

**Full text of the speech delivered by
Hon'ble Chief Justice of India Shri Justice N V Ramana
at an event organised by the Karnataka State Bar Council
to pay tributes to Late Mr. Justice Mohan M Shantanagoudar**

18 September, 2021

Om Asatoma Sadgamaya
Tamasoma Jyotirgamaya
Mryityorma Amritangamaya
Om Shanti Shanti Shanti

1. It is with a deep sense of sorrow that I have come here to pay tribute to Hon'ble Mr. Justice Mohan M. Shantanagoudar, my Brother Judge who passed away on 24th April 2021. In losing him, the country has lost a common man's judge. I have personally lost a most cherished friend and a valuable colleague.

2. Brother Shantanagoudar had a humble origin. He was born on 05th May, 1958 in Chikkerur village, Haveri District, Karnataka to late Shri M.C. Shantanagoudar and Smt. Indira Shantanagoudar. Brother Shantanagoudar's father had been an advocate in Dharwad with immense experience. Perhaps that is why, after completing his B.Sc., he decided to pursue law from Karnataka University, Dharwad. He graduated by securing the 2nd Rank in 1980. While he began his practise in Dharwad initially, within a year, he decided to shift to Bangalore and practise before the Karnataka High Court.

3. He worked in the chambers of Justice Shivraj Patil, the former Supreme Court judge. As an advocate, he commanded a successful practise. He was particularly interested in taking up the cause of the poor and underprivileged.

4. Brother Shantanagoudar was appointed as an Additional Judge of the Karnataka High Court on 12th May, 2003 and was sworn in as a permanent Judge on 24th September, 2004. He was then transferred to the Kerala High Court where he was the Chief Justice.

5. Brother Shantanagoudar was elevated to the Supreme Court on 17th February 2017. His contribution to the jurisprudence of the nation, from the time of his elevation to the High Court and particularly during his time in the Supreme Court, is indisputable. His judgments provide a deep insight into his years of experience, his depth of knowledge and his unending wisdom.

But more than anything, his judgments showed simplicity, abundant common sense, and a practical approach. His tenure as a Judge was marked by his concern for social equality, opportunity to all, and rights and liberties of the people.

6. In the *Nandan Biomatrix* case, he held that farmers were also consumers and could seek compensation under the Consumer Protection laws. In the *Amitabha Dasgupta* case, he passed strictures on Banks for imposing unfair conditions on consumers. He was known for his fearlessness and independence. His dissent in the *Indore Development Authority* case is well known. He never minced words, but at the same time, he was never rude.

7. Sitting on a Bench with him for about a year and a half, I was witness to his legal acumen, immense preparation as well as his kindness and generosity of spirit. We grew extremely close over that period, and there were many days that we shared our views over breakfast. While sitting together, we decided several important cases, including on the mental health of convicts sentenced to the death penalty.

8. One thing which stood out about Brother Shantanagoudar was his sense of humour and his infectious laughter. In Court, when tempers could run high, he would magically make all the tension disappear with a ready pun. As the American poet Langston Hughes once said, *quote-*

“Like a welcome summer rain, humour may suddenly cleanse and cool the earth, the air and you.” Unquote

9. It was well known that Brother Shantanagoudar encouraged young lawyers who were always welcome at his house to seek his guidance. Further, I was made aware of certain heartfelt articles written by his research assistants after his untimely demise, which is a testament for his warmth and his caring nature.

10. I would like to recall one heart touching incident. One day, while retiring to chambers, a gemstone of my ring had fallen off. That particular ring had a lot of divine significance as it was blessed by Satya Sai Baba. When Brother got to know that I had lost the stone, he himself took off to search for the same in the entire Supreme Court corridor and found the stone after half an hour of intense search. It speaks of his immense humility.

11. Over the last year, when his health took a turn for the worse, I remember how weak he grew. I knew that he was struggling with certain medical conditions. However, he never showed it. This was because of his immense grace and strength of character.

12. He was built from a different fibre. Till his last days, he continued to sit on the bench, hear cases and write judgments. His commitment to his judicial duty was inspiring.

13. While speaking about my Brother, I am reminded of a poem written by Dr. D.V. Gundappa, and I quote:

ಹುಲ್ಲಾಗು ಬೆಟ್ಟದಡಿ, ಮನೆಗೆ ಮಲ್ಲಿಗೆಯಾಗು

ಕಲ್ಲಾಗು ಕಷ್ಟಗಳ ಮಳೆಯ ವಿಧಿ ಸುರಿಯೆ
ಬೆಲ್ಲ ಸಕ್ಕರೆಯಾಗು ದೀನ ದುರ್ಬಲರಿಗೆ
ಎಲ್ಲರೊಳಗೊಂದಾಗು ಮಂಕುತಿಮ್ಮ

*[Be a (gentle) blade of grass at the foot of the mountain,
And jasmine flower at home,
Be (strong) like a rock when fate pours (torrential) rains of
difficulties on you,
Be sweet like sugar and jaggery to the poor and weak,
Be one among all, Mankuthimma]*

My dear Brother led his life in the way this poem is describing. He always had concern for the poor. He was very jovial and understanding.

14. Although this might be a slight digression, I wish to speak about the Indian judicial system before this august gathering. Very often our justice delivery poses multiple barriers for the common people. The working and the style of Courts do not sit well with the complexities of India. Our system, practices, rules being colonial in origin may not be best suited to the needs of Indian population.

15. The need of the hour is the Indianisation of our legal system. When I say Indianisation, I mean the need to adapt to the practical realities of our society and localise our justice delivery systems. For example, parties from a rural place fighting a family dispute are usually made to feel out of place in the Court. They do not understand the arguments or pleadings which are mostly in English, a language alien to them. These days judgments have become lengthy, which further complicates the position of litigants. For the parties to understand the implications of a judgment, they are forced to spend more money.

16. Courts need to be litigant centric, as they are the ultimate beneficiaries. The simplification of justice delivery should be our pressing concern. It is crucial to make justice delivery more transparent, accessible and effective. Procedural barriers often

undermine access to justice. The common man should not be apprehensive about approaching the courts and authorities. While approaching the Court, he should not feel scared of the Judges and Courts. He should be able to speak the truth.

17. It is the duty of lawyers and judges to create an environment which is comforting for the litigants and other stakeholders. We must not forget that the focal point of any justice delivery system is “the litigant- the justice seeker”.

18. In this light, usage of alternate dispute mechanism such as mediation and conciliation would go a long way in reducing the friction between parties and would save resources. This also reduces the pendency and requirement for having lengthy arguments with lengthy judgments. As Justice Warren Burger, the former Chief Justice of the United States stated, I quote-

“The notion that ordinary people want black robed judges, well-dressed lawyers in fine courtrooms as settings to resolve their disputes is incorrect. People with problems, like people with pains, want relief and they want it as quickly and inexpensively as possible.”

Unquote

19. Brother Shantanagoudar was one such extraordinary judge who understands that this is what our system requires.

20. These were the topics that Brother Shantanagoudar and I often discussed. I thought it is my duty to provide insights into his philosophy and thinking.

21. I place on record a deep sense of gratitude for Brother Justice Shanatangoudar’s contribution to the Indian judiciary, the country’s jurisprudence, and his friendship throughout our time together on the Supreme Court. My deepest condolences for his loss. I would also like to give my regards to Mrs Sunitha Shantanagoudar, Justice Shantanagoudar’s loving wife and Shivaprasad and Pooja Shantanagoudar, Justice Shantanagoudar’s loving children who stood by him in every way. I specifically remember Shivaprasad dedicating his time 24 - 7 for Brother Shantanagoudar’s care. He stayed with him, took him to various hospitals and stood by his side. We tried our level best and got best of the medical help from world over but unfortunately we could not succeed in our efforts to save him.

22. I pay my respectful homage to late Brother Justice Mohan Shantanagoudar and pray to God to give strength and courage to his family members. May his Soul rest in peace.

Namaskara