

SPEECH BY SHRI M.I. JOSEPH, PRESIDENT, HIGH COURT  
ADVOCATES' ASSOCIATION

*My Lord Chief Justice, Brother Judges, Justice Smt. K.K. Usha Sukumaran, Justice P.A. Mohammed and Justice P.K. Balasubramanian,*

It is a pleasure for me as a President of the Advocates' Association to welcome Justice Smt. Usha Sukumaran, Justice Mohammed and Balasubramanian on this eventful and solemn occasion. Justice Mohammed and Balasubramanian were with us till a few days back and Smt. Usha Sukumaran was in this Court as an Addl. Judge who was known as an efficient lawyer and subsequently as a Judge with independent outlook and clarity of thought. We are happy to participate in this Oath taking ceremony and wish you all success. To Justice Mohammed and Balasubramanian the past has gone and buried beyond the possibility of resurrection and a new era has unfolded in their life and work.

you have become part of the galaxy of the judiciary of India. Justice Smt. Usha Sukumaran has already proved her metal and demonstrated her deep knowledge on all branches of law and the President of India was pleased, on the recommendation of my Lord Chief Justice to confirm her as a permanent Judge.

All of you were recommended, initially, according to the Constitutional provisions by my Lord Chief Justice and that itself is an eloquent testimony to the merit and efficiency which all of you exhibited during your tenure as lawyers and Justice Usha Sukumaran has displayed within the short period her integrity, efficiency and already has achieved a name and fame. Therefore it is quite superfluous for me to extol now about your early education, scholarship, family traditions etc. and I request to forgive me if I venture to skip over those aspects in my speech.

The functioning of the judiciary and conduct of individual judges are the sine qua non for the independence of the judiciary. The damage caused to the institution either by its decision, or by the conduct, is far more injurious to the independence of the judiciary than external assault and criticism. The respect for the judiciary is enhanced by example and not by lavish high sounding words.

In democracy judiciary is the sentinals of the Constitution and freedoms of the citizen therefore it should be broad based. Judges, according to our constitution are virtually irremovable as is evident from the recent events and, therefore, the sense of performance has led to various types of grievances relating to judicial misbehaviour. Judicial misbehaviours are perceivable but not provable.

Your Lordships are called upon to discharge a duty which has an element of divinity. Because you have power over the lives and livelihood of people who approach this Court in full and absolute faith of securing Justice. I am sure, there may be pretended admirers visiting your Lordships for some personal gain and your Lordship should be on the alert not to become victims of their praise. Therefore, I strongly advise your Lordships to develop certain amount of aloofness.

Lawyers and Judges are part of this holy institution and Judges cannot abuse lawyers for the law's delay or for the mounting arrears. On the other side, lawyers cannot attribute to the supposed inefficiency and the incompetence of the Judges for the delay or arrears. All such statements by the Judges or by lawyers only lower the estimation of the public, the reputation and confidence the public holds about the profession and this institution. I request I may be excused if I have stepped in some unconventional path which others fear to tread.

Justice Mohammed and Balasubramanian were till yesterday members of our fraternity and we wholeheartedly welcome them to the august office. Justice Usha Sukumaran stand confirmed and to all the three we extend our hearty co-operation.

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