

Book Review

R. Venkataramani: Judgments By O. Chinnappa Reddy-A Humanist,
International Institute Of Human Rights Society (Regd.) 1989.

Sagnika Das¹

On a time frame when the trust on the Indian Judiciary is dwindling and questions are raised regarding transparency and the modality of judicial process, the book written by **R. Venkataramani** entitled as “**Judgments by O. Chinnappa Reddy- A Humanist**” reflects upon the golden era of Indian judiciary. The book deals with a few landmark judgments delivered by late Justice O. Chinnappa Reddy not critically but exploratively looking into the subject matter.

The book consists of eight parts dealing with different legal issues. The first part of the book is entitled as “We The People Of India... To Secure To All Its Citizens: Justice, Social, Economic...Liberty Of Thought, Faith...Equality Of Status And Opportunity...Give To Ourselves This Constitution.” This part consists of twelve Articles which particularly focuses on the freedom of conscience and right to religion of people. The author shows how the judge grounded his judgment on various Fundamental Rights enshrined in the Constitution of India. In *Bijoe Emmanuel & Ors. v. State of Kerala & Ors*, the Hon’ble judge has highlighted the right to remain silent as an integral part of the right to expression of one’s thoughts or convictions.² Similarly in *S.P. Mittal etc. v. Union of India and Ors*³, he has held that all the religious minority communities have right to establish and administer an educational institution of their choice. These judgments of Justice O. Chinnappa Reddy expanded the scope and ambit of Part III of the Constitution of India.

The second part of the book is “Interpretation Of Statutes; The Text And Context Rule.” This part comprises of a single Article. In this part the author focuses on the importance of interpretation of Statute and how Justice Reddy depends on the text and the context together while interpreting the subject matter of dispute.

The third part of the book deals with “To Hear And Decide – Preventive Medicine Or First Aid” and it contains of three case studies

¹ Research Assistant, Department of Law, University of North Bengal.

² *Bijoe Emmanuel & Ors. v. State of Kerala & Ors*, (1986) 3 SCR 518 = (1986) 3 SCC 615.

³ (1983) 1 SCR 729 = (1983) 1 SCC 51.

involving the principles Natural Justice. All the three cases reflect the effort made by Justice Reddy to incorporate the principles of natural justice in all the cases he dealt with. The author drives home the point with the help of three case laws. Justice Reddy incorporates the principles of Natural Justice in every legal sphere especially at the time of making legislation as well as at the time of pronouncing judgment. The author points out that Justice Reddy was of the view that there is need to make an appropriate distinction between Natural Justice in its application to fundamental liberties, civil and political rights and Natural Justice in its application to vested interests.⁴

The fourth part is entitled as “State As Shareholder: Could It Take Cover Under The Private Law?” This segment focuses on the judgment laid down in *L.I.C. of India v. Escorts Ltd. &Ors.*⁵ Here J. Reddy was of the opinion that the actions of the State as a shareholder in a company do not belong to public law and hence are not liable to be subjected to judicial review. The Court here prominently declared that it will examine the actions of the State if they pertain to the domain of public law and it is impossible to draw the line with precision and the question must be decided on case to case basis. It further declared that when the State purchases the shares of a company, it assumes to itself the role of a shareholder and has all the rights and duties just like any other shareholders.

The fifth part is very interestingly titled as “Jurisprudence For The Lilliputians – Voyage Through Part IV Of The Constitution” and it consists of three Articles. Under this part the author tried to highlight the humanist nature of J. Reddy where he argues that the workers working on daily wage should get equal wage as that of the permanent workers of any Government department.⁶ He further urged abolition of the contract labour in certain economic activities and strongly urged the implementation of the Contract Labour (Regulation & Abolition) Act, 1970.⁷ He put emphasis on the plight of the Harijans all over the country and asked the Indian Judiciary to take special notice to their miserable housing conditions so that they can live with their basic inalienable human rights.⁸

The sixth part is titled as “Contribution To Criminology: Humanising Penology.” This part deals with six Articles regarding the execution of punishments including the capital punishment. Through these case studies the author has shown that J. Reddy believed in the reformative theory of punishments and had given minimum period of two and half years

⁴ *Swadeshi Cotton Mills Ltd. v. Union of India*, (1981) 2 SCR 533 = (1981) 1 SCC 664.

⁵ (1986) Supp. 3 SCR 909 = 1 SCC 264.

⁶ *Surinder Singh v. Engineer-in-Chief, C.P.W.D.*, (1986) 1 SCC 639 = AIR 1986 SC 584.

⁷ *Catering Cleaners of Southern Railway v. Southern Railway*, (1987) 1 SCC 700.

⁸ *Kasireddy Papaiah v. Government of Andhra Pradesh*, AIR 1975 AP 269.

for the convicted offender to remain under observation in order to determine whether to alter the capital punishment.⁹ Delay in trial is another issue on which J. Reddy was deeply concerned. The unmindful and deliberate delay and inactivity of the prosecuting agencies pained him immensely which led him to proclaim firmly that right to speedy trial is a part of Fundamental Right to Life under Article 21 of the Constitution of India for both the victim as well as for the accused.

The seventh part is entitled as “Philosophy, Concern And The Person: The Judge Through His Lectures” containing two Articles. Under this part of the book the author strives to uphold the philosophy and personality of the Judge. Through the two Articles it becomes evident that Justice Reddy was very much concerned with the environment, most importantly with water and land and its continuous mindless exploitation became a matter of concern for him. To overcome such situation he suggested that all the machineries of the State should work in harmony. It is a point of view that has been upheld by the Indian judiciary again and again over a period of time. Justice Reddy also showed his deepest concern for the oppressed class of the society suffering from poverty, untouchability, superstition, irrationalism and requested the intellectuals of the country to lend a helping hand to them so that they can uplift themselves to the level where they can live with dignity. Thus Justice Reddy weaved a dream of inclusive society where the people of the country will truly live upon the Constitution and its principles with immense love and care.

The final part of the book is titled as “The Journey’s End” where the author gives his reasons for calling Justice Chinnappa Reddy ‘A Humanist’. According to the author, a humanist is a person who is inclusive, respects human dignity and fundamental rights; a person who reacts to the grievances of people in the changing socio-political structure and Justice Reddy lived upon all these principles throughout his career which is reflected upon his judgments.

It will be appropriate to say that the content of the book perfectly justifies its title. The judgments of Justice O. Chinnappa Reddy reflect the glorious days of Indian judiciary where the judiciary proactively upheld the principles of Human Rights and strove hard to make the Indian society a multicultural yet inclusive society. The discussion of the cases reflect the reverence the author had for Justice O. Chinnappa Reddy and effectively makes the readers realize the profoundness of his judgments. The author has also added his own perspectives on the judgments with clarity. The book is easy to read and has a quality of a master story teller. The language of the book is lucid and hence one need not struggle to comprehend the inner

⁹ *Javed Ahmed Abdul hamid Pawalav*. State of Maharashtra, (1985) 2 SCR 8 = (1985) 1 SCC 275.

messages in the judgments. The book is worth reading not only for the students of law but also for any public spirited citizen of the country believing in the principles of the Constitution of India.