

In Re: a Second Grade Pleader

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Court : Chennai

Decided On : Jul-24-1923

Reported in : (1923)45MLJ684

Appellant : In Re: a Second Grade Pleader

Judgement :

Walter Salis Schwabe, K.C., C.J.

1. In this case a second grade pleader J.R. has applied for a renewal of his certificate. The facts stated to us by the District Judge are that he was convicted for refusing to give security, he having been called upon to do so by reason of two speeches said to have been delivered by him in the Godavari District at meetings held about the 6th April 1921 and on the 28th of January 1922. The effect of these speeches, as proved in evidence - shorthand notes being produced by the police officials who heard them-was instigating the people, among other things, not to pay taxes, and in one case not to pay taxes till there had been a meeting of the congress, the decision of which the respondent apparently advised should guide the population as to whether they should or should not pay taxes to the recognised authorities; It was also alleged that he stated that he objected to the English Courts and the methods of English Courts and recommended the people to eschew those Courts or to go to the Courts set up or to be set up by the said congress.

2. It is quite clear that, so long as a man professes views of that kind and advises the people to act in that way, he is not a fit person to be entrusted with a part of the administration of justice in the existing Courts of this country, and I am quite clear that the making of these speeches is such conduct as calls upon the Court in the exercise of its disciplinary powers, to take action.

3. R. Comes up before us and puts in a statement denying the accuracy of the reports of the speeches. His denial, however, does not go very far, nor do I think that we can disregard the evidence that was given and accepted in the Court before which the matter came. He expresses no regret for the tone of his speeches and he does not say that he has seen the error of his ways, or that he promises in future, if permitted to practice, in the Courts, to conduct himself as a loyal adherent of the Government responsible for those Courts or anything of that kind; and we can only say that, as long as his attitude remains as it is, we cannot permit a sanad to be issued to him. It will be open to him on some future occasion, if he is so minded, to attempt to satisfy the Court of a genuine change in the altitude that he has at present adopted and to ask the Court to take a different view hereafter. Of course, nothing that we can say now will in any way fetter the Court which is to deal with such an application, if and when it is made.

Coutts Trotter, J.

4. I am of the same opinion. I want to make it as clear as I can that, speaking for myself, the last thing that I think that we should consider ourselves concerned within the ordinary way is what the political opinions of anybody are, whether they are members of the legal or any other profession. But while the Courts will always uphold the liberty of the subject in thought or speech, an applicant, who comes to ask for the issue or renewal of a sanad, is applying to be treated as a part of the machinery for the maintenance of law and order in the body politic and to take an active part in administering for the other subjects of the Crown the benefits that may be supposed to result from the upkeep of law and order. It is intolerable and illogical that a man should seek to be put in that position, while at the same time he is saying that law and order should be disobeyed, that taxes are not to be paid and that all public offices are to be abandoned in order to paralyse the very life of

the body politic, apart altogether from any other views he may entertain as to the desirability of the personnel or the particular members of the Government he attacks or the particular character of the transactions carried on in these Courts. With these matters, I have nothing to do But I feel assured that this Court could not without stultifying itself issue a certificate to a man who with the same breath that he is asking for it, cuts himself off and announces his intention to do his best to cut off others from the life of the State.

Krishnan, J.

5. I entirely agree with the judgments that have been just delivered by the learned Chief Justice and my learned brother Coutts Trotter. I think it is perfectly clear that, so long as the applicant is in the frame of mind which is evidenced by his two speeches Ex. A and B, it is not possible to give him a sanad to practice in Courts. When he changes that frame of mind effectively and makes it clear to this Court that he has done so in a manner which we could rely upon, it would be then time to consider whether his sanad should be renewed. For the present I agree that our order should be that his sanad should not be renewed.

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