

191

TRIBUTE TO LATE R.K. JAIN  
SENIOR ADVOCATE  
FULL COURT REFERENCE - JANUARY 8, 2007

MY LORD THE CHIEF JUSTICE, YOUR LORDSHIPS, MR. P.P. MALHOTRA - ADDITIONAL SOLICITOR GENERAL OF INDIA, MR. RAMESH GUPTA - CHAIRMAN, BAR COUCIL OF DELHI, STANDING COUNSEL FOR GOVT. OF INDIA AND THE GOVT OF NATIONAL CAPITAL TERRITORY, OFFICE BEARERS OF DELHI HIGH COURT BAR ASSOCIATION AND OTHER BAR ASSOCIATIONS, RESPECTED SENIOR MEMBERS OF THE BAR, MY COLLEAGUES AT THE BAR, ~~RESPECTED RELATIVES~~ <sup>Mr. I.K. Jain</sup> OF LATE R.K. JAIN, LADIES AND GENTLEMEN:

Centuries ago, Shakespeare in Twelfth Night said that  
*"Some achieve greatness, and some have greatness thrust upon them."* R.K. Jain, a designated senior, but not a senior to take the eternal journey, fully belonged to the former category. A man, whose heart always throbbed with righteousness, compassion and commitment, and rebelled against injustice and inequality, failed him when he was returning from a pilgrimage on December 21, allowing him not to reach home, but midway changing the course to that eternal pilgrimage. Thus we lost a dear and eminent friend.

192

A doyen of learning and a highly respected lawyer, Mr. Jain enjoyed great public confidence. At the age of twenty five, he entered the profession at Saharanpur. Two years later, he made it to the Supreme Court, where he stayed and built his standing. It was a strong relationship with the Bar and the Bench. Recognizing his knowledge, skill and standing, the Hon'ble Supreme Court *suo moto* designated him a Senior Advocate, a rare distinction achieved by very few. Mr. Jain knew the value of scholarship and without his asking, that took him to heights. The peculiarity of this profession is that scholarship has to come through self-learning and independent research. Here, classroom scholarship does not go or help beyond a point. Hard work, reading briefs and books, to quote late Palkhivala, "like the speeding Rajdhani Express," bring the result.

He was popular because of his qualities and the confidence the fraternity had in him. In a period of thirty five years he spent at the Supreme Court Bar, he was President of the

193

Bar Association for about eight years, covering six terms, at times in consecutive succession! Whenever I chanced to meet him in this Court, he used to say warmly, "Mr. President, I am here with your permission." I had the privilege to appear in the matter where Mr. Jain was also leading one set of Respondents, may be his last one in this Temple of Justice immediately before winter vacation. It saddens me that I will never see that smile and warmth again.

His chosen field was criminal law, but he commanded equal ease and dexterity in other branches as well. He knew the art of advocacy well, and his arguments were sharp and brief to the core. To say about his achievements, time does not permit me. He launched the Indian Bar Association and was its first president. He worked with great zeal for the abolition of capital punishment and even challenged its constitutional validity. He sought to humanize and de-mechanize the process of grant of bail and fought against the abuse and misuse of preventive

195

He was in the forefront of many organizations and reformative actions. His compassion knew no bounds. In sharing his resources for the right cause, he never hesitated.

Undoubtedly one can say that Jain Saheb was a genius. Had he been alive for few more years, he would have perhaps been one among those legendary legends. A starlet lawyer and an astute jurist, he left us too early. We lost a young senior who understood and stood by the Confucian words that "recompense injury with justice and recompense kindness with kindness."

"Life levels all men, death reveals the eminent," said George Bernard Shaw. We the mortals learn the value only after the loss, perhaps irretrievable loss. Had that not been the case, this earth would have been a much better place to live in!

Time will heal the sorrow of bereavement, but memories will stay on. Our hearts go out to Mrs. Jain and other

A.S. Chandhiok

196

members of the family. Our condolences and prayers are with them. May God grant them enough strength to bear the loss and may his soul rest in peace.

A.S. Chandhiok

January 8, 2007