

Speech

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Hon'ble Chief Justice of India, Our Chief Justice, distinguished guests from far and near and other friends-

This is a red letter day being the Centenary of our High Court. On behalf of the Avadh Bar, I express my gratitude to our respected President and distinguished guests for taking the trouble of coming here to participate in the Centenary Celebrations of this High Court, which was established, by a Charter granted by Her Majesty Queen Victoria for the then North Western Provinces of the British territory of India in supersession of the Sudder Dewany and Sudder Nizamat Adawlat at Agra, with six Judges, all British, two only out of whom were Barristers. Since then much water has flown below the bridges of Ganga, Yamuna and Gomti; and today we have the biggest High Court in the world with largest number of Judges all Indians by integration of certain territories and by amalgamation of some courts including the Court in Avadh.

It was claimed by the British that they instituted Courts in India as citadel of justice. But that is far from truth. In ancient times, we had, in India, High Courts presided over by Chief Justices styled 'Pradvivaka' and judges 'Sabhyas', who were not servants of Kings, though appointed by them. According to Manu and Kautilya, even Kings were amenable to the jurisdiction of the High Courts, which could punish them for wrongs done. Criminal courts were styled 'Kantak Sodhana'. There were Special Codes of procedure and conduct of the judiciary. There were also professional lawyers styled 'Dhammaparikas', 'Rupadakshas' or 'Pratinidhis', practising in the Courts. They claimed fees and were paid for their work. This system of judicial administration continued through ages, with necessary adaptation to the needs of different regions and epochs, without affecting the fundamental or basic principles until the Muslim period of our history when Qazis and Vakils came into existence. In Avadh, since the days of King Dashrath and Raja Ram, the same system of administration of justice prevailed until the deposition and deportation of King Wajid Ali Shah and annexation of Kingdom of Avadh to the British territories in 1856, when Avadh was constituted a separate province under a Chief Commissioner for Civil administration and a Judicial Commissioner, as the Highest Court of Appeal in Civil and Criminal cases. There was also a Financial Commissioner for revenue appeals.

History and progress of the Avadh Court, till the amalgamation in 1948, have been given by the Hon'ble the Chief Justice in his address. From a small beginning with one Judge, the number was increased to 3 Judges with the increase of litigation, and then, from 1925, in the Chief Court there were 5 Judges until the year 1948, when the two courts were amalgamated and united in Sangam for the benefit of the State, with the result that we are now one indivisible Court.

Within their limitations, the Judges of the Judicial Commissioner's Court and the Chief Court showed remarkable independence and administered justice without fear or favour. One such crucial occasion arose in 1930., when freedom fighters were arrested, prosecuted and sentenced to imprisonment for offering mass Satyagraha against the Salt Law under the guidance of the Father of the Nation, Mahatma Gandhi; and, as is well known, these valiant men did not defend themselves as a matter of principle. However, the Avadh Bar, which has always fought for the liberty and freedom of citizens in Courts, could not allow their arrest and conviction without challenge. An application for revision was filed in the Chief Court by the Avadh Bar Association through its President Mr. George Jackson, challenging the validity of the arrest and conviction of these gentlemen including one who was recently the Chief Minister of our State. The Chief Judge, Sir Wazir Hasan, one of the most brilliant Judges, and Mr. Justice Pullan upheld the contention of the Bar that their conviction under Section 117, I. P. C., was not sustainable and that the Bar had a right to apply in revision, even though the convicts made no move in the matter. It is not necessary to cite other instances. Both the sister Courts at Lucknow and Allahabad have had a glorious record of independent, fair, even-handed administration of justice without distinction of the rich or the poor, affluent or unaffluent. It upheld the freedom of citizens and we are proud of our Court.

This Court has surmounted many obstacles and challenges to its dignity and has worked with steadfastness and excellence. This is not unique. Other High Courts in India and outside have had similar experiences. Even the Supreme Courts in some countries have had such experiences. I have been reading lately the history of the Supreme Court of the United States of America. Even there, since the days of Chief Justices Marshall, Taine, Oliver Windrel Holmes and Taft, the Court had to fight against challenges from administration. Our High Court recently passed through the crucible of fire on account of the challenge to its prestige and dignity. Thanks to the timely action taken by our respected President in making a Reference to the Supreme Court under Article 143 of the Constitution of India and untiring labour of a galaxy of eminent lawyers led by Mr. Setalvad, the doyen of the Indian Bar, who is happily present here today and perspicacity and patient hearing and careful consideration, by the Hon'ble Judges, of the different and intricate questions of law involved in the Reference, for which there was no precedence, and their lucid and cogent opinion, that our High Court has come out like pure gold, brighter than ever, and a beacon of light to the future of this and the other High Courts. The judgment of the Supreme Court will remain a precedent for Courts all over the world.

On behalf of the Avadh Bar, I pray to the Almighty God, the Fountain and Dispenser of Justice, to shower His blessings on our Court, so that it may grow from strength to strength and stand, like the pillar of Ashoka and the Qutub Minar, as the firm pedestal of justice.

Jai Hind.