

**WELCOME ADDRESS ON THE ASSUMPTION OF OFFICE BY
CHIEF JUSTICE OF MADRAS HIGH COURT**

**REPLY ADDRESS BY THE
HON'BLE CHIEF JUSTICE OF MADRAS HIGH COURT**

30.07.2014 – 10.30 AM

Brother and sister Judges – sitting and retired, Mr. A.L. Somayaji, Advocate General of Tamil Nadu, Mr. G. Rajagopal, Additional Solicitor General of India, Mr. D. Selvam, Chairman, Bar Council of Tamil Nadu and Puducherry, Mr. R.C. Paul Kanakaraj, President, Madras High Court Advocates' Association, Mr. K.R. Tamizhmani, President, Madras Bar Association, Ms. V. Nalini, President, Women Lawyers' Association, Mr. Krishnakumar, President, Law Association, Members of the Bar and the Registry of the High Court, Ladies and gentlemen,

Ellorukkum Kaalai Vanakkam. (Good Morning to you all)

I feel a sense of pride and privilege in being given an opportunity to preside over this historic High Court, which is one of the three chartered High Courts and has completed 150 years of its existence along with Calcutta and Bombay High Courts. The Madras High Court is a trailblazer with several firsts:

- First Indian High Court Judge, Muthusamy Iyer
- First Indian Advocate General, Bashyam Iyengar
- First Indian to become the Chief Justice in a High Court, P.V. Rajamannar
- First Indian Law report on private enterprise, the Madras Law Journal.

This Court has seen a grand mix of European and Indian lawyers rubbing shoulder to shoulder like the wily and loquacious Norton, the suave and mild mannered but immensely persuasive Ethiraj, the affable and stylish Govind Swaminathan. Great lawyers have shown their eminence in the national capital like Vishwanatha Sastry, K.K. Nambiar, V.P. Raman, G. Ramaswamy and who still shine like K. Parasaran and K.K. Venugopal, who are veritable role models for a whole community of lawyers across India. Each one of them has left an admirable chain of talented juniors.

This Court has also produced outstanding Judges like Patanjali Sastri and T.L. Venkatrama Iyer and has the distinction of having the last Chief Justice of India Justice P. Sathasivam. You can be proud of the fact that Mr. R. Venkataraman, former President of India, is also from your Bar.

The litigation emanating from the Madras High Court and going right up to the Supreme Court has given a new dimension to the Indian Constitution. The movement of social reformers and great stalwarts outside court in public life found matching judicial pronouncements that shaped constitutional jurisprudence: in the area of land reforms, by an innovation of Schedule 9 to the Constitution that insulated laws from challenge as regards their constitutionality, thanks to a brilliant mind of Sh. V K T Chari; pronouncements in A K Gopalan and in V G Row in the field of human rights having the initial grounding at the High Court, Champakam Durairajan that sharpened the need for important amendment to the Constitution recognizing reservation in a particular manner; public law remedy for securing compensation against violence and loss of property, to state but a few. My endeavor to refer to this past glory is with a certain objective; the immense responsibility on all of us to carry forward the tradition of greatness. We will only deserve such place in history as the collective efforts of lawyers and Judges bring to the cause of justice and service to public. The noble profession carries with it great sense of responsibility. The public looks towards us to provide them the "elusive justice" and lawyers and Judges are an instrument to do so. Like a temple cannot remain closed, a temple of justice can also not remain

closed for the teeming millions of this country. It is no answer to them to say that courts are not functioning for one reason or the other, and that we failed to provide the service in a manner befitting the profession we carry on and the office we hold.

Lawyers and Judges have to take a step forward towards the vision of better work culture organizing a transparent system where the litigant public does not find access to justice as a burdensome adventure. In this age of technology, we cannot expect the public to wait indefinitely for us to find an ideal solution. There has to be prompt justice. Thus, there has to be, to my mind, a two-pronged strategy:

1. Pendency of old cases must get some priority as litigant has waited enough and one must make sure that the current institution does not result in a similar long pendency. This is easier said than done. But nothing is impossible if we make a joint effort.
2. Use of optimal computer technology for all round improvement in justice delivery system coupled with better Court management can go a long way to get a better output. At the same time, conventions must hold good but then change is also a necessity as we cannot be stuck in a time warp. Each case should be able to be tracked from its cradle to grave i.e. when a case is instituted; right through

different tiers of scrutiny; efforts have to be made to see to an early disposal. We have to use technology to deal with high volume of pendency. Let me say that I am not deterred by the large institution of cases. It should be taken as a reflection of faith of the people in the system. But the pendency of cases acquire the character of arrears not on the date of the institution but when they cross the ideal time fixed for their disposal, keeping in mind the nature of the case.

The Madras High Court has been an example for the experiment of mediation process. It is from there that the then Chief Justice of Delhi, who was also the Chief Justice here, got mediation to Delhi when I was the Judge of that Court. We have had the benefit of guidance from the expert mediator of this Court. I see no reason as to why we cannot utilize a vibrant Alternative Dispute Resolution Mechanism to reduce the burden of the Court and also to provide more palatable solutions.

In certain areas of Court administration, private enterprises may be useful. This can be in developing system of court management and translation of publication of important judgments of this Court in the language of the people; in Tamil. Tamil language has given to the world great concepts. Even the symbol of balance to justice must have

been an inspiration from Thirukkural of Tiruvalluvar. In stanza 118, he epitomizes the quality of impartiality in the immortal lines:

“118. Like a just balance are the great - poised truly and unbiased.”

The beautiful composition in the same chapter on impartiality (Naduvunilamai) brings immortal lessons:

111. Great is impartiality, not swayed By hate, apathy or love.

114. The just and unjust shall be known By what they leave behind.

116. Let him who thinks inequity be warned That ruin awaits him.

I have had the opportunity of interaction with eminent lawyers from here while practising at Delhi and also found them appearing before for the bench on account of their prominent presence in the Hon'ble Supreme Court. On my recent visit in April to Madurai and then driving to various historical monuments, I was greatly impressed by the cleanliness and neatness maintained. Education is being used as a tool of improving skills. The people of the State, thus, have the commitment to the larger cause in which discipline plays an important role. May, I humbly say that everyone must abjure lawlessness in Court complexes, cooperate with each other and continue to provide

justice to the common man uninterrupted. The Court must be demystified for the litigant by making information available through technology or otherwise so that they have an easy and simple way to access justice.

I am thankful for the kind words spoken about me by the Advocate General and others. I will do my utmost in living upto your expectations and I need the cooperation of all of you. I am of the firm view that success of the legal system depends on the cooperation between the Bench and the Bar. You have raised certain demands and I assure you that I will discuss with my brother and sister Judges and will see to it that they are met as far as practicable.

My doors are always open to my brother and sister Judges and the bar. I am confident that just like my stint of 14 months in the Punjab and Haryana High Court, the lawyers and my brother and sister Judges will walk with me hand-in-hand for the larger cause to provide justice to the common man.

NANDRI, VANAKKAM.

JAI HIND.