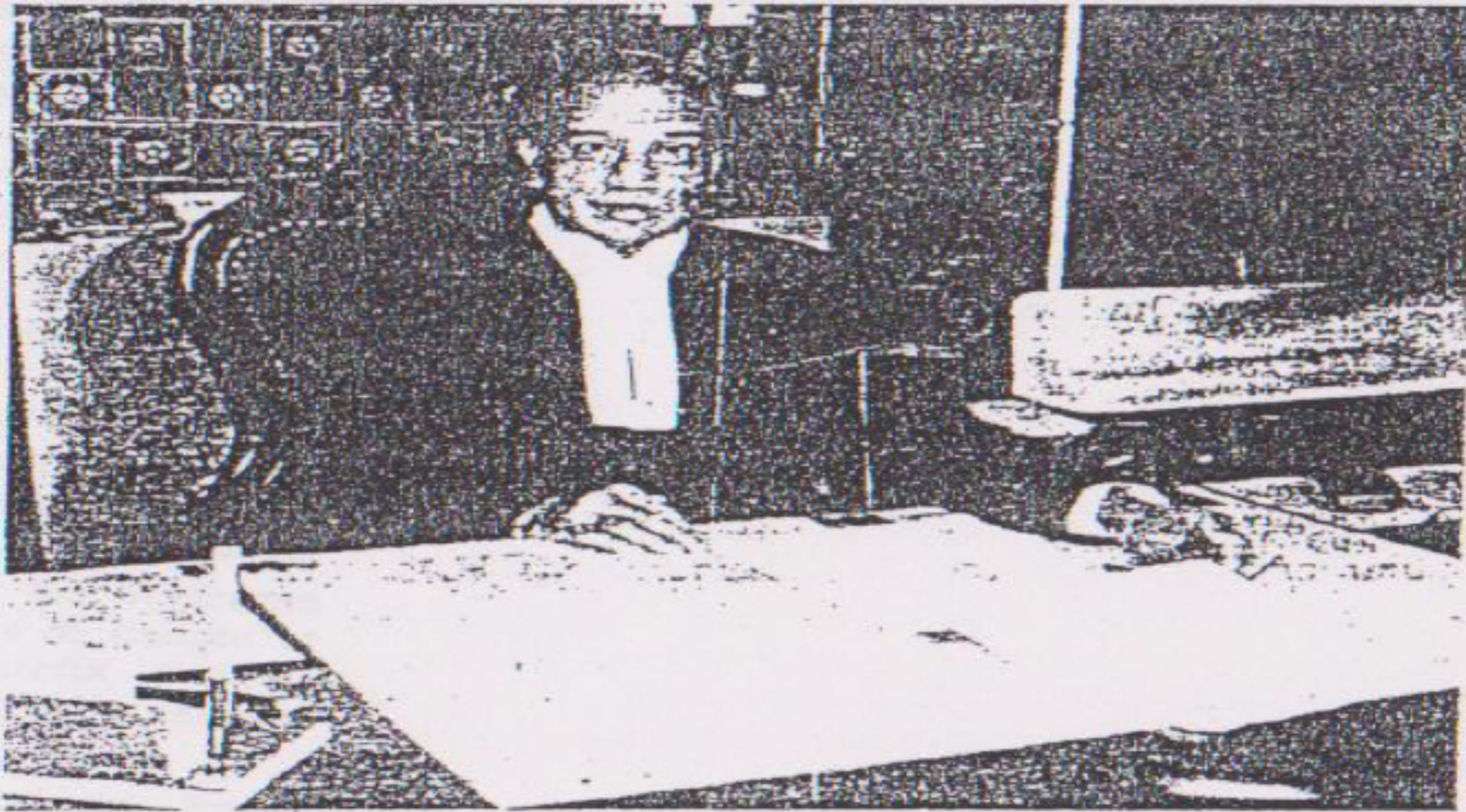


OUR NEW CHIEF JUSTICE — HON'BLE MR. JUSTICE N.K. JAIN



It is not new lamps for old, as in Alladin's tale. It is our own Justice Jain who is now our Chief Justice, our nineteenth Chief Justice after our country became Indian Union or Republic.

From the day he came in our midst, on transfer from his own Rajasthan High Court to which he had been elevated both on his own merits and also on account of its being his पितृद्रव्यम् (Mitakshara) — his late father had himself been judge of Rajasthan High Court, Mr. Justice Jain has endeared himself to one and all the members of our fraternity. We are reminded of the immortal phrase of the कवितार्किक केसरी — the पैतामहम् घनम् :

We have had several Acting/Officiating Chief Justices during the last 50 years. Some held the position for a mere one day, one week, two weeks and some for relatively longer periods. Chief Justice Madhavayya Anantanarayanan, I.C.S. — the only civilian Chief Justice of our High Court, officiated for the longest strip of time, if our memory has not played false.

Justice Jain stepped in to act as Chief Justice when Justice Shivraj Patil left us to take over at Rajasthan, and later, Justice Jain made way to Chief Justice Agarwal. After the latter demitted office, there was Mr. Justice Jain to take over again. He handed over the office to Chief Justice K.G. Balakrishnan who took over as our Chief Justice on the ninth day of the ninth month of the year nineteen ninety nine. When Chief Justice K.G. Balakrishnan left us to take his seat on the Supreme Court Bench, our Justice Jain once again became our Acting Chief Justice. It is a co-incidence that the appointment of our Chief Justice Hon'ble Mr. Jain

also was published on the ninth day of the ninth month of this year.

We could notice the popularity of our Chief Justice Jain in his former High Court of Rajasthan, when his colleagues Justice Y.R.Meena, Justice R.M. Lodha and Justice D.N. Sinha — now functioning as judges on transfer under Article 222, at the Calcutta and Mumbai High Courts, were personally present in our Meeting Hall at 11.50 A.M. on 13.9.2000 after having attended the formal swearing-in function at Raj Bhavan, Guindy in the morning. Particularly endearing is the text of the personal letter which Mrs.Aruna Jain and Mr.Chief Justice Jain wrote on 6.9.2000 to his friends on the SHAMAVANI DAY, celebrated by the Jains as 'PARYUSHAN PARVA'. When we recall that we have our popular judge Dr.AR.Lakshmanan as the Chief Justice of Rajasthan High Court now, we are grateful to Providence that we have had an exchange of the two nice Chief Justices in their respective positions.

For us in Law Weekly, it was quite irksome to refer to the judge as Acting Chief Justice. We felt that the proper address was Chief Justice (Acting). When our country's foremost lawyer, the former Attorney General Sri K.Parasaram, a distinguished and noble member of our Bar addressed Mr.Justice Jain as Mr.Chief Justice Jain on 27.8.2000, we felt vindicated.

Our popular and learned Advocate General Sri K.V. Venkatapathy, in his Welcome Speech, which we are printing below has given expression to all our feelings of delight at the finalisation by the Rashtrapathi of the act of shedding of the unwanted prefix 'Acting' by Chief Justice Jain. We in Law Weekly associate ourselves with every word that the learned Advocate General spoke on the occasion.

For want of space we are not printing the addresses of Sri M.Venkatachalaipathy, President Madras Bar Association, Sri R.Karuppan, President Madras High Court Advocates Association, Mrs.V.J.Latha, President Women Lawyers Association, Mr.Jawahar, President Tamil Nadu Bar Council, and Mr.Rajendra Prasad, President Law Association, Madras. We associate ourselves with the sentiments expressed by the learned speakers. We are also printing the text of Mr.Chief Justice Jain's reply to the several addresses for the information of our readers. We lift our hands in prayers to Lord Srinivasa that He continues to shower His choicest blessings on the Jains.

WELCOME ADDRESS BY SRI K.V. VENKATAPATHI, ADVOCATE GENERAL

"My Lord The Chief Justice, Hon'ble Judges, Family members of Hon'ble Chief Justice, Thiru A.W.A.Salam, Secretary of Judicial Service Commission, Srilanka, my respected colleagues at Bar, Ladies and Gentlemen.

1. It is a matter of great joy that Your Lordship after having been the Acting Chief Justice since 6th June this year has been appointed as the permanent Chief Justice of this great Chartered High Court. Your Lordship came to this Hon'ble Court on transfer on 19.12.1997 when I had the privilege of welcoming Your Lordship as the Judge of this High Court. You have the unique distinction of having acted as Chief Justice thrice in this High Court. It is also noteworthy that in the annals of this High Court you have the distinction of becoming the Permanent Chief Justice after having acted as Acting Chief Justice thrice, which opportunity no other Acting Chief Justice got before.

2. Your Lordship was born on 20th October 1942. After initial schooling and tertiary education, you obtained a degree in law and enrolled yourself as an Advocate on 26.1.1968. During the period of 1975-1977 you worked as part-time Lecturer in Jodhpur University. From a close look at your life, it will become evident that you are a multi-faceted personality. In your student days you were a star-performer in Badminton at the National level and held your sway in that field throughout a decade which extended from 1955 to 1965. You were a Recipient of Best Sportsman Medal of the Colleges which earned you a scholarship from the Sports Council in 1961. In the field of Badminton, you occupied pivotal positions like Joint Secretary/Vice President of the Rajasthan Badminton Association and also you had the occasion to be the State Umpire in Badminton. It is also very creditable that you attended the Asian Trial Games in Badminton.

3. While you were pursuing your practice very actively you were also engaged in the activities relating to the Rajasthan Bar Association, Bar Federation and Bar Council of India in various capacities.

4. You built up extensive practice in both Civil and Criminal sides, Constitutional matters, Company Law and Tax matters before the Rajasthan Bench of the High Court.

5. You were elevated as a permanent Judge of the Rajasthan High Court on 20.7.1990. Even as a High Court Judge, you were nominated as a member of Academic Council, National Law School, Bangalore and continued in this position till August 1995. It is noteworthy to mention here that you are the scion of a Judge. Yes your father was also a High Court Judge upto 1975 who died in harness.

6. In Your Lordship's tenure as Acting Chief Justice thrice, you have done vast improvements in the administration of the High Court. During your FIRST TENURE from January 1999 to May 1999 as Acting Chief Justice, you were responsible to solve many problems and made many improvements in the High Court which I would like to mention here.

7. (1) Inter-se seniority between direct recruit and integrated Judicial Officers pending for a long time, had been settled in one sitting and that was approved by the Supreme Court and seniority fixed and promotions effected immediately.

(2) Government was pleased to sanction 294 posts in various categories in High Court Service in G.O.Ms.No.526, Home Department, dated 21.4.99.

(3) Administrative files moved as fast as they could.

(4) About 40,000 pending copy applications for over 2 years in the Current Section were complied with and brought upto date.

(5) About 39,550 cases were disposed of in about 4 months time between January 1999 and April 1999, including 35 Full Bench matters.

(6) The Government was pleased to sanction construction of one more floor in the Annexe Building and construction of garage into administrative building in G.O.Ms.No.1482, Home Department, dated 10.11.99.

(7) The Government was also pleased to sanction computerisation of the High Court in G.O.Ms.No.923, Home Department, dated 27.10.99.

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- (8) Selection of 73 Civil Judges (Junior Division) was made, training imparted and postings given.
- (9) Promotions were effected in the Judicial Service as well as High Court Service.
- (10) Construction of 286 Additional Law Chambers was sanctioned by the Government.
- (11) As Acting Chief Justice, Your Lordship had taken efforts to make 11 Additional Judges as permanent

8. Your above first two achievements are remarkable. The first problem which remained unsolved for nearly a decade was solved in your first tenure and many of the Judicial Officers got their due seniority and promotions which brought cheers to the Judicial Officers, while the second problem of dearth of staff was solved by getting sanction of 294 posts in various categories in the High Court service in one stroke which paved the way for speedy justice. The sanction got for construction of 286 Additional Law Chambers from the Government is indeed a feather in your cap as the whole Bar nails the construction of Additional Chambers.

9. During this first tenure of 5 months, the disposal of 42,760 cases is no mean achievement. I think this record surpasses the earlier records, if any, in the matter of disposals.

10. After the disposal of cases getting copies of orders quickly had been the most difficult task to the Advocates. But, during this first tenure Your Lordship caused to clear the copies of orders in as many as 38,940 in just 5 months.

11. During your **SECOND TENURE** which was the shortest period of 12 days from September 28 to October 9th of 1999, you never failed to give relief to the officers and staff. The question of promotions to the officers and staff of the High Court was pending in the High Court for a very long time. Immediately on your assumption as Acting Chief Justice for the second time you solved this problem and gave promotions to the officers and staff and thus brought cheers in their life.

12. During your **THIRD TENURE** as Acting Chief Justice from 6th June 2000 till date the achievements made by you are not small. I may be failing in my duty if I do not mention them here.

- (1) Separate Press Building was constructed.
- (2) Supreme Court Exhibition was inaugurated and held for 2 weeks.
- (3) On Independence Day, a Prison Adalat was held at Central Prison, Chennai and a Legal Aid Cell was also set up in the Prison Campus.
- (4) As Executive Chairman of the Tamil Nadu Legal Services Authority, a Souvenir, first of its kind in this State, was published at Madurai.
- (5) Nine Acts were translated in Tamil and released and distributed to the Public to inculcate legal knowledge in legal awareness in legal aid programme.
- (6) Orientation Programme was arranged for 50 newly recruited Civil Judges (Junior Division) and postings given.
- (7) Several Lok Adalats were held and the important one among them is the Lok Adalat held at Neyveli, wherein long pending Land Acquisition cases were settled and amounts distributed to the claimants.
- (8) After Summer vacation 2000, about 16 new Courts were inaugurated in various

places in Tamil Nadu.

(9) Separate Pay & Accounts Office has been sanctioned by the Government exclusively for the High Court.

(10) Arrangement to supply the cause-list through the Internet and in print in the night itself.

13. Of the above achievements during your THIRD TENURE, the inauguration of 16 Courts in various places in Tamil Nadu after Summer Vacation during the current year is a very great achievement. In this matter, you have created a record. The creation of Pay and Accounts Office in the High Court Campus exclusively for the High Court is welcomed by all the staff and officers of the High Court. In this respect, I make an appeal to Your Lordship that all the Courts, Judicial Officers and Law Officers functioning in the High Court campus should be attached to the newly created Pay and Accounts Office here so that all the staff and Officers working in this campus benefit from it.

14. The most rewarding benefit in so far as the Advocates based in this Metropolitan and practising in the High Court are concerned is the supply of cause-list overnight through the computers linked to the Internet and in print. My colleagues and myself personally thank you and lustily cheer this achievement of yours.

15. It is noteworthy that in less than 3 months *i.e.* from 6.6.2000 to 31.8.2000 you have achieved a record disposal of 36,945 cases in the High Court including 52 Full Bench matters. In respect of the copies of orders during the same period, out of 20,073 cases, the order copies have been issued in 19,545 cases leaving only a negligible pendency of 528 cases.

16. The present Government is always very keen in solving the problems facing the Judiciary. Your Lordship made the most of this Government's goodwill and good gesture. I will be failing in my duty if I do not convey the gratitude of the entire Bar and of the Judiciary to the Hon'ble Chief Minister Dr. Kalaignar for lavishly sanctioning funds for the construction of 286 Additional Law Chambers, one more floor in the Annexe Building, a garage in the Administrative Building, a separate Building for the Press besides sanctioning 294 posts in various categories to the High Court Office and various other projects proposed by the High Court. This only shows the Hon'ble Chief Minister's respect and regard for the Judiciary, his concern for its problems and his readiness to help it out even when the Government is faced with the financial crunch.

17. Your Lordship has been very kind to the members of the Bar, who feel at home whenever they appear before you. You never hurt the feelings of anyone of the Bar members. True to the dictum that no person is dressed for the day unless he wears a smile on his face, you always wear a smiling face which attracts each and every member of the Bar. This sterling quality has earned you a lofty place in the hearts of Bar members.

18. I have had the privilege of welcoming 4 Chief Justices, working with 5 Chief Justices and welcoming 26 Judges in my capacity as Advocate-General within a span of 4 years. I cherish this privilege. I hope to welcome many more new Judges in the next few days and request Your Lordship to take steps to get them soon.

19. Your Lordship is left with more than 4 years of service. Considering your tremendous achievement in three short spells of about 7 months as Acting Chief Justice, we are very

confident that this High Court will be there to see many vicissitudes of changes in many fields in the 4 long years before you. But we do not want to be very greedy. We would like to spare Your Lordship to the Supreme Court to bring in more achievements on an All India level so that the entire country will have the advantage of those achievements.

20. I on behalf of the Bar and on my own extend hearty welcome to your Lordship to be the permanent Chief Justice of this great High Court, assuring you our fullest cooperation at all times to come. Thank you."

REPLY BY THE HONOURABLE THE CHIEF JUSTICE

My esteemed brother and sister Judges, former Judges of the Supreme Court and the Madras High Court, Justice Y.R. Meena, Judge, Calcutta High Court, Justice R.M. Lodha and Justice D.N. Sinha, Judges of the Bombay High Court, Mr.K.V. Venkatapathy, Advocate-General, Respective Presidents of the / Mr.M.Venkatachalapathi, President, Bar Association, Mr.R.Karuppan, President of the Madras High Court Advocates' Association, Mrs.V.J.Latha, President of the Women Lawyers' Association, Mr.T.R. Rajagopalan, Additional Advocate-General, Mr.V.T.Gopalan, Additional Solicitor-General for Southern Region, former Advocates-General, Senior Advocates, members of the Bar and the legal fraternity, the officers and staff of the High Court, distinguished guests present here;

The Almighty has given me an opportunity to work since 19.12.1997 in this High Court, which is one of the prestigious chartered High Courts. During this period, I enjoyed the full co-operation of the Honourable Judges, who are now retired/transferred, the Honourable Judges, who are now adorning the Bench of the Supreme Court; the sitting brother and sister Judges, senior advocates, members of the Bar, officers and staff of the High Court.

Now with the grace of God, I have been made the Chief Justice of this High Court for which I have no words to express my sincere gratitude to the Honourable the Chief Justice of India, other Honourable Judges of the Supreme Court, other constitutional functionaries and all concerned for their kindness shown to me. The Advocate-General and other speakers have said good words, as per the tradition, for which I have no words to thank them at this moment. Hitherto, I had the love, affection, assistance and co-operation of all concerned, without which I could not have performed my duties with satisfaction. My brother and sister Judges have been extending excellent cooperation and we have been able to discharge our constitutional functions effectively, of course this could not have been possible without the cooperation of the Bar. The Bench and the Bar are one family. I expect the same from you all to continue, so as to achieve greater heights of judicial achievements and to maintain the rich tradition and heritage of this prestigious institution, as Chief Justice of this High Court. Once again, I thank you the Advocate General, The suggestion of Advocate General and others will be taken note of and will be implemented at the appropriate time.

I pray God to bless me with sufficient strength in discharging my duties for which I have been ordained in a dignified manner, to protect the valuable rights of the people of this State, and to serve the cause of justice.

Once again I thank you all."