

THE HON JUSTICE V R KRISHNA IYER

BY

THE HON JUSTICE MICHAEL KIRBY C CMG*

AUSTRALIA

I have known Justice Krishna Iyer for more than fifteen years. What a joy it is to me to become the acquaintance, indeed friend, of such a distinguished jurist and humanist.

I first came to know him through my late friend Justice Lionel Murphy, a Judge of the High Court of Australia. Like Justice Krishna Iyer, Justice Murphy, a member of the nation's highest Court, was sometimes controversial and often seen as a dangerous radical by the more conservative elements in government and the law. But the common law flourishes because of the fact that, occasionally, it throws up judges of great intellectual distinction who pick up the law, shake it and put it on a course towards a new direction. Murphy and Krishna Iyer were such jurists.

When I met Justice Krishna Iyer, I was immediately taken by his sharp eyes and matching intellect. His unbounded energy, his enthusiasm for the causes of humanity but also his discipline in the service of the law were wonderful in combination. Advocates or judges who are all heart are admirable but often achieve little. It requires the discipline of the techniques of the common law to harness the great energies of a master spirit and to produce legal work of abiding impact. Justice Krishna Iyer evinced the combination of passion for humanity and high legal technique. In this he was like the great jurists of our legal tradition, Coke, Mansfield, Denning and many others. His judgments are often cited in Australia and drawn upon for their wisdom.

Over the years I have met Justice Krishna Iyer in Australia and India from time to time. He thrilled the judges of the New South Wales Court of Appeal (the busiest appellate court in Australia) by a bravura performance over lunch. His affection to me was all embracing. I saw him last at a conference in New Delhi on the sensitive issues of medical law. Even in great age, he was at the forefront of legal thinking. He was one of the few in the room who saw the importance of my topic: HIV/AIDS and the law. Unembarrassed by false modesty and delicacy, he perceived at once the critical significance of this topic for the future of humanity in India and far beyond.

Justice Krishna Iyer is a giant of the common law. He does not only belong to India. He belongs to common lawyers, indeed jurists, around the world. On his 80th birthday, the many lawyers who have been shown the window to his mind, by his judgments and other writings send heartfelt and affectionate greetings and appreciation.

President of the Court of Appeal, New South Wales; President of the Court of Appeal of Solomon Islands; Chairman, Executive Committee, International Commission of Jurists; Special Representative of the Secretary-General of the United Nations for Human Rights in Cambodia.