME. RAM WAS AN INSPIRATIONAL LAWYER FOR JUDGES AND
ADVOCATES PRESENT IN EVERY COURT ROOM WHERE HE ARGUED. HE WAS THE
FAVORITE OF THE YOUNG BAR.

RAM WAS EVEN A GREATER TEACHER AND TAUGHT TO STUDENTS
ACROSS THE COUNTRY. IN LAW COLLEGE BOMBAY, HIS CLASSES WERE ALWAYS
FULL AND WERE ATTENDED EVEN BY STUDENTS FROM OTHER COLLEGES. HE
WAS THE BRAIN BEHIND THE NATIONAL LAW SCHOOL BANGLORE, THE UNSUNG
HERO FOR STARTING THE HIGH QUALITY LEGAL EDUCATION IN THE COUNTRY.
HIS LOVE FOR STUDENTS WAS SO PASSIONATE THAT ONCE HE CHARTERED A
PLANE TO GO TO CHANDIGARH AS THERE WAS NO FLIGHT AVAILABLE BECAUSE
STUDENTS WERE WAITING FOR HIM EAGERLY. HE FAMOUSLY SAID, THAT

*“HE WOULD LIKE TO BE REMEMBERED AS A GOOD TEACHER WHO COULD
MAKE A DIFFERENCE TO THE LIVES OF THE YOUNG.”*

RAM WAS A BORN REBEL WHO BELIEVED IN HIGHEST STANDARDS IN JUDICIAL
AND PUBLIC LIFE. HE WAS ONE OF THE STRONGEST VOICES AGAINST

CORRUPTION AND PERSONALLY FOUGHT A BATTLE AGAINST BLACK MONEY. SADLY, HIS PETITION HAS NOT REACHED A LOGICAL CONCLUSION.

RAM'S CONTRIBUTION TOWARDS NOURISHING OUR DEMOCRACY IS UNMATCHED. HE NEVER FAILED IF DEMOCRATIC VALUES CAME UNDER CHALLENGE. BE IT DURING EMERGENCY, WHICH HE PASSIONATELY OPPOSED EVEN AS FAR AWAY FROM UNITED STATES OF AMERICA. A SUCCESSFUL PARLIAMENTARIAN, POST-EMERGENCY IN VARIOUS STINTS AND AS A MINISTER, RAM STOOD UP FOR CITIZENS AND THEIR CONSTITUTIONAL AND HUMAN RIGHTS. PARLIAMENTARY DEBATES BECAME LIVELY AND HIGHLY INTELLECTUAL WHENEVER HE STOOD UP TO SPEAK. HIS CONTRIBUTION TO THE DEVELOPMENT OF LAW AND ITS JURISPRUDENCE AND TO PUBLIC DEBATES IS IMMEASURABLE.

HE WAS CLEARLY DISTINGUISHED FROM OTHERS AS SAID IN THE WORDS OF ERNEST HEMINGWAY THAT *"EVERY MAN'S LIFE ENDS THE SAME WAY. IT IS ONLY THE DETAILS OF HOW HE LIVED AND HOW HE DIES THAT DISTINGUISH ONE MAN FROM ANOTHER"*. HE LIVED LIFE FROM THE BEGINNING TO THE END AND A LIFE TRULY EXTRA-ORDINARY.

IF HE ENJOYED HIS DRINK IN THE EVENING, HE CHERISHED HIS BADMINTON GAME IN THE MORNING.

HE LOVED THIS COUNTRY PASSIONATELY BUT WAS DEEPLY SADDENED BY ITS JOURNEY, QUOTING JAWAHARLAL NEHRU'S WORDS, ON THE EVE OF INDEPENDENCE, ON 15TH AUGUST 1947, TO THE EFFECT:

"WE MADE A TRYST WITH DESTINY" AND THAT "AT THE STROKE OF MID NIGHT HOUR WHILE THE WORLD SLEEPS, INDIA WILL AWAKE TO LIFE AND FREEDOM".

RAM WRITES,

"65 YEARS HAVE GONE BY AND THE ELOQUENT AND INSPIRING WORDS NOW JAR THE EARS WHILE THE PLEDGES THAT REMAIN UNREDEEMED AND FORGOTTEN ONLY BRING TEARS TO SWOLLEN EYES, AND, TO SOME THOUGHTS OF SUICIDE, AS THE ONLY ESCAPE FROM THE HELL, INTO WHICH ALL OF US HAVE LANDED. LIFE AND FREEDOM HAVE BEEN PRIVILEGED BY FEW ENGAGED IN SORDID PURSUIT OF POLLUTED POWER AND STOLEN WEALTH."

HE REMINDS US OF A BAD OMEN THAT WENT UNNOTICED IN THE ECSTASY OF INDEPENDENCE. MAHATMA GANDHI WAS NOT IN THESE CELEBRATION BUT WAS SLEEPING IN HOUSE OF MODEST MAN IN THE SUBURBS OF CALCUTTA, QUELLING THE FIRES OF A COMMUNAL HATRED AND VIOLENCE.

SECULARISM IN HIM WAS EVIDENT. RAM SUCCESSFULLY ARGUED BEFORE THIS COURT IN 1995 THAT,

“HINDUTVA WAS NOT RELIGION, BUT AN IDEOLOGICAL CONCEPT, A WAY OF LIFE, WHICH COMPRISES OF CODE OF CONDUCT TO BE OBSERVED BY EVERY INDIVIDUAL IN EVERY SPHERE OF PERSONAL AND NATIONAL ACTIVITY, AND INCLUDES RESPECT AND EQUAL TREATMENT TO ALL RELIGIONS.”

YET, HE SAYS IN HIS BOOK,

“INDIA’S PROGRESS DOES NOT REQUIRE MORE MOSQUES AND TEMPLES. CONTROVERSIES LIKE RAM TEMPLE IN AYODHYA ON THE SITE OF THE BABRI MOSQUE MUST BE TOTALLY OUTLAWED. INSTEAD, AT THE DISPUTED SITE, A UNIVERSITY OF SECULAR EDUCATION AND RELIGIOUS HARMONY SHOULD BE ESTABLISHED. IT IS PITY THAT WE PRIDE IN OURSELVES BEING SECULAR, WITHOUT GIVING ANY EDUCATION TO OUR YOUTH.”

HE CLASSIFIED INDIA INTO THREE CATEGORIES,

“THE FIRST IS OF GROWING RICH AND FAMOUS,” SECOND INDIA OF THE NEW MIDDLE CLASS” AND “THIRD INDIA OF THE POOR- THE IGNORANT AND HUNGRY”.

HE LAMENTED THAT,

“THE THIRD INDIA NEVER GETS REACHED, NEVER SEEMS TO CHANGE, AND IS ALWAYS LEFT BEHIND. IT PERSISTS AND PERPETUATES ITSELF, WHETHER THE ECONOMIC GROWTH RATE IS 4% OR 8%. THESE ARE FEEDERS AND FODDERS OF INDIA’S DEMOCRACY, GENERALLY VIEWED AS A BUNCH OF BALLOT PAPERS- THE UNLIMITED AND ETERNAL SEA OF VOTES THAT EVERY POLITICAL OUTFIT LUSTS AFTER. LEADERS OF RULING POLITICAL PARTIES REALIZED THAT KEEPING THEM THIS WAY IS THE SUREST WAY OF MAINTAINING CAPTIVE VOTE BANKS, AND THUS REMAINING CONTINUOUSLY IN POWER.”

HERE RAM EMERGES AS A POLITICAL THINKER AND A PHILOSOPHER. I WOULD SAY HIS PROPHETIC WORDS MUST BE LISTENED AND FOLLOWED BY ALL THOSE WHO MATTER IN GOVERNANCE OF THIS COUNTRY.

HE BELIEVED IN STRONG JUDICIAL SYSTEM AND STRENUOUSLY URGED,

“THE SUPREME COURT AND IN FACT, EVERY COURT, IS TO BE ON THE SIDE OF THE COMMON MAN, WHO NEEDS CONSTANT PROTECTION AGAINST EXECUTIVE INSOLENT, CORRUPTION, INCOMPETENCE. TENSION BETWEEN JUDICIARY AND EXECUTIVE IS A WELCOME SIGN. THE SO-CALLED

HARMONY BETWEEN THE TWO MAY BE AT THE COST OF CONSTITUTIONAL DEMOCRACY ITSELF.”

SO, HE CRIED OUT THAT,

“WHILE I AM SUPPORTER OF JUDICIAL ACTIVISM AND ALL MY LIFE I HAVE FOUGHT FOR INDEPENDENCE AND GLORY OF THE JUDICIARY, I WILL NOT SURRENDER ANY EXECUTIVE PRIVILEGE TO PLEASE A JUDGE, EVEN IF HE HAPPENS TO BE THE HIGHEST.”

RAM THROUGHOUT HIS LIFE REFUSED TO REMAIN SILENT AND ALWAYS SPOKE FROM HIS CONVICTION. HE SAID THAT,

“I HAVE NOT LEARNT THE LESSON OF SILENCE. MY TEACHERS AND PROFESSORS WHOM I REVERE TAUGHT ME EXACTLY THE OPPOSITE. SILENCE IS NO DIFFERENT FROM BEING A CONSPIRATOR AND TRUTH MUST BE LOUDLY TRUMPETED FROM THE HOUSETOPS.”

RAM WAS LOVED BY THIS BAR AND BECAME OUR PRESIDENT IN 2010.

IN HIS DEATH, INDIA HAS LOST A CRITIC WHO ALWAYS MADE A DIFFERENCE. AS IT IS SAID,

“GOOD MEN MUST DIE, BUT DEATH CANNOT KILL THEIR NAMES.”

RAM WILL NEVER DIE BECAUSE HIS NAME WILL ALWAYS BE SPOKEN. EVEN IN HIS DEATH, WE WILL ALWAYS FEEL HIS LIFE TOUCHING OURS THAT RESOUNDING VOICE SPEAKING TO US. RAM WILL LIVE IN IN OUR LIFE AND IN LIVES OF ALL OTHERS WHO KNEW HIM.

RAM HAS LEFT A GREAT LEGACY IN HIS SON, INDOMITABLE MR. MAHESH JETHMALANI, SENIOR ADVOCATE AND A LEADING MEMBER OF THIS BAR.

ON BEHALF OF THE SUPREME COURT BAR ASSOCIATION, ITS MEMBERS, THE EXECUTIVE COMMITTEE AND MYSELF, I OFFER MY DEEPEST CONDOLENCES TO MR. MAHESH JETHMALANI AND OTHER MEMBERS OF THE FAMILY BUT WITH A CAVEAT THAT,

“IT IS FOOLISH AND WRONG TO MOURN THE MAN WHO DIED. RATHER WE SHOULD THANK GOD THAT HE LIVED.”

MAY RAM LIVE IN ETERNAL PEACE AND MEMORIES.