

SPEECH OF HON'BLE THE CHIEF JUSTICE IN FULL COURT REFERENCE TO BE HELD ON
09.10.2013 AT 3.00 PM ON THE SAD DEMISE OF LATE SH. VIRESH PRATAP
CHAUDHRY AND SHRI O.P. VAISH, SENIOR ADVOCATES

My esteemed brother and sister Judges, Shri A. S. Chandhiok, President of the Delhi High Court Bar Association, Shri J. P. Sengh, Vice President, Delhi High Court Bar Association, Shri Mohit Mathur, Secretary, Delhi High Court Bar Association, Shri Rajeeve Mehra, Additional Solicitor General of India, Shri Rakesh Rawat, Vice Chairman, Bar Council of Delhi, Smt. Zubeda Begum, learned standing counsel for the Government of NCT of Delhi, Shri Pawan Sharma, learned standing counsel for Government of NCT of Delhi (Criminal), learned standing counsel for the Central Government and the Government of Delhi, other Executive Members of the Delhi High Court Bar Association, Senior Advocates, other learned Members of the Bar, members of the bereaved families, ladies and gentlemen.

We have assembled here today to express our profound sense of grief on the death of two finest and senior members of the Bar namely Late Shri Viresh Pratap Chaudhry, Senior Advocate and Late Shri O.P. Vaish, Senior Advocate.

Shri Viresh Pratap Chaudhry was born in Delhi on 31.05.1938. He was the son of late Shri Des Raj Chaudhry, a Freedom Fighter and Late Smt. Chandrawati Chaudhry, a devoted social worker. He was also a staunch follower of the principles of Arya Samaj. He passed B.A., M.A. in Political Science and later L.L.B from the University of Delhi. After completion of his education and entering into legal profession, he got married to Shree Bala on 24.02.1969. He joined legal profession in 1962. He was designated as Senior Advocate by the High Court of Delhi in February, 1990.

His remarkable missionary zeal and outstanding contribution in the fields of social service, education, health care, politics, religion, culture and sports had won him great admiration. He was the President of the apex body, Arya Orphanage for more than 25 years. Under his dynamic leadership, Arya Orphanage and its sister institutions progressed for the welfare of orphan and destitute boys and girls. At present, more than 1500 inmates, most of whom belong to Schedules castes and other backward classes, are

being provided with all the amenities to make them responsible and patriotic citizens. Shri Chaudhry was the believer of Gandhian Philosophy - 'Simple Living, High Thinking'.

Shri Chaudhry appeared in several landmark cases in Constitutional Law, Insurance, Laws relating to Arbitration, Transfer of Property, Labour and Industrial Law, Service and Educational matters and Delhi Rent Control Act. As an expert in legal and University matters, he was appointed as a member of four-man Committee, by the Government of Delhi, in November, 1997 to draft Indraprastha University Act and its Statutes. The draft suggested by the Committee eventually led to Indraprastha University Act and the Statutes.

Shri Chaudhry successfully represented the land owners and farmers of Village Shah Beri in the Allahabad High Court and won Shah Beri Land Acquisition case in the land mark judgment of Supreme Court. He further won the famous Indian Maharaja Deccan Odyssey luxury train case in the Bombay High Court, wherein the High Court ruled that the Maharashtra Tourism Development Corporation should have given wide publicity to its intention to charter the luxury train, Deccan Odyssey, though inviting tenders was not necessary. While representing Law Faculty, University of Delhi his legal acumen was instrumental in the changes and compilation of the policies for admissions by Entrance Tests thereby benefitting hundreds of students.

In recognition of his outstanding contribution to Public Affairs, Shri V. P. Chaudhry was honored by the President of India with the award of 'Padma Shri' in February 2002. Besides this he has also won several awards of Honor for his staunch and abiding commitment to social service and his distinguished legal acumen and his steadfast aspirations for value-based politics.

Mahatma Gandhi had once said that *"a 'No' uttered from the deepest conviction is better than a 'Yes' merely uttered to please, or worse, to avoid trouble."* Mr. Chaudhry embodied and lived through his convictions, compulsively and passionately. His tireless spirit concerns for public welfare and felt passions for a better society defined his life and career.

He is survived by his wife Smt. Shree Bala Chaudhry, daughter Dr.Sangeeta Chaudhry and son Nitinjya Chaudhry, who is a lawyer practicing in Delhi High Court. The inevitable happened on 05.09.2013 and he left for the heavenly abode. Though I did not have the occasion to interact with him, I have been apprised that he remained a tall man till the end and lived his life with utmost dignity and purpose.

The sad demise of Late Shri Chaudhry has caused a great loss to his family members and the legal fraternity.

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Shri O.P. Vaish was born in Delhi on 29th April, 1931. He worked with the Indian Revenue Service and later as Chief of Taxation Division of the Federation of Indian Chambers of Commerce & Industry in his initial years. In 1971, he resigned from FICCI and started practicing as a lawyer. Shri Vaish had set up Vaish Associates in 1971, a firm which grew to become one of the prominent firms in the country. He was designated as a Senior Advocate in 1985 by the Delhi High Court.

Shri O.P. Vaish had made significant contribution in the area of Income Tax law both domestic and International taxation. It would not be exaggerating to say that Shri Vaish was among the top tax lawyers of the country.

Shri Vaish was nominated by the Ministry of Corporate affairs, Government of India as member of JJ Irani Committee for rewriting Indian Company Law. He was also appointed Chairman of the 'Committee on Streamlining Prosecutions under the Indian Companies Act' in the year 2005. Shri Vaish had also been appointed as Government Nominee on the Central Council of the Institute of Chartered Accountants of India. He participated actively as a member of the Government's Advisory Committee for framing of the Competition Law in India.

Shri Vaish was involved with various chambers of commerce in India. He was a long standing member of the Managing Committee of FICCI, ASSOCHAM, ICCI. He was the first lawyer to be elected President of PHD Chamber of Commerce and Industry in the year 1998, which is a proactive

and dynamic multi-State apex organisation working at the grass-root level and with strong national and international linkages.

Shri Vaish was on the Governing Body of International Management Institute and International Centre for Alternative Dispute Resolution.

Shri Vaish played a key role in bringing the International Fiscal Association ("IFA") to India in 1983. He was the President of International Fiscal Association, India Branch and hosted IFA Congress first time in this part of the world in 1997 in New Delhi.

Shri Vaish was the founder of recently formed International Economic & Legal Forum to undertake study of legal issues, which inhibit or delay economic development.

Besides the profession, Shri Vaish was also involved in many benevolent initiatives. He was appointed Member, Board of Trustees of the Rotary Foundation of Rotary International from 1991-1994 and Director on the Board of Rotary International in 1999-2001. He was responsible in spearheading the pulse polio eradicating campaign in India, as Chairman of India's National Polio Pulse Society from 1994 to 1999 and was also the President of Rotary Blood Bank at New Delhi. In 2012, he chaired the Rotary International Bangkok Convention Committee, which was attended by about 40,000 delegates.

Shri Vaish was on the India Advisory Board of American India Foundation. He was recipient of Japan's Award of Highest Honour bestowed upon him by the Soka University.

The Vaish Associates Public Welfare Trust was set up by him in the year 1984 and has since then been undertaking various projects for the needy.

Shri Vaish passed away on 18th September, 2013 after a brief illness at the age of 82. It is irretrievable loss for the judicial fraternity as a whole and a personal loss for his family members. He is survived by his wife Mrs. Manju Vaish, five daughters and one son Mr. Vinay Vaish who is a lawyer. One of his sons-in-law, Mr. Ajay Vohra is also a lawyer. We are all helpless, but can only pray for peace to the departed soul.

The sheer range and breadth of late Shri Vaish's activities and his tireless energy to improve society generally, raise the bar in the legal profession and make the have nots matter, reminds one of the words of an American poet, Ella Wheeler Wilcox, that

*"But to the tireless toiler toward the goal,
Shall the great miracles of God be known
And life revealed, immortal and divine."*

I on my own and on behalf of my esteemed colleagues mourn the said demise of the two distinguished members of the Bar and pray to the almighty to bestow immense strength on the bereaved members of the families to bear the loss.

I request you all to pay homage by standing in silence for two minutes in the memory of the departed souls.

(The Hon'ble Judges will take their respective seats for a moment after the silence, and it will be announced by the Hon'ble the Chief Justice as under).

"As a mark of respect to the departed souls, the court work shall remain suspended for the rest of the day".