

MADRAS BAR ASSOCIATION**INAUGURAL FUNCTION TO CELEBRATE THE
COMMENCEMENT OF ITS 150TH YEAR****SPECIAL ADDRESS BY
HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI,
ACTING CHIEF JUSTICE****15.03.2014**

Hon'ble Mr.Justice C. Nagappan, Judge, Supreme Court of India, my esteemed brother Judges, Mr. Justice A.S. Venkatachalamoorthy, former Chief Justice, High Court of Chattisgarh, Mr.K.Parasaran, Senior Advocate and former Attorney General of India, Mr.G.Masilamani, Addl. Solicitor General of India, Mr.A.L. Somayaji, Advocate General, learned senior advocates, Mr.R. Muthukumaraswamy, President, Madras Bar Association, Mr.V.R. Kamalanathan, Secretary and other Office bearers and members of Madras Bar Association, advocates, ladies and gentlemen,

I am honoured and privileged to be a part of this Inaugural Function to Celebrate the Commencement of the 150th year of this premier legal professionals' Association. I am thankful to the organisers of this function for having given me this opportunity to speak few words on this occasion before this august gathering.

I am instructed to be very brief having regard to the time constraint. Therefore, I would not like to recollect the contributions made by the members of this Bar. When I came to this Court, I was proud to be a part of this Court, which has contributed greatly.

Your Association was behind the Madras High Court when it was making its steady contribution during pre-independence and post-independence days. Without your support, moral or legal, the Madras High Court could not have contributed so much for the development of law. Now, you have one thousand members in your fold, becoming one of the famous Bar Associations in India. It is a great achievement and I wish you more success in the years to come.

An advocate is one who loves justice, law and peace. Oliver Wendell Holmes Junior, former Associate Justice of the Supreme Court of the United States, underscoring the eminence of advocates, has rightly said,

"Shall I ask what a Court would be, unaided? The law is made by the Bar, even more than by the Bench".

Yes, you lawyers are social engineers and are hallowed partners in securing a just world order. Therefore, it is appropriate that two eminent Judges of the Supreme Court are here to mark the commencement of this Celebration.

The legal profession is an ever evolving profession and you should, as always, remain dynamic by constantly striving to keep pace with the changing needs of the society. It is only you who can work for the promotion of science of jurisprudence and undertake research in the legal field. Mr. Frankfurter, another Associate Justice of the United States Supreme Court, remarked;

"You belong to a profession with a great tradition, a tradition which you must continue not as an inert heritage, but through your own efforts an ever continuing heritage of service"

As advocates, you should always be guided by the tradition and glory of the past when the Madras Bar Association stood *numero uno* and excelled. You should always keep in mind that the lawyers are the guardians of the rights and liberties of the people.

The Bench and Bar are two wheels of the same chariot. They must act in unison and harmony. Let me quote what Mr. Justice P.V.Rajamannar, the first Indian Chief Justice of this Court, who has served this Court as Chief Justice for long 13 years, said:

"The High Court, in the larger sense, is not merely a collection of Judges; it is an institution of which the Bench and the Bar, and I would add, the public, are all integral parts, with its own traditions and ideals, which have inspired them and standards, which have been maintained"

It is rightly said by Oliver Wendell Holmes Junior,

"Every calling is great when greatly pursued"

There are various reasons for the distrust and disrespect between the Bench and the Bar. Instead of indulging in mudslinging, the Bar can come forward for a meaningful dialogue with the Bench on issues of concern. You have a duty to uphold the honour and dignity in your relationship with the Bench. Let me quote here what Mr.K. Parasaran, said on the last occasion, in the Valedictory Celebrations of the Sesquicentennial Celebrations of the Madras High Court:

"We have duty to protect the image of the Judges. Our predecessors in the Bar have protected their image. They never let them down in any manner. We should not gossip in the canteen; nor in the corridors. If we, as partners in the administration of justice, the advocating partners, along with the adjudicating partners, let down the Judges, the institution will be destroyed"

I hope that you will facilitate greater interaction and understanding amongst the lawyers here and work for the strengthening of the relationship between the Bar and the Bench.

The glory of this Bar has to be restored. After agitating the issue by the members of the Bar before the Court, once the issue is settled by the Supreme Court or High Courts, the members of the Bar must ensure that the same is followed strictly in its letter and

spirit; The Constitution mandates that a law laid down by the Supreme Court shall be binding on all. Despite clear enunciation of policy with regard to duties and obligations of the members of the Bar, there have been aberrations in the recent past. I take this opportunity to remind you of the decision of the Supreme Court in EX.CAPT HARISH UPPAL v. UNION OF INDIA (2003) 2 SCC 45), wherein the Supreme Court frowned upon frequent boycott of courts by advocates. There is a clear dictum that strikes are illegal and that courts must now take a very serious view of strikes and calls for boycott. The Supreme Court has directed that courts are under no obligation to adjourn matters because of strike by lawyers. On the contrary, it is the duty of all Courts to go on with matters on their boards even in the absence of lawyers and that if a lawyer, holding a vakalat of a client, abstains from attending court due to a strike call, he shall be personally liable to pay costs.

Dear friends, remember the past glory of this association; reconsider; ponder over it. With this let me wind up. Wishing you all the best.

Thank you. Jai Hind.