

Speech of Mr. Rajiv Dutta, Senior Advocate candidate for the post of President, delivered on the occasion of Supreme Court Bar Association (SCBA) Elections for the year 2016. (Presidential debate)

Dear Members of the Election Committee on the Dais. My dear Members of the SCBA Friends and Colleagues:

I am sure that most of you have known me for a number of years. As you know, I have been elected many times to the Executive Committee of the SCBA both in the capacity of a Junior Advocate and a Senior Advocate. I was elected Vice-President of SCBA by you even before I was designated by the Supreme Court as a Senior Advocate in the year 2000. It is my work as an Advocate-on-Record which led me to be designated. I have in my terms made some humble contributions. On this occasion at the outset, I would like to take this opportunity to thank the previous committees and their leaders who have contributed their valuable time and energy for the betterment of this Bar Association. I acknowledge that a lot has been done and the task in front of us today is to take it forward.

It was said by Aristotle and I quote "***The greatest penalty a person has to pay is to be governed by inferiors if he does not govern himself***". The same is true for an institution more so when we relate it to the Supreme

Court and Supreme Court Bar Association. The SCBA has been just another Bar of a Court for we never had a **structured game plan**. Therefore, it is time, we make the SCBA a leading Bar Association of all the Bar Associations in the country and that is what I stand for, "**making SCBA the national voice of the legal profession in India**".

Friends, our country is passing through another critical phase of transition and these periods lead to restructuring and repositioning whether it is in the spear of a fiscal cliff or in the field of advancement of technology. All these have their impact on the legal profession.

It is time to make full use of the potentials arising out of technological advancement. In the year 1985, electronic display devices were installed in Supreme Court, now we have live display of Court No., Item No., Cause Lists, Orders, Judgments and status of matters. Today, a litigant can by a click of a button know and find out what is the position of his case in the Supreme Court. But friends, **the best is yet to come**. It will be possible only if we have a collective vision, a focused practical action plan and a team to make it all possible. The greatest stake holder in the legal profession in my opinion is the Bar Association.

Friends, this is my judgment day to be judged by my peers. The Bar Association is a gift which every Advocate receives along with his license to practice. If it was not for the support, which many of us receive from the Bar Association,

we would be not be as successful as we are today. Things may have changed today specially for the 3rd generation or even 2nd general Lawyers but it is the support of the Bar Association which sustains a Lawyer who has no backup and example **of that is standing before you**. This Bar gave me an identify, it stuffed me with a confidence which a Lawyer needs when he faces the Courts presided by Judges who are knowledgeable and at the same time stressed for time, it gave me the strength to boldly represent my clients in the Court when a Lawyer knows that he is protected and can fearlessly express himself. It does make a difference, when some of us begun our journey there was no Office, no Chambers, no Cell Phones, no personal transport, who helped us at that stage when we were struggling, it was undoubtedly the Bar Association. These were my emotions and my feelings about the Bar Association.

Dignity and economy of the legal profession is the fundamental issue for every member of the Bar Association. Development of younger generation of Lawyers is going to be one of my prime objective, more Chambers, Modern Library facilities, more e-research libraries and a proper and a and well equipped Library facilities in the new Building coming up in the Pragati Maidan.

For a long time, we have been hearing that there are numerous vacancies in the High Courts which are not filled. I am aware of the fact that suitable candidates are not

available. I will, therefore, like to device a methodology to recommend Advocates from the Supreme Court for these appointments. The Advocates who are practicing in the Supreme Court have made and continue to make their mark as High Court Judges. Exposure in the Supreme Court has a meaningful impact on the perception of Judges and it makes a difference in imparting Justice for all. The role played by Advocates-on-Record in the working of Supreme Court is to be applauded. Since, you are practicing in Supreme Court, how would High Courts recommend your name for appointment. It will have to come from Supreme Court.

One Bar one Vote has been successfully implemented in the SCBA and many High Courts look forward to get it implemented across the country. The SCBA should play a leading role in making this possible. Many of you who genuinely practice in the Supreme Court and have been left out from voters list this time is a matter of grave concern to me. We will have to rectify that defect.

It is my desire that SCBA should take a lead role in formation of "Statement of laws" publish a SCBA Law Journal and strengthen making the data of pending constitutional legal issues before the Supreme Court available to its Members, periodically holding conferences and seminars, particularly assisting members of the Bar, holding Bar Sports meet, Bar cultural get-togethers. The SCBA should also award Advocates-on-Record for highest appearances in the

admission and final hearing matters, for best drafting and best arguments.

Parking in the Supreme Court has become a big issue and needs to be looked into closely. I had made a suggestion long back that Bhagwan Das Road in front of the Supreme Court should be merged with Supreme Court premises, as we already have Chamber Blocks across the roads and 02 buildings of Indian Law Institute and Indian Society of International Law. This should become one complex. If this is done, we can have a safe parking area underground just like automatic parking in the High Court of Delhi. This would otherwise also increase the ambience and reduce the rush of motor vehicles etc. in this area. We are told that we are getting additional Parking and additional Chambers in the upcoming building next door but we are still not sure how much space is going to be provided to the SCBA.

Welfare Scheme for members of the Bar Association have yet to be introduced by a statutory scheme, group insurance scheme has been wonderfully done by the past Committee and we should applaud them for this achievement.

Unnecessary controversies to score over one another have to be avoided.

There should be complete transparency and accessibility of Executive Committee by preparing proper minutes of meeting and by keeping the Members duly informed of working of the Executive Committee. There should be a monthly Newsletter. I am aware of the fact that the efficiency of the working of the SCBA Office needs to be improved. (It takes about 06 months by the SCBA Office to issue an Identity Card to a new Member).

The SCBA website still reflects a list of members as it was in the year 2014, it needs to be updated immediately. Along with new ideas, improving the efficiency of the existing structure is necessary.

We are all aware that a candidate elected by you should have higher ethical standards and we must ensure that those who represent us are not marred.

I have faith that with support of my friends and colleagues we will be able to bring the necessary change by repositioning ourselves and take the lead role in making SCBA the apex Bar in the country.

I have faith that all the members will join in this endeavor.

I have faith that the relationship between the Bench and the Bar will reach new levels of purposeful relationship.

I have faith that we will be able to bring the change for which the coming generations of Bar Members will feel proud.

I have faith that we will not have to pay the penalty of being misled by people with vested interests.

My dear colleagues, I can promise you nothing **If I cannot promise you three fundamental things:**

- (a) Transparency;**
- (b) Accessibility; and**
- (c) Protection of your interest without fear or favour.**

And these are the 03 things that I un-hesitatingly promise you all. And these 03 things shall "**be and remain**" the Bench mark of my tenure as **your President**.

Also, I neither indulge in, nor encourage Sycophancy and flattery and **these too shall remain singularly missing** in my approach and in implementation of my policies and programs.

Let us all take this leap together and make the existence and presence of SCBA felt, make the necessary impact where needed and jointly reach to a higher level of happiness quotient.

Thank you.

Date : 09.12.2016
