

## Speech

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*Union Law Minister*

*(Now Governor of Mysore)*

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Mr. Justice Oak, distinguished guests, Hon'ble Judges, members of the Bar, Ladies and Gentlemen-

I greet and respectfully congratulate the Bench and the Bar of the Allahabad High Court on this happy occasion, when the High Court has completed the first hundred years of its glorious life. I have practically lived with the law as an humble votary for about half a century and my connection with this High Court has been intimate during the greater part of that period. When I think of the glittering array of Judges and members of the Bar, who shine and who have shone in the legal history of this State, I am filled with pride and joy. That is but natural. I remember with reverence the galaxy of Judges, whose names are too well-known almost to everybody in the State and to many in the country. I recall the pattern of legal work which was done in this Court in its early life, when the legal field was comparatively unbroken. The learned Judges of this Court drew upon ancient Indian as well as external sources for the elucidation of the principles of law for solving the problems then facing the country. Roman law as well as the English Common law and the principles of equity were freely drawn upon. Doctrines derived from ancient texts of Hindu law were ably explained by them. Arabic texts were often cited in order to expound the basic principles on which the Mohammedan law was founded. Those learned judgments constitute milestones in the history of this Court.

The pattern of judicial work has since changed. With the attainment of political freedom, the Court is now called upon to deal with new problems, and the adjudication of those problems has to reflect the needs, the hopes and the expectations of a renascent people.

In this work the Bar has an essential part to play. Indeed, to a very great extent, it is the legal profession which shapes the courts. The members of the Bar are what the forces, which they have to encounter, make them, and, therefore, through the members of the Bar, the judiciary receives strength; and, working together, they contribute to achieve the ultimate end, namely the happiness of the people of the country. We have had very distinguished members of the Bar here. Sir Grimwood Mears once said about Moti Lal Nehru that no one at any Bar of the world could have argued the Lakhna Raj case as ably as Moti Lal Nehru did. Of Sir Sunder Lal, Sir Tej Bahadur Sapru used to say, "I have never heard in my life a more persuasive Advocate". About Sir Tej Bahadur Sapru, I can speak with personal and intimate knowledge. He radiated his personality and anyone who came within the orbit of his influence gained. There are many lives which he moulded and I have never known any senior Advocate who had greater solicitude for the welfare of the younger generation. This High Court has produced Advocates of such eminence. On the rolls of this High Court have also been members of the Bar who fought in the forefront of the freedom struggle, such as Moti Lal Nehru, Madan Mohan Malviya and Purushottam Das Tandon. The most outstanding figure however was Jawahar Lal Nehru who largely influenced the modern democratic structure of India.

Sir, permit me to speak of one matter to which reference was made by the Chief Justice of India this morning. He spoke of co-operation and co-ordination between the three branches of the Government; the executive, the judiciary and the legislature. It is only by co-operation and mutual respect between these three branches that good results can be produced and the common goal, namely the happiness of the people, can be achieved. I have had a fairly long experience of the work in courts. My experience in the other two branches is comparatively short. But I do feel that especially at the present juncture of our national life it is absolutely essential that there should be such complete co-ordination. I am happy to find that a feeling is growing in favour of that co-operation. Without this you cannot achieve the desired result, namely the securing of the happiness and aspirations of the people. And it must be a joint endeavour, a joint effort, as the Chief Justice of India put it today.

On this matter I am reminded of how certain results are achieved in England. There is the office of the Lord Chancellor, who is not only the Speaker of the House of Lords but also a member of the Cabinet. Thus, he possesses an intimate knowledge of the working of Parliament. He is the Head of the two highest Courts in England, the Privy Council and the House of Lords, and yet an adherent to the party in power. He rises to the office of the Lord Chancellor from the Bench or from the Bar. The Lord Chancellor brings to bear upon his work in the judiciary the knowledge acquired by the performance of his duties in Parliament and in the Cabinet. He carries with him to the legal sphere an intimate knowledge of the problems with which Parliament is faced. In this way a connecting link is established between these three departments, the executive, the legislative and the judicial.

I do not intend to imply that there should be a fusion of any two offices, but a thought has often crossed my mind that if the Attorney General's office in India is treated as a political office, more advantage may be gained by the nation.

It is a happy sign of the times that the Judges of today enter into a dialogues at a very high intellectual level with people functioning in other spheres of life at seminars, in institutes like the Indian Law Institute, and at other places. At that high level there is no danger of contamination of the purity of the stream of justice because those who meet the Judges or those who come into contact with them are simultaneously aware of the traditional limits which separate them and respect the distance which must subsist between the Judge and the others.

In conclusion I should like to point out that the judiciary is the strongest instrument for bringing about peaceful change in the social life of the nation. It is upon the successful functioning of the judiciary, upon the strength of the judiciary, that the future of democracy in India depends. And I must add that at no time in the history of this country has there been a greater need for the efficient working of the judiciary. The judiciary functions whenever there is a stress on the Constitution. The Judge relieves the strain. Where there are mounting tensions, the Judge eases the tensions. The Judge by his work suppresses the instinct of violent revolution in the human mind. As a result of his work in court and by a proper administration of law, the Judge restrains all those tendencies, all those evils, all those mischiefs, which stand in the way of the progress of the nation.

Once again, I most heartily congratulate this High Court and pay my humble homage to it and offer my best wishes.