

SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE AT INAUGURATION OF THE 150TH ANNIVERSARY OF THE ADVOCATES ASSOCIATION OF WESTERN INDIA

Mumbai: February 8, 2014

1. I am delighted to be here amongst you all for the celebrations marking the 150th anniversary of the Advocates' Association of Western India. I congratulate each one of you on your Association crossing this significant milestone. As the oldest Bar Association in the country, you occupy a very special place in the judicial history of India and the anniversary celebrations, therefore, assumes great importance.

Ladies and Gentlemen:

2. The formation of the Advocates' Association of Western India was a significant moment in our political history. It signaled an awakening amongst those in the legal profession to play a more active role in the movement for self rule. It spawned a new breed of leadership from this profession that played a critical role in our struggle to achieve independence.

3. A large number of our national leaders including Mahatma Gandhi and Pandit Jawaharlal Nehru were lawyers. Training as lawyers and exposure to legal systems in India and abroad helped them to lay the philosophical foundations of our national movement. Consequently, the freedom struggle gave liberty, basic rights and promotion of true democratic credentials in the country highest priority.

4. The active participation of lawyers in our freedom struggle was a strategic organizational move. It aimed at the strengthening of the judicial system to pave the way for establishment of the rule of law.

5. The Indian legal luminaries who assumed the leadership of our freedom struggle, therefore, represented an enlightened army of reformers. Many were the products of the three Universities and the three High Courts of the then Bombay, Calcutta and Madras, and the legislative Councils established in India. These reformers strived hard to create strong institutions and systems for their fellow countrymen. Moderate in approach, they were men whose commitment to rule of law was unflinching.

6. It was such enlightened leadership that helped the formation of the Indian National Congress in 1885. These leaders emphasised the principles of tolerance and respect for peaceful dissent while underlining

the importance of resorting to constitutional methods to achieve their declared goals. This spirit has continued to guide us even after Independence, as we built our democratic institutions.

Ladies and Gentlemen:

7. I salute the vision and sagacity of your founders - Dhirajlal Mathuradas, Shantaram Narayan, Nanabhai Haridas, Vishwanath Narayan, Pandurang Balibhadra and Ganpatrao Bhaskar - who, one hundred fifty years ago, took the lead in organizing the Vakil Bar of the newly founded Bombay High Court into a formal Association. Through their dynamic leadership, they motivated the Indian lawyers who were struggling to secure their rightful place in the legal profession, to join hands and emerge as a collective force. I compliment your Association for publishing a commemorative volume which highlights the sterling contribution of these founding members. I urge the present generation of lawyers to draw inspiration from the commitment and adherence of these towering personalities.

8. On this day that marks the 150th Anniversary, I would also like to pay tribute to Jagannath Vasudewji, who was the first Indian to be appointed as a Judge of the Bombay High Court from the subordinate judiciary; and Nanabhai Haridas, who has the distinction of becoming the first permanent judge of the Bombay High Court appointed from the Vakil Bar. Justice Nanabhai had also distinguished himself when he differed with the Chief Justice on the Ilbert bill, articulating the competence and capability of native Indian Judges to try Europeans. It was he who paved the way for inclusion of Indians on the Bench on a permanent basis.

9. Luminaries like Kashinath Trimbak Telang, Mahadev Govind Ranade and Narayan Ganesh Chandavarkar, epitomized the finest liberal tradition in indigenous lawyers. Their contribution to our social and political institutions was indeed profound.

Ladies and Gentlemen:

10. I too was attracted by the legal profession and graduated in the subject. Though I did not have the good fortune to practice at the Bar, the profession is indeed close to my heart as lawyers play a critical role in our society. It should also make you proud that the legal profession is a noble profession especially in a democracy where the rule of law prevails. But you have onerous responsibilities too.

11. Lawyers have the duty to ensure that none is denied justice. When you represent a client, you are not only doing what is expected of you, but much more. You can also be characterised as the soldiers who geared the principles of separation of powers. You have earned this reputation as you agitate before the courts to rectify situations created by the improper exercise of authority or where an individual seeks justice.

12. I am also happy to note that the motto of your association is "Respect Law and the Law Protects You". This speaks volumes of your

commitment and faith in the supremacy of the rule of law which is the bedrock of democracy. Lawyers, therefore, act as the common man's soldiers who fight for the rights of citizens. In addition, you have to continuously strive to uphold the supremacy of the constitution. This can only be achieved if the judiciary remains transparent, impartial and speedily dispenses justice. But the strength and effectiveness of the judiciary which is the guardian of our democracy, depends on the two pillars of the justice delivery system - quality and speed. Of these two pillars of an effective judicial architecture, our system is weak in speedily dispensing justice. The backlog of cases in our courts is very disconcerting. The total pendency of cases in the Indian courts is a staggering 3.1 crores.

13. I need to hardly emphasise that justice delayed is justice denied. This can only be rectified with your active cooperation. Through your association, you should exhort your members to only seek adjournments where the reasons are compelling. This is of singular importance as delays increase the cost of litigation rendering justice a distance mirage for the vast majority.

14. To play your roles effectively, you would need to ensure that the legal fraternity is knowledgeable, well-trained, equipped with the best of facilities and infrastructure and most importantly, socially committed. Lawyers must exude confidence and feel secure in their profession. This is a precondition for the establishment of an effective justice delivery system. At the same time, new entrants to the legal profession require support to find their feet. The Advocates' Welfare Fund Act of 2001 provides for the constitution of a Welfare Fund for the benefit of advocates all over the country. I am sure this Act is being implemented in the true spirit to help new lawyers enter the profession.

15. The Advocates' Association of Western India lends its support with dignity to the legal profession. You have strived hard for the protection of junior members of the Bar, and spearheaded many such noble causes. This is commendable and the hallmark of a great tradition which comes from years of collective experience in leadership. Your Association has also emphasized the nurturing of talents that has led several from your association to gain fame in jurisprudence.

Ladies and Gentlemen:

16. Your Association is a crucial link between litigants from remote areas and the High Court. You have a huge responsibility to articulate and express their grievances and concerns, and assist the Courts to secure substantive justice for them. You have to put your tremendous expertise and experience to good use. You have to initiate the dialogue for systemic changes to improve the justice delivery system. I am confident that the Association will succeed in keeping alive its rich tradition for all times to come and continue to be a great asset for our democracy.

17. I wish the Association the very best for the future. I thank you for inviting me to be a part of the celebrations that marks 150th year of your

body. Let me conclude in the words of Mahatma Gandhi that should guide all lawyers: *“There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts”*.

Thank you.
Jai Hind.
