

**THE HIGH COURT OF MADRAS
125TH ANNIVERSARY CELEBRATIONS OF
THE MADRAS HIGH COURT HERITAGE BUILDING**

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PRESIDENTIAL ADDRESS

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**HON'BLE MR. JUSTICE DIPAK MISRA
THE CHIEF JUSTICE OF INDIA
16TH SEPTEMBER, 2017.**

Mr. Ravi Shankar Prasad, Hon'ble Minister for Law and Justice, Government of India, Mr. Edappadi K. Palaniswami, Hon'ble Chief Minister of Tamil Nadu, Justice R.K. Agrawal, Justice R. Banumathi, Justice Sanjay Kishan Kaul, Hon'ble Judges of the Supreme Court of India, Hon'ble former Judges of the Supreme Court of India, Justice Indira Banerjee, Hon'ble the Chief Justice, High Court of Madras, Hon'ble Chief Justices of other High Courts, Hon'ble sitting and former Judges of the High Court of Madras, Mr. K.K. Venugopal, learned Attorney General for India, Mr. C. Ve. Shanmugam, Hon'ble Minister for Law, Courts and Prisons, Government of Tamil Nadu, respected members of the Bar, members of the Registry and the participants from the District Judiciary, friends from the electronic and print media, ladies and gentlemen.

Today we celebrate two kinds of inheritance, one, the building of splendour that stands like the epitome of architectural monument reminding us of the history and the

other, the great traditions of the Court and the heritage that has been passionately shaped by dedicated, talented and inspirational Judges and lawyers.

One is compelled to remember the humble yet confident address by the Chief Justice of Madras Sir Arthur Collins in 1862. He spoke for the future with vibrant optimism that predicted the ability and courage of men who will administer law in the courts.

The building, is structurally impressive without any ostentation. It reminds every student of law that one should constantly recapitulate that “institutional reputation” is based on immortality and no one can be allowed to harbour the notion to create any kind hollowness in it. It is the institution that eventually matters, not any individual as whosoever he may be.

Lawyers like Sir V. Bashyam Ayyangar, Sir T. Muthuswami Ayyar and Sir S. Subramania Ayyar with their astuteness and commitment to the cause established the rich tradition and trained the younger generations to follow. When

you inject “spark of justice” to the imposing structure, it becomes an embodiment of constitutional justice which all of us value the most and treat it as the *summum bonum* of our democracy. With the efflux of time, life of anything even of a great building, becomes a part of the history or gets into oblivion but the institutional structure that has association with dispensation of justice has the innate energy and the life stem that can defeat the capture of history. It will not be wrong to say that this colossal building in entirety commands everyone to instil the “*prana*” of justice and compels everyone to inject continuous flow of dedication, devotion and sincere “*shakti*”. And then only the High Court of Madras shall stand tall and its aura shall spread.

History of this Court proclaims with assured pride and rightly so, that it had a glorious culture. We recall the past to address the present and dwell in present so that we can build the future.

While we commemorate the 125th year of the monumental edifice of justice - Madras High Court Heritage

Building, I am sure both the Bar and Bench of this High Court would also recall the legacy of justice. This great and imposing building, which houses the High Court at present, was formally proclaimed open by the Governor of Madras, as the representative of the Queen Empress of England. Today a confident and independent India basks in seventy years of the hard work of the judges and lawyers of this court in turning this colonial era building into a symbol of constitutional pride for all Indians and especially for the residents of the culturally rich State of Tamil Nadu, home to one of the oldest languages, literature, music, art and social reform movements.

As any iconic institution and heritage site is a reflection of the sacrifices, courage, vision of its creators, admirers, preservers and custodians, so is the Madras High Court Heritage Building. Its walls have not only witnessed several landmark legal battles fought on its floors but has also withstood the literal attack on its existence. It has never yielded.

This century old architectural heritage is a living testimony to the contribution this High court has made in shaping the constitutional history of India, settling innumerable questions of law within its jurisdictions, producing stalwarts of law at the bar, decorating legal jurists on the bench and continuing to enrich the legal jurisprudential heritage of this country.

I may sit on a time machine and recall some memorable decisions. The ***Ashe Murder case***¹ relating to 14 freedom fighters who supported the famous patriot Vanchinathan; the ***Child Custody case***² involving adoption of philosopher J. Krishnamurthi by Annie Besant and the ***Gandhi Cap case***³ involving validity of the order prohibiting people from wearing Gandhi caps, are some of the examples from the past that reflects the strong foundations of law laid down by this High Court. The learning and legal mettle of the judges of this high court was such that its judges dispensed justice in an era when the laws were uncertain or unascertained and law

¹ 1912 Vol. 22 490

² 1913 Vol. 25 MLJ 661

³ 1931 Vol. 60 MLJ 378

reports were rare. Treatises on Indian law were not in existence, and the laws had to be searched out and gathered from oriental manuscripts or Arabic texts. But the judges of this court undeterred by this handicap kept advancing the Rule of law through their research and interpreting skills. This legal heritage continued to be enriched under the Constitution of an independent India.

After the independence, the Madras High Court embarked on its new journey of enriching the constitutional jurisprudence of the newly adopted Constitution of India. It created history by delivering a path-breaking judgment in the case of ***Champakam Dorairajan vs State of Madras***⁴ on caste-based reservations in educational institutions and declared such reservations were impermissible under the Constitutional scheme. It was this decision that led to the insertion of Article 15 (4) into the Constitution. Around the same time, Madras High Court decided the case of ***V.G. Row vs State of Madras***⁵, a landmark civil rights case that for the

⁴ AIR 1951 Mad 120

⁵ AIR 1951 Mad 147

first time explained the meaning and scope of “reasonable restrictions” upon fundamental rights. The dynamic approach paved the way for advancing the legal principles by venturing into the new areas of law and its interpretation with the changing needs of the society.

The High Court of Madras has not only guarded the Constitutional rights and various civil liberties enjoyed by the people of the State but also created a path for many others to access courts without hindrance.

One should always keep in mind that culture and the environment in which the culture develops make human life adorable. Both are indivisible and they shape our common future. When, I say culture, I mean work culture and the environment means the sustenance of the long cherished traditions of the Bar. When human freedom anchored by an independent and fearless judiciary supported by a hard working and devoted bar functions from such a building, it is indeed a cause for celebrating and we must live upto this

celebration. Today's celebration must stand the test of time, not mellow down succumbing to the flow of time.

Modernisation poses new problems that challenge the acumen of the bar and the judiciary. There is a constant need to enhance our knowledge and skills in an ever changing world of science and technology. New laws require immense attention, patience for learning and cultivation of the attitude as a student of law. Constant research and curiosity to learn are expected both from the Bar and Bench. I, being an incurable optimist, am absolutely sure that we shall achieve the goal which the Constitution of India expects from us.

To achieve the goal three aspects need to be highlighted, (i) All of us, members of the Bench and the assisting counsel should clearly understand that it is our obligation to sit on time as Judges and as lawyers to argue a case with preparedness. It is a facet of 'Rule of Law'; (ii) None should suffer from Judges' diseases and the lawyers should realize seeking adjournment is like inviting the disease of adjournment and no one should suffer from it; and (iii)

involvement in Alternative Dispute Resolution ushers in culture of settlement.

I congratulate all present here on this auspicious day and wish them a culture of a continual growth in the rule of law and of their heritage.

Thank you.