

**125th Year Celebrations of the
Madras High Court Buildings**

**High Court, Madras
September 16, 2017**

Key Note Address

By

**Hon'ble Ms. Justice Indira Banerjee,
Chief Justice, High Court, Madras**

The Hon'ble the Chief Justice of India, Shri. Dipak Misra,
The Hon'ble Union Minister for Law & Justice and Information Technology,
Shri. Ravi Shankar Prasad,
The Hon'ble Chief Minister of Tamil Nadu,
Thiru. Edappadi K. Palaniswami,
The Hon'ble Judges of the Supreme Court,
Justice Shri. R.K. Agrawal,
Justice Smti. R. Banumathi,
Justice Shri. Sanjay Kishan Kaul,
The Hon'ble Chief Justices of the High Courts of Bombay, Calcutta,
Orissa, Sikkim and Delhi,
The Attorney General for India,
The Judges of this Court, present and past,
The Minister for Law, Courts & Prisons, Government of Tamil Nadu,
The Advocate General for Tamil Nadu,
Other Dignitaries on and off the dais,
Members of the Bar,
The Registrar General, Registrars, Officers and Employees of
The Madras High Court and other Courts,
Ladies & Gentlemen,

On this momentous occasion, when we celebrate 125 years of the inauguration of the magnificent High Court Building, we are honoured to have amongst us the erudite and dynamic Chief Justice of India, a man of

action and of vision, committed to the cause of improvement of the judicial system, so that it can deliver timely justice of good quality to all those who knock its doors.

We are also honoured by the presence, amongst others, of the Union Minister for Law & Justice and Information Technology, a distinguished lawyer deeply interested in the efficient functioning of the judicial system; the esteemed Chief Minister of Tamil Nadu, who along with his Minister for Law, Courts & Prisons, has extended unstinting support for the improvement of infrastructure of Courts, establishment of new Court buildings in the State, restoration of the High Court Heritage Building and also for today's programme; distinguished Judges of the Hon'ble Supreme Court of India, present and past, who have significantly contributed to the rich heritage of this august institution; the illustrious Attorney General for India, an outstanding legal luminary of this Court; the Chief Justices of the High Courts of Bombay, Calcutta, Orissa, Delhi and Sikkim; the former Chief Justices of the Madras High Court, who have steered this court, through times good and not so good, and endeavoured to preserve the rich heritage of this Court.

After the Indian High Courts Act, 1861 was enacted, Queen Victoria granted the Letters Patent dated 26th June, 1862, establishing the Madras High Court. The High Court was inaugurated on 15th August, 1862, a

significant date, for exactly 85 years later, on 15th August, 1947, India became independent.

For about 30 years, the Madras High Court functioned from the same premises which had earlier housed the Supreme Court of Madras. This imposing Madras High Court building was inaugurated on 12th July, 1892.

The Madras High Court building, which is one of the finest examples of Indo-Saracenic architecture, is an eclectic blend of classical styles of European architecture with styles of Indian, particularly the Rajput and Moghul architecture.

It is acknowledged as one of the finest High Court buildings in the country. J.W. Brassington initially designed this marvelous edifice and Henry Irwin completed the design. The building was constructed by the leading contractor, Namberumal Chetty, whose contribution was phenomenal. Innumerable unknown artisans were engaged, who have immortalized their artistic skills.

It is said that the extensive campus, in which the High Court stands, was occupied by Sri Chenna Malleswarar and Sri Chennai Kesavapuram Temples, which were shifted to their present locations to accommodate the Court Buildings.

Construction of the High Court building commenced in 1888 and took about four years to complete. The cost of the building was near about Rs.13 lakhs, which was a fabulous amount by the standards of

those days. The materials used for the construction, except for the steel girders, were mostly manufactured locally.

The plan of the High Court building is classic. The three storied edifice is in a style of symmetry, set on a high plinth. The size, scale and striking exterior of the High Court building make it impressive. The combination of brick and stone add to the beauty of the building.

The stately building, with its splendid domes, turrets, pillars, columns, grand arches, minarets and many staircases, is fascinating. Inside the building, the marble and coloured tile floors, the wall dado, stained glass panels, the intricately carved plaster work, the lattice work designed false ceilings, the wood work and the grill work are exquisite.

The majestic East-West passage on the first floor, named Justice Rajamannar Hall, adorned with paintings of the eminent judges, reflects the aura of the great tradition of this august institution.

The bust of Chief Justice Rajamannar, facing across the corridor, the finely carved statue of Justice Sir Muthuswamy Iyer, the first Indian Judge of this High Court, sitting bare-footed in his robes, is a constant reminder of the glorious history of this Court. Such was the respect of Justice Muthuswamy Iyer, for this temple of justice, that he never entered the dais with his footwear, as he considered the dais to be a sanctum!

The intrinsic qualities of a judge are unimpeachable integrity, total independence, absolute impartiality and full dedication to duty, with which

there can be no compromise. The high standards set in this regard by the likes of Justice Muthuswamy Iyer, have to be preserved. At the same time, the judge today has to be innovative and responsive to the demands of changing times, when the judiciary is suffocating under the pressure of accumulating arrears and docket explosion.

The High Court of Madras, had over the years since its establishment, built up a high reputation for the erudition and correctness of its judgments, for the knowledge, industry and experience of its judges, for the ability and thoroughness of its Bar, and the high level of efficiency of its officers. Through the corridors of this High Court have walked legal luminaries, stalwarts of the bar and distinguished judges, whose list is endless.

The Madras High Court has many firsts to its credit. To cite some examples, it was the first High Court to permit Vakils to practise in the Original Side. Initially, there was resentment among the British Barristers, but they later relented.

Sir Bashyam Aiyangar was the first Vakil anywhere in India to be appointed Advocate General. The Barristers of Bombay protested, stating that only a Barrister could be appointed, but in vain, for his erudition and capability triumphed. He also went on to become a Judge of the Madras High Court.

Even before the Constitution was drafted, Sir C.P. Ramaswamy Iyer successfully persuaded the Madras High Court to issue a writ of mandamus against the Madras University in a civil suit, directing it to carry out its statutory duty.

Sir Alladi Krishnaswamy Iyer ably assisted Dr. Ambedkar in drafting the Constitution. V.K. Thiruvenkatachari, Advocate General of Madras, gave Nehru the idea of creating the IX Schedule, after Supreme Court judgments struck down anti-zamindari legislations as violative of the fundamental rights guaranteed under Articles 14 and 19 of the Constitution.

The Madras Law Journal, started in 1891, is the oldest law journal in the country. Many early landmark judgments of the Supreme Court, which led to the development of constitutional law, emanated from Madras. While **State of Madras vs. Smti. Champakam Dorairajan** reported in **A.I.R. 1951 S.C. 226** and **State of Madras vs. V.G. Row** reported in **A.I.R. 1952 S.C. 196** were appeals from judgments of the Madras High Court, **Romesh Thappar vs. State of Madras** reported in **A.I.R. 1950 S.C. 124** and **A.K. Gopalan vs. Government of India** reported in **A.I.R. 1966 S.C. 816** were writ petitions under Article 32 of the Constitution. The examples are illustrative.

The Madras High Court has the unique distinction of having two light houses in its premises. The main public staircase in the centre of the

building is crowned by a fantastic dome, about 175 feet high, which served as a light house. The light houses inside the High Court complex are symbolical, for the beacon light symbolizes the light that emanates from the temple of justice, to dispel the darkness of injustice.

Tuesday, the 12th of July, 1892, was a memorable day in the history of the High Court of Madras. While handing over the keys of the building to the then Chief Justice of Madras High Court, Sir Arthur Collins, the Governor of Madras, Hon'ble Beilby Baron Wenlock said, *“And now, my Lord Chief Justice, I have pleasure in handing you the key, as a token that the building has been entrusted to your hands by the Government, in full confidence that the administration of justice will be carried on **with the ability and integrity that has always marked the Madras High Court**”*.

The keys of the building were received by Sir Arthur Collins, who said in solemn gravity, *“I fervently hope that long after you and I, your Excellency, have passed away to that undiscovered country, of which, we know so little, there may also continue to be found, men of ability and courage, who will administer the law in these Courts without distinction of class, creed or race”*.

To further quote Chief Justice Collins, *“**So long as this High Court is an independent Court, with judges who fear no man, and who administer the law, according to the rules of law, equity and good conscience with***

the jurisdiction it has exercised for so many years intact, I believe it will continue to have and deserve the confidence of the public”.

Generations of judges and lawyers who have since succeeded have strived to fulfill, in no unworthy measure, the fond hope of Chief Justice Collins expressed in his speech. Speaking at the Centenary Celebrations of the Madras High Court, Chief Justice Rajamannar said,

“What is this High Court? It certainly is not the magnificent building.....”

“..... The High Court, in the larger sense, is not merely a collection of Judges, it is an institution of which the Bench and the Bar, and I would add, the public are the integral parts, with its own traditions and ideals which have inspired them and standards that have been maintained.”

The legal profession, to quote Justice M.C. Chagla, the first Indian Chief Justice of the Bombay High Court, *“...is a great calling and it is a learned and noble profession. Remember always that it is a profession. It is not a trade or business. The distinction between the two is deep and fundamental. In business, your sole object is to make money. In legal profession, making money is merely incidental. You have traditions to which you have to be true. Like an artist, there has to be a passionate desire to attain perfection. Service to society and your fellow men has to be the dominant motive underlying your work”.*

The foremost challenge that confronts the High Court today is the stupendous task of preserving its rich heritage. A public interest litigation initiated by Advocate Mr. M.T. Arunan led to judicial orders for restoration of the Heritage Building.

A Heritage Committee was constituted to restore and preserve the heritage building, its antique furniture and artefacts, including the paintings that adorn the corridors and Halls.

The Committee under the chairmanship of Justice R. Sudhakar, who has since been transferred to the High Court of Jammu & Kashmir, has done a commendable job in restoring the heritage building to its original appearance.

The Committee is presently headed by Justice T.S. Sivagnanam and ably assisted by Justice T. Raja, Justice Pushpa Sathyanarayana, Justice S.Vaidyanathan, Justice C.V. Karthikeyan, the Advocate General for Tamil Nadu, the Additional Solicitor General of India, Mr. G. Rajagopalan, the Additional Advocate General, Mr. C. Mani Shankar and the Chief Engineer (Buildings), Public Works Department, Government of Tamil Nadu, Chennai, who have been working tirelessly and co-ordinating with various agencies concerned with the work of restoration and renovation. The work is almost complete now. I sincerely acknowledge the contribution of Mr. Tekkur Krishnamoorthy, Curator, High Court Museum, Chennai for his role in setting up the High Court Museum, and the contribution of Mr.

D.Venkataraman, Director, Directorate of Lighthouses and Lightships for his role in restoring the old light house.

I also acknowledge the contributions of - (i) Mr. P.T. Krishna, Architect, Indian National Trust for Art and Cultural Heritage (INTACH), (ii) Ms. Kalpana, Restoration Architect, Indian National Trust for Art and Cultural Heritage (INTACH), (iii) Ms. G. Maheswari, Superintending Archaeologist, Archaeological Survey of India, (iv) Dr. S. Vasanthi, Archaeologist, (v) Mr. K.T. Narasimhan, Conservation Expert, Archaeological Survey of India, (vi) M/s. Abha Narain Lambah Associates, Mumbai, Conservation Architects, (vii) Mrs. Nalini Radhakrishnan, Interior Designer, (viii) Er. S. Rajagopalan, Executive Engineer, Public Works Department, (ix) Er. S. Kulanthaiyan, Assistant Executive Engineer, Public Works Department, (x) Er. Govindan, Assistant Engineer, Public Works Department, (xi) Er. K. Sudalayandipillai, Assistant Registrar (Electricals), Public Works Department, (xii) Mr. N. Selvarehai, Senior Conservation Assistant, National Research Laboratory for Conservation of Cultural Property (NRLC), Lucknow in restoring the heritage building almost to its original appearance.

Last but not least, we are indebted to Mr. N.L. Rajah, Senior Advocate, for the time and energy that he has devoted in chronicling the history of the Madras High Court, including in particular its heritage building, notwithstanding his professional commitments. His work, based on in-depth

study and research, is invaluable. His contribution to the work of restoration of the heritage building is also noteworthy.

The Madras High Court building is also unique in that on 22nd September, 1914 during the First World War, it was hit by explosives hurled from the German ship, EMS Emden, which targeted the Madras Harbour. The Emden was later chased away.

Unfortunately, in the more recent past, like the unexpected stray assault on the building from the Emden, came an attack to the rich heritage and tradition of this Court. My predecessor-in-office Hon'ble Mr. Justice Sanjay Kishan Kaul dealt with the situation deftly and firmly. Fortunately, the storm has blown over.

I end quoting from a letter dated 14th September, 2017 received by us from Hon'ble Mr. Justice Ranjan Gogoi, Judge, Supreme court of India on this occasion of the 125th year celebrations of completion of our heritage building :-

"...Behind the magnificent minarets and domes that adorn the glorious building, what emanates is the spirit of truth of justice. Great men and women on both sides of the courtroom have breathed life into the bricks and mortar with their determination to ensure that every person gets his due. Let us rededicate to uphold the values enshrined in our Constitution. Let us pledge that we will continue to preserve what this High Court continues to stand to guard - righteousness and the Rule of Law."

I am sure the grandeur of our heritage, which has done us proud, will always remind us - the judges, the lawyers, the officers and staff of the institution of our solemn duty to preserve the heritage - we shall jointly take a vow once again today to adopt a more service-oriented, litigant-centric approach, to strive harder to enhance access to justice, to be more diligent and to excel by achieving and maintaining standards of justice delivery which match the imposing edifice of this august institution.

THANK YOU.

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