



## EDITORIAL

Since the publication of the last number of this Journal, Shri S. R. Das, Chief Justice of India and the ex-officio President of the Institute and Shri N. H. Bhagwati, Judge of the Supreme Court and the Treasurer of the Institute, both eminent jurists with broad constitutional outlook, have retired from the Bench. The President of India has been pleased to appoint Hon'ble Shri Justice B. P. Sinha as Chief Justice and Hon'ble Justices K. C. Das Gupta and J. C. Shah as Judges of the Supreme Court of India.

While we welcome the learned Judges who have assumed the high offices and the Hon'ble Justice P. B. Gajendragadkar as our new Treasurer, we bid farewell to the two learned Judges who have laid down their high judicial offices. We bid them farewell with grateful memories of the help that both rendered to the Institute and the Journal and with the prayer that they will continue to inspire and guide the Institute in future also.

As a mark of respect and esteem for the eminent Chief Justice, Shri S. R. Das, the forthcoming January issue of this Journal is to be inscribed to him. Since it is proposed to present an analysis of some of his contributions to law as well as to give a full account of his career in that number of the Journal, we are not saying anything further here.

### THE NEW CHIEF JUSTICE OF INDIA

We offer our hearty felicitations to Hon'ble Shri Justice B. P. Sinha on his appointment as Chief Justice of India and extend to him, our new President, a warm welcome.

Shri Bhuvaneshwar Prasad Sinha was born on February 1, 1899 and was educated at the Government College, Patna. He was a first class student and earned the Gold Medal in History and a Post-Graduate Scholarship. He joined Patna



High Court as Advocate in 1927 and was also a teacher at the Government Law College, Patna. He held the post of Government Pleader from 1940-43. He was admitted as Senior Advocate of the Federal Court of India in 1942 and in the following year accepted a seat on the Bench of the Patna High Court. In 1951 he became Chief Justice of the Nagpur High Court and in December 1954, was appointed a Judge of the Supreme Court.

The Supreme Court of India and the Chief Justice of India occupy as the highest court and the highest judge respectively of the Republic of India very significant positions.

The Supreme Court is not only the final interpreter of the law of the country but it has also like its counterpart in the United States, the power ultimately to decide on the legality of all legislation and, unlike the American Supreme Court, authority to advise on issues which are referred to it by the President of India. The issues referred by the President of India to the Indian Supreme Court may not perfectly fit in with the concept of "cases" and "controversies" which delimit the judicial power of the United States Supreme Court. In such a context the Indian Supreme Court is often occupied with statutory interpretation and with policy making. It has to exercise statesmanship in judging and pronounce judgment on statesmanship. At a time when social values are in a flux, a Court whose function is to give legal power the cloak of sweet reasonableness requires personnel of a very high order.

The position of the Chief Justice of India in the above context is one of great responsibility. He can not only influence the tone and direction of the judicial work of the Supreme Court and maintain the Rule of Law in its integrity in the land but also set his imprint on the whole complexion of the administration of justice of the nation through, among other things, the exercise of his function in the selection of judges of all the State High Courts and the Supreme Court. The onerous duties of this office require for their proper discharge a person with knowledge, experience and a proper philosophy of life. We have in Chief Justice Sinha such a person. He is of unassuming erudition,



mature experience and great catholicity of mind. He has earned the goodwill of all as a lawyer and as a judge. No one has any doubt that Chief Justice Sinha will discharge the functions of his high office with dignity and distinction.

Referring specially to ourselves, the Institute is fortunate in having as its President one who has in him the happy combination of scholar, teacher and judge. Chief Justice Sinha is not new to the Institute. He is one of the founders of the Institute and as a member of the Executive Committee was one of its foremost guiding spirits. His association with the Institute as its President is at the formative period of its existence. The Institute looks forward to a bright future under his stewardship.

### JUSTICE BHAGWATI

Shri Natwarlal Harilal Bhagwati joined the Supreme Court as Judge in 1952. He joined the Original Side Bar of the High Court of Bombay after a brilliant academic career. He held for sometime a professorship at the Government Law College, Bombay. From 1944 to 1952, he was a judge of the Bombay High Court and was also for sometime the Vice-Chancellor of the Bombay University. He represented the Bombay University on the Bombay Legal Education Reform Committee appointed by the Bombay Government in 1948 and was Chairman of the Bombay Legal Aid Committee appointed by the Government in 1949.

Shri Purshottam Trikamdas, Senior Advocate of the Supreme Court of India and a close associate of Judge Bhagwati during his days at the Bombay Bar, has given us a short but vivid picture of the Judge as a lawyer.

Mr. Justice Bhagwati's approach to some of the important constitutional and administrative law problems that came up before him is studied in two articles that follow. Analysis of opinions of judges, though a familiar feature in foreign journals, is seldom come across in Indian legal periodicals. It is a form of legal writing that has its own highlights and pitfalls. To attain a balance, which avoids uncritical adulation and uncharitable criticism, which is more than a digest of the judge's decisions but identifies the dots he put



on the curve of law, one has to labour under strict discipline. We welcome contributions analysing the approach of our judges to legal problems.

### THE SECOND YEAR OF THE JOURNAL

The Journal has completed one year of its publication. This is the first number of the second volume of the Journal.

The second number of this volume will be, besides being inscribed to Shri S. R. Das, as already stated, a number to commemorate the completion of ten years of the Indian Republican Constitution.