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EX. SPECIAL COUNSEL, GOVT. OF INDIA

7.12.2023

Hon'ble Dr. Justice D.Y. Chandrachud
Chief Justice of India
New Delhi

Email : arps.dyc@gmail.com

SUB : PRACTICE OF WRITING LETTERS TO THE CHIEF JUSTICES OF INDIA

Your Lordship,

To my utter shock, I have received a public letter which is stated to be "an open letter" to Your Lordship by a senior member of the Bar.

Of late, there has been a growing tendency of writing such letters to sitting Chief Justices of India to exert undue pressure on the administration of justice. Such letters are written demonstratively with respect to a few selected cases and at the behest of some influential litigants.

I may bring to your kind notice similar attempts made in the past with regard to past Chief Justices, the details of some of which are narrated hereunder.

No.	Allegations made	Year	Link
1.	A letter was written to the then Chief Justice of India stating without any basis that certain commercial matters were being listed before " <i>benches of preference</i> "	2019	https://indianexpress.com/article/india/dushyant-dave-cji-ranjan-gogoi-listing-of-cases-in-supreme-court-adani-group-5912194/#:n
2.	A letter is written by the same member of the Bar to the then Chief Justice of India wherein he	2020	https://www.ndtv.com/india-news/muted-at-justice-arun-mishras-farewell-dushyant-

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complained that while being present virtually, he was not being allowed to speak at the retirement function of a Supreme Court Judge.

dave-writes-to-cji-2289409

3. A letter is written to the then Chief Justice of India alleging "improper" urgent listing of a case relating to a news reporter wherein unsubstantiated allegations of selective listing are made

2020

Undignified behaviour with Hon'ble Judges by some Counsel a few days before their retirement has become a common phenomenon and is aimed at attracting publicity and creating an element of uneasiness among the judges, and to attract some select clientele who's brief lacks anything on merit.

Owing to this misbehaviour by some senior counsel, the Bar suffers disgrace and the harmony between the Bar and the Bench gets disturbed. The ill behaving lawyers still stand to benefit because they attract clients who want to put pressure on the courts to decide cases in a certain manner.

The Administration cannot waste its precious time entertaining every letter making wild and imaginary accusations. The assignment of cases is not open to question on the judicial or the administrative side and, as a corollary, it is neither required to be by way of a speaking order nor is it required to be justified by responding to any person calling it into question. The writing of such letters is therefore malicious, and calculated to embarrass the Administration. The time has come where one should put an end to the practice of writing of such letters. This will subserve the interest of the Bar and will strengthen the Administration of Justice. It is essential to curb every attempt to scandalize the court mechanisms with insinuations and falsehood, aimed at mischievously shaking the confidence of the public in our courts.

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The Bar also requests Your Lordship to ignore these attempts which are nothing but self-serving attacks on the independence of the judiciary.

The Bar has full faith and reposes full confidence in the neutrality and unprecedented administrative skill of Your Lordship and other Hon'ble companion Judges as a result of which the administration of justice. It is for the first time in the history of the Supreme Court that the last person standing in the queue has also been given equal and full access to justice. After Your Lordship took over as Chief Justice of India, all administrative issues have been streamlined right from mentioning of matters, listing of cases and other issues concerning the Registry. The conduct of hearings in the Supreme Court by all Hon'ble Judges boosts the confidence of every member of the Bar because the treatment being given to a young lawyer is the same which is accorded to a senior advocate. This has encouraged litigants to not be dependent upon only senior members of the Bar. Those who are unable to afford unrealistically high fees are also enthusiastically seeking justice and are being given a fair hearing, and relief as per the merit of their case. Perhaps the said treatment at par of younger members of the Bar has not gone down well with a few senior lawyers who have started making concerted efforts to overawe this system. I must assure Your Lordship that the entire Bar, except a few individuals, are fully satisfied with your leadership, both on the judicial side as well as on the administrative side.

While heading one of the three organs of the State, the Chief Justice of India is bound to encounter some detractors who could be canvassing for disgruntled litigants who couldn't secure the relief they desired. This can be discouraged by steadfastly ignoring such attempts and continuing with the stellar work and this unprecedented exercise to cleanse the administrative system and to clear the backlog by assigning matters as per domain expertise and various other considerations which the Hon'ble Chief Justice of India is entitled to keep in mind.

I express my solidarity with the journey Your Lordship has commenced in the Hon'ble Supreme Court and to request Your Lordship to ignore such malicious, motivated and dubious attempts. If the Chief Justice of India succumbs to such

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pressure tactics, it would sound a death knell to the independence of this great institution at the hands of certain vested interests.

With regards,

Yours sincerely,

A. C. Aggarwala

(Dr. Adish C Aggarwala)

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