

**MADRAS BAR ASSOCIATION
PRESENTATION OF 'LIFE TIME ACHIEVEMENT AWARD'**

**ADDRESS BY SPECIAL GUEST
HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
Acting Chief Justice, Madras High Court**

21.06.2014 – 10.30 a.m.

Hon'ble Mr. Justice F.M. Ibrahim Kalifulla, Judge of the Supreme Court, esteemed brother Judges of the Madras High Court, the Chief Guest of this function Dr. Gopal Krishna Gandhi, heroes of the day, Mr. Justice S. Ratnavel Pandian, former Judge of the Supreme Court of India, Mr. K. Parasaran, Senior Advocate and Member, Rajya Sabha, Mr. R. Krishnamoorthy, Senior Advocate, Mr. K.R. Tamizhmani, President and Mr. V.R. Kamalanathan, Secretary, Madras Bar Association, Advocate General, Senior Advocates, learned Advocates, Media, Ladies and Gentlemen,

It gives me immense pleasure to be amidst you on a leisurely Saturday morning as a part of this important occasion.

As far as I am concerned, I am relatively new to this Chartered High Court. However, within this short period, I can say with certainty that I have learnt a great deal about history of this Court and the great men who had adorned the Bench and Bar of this premier legal institution.

We have assembled here to honour the triumvirate of the legal luminaries with the Life Time Achievement Award.

Mr. Justice S. Ratnavel Pandian, a former Judge of this Court as well as Judge of the Supreme Court. He had reached upto the Court No.2, seniormost Judge, and I had occasions to appear before him in several cases. If you look at the landmark judgments during that period - 9 Judges' Benches - most of the Benches were presided over by My Lord and gave historical verdicts. I am told, as a Judge of this Court, Justice Pandian had laid down several guidelines in respect of several matters, particularly how to deal with remand cases, how long you can keep a person, who is simply an accused, under remand.

Justice Pandian was the Officiating Chief Justice – at that time, there was no concept of Acting Chief Justice. During his period, I was informed, that 127 Courts did not have Presiding Officers. He took immediate decision and appointed regular Presiding Officers in all 127 Courts. This was an achievement.

One information I would like to share with you all, which you may not know. A problem arose in Madhya Pradesh High Court; between the Chief Justice with some Judges and other Judges - a small dispute in respect of administration. A telegram was sent to the Supreme Court by the then Chief Justice stating that, '*there is problem in this Court, please rescue me*'. I was

representing High Court of Madhya Pradesh that time. I was summoned. A Bench was constituted and the matter was listed in the Court but during luncheon recess. No cause list. Only advocates, who were representing both the parties, appeared. It was taken up for few days and with the legal as well as administrative acumen of Justice Pandian, who was heading the Bench with Mr. Justice Kuldip Singh, the matter was resolved. This was never reported. This indicates how Justice Pandian was careful about the dignity of the High Court. Had it come in the newspaper, as today even a small news is published in the newspaper, the majesty of the Court would have been undermined but care was taken. Long back. Nothing happened and nobody knew and things were resolved. Administration of the High Court thereafter went on very well dispensing justice as usual.

You all know. SR Bommai case. Kartar Singh. Bofors case - W.N. Chadha v. Union of India, Indra Swahney. The 9 Judges' cases, Justice Pandian has authored and contributed substantially in laying down the law. In SP Gupta case, that case is called as 'Judges Appointment, transfer of Judges or Chief Justice of the High Courts' case. How it was dealt with!. I will just quote one paragraph, which is very important.

“ The strength and effectiveness of the judicial system and its independence heavily depends upon the calibre of men and women who preside over the judiciary and it is most essential to have a healthy independent judiciary for having a healthy democracy because of the judicial system is crippled, democracy will also be crippled. If the vulnerable section

of the people are completely neglected, we cannot claim to have achieved real participatory democracy.”

Look at the underlying principle behind it. In Vishal Jeet vs. Union of India, again important guidelines were laid down. I do not like to repeat it again in this august gathering because all of you must have gone through all his judgments. My Lord has given innumerable judgments laying down laws, which stand even today.

Sri Parasaran. During the period when Justice Pandian was delivering landmark judgments, Mr. Parasaran used to appear in almost all cases. This was the time. I have my personal experience. I used to go to his Office and I used to sit with him and used to learn from him. His contribution is well known and I should not repeat. Only few incidents I will tell which will indicate the greatness of the man and also, as the President of Bar Association has just now rightly told, give something to the young members of the Bar. His conduct itself is sufficient to be followed if he does not write any book.

I will tell you some examples. There was a case known as 'Indian Express' case. Mr. Parasaran, as Solicitor General, was appearing for Union of India. The Lieutenant Governor and Municipal Corporation of Delhi passed an order directing the Indian Express group to vacate the premises which was allotted, and hand over the possession back. Mr. Parasaran examined the case and decided to advise the Government not to pursue the case and withdraw the

notice. He was Solicitor General at that time and I was a young member of the Bar. The news spread and there was a feeling among the Bar Members that being the strong Government and very strong Prime Minister if he is not pursuing the case and withdrawing it, tomorrow morning, he may not be the Solicitor General and the Government may sack him. He stood like rock for his principles and said, *'if you go ahead, the Court will pass strictures and I will not accept the case and I will not pursue the case'*. The then Attorney General Lal Narain Sinha took over the case. He withdrew from the case. Of course, the case was contested and decided and strictures were passed but for that, Mr.Parasaran was rewarded with the office of the Attorney General of India. This was his character, his reputation.

Now, a practice has come which I every day notice if I ask Law Officers, why you should not file counter, the reply comes, 'I have drafted it but it has been sent to the office for vetting. Ask Mr.Parasaran what was the system that time - whether Officers were coming to you for assisting in drafting petitions or vetting. Whether this is the job of a senior counsel or of the Client. But nowadays it has changed. This is one thing every advocate must emulate and follow. Advocates will not go to the Officer howsoever important he is. This was followed by Mr. Parasaran and he was rewarded for that.

Then, one more incident I thought I must narrate. One more incident I was not that time advocate but I was told. The practice of Mr. Parasaran in the Supreme Court is, if he has one case and most likely will come after luncheon recess, he will go to the Court at 10.30 a.m., sit in the court room and wait for his turn. Not that, *'let my juniors take up the pass over, I will come later on, you inform me, I will start from my residence and reach within half an hour'*. If a request is made on behalf of Mr. Parasaran, to pass over or for adjournment, it would be granted. My Lord Mr. Justice Kalifullah is here and he will tell all these things. In one of the matters, he was sitting in a Court waiting for his turn. It was around 3 p.m. may be 3.30 p.m. The practice in the Supreme Court is if it is not possible to take up cases, the Court always informs, *'now we discharge the board. All the advocates sitting here may go. Perhaps this matter will take time'*. The same was done but Mr. Parasaran continued to sit. Honourable Judge informed Mr. Parasaran, *'I have told you I have discharged the board you can please go'*. What Mr. Parasaran would have said? *'My Lord wants me to be deprived of the beautiful exchange of thoughts between the learned counsel and the Honourable Judge? I am hearing this!'* This is his dignity and this is his character. He continued to sit till 4 p.m. the time of the Supreme Court. That we all have to learn from him.

Another incident, if there was some substantial matter, Mr. Parasaran never declined to go to any Court. There was a very important matter personal

obligation before the Civil Court. Mr. Parasaran, as senior counsel, assured his client that he will go and appear, do not worry. He appeared before a young Civil Judge. Young Judge, whether he knew him or did not, I do not know. He started scolding him, '*you do not know civil law? How you are doing all these things?*' Other juniors advocates, accompanying him, took up the cudgels. They decided to take up the issue with the Judge, '*what you are doing? You are addressing such a senior man?*' Mr. Parasaran said, '*no no. He is a Judge, he may be a two years old Judge but before Judge we must come up with courtesy, we must have faith.*' That was the advice given by him to his juniors and it is, I am sure, followed by all, who have been associated with him either in this Court or the Supreme Court.

You all know Mr. Parasaran has also had to face litigation in Dr. Buddi Kota Subba Rao, and he was the first respondent. A case was filed on the ground that as Attorney General, he had granted sanction. The case was contested but having regard to his integrity, character, the Court dismissed the petition holding that, which applies to everywhere, easy access to justice should not be used as licence to file frivolous and misconceived petition expressing immense faith in the integrity and impeccable character of Mr. Parasaran.

Another case, Union Carbide case. I was associated in that case also. Mr. Parasaran argued for invoking the principle of *parens patriae* which was accepted by the Government of India. Government of India, fought on behalf of

the people and settlement was established. There was a lot of pressure on Mr. Parasaran but you know, he acted in good faith with sincerity he gave opportunity to everyone and settlement was arrived at, which could not have been arrived but for his work. Now the people are happy and they are getting the relief. Problem is solved.

Now, coming to Mr. R. Krishnamurthy, whom I have known very recently though I have seen him in the corridors of the Supreme Court also. He is, I am told, known as the permanent Advocate General for the State of Tamil Nadu. I have seen him even in the corridors of the High Courts. One practice at this Court, which I admire a lot, is when a Judge passes through the corridor, all advocates, even litigants, wait till the Judge goes ahead. Mr. Krishnamurthy, who has created several Judges and several senior advocates, also stand with them. I was shocked at the first day when I saw Mr. Krishnamurthy standing and virtually I was about to ask, '*why you are standing?*' and I was told that this is the tradition of this Court, which has been followed. Mr. Krishnamoorthy's smile and fairness is well known. It is a pleasure for a Judge or a Bench to hear him. In one of the cases, I requested him to please assist the Court. Later on, may be I do not know what are the reasons, Mr. Krishnamurthy sent a message that please spare him in this case there are lot of problems. All other things you all know much more than me about him

The above instances are ample evidence of the eminence of these three truly great personalities and I feel proud to have been a part of this occasion of honouring three gentlemen, who command the respect of the Bar and Bench alike.

I congratulate all the three recipients of the Life Time Achievement Award and I wish them the best of their health and satisfaction in all that they do.

I forgot to tell. As suggested by the President of the Bar Association, I requested Mr. Parasaran long back that whatever synopsis you have prepared, please keep it or ask your junior to compile it so that all the juniors can take advantage of that as it is a piece of literature and law. Now I am sure he will accede to our request.

With this, I thank the Organisers for giving me this opportunity to take part in this function and I wish them good luck.

Nandri. Vanakkam.
