

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

**OBITUARY REFERENCE ADDRESS BY HON'BLE MR. JUSTICE
N.KOTISWAR SINGH, ACTING CHIEF JUSTICE OF GAUHATI HIGH COURT,
GUWAHATI, ON 24-05-2022 AT 3.30 PM, ON ACCOUNT OF SAD DEMISE
OF HON'BLE DR. JUSTICE THIR NARAYAN SINGH AND HON'BLE JUSTICE
ASOK POTSANGBAM, FORMER HON'BLE JUDGES OF THE GAUHATI HIGH
COURT SITTING IN THE COURT NO.1 (NEW BLOCK).**

BEFORE

**HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HON'BLE MR. JUSTICE SUMAN SHYAM
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE AJIT BORTHAKUR
HON'BLE MR. JUSTICE HITESH KUMAR SARMA
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI
HON'BLE MR. JUSTICE NANI TAGIA
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA
HON'BLE MRS. JUSTICE ROBIN PHUKAN
AND
HON'BLE MRS. JUSTICE MALASRI NANDI**

Reference by:

1. Mr. Dilip Choudhury, President, Gauhati High Court Bar Association.
2. Mr. Satyadhar Matak, President, Gauhati High Court Advocates' Association.
3. Mr. Gajanand Sahewalla, Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
4. Mr. Dilip Mazumdar, Additional Advocate General, Assam.

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5. Mr. B.D. Goswami, Additional Advocate General, Arunachal Pradesh.
6. Mr. Anjan Kalita, Additional Advocate General, Mizoram.
7. Mr. Ranjit Kr. Deb Choudhury, Assistant Solicitor General of India.
8. Ms. M. Kechii, Government Advocate, Nagaland.

Reply by: Hon'ble the Acting Chief Justice

1. My esteemed colleagues on the Bench.
2. Mr. Dilip Choudhury, President, Gauhati High Court Bar Association.
3. Mr. Satyadhar Matak, President, Gauhati High Court Advocates' Association.
4. Mr. Gajanand Sahewalla, Chairman of Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
5. Mr. Dilip Mazumdar, Additional Advocate General, Assam.
6. Mr. B.D. Goswami, Additional Advocate General, Arunachal Pradesh.
7. Mr. Anjan Kalita, Additional Advocate General, Mizoram.
8. Mr. R. K. Deb Choudhury, Assistant Solicitor General of India.
9. Ms. M. Kechii, Government Advocate, Nagaland.
10. Members of the Bar, Judicial Service and Registry

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1. Today we have assembled to mourn the sad demise of **Hon'ble Dr. Justice Thir Narayan Singh and Hon'ble Justice Ashok Potsangbam, Judges of Gauhati High Court.**

2. **Hon'ble Dr. Justice Thir Narayan Singh** left for heavenly abode on 21.05.2022 at the age of 92 years at his New Delhi residence.

Justice T. N. Singh was born on 20.03.1931 at Guwahati. After completing his lower primary school from Panbazaar Adarsha Prathamik Bidyalaya and matriculation from Kamrup Academy High School, Guwahati, Justice T. N. Singh graduated in science from Cotton College, Gauhati and obtained the law degree from Gauhati University and thereafter, enrolled as an Advocate in the Assam High Court in 1954, now known as Gauhati High Court, where he served as a Government Advocate for more than a decade, before leaving for London for higher studies in law in 1974. Justice T. N. Singh also served as a Part Time Lecturer in J.B. Law College, Guwahati. Justice Singh returned to India in 1978 after obtaining degrees of LL.M. and Ph.D.(Law) from the London University and initially started his practice in the Supreme Court of India. In 1979 Justice Singh was designated as a Senior Advocate by the Gauhati High Court and was elevated to the Bench on 06.12.1982 and was made a permanent Judge on 10.01.1984. Justice T. N. Singh was transferred from Gauhati High Court to Madhya Pradesh High Court in 1985 and thereafter, served there till his retirement in 1993.



Justice T. N. Singh's judgments got comprehensive coverage in various law reports and journals and were known for his erudite and scholarly judgments. He started writings on legal issues as early as in 1969 and continued to do so even when he was discharging judicial duty. In 2013 he published his autobiography under the heading "Quest for Justice" which was published by the Universal Law Publishing, New Delhi.

Justice T. N. Singh was associated with various religious institutions and was the founder President of the Guru Nanak National High School, Guwahati. Lal Singh Academy in Kharghuli was also established in his father's name. Justice Singh leaves behind his two sons and a host of relatives. His wife had predeceased him.

3. We also lost another Judge of this High Court **Hon'ble Justice Asok Potsangbam**. A former Judge of Gauhati High Court, Justice Ponsangbam left for his heavenly abode on 20th April, 2022 at the age of 72, after a prolonged illness.

Justice Potsangbam was born on 21st April, 1949, in Imphal, Manipur. He obtained B.A. Degree from Calcutta University and LL.B. from Delhi University in the year 1974 and was the Secretary of the North East Unit of All India Bar Association, New Delhi. Justice Potsangbam was the Secretary of All Manipur Bar Association for the period 1990-1992 and was also the Member of the Disciplinary Committee of the Bar Council of North-Eastern states from 2000-2004. He was also the Executive Member of the High Court Bar Association,

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Manipur from 2003 to 2005, and served as the Senior Central Government Standing Counsel for Imphal Bench of the Guahati High Court from 1991-1995.

He had appeared in a number of important cases successfully against denial of admission of meritorious candidates in Medical Colleges by taking the matters right up to the Supreme Court. He also successfully appeared in many matters relating to disqualification of MLAs in Manipur.

Justice Potsangbam served as the Advocate General of the State of Manipur during the period from 09-06-1995 to 16-12-1997, 02-04-2001 to 22-05-2001, 01-06-2001 to 11-03-2002 and from 10-12-2004 till his elevation as an Additional Judge of the Gauhati High Court on 26-09-2007. Justice Potsangbam retired on 31.05.2013 as a permanent Judge of this High Court. After retirement Justice Potsangbam also served as the President of Assam State Consumer Disputes Redressal Commission and President of Consumer Disputes Redressal Commission(State Commission), Manipur.

Justice Potsangbam has left his mark in several notable judgments delivered during his term in the Gauhati High Court. In the judgments of Justice Potsangbam we can notice that he dealt the issues before him with a sense of equity and with a humane heart. Justice Potsangbam leaves behind his wife, two sons and two daughters.

4. I have had the privilege of knowing personally both Hon'ble Dr. Justice Thir Narayan Singh and Hon'ble Justice Ashok Potsangbam. Justice Ashok Potsangbam and his wife Smt. Surbala, who survives him, and who also retired



as a District and Sessions Judge, Manipur, were both juniors to my father and I used to see them regularly in my father's chamber though at that time I was a merely a student, not even a law student and had not even thought of entering the profession.

I had met Justice Thir Narayan Singh and his family members when they had used to visit my father and vice versa. I found his Lordship a wonderful and soft spoken person always with smile on his face. Of course, when I joined the Bar, his Lordship had already been transferred to Madhya Pradesh High Court and as such, I did not have the opportunity to appear before his Lordship.

What I noticed was that the relationship between my father, late Justice N. Ibotombi Singh and Justice Thir Narayan Singh was something special in the sense I observed them engaging in intense discussions of which I had no clue. Later on, as I read some of the judgments I realized the reason for such intense discussions.

Most us present here would remember that Sri Prafulla Kumar Mahanta and Sri Bhriku Kumar Phukan were detained under the National Security Act in 1983 on the grounds amongst others, that it was necessary to detain them as they were acting in a manner prejudicial to the maintenance of supplies and services essential to the community and prejudicial to the maintenance of public order.

Their detention orders were challenged before the Gauhati High Court, which was heard by a Bench consisting of Justice N. Ibotombi Singh and Justice

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T. N. Singh and the detention orders were quashed, judgment of which was reported in 1983 (1) Gau LR 231: 1984 Cri LJ 454. In the second ground of detention, it was stated that the detenus had attended a meeting on 4th December, 1982 with some other persons named there in at Mirza where it was decided to observe a two-hour Black-out throughout the State of Assam on 9th December, 1982 from 1700 hours to 1900 hours and that the observance of the Block out seriously affected the maintenance of supplies and services essential to the community and resulted in several violent activities which took place in different places. Some of the incidents were cited in the order.

It was contended on behalf of the detenus that the grounds of order of detention did not specify the particular supplies and services essential to the community which were considered to have been prejudicially affected and accordingly, the order of detention was invalid.

The Bench upheld the contention and took the unanimous view that failure to specifically mention the essential services which were alleged to have been disrupted was fatal. The judgment was authored by Justice N.I. Singh and Justice Dr. T.N. Singh concurred with the view which his usual erudite supplementary views.

In another important decision, a question of law was referred to a Larger Bench in ***Hitendra Nath Goswami Vs. State of Assam*** reported in 1984 Cril LJ 1558. The question of law involved was about the interpretation of Section 14(1) of National Security Act, 1980 read with Section 3(5) of the Act,



which was referred by the Division Bench to a Larger Bench for determination of the question, whether on the report from the State Government under Section 3(5) of the National Security Act, 1980, the Central Government has the discretion coupled with duty to consider the question of revocation of detention order expeditiously, irrespective of the fact that there is no representation or petition from the detenu to the Central Government for the purpose.

There was a split verdict of 3:2. The majority decision of 3 Judges was authored by Justice N. Ibotombi Singh in which it was held that the discretionary power of the Central Government under Section 14(1) of the Act in the context of Section 3(5) of the Act is coupled with the duty to consider the report received from the State Government with reasonable expedition, notwithstanding that no representation/petition has been made by the detenu to the Central Government. It was also held that what is reasonable expedition depends on the circumstances of the particular case and in case of breach of such procedural safeguard, the detention order is liable to be set aside and the detenu set at liberty.

Justice Dr. T. N. Singh as usual, supplemented with by his concurrent view with his erudite judgment, which was also agreed by Justice S.M. Ali. The other Hon'ble two Judges decided not to express any view on the question as it was felt that the matter had become infructuous.

What was remarkable was that while Justice N. Ibotombi Singh had put in about a decade as a Judge of the High Court, Justice Dr. T.N. Singh was a newly

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elevated Judge. But he showed his clarity of thought, understanding of law and commitment to individual freedom in his concurring judgments.

I will not go in detail as one can always read the judgment which was reported in 1984 Cri Law Journal 1558 (Full Bench), decided on 6th January, 1984.

As to the fact that Hon'ble Justice Thir Narayan Singh was not merely an academic oriented Judge but he was a very compassionate Judge, always adopting the humanistic approach within the parameters of law, one can have a glimpse of his view in a judgment decided by his Lordship on 11.02.1985 reported in **1986 Cri. Law Journal 1057** in ***Phusu Koiri Vs. State of Assam.***

In that case, a person who was sentenced for life, challenged his conviction in an appeal preferred from the jail. The said jail appeal was resisted by the PP on the ground of delay of 12 days and that the same was not accompanied by any application under Section 5 of the Limitation Act. Hon'ble Justice Dr. T.N. Singh dwelt with the hurdles faced by a prisoner who suffers not only from various impediments but the physical barrier caused due to his imprisonment denying efficacious invocation of remedies available and in that context his Lordship stated that it was primarily the responsibility of the jail authorities to ensure that a person files the jail appeal within time. It was held that it was the responsibility of the jail authority to ensure that the convict is able to file without any hindrance in time and the onus was on the jail authorities to show that they did not create any such hurdle or impediment, as otherwise, it

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will amount to denial of the mandate of Article 14, 19, 21 and 39(A). 39(A) specifically provides that it is the duty of the State to secure that the operation of legal system promotes justice, on the basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or any other way, to ensure that opportunities for security justice are not denied to any citizen by reason of economic or other disabilities.

There are many other notable judgments which reflect the deep commitment of Hon'ble Justice Dr. T.N. Singh to the human values and constitutional morality.

I and my esteemed colleagues on the Bench, share the feelings of grief and sorrow which have just been expressed by the members of the Bar on the loss of two Hon'ble Judges of this Court.

Justice Thir Narayan Singh and Justice Asok Potsangbam will always be remembered for their innate goodness apart from being compassionate Judges with firm foundation of legal principles.

I, on my behalf and on behalf of my esteemed colleagues on the Bench and members of the Registry convey our heartfelt condolence to the members of the bereaved families and pray the Almighty to grant eternal peace to the departed souls and give sufficient strength and courage to the surviving members of the families to bear this irreparable loss.

As a mark of respect to the departed souls, I request the learned members of the Bar and Bench to observe a minute's silence.



The Court work on the judicial side will remain suspended for the rest of the day as a mark of respect to the departed souls.

The Registry is directed to communicate the proceedings and convey our heartfelt condolences to the members of the bereaved families through the Registry of Gauhati High Court and High Court of Manipur.



(N. Kotiswar Singh)
Acting Chief Justice,
Gauhati High Court, Guwahati.