

Speech

By Mr. M. Mahanti,

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Delivered on November 25, 1966, on the occasion of the Inaugural Ceremony

My Lords, learned members of the legal profession, ladies and gentlemen-

The learned Advocate-General of this State, Sri K. L. Misra, prefaced his address to you by pointing out how, in keeping with the traditions of a lawyer, he had to receive the homage of his being a speaker as a surprise. If that statement is accepted, I may humbly for myself suggest that I have been subjected to surprise of surprises; because he had at least a few minutes' notice, as he said, while I discovered from the printed programme which we all received on these premises that I had the honour and privilege of being selected as one of the persons to address you. Indeed, I am thankful to those, who are responsible for the organisation of this wonderful and momentous Centenary, to have given me an opportunity of participating in it from Orissa, which is far away from here. I am also thankful to them for having conferred on me the honour and privilege of addressing this most illustrious galaxy. I want to add a personal note to this. Orissa, as you know, is far away from Uttar Pradesh; and, personally speaking, my knowledge and acquaintance with this State, with this city and with this High Court is hardly 36 hours' old. But, that does not mean that we are strangers in spirit and activities to each other. The holy confluence, to which you had, on more than one occasion, to make a reference, the confluence of Ganga, which represents compassion of the Lord, Yamuna, which represents work and devotion, and Saraswati, which represents knowledge, both spiritual and material, pours all its sanctity and holiness into the Indian Ocean, which washes the shores of Orissa after the other 37 rivers commingle with these three confluencing rivers; and that is why Puri is also known as Tirthraj, the King of holy places. It is a place where distinction between man and man is abolished and where there is no difference in the consideration of individual and individual, nor is there any question of caste, creed and colour; and, therefore, it is a realism of universal brotherhood. From that land I come, and from that land I bring to you the message, that is enshrined in our Constitution, of equality, fraternity and love; and I have no doubt that in that spirit you have been conducting yourselves, both the Bench and the Bar, in governing the destinies of the litigants of this State.

Reference has been made by our learned and revered President to the effect that the present is more important than the past. I am nobody to criticise the great President, but, as an Advocate, I must say that the statement needs interpretation, lest it be thought by those, who do not understand the spirit in which it was spoken, that all the traditions, of which the previous speakers on behalf of this High Court have spoken, had been reviewed merely out of consideration. A man of erudition, of wisdom and of compassionate consideration of past, present and future, like our Union President, could not possibly have meant that way. Your learned Advocate-General has made some reference to it. I congratulate him on that and I may, if I am allowed to do so, humbly add that whatever be the glories of our traditions, glories of our past, we should not forget the present. I also hope that our President has not forgotten that, for the protection of the law and for the Bench and the Bar, what is important is precedents and traditions. The whole system has come to us from the British Courts and the British Bar, of which we carry in ourselves a great legacy. You may remember that a great and distinguished lawyer, Lord Bacon, did not take authorities from the bosoms of the Judges but took them from the books. In view of the precedents and traditions, we may say that, if we were to go over to the lives and activities of the great men who have preceded us, they all remind us that we, members of the Bench and Bar can make our lives sublime by following their traditions. As the seeds of the present had been sown in the past, what we can do is to leave our footprints on the sands of time for the succeeding generations to follow, and thus carry on the flow of the stream of justice.

I have referred to my short acquaintance with this Court and this city; and to the members of the Bench and the Bar here. I am practically a new-comer, a stranger, in spite of the relationship which we have had with this State long long ago. As a part and parcel thereof, I find that you had contributed Mr. Kailash Nath Katju as Governor of Orissa and we contributed Mr. Biswanath Das as Governor of your State. So, the mutual exchange is also there. I have also been relying on the mutual love and affection between you and me for the last 36 hours.

My Lord the Chief Justice of India has also made reference to the time-honoured sentiments and the time-honoured maxim that there should be mutual respect between the Bench and the Bar. I venture to suggest that there is no injunction on a Judge or a member of the Bar that there should be mutual love as well. That is a matter which is obligatory neither on the Bench nor on the Bar. But, the wonder of wonders is that, during these few hours of my presence here, from what little I have seen by moving about, I have discovered that the members of the Bench and the Bar of this Court are tied to each other not only by mutual respect but also by mutual, love. The cordiality which I have seen here is unprecedented, unparalleled. I pay that compliment in grateful recognition of what I have seen.

Reference has also been made by you to the great services this Court has rendered to the constitutional position of the individual and the constitutional position vis-a-vis the Judiciary and the State, to which the Chief Justice of India and the Union Law Minister have made a passing reference. Unparalleled in the history of India, on a conflict between the Judges of this great State and the Legislature, this Court has stood like a rock. On a consideration of what it thought was compatible with justice, with its dignity, with its authority and with what it considered to be its duty, this Court took a stand which is an eye-opener not only to other Courts in India but to the rest of the world. It was a matter not only as between the sovereign power and the State but as between the two organs of the State, namely the Legislature and the Judiciary. This is a matter for which you may rightly congratulate yourselves and you are also entitled to the congratulation of others.

I think, for a man of my stature, I have taken quite a long time from the deliberations of this august assembly. I

feel embarrassed every moment, but I also feel that these things had to be said in all fairness and in justification of the stand which you had taken.

There is only one more thing which, with your permission, I want to add. The situation in the country now demands in the face of drastic legislation, to deal drastically with matters which are alleged to be directed towards undermining the very existence of the integrity of the State. In these matters both the Bench and the Bar owe a duty to see that justice is done in a manner in which justice should be done. They were expected not only in the past but are also expected in the present and the future to bridge the gap between law and justice and I have no doubt that in conformity with the wishes of the President this Court will rise to the occasion and, by its decisions and deliberations, it would show to the world that the gulf between equity and justice, between law and justice, can be successfully bridged by them and no litigant shall go back from this court, able to say with justification that he had a case and did not get justice.

With these words-I am sorry that I have not been as brief as I ought to have been-I congratulate you all for having had this glorious past and for very glorious achievements of this great High Court. I pray that in the next Centenary, which none of us may, perhaps, be alive to see, God would give you many more better things to see.