

To
The Hon'ble President
Gauhati High Court Bar Association
Guwahati – 1

30/4/2025

Subject: Resignation from Membership of Gauhati High Court Bar Association

Respected Sir,

It has come to my notice that the Gauhati High Court Bar Association has taken a stand opposing the proposal to set up a Judicial Township with Gauhati High Court and other judicial infrastructures at Rangmahal, North Guwahati, as per the recommendation of the Hon'ble Gauhati High Court in its Full Court meeting held in 18.10.2023.

The Government of Assam, despite severe financial and other constraints, and, with an anticipated expenditure of more than ₹1000 crore, has accepted this recommendation of the Full Court. This decision of the State Government has been taken in view of compelling practical considerations, such as:

1. The present High Court buildings, located in the heart of the city, have absolutely no scope for any further expansion.
2. Parking facilities for advocates, litigants and members of the registry are grossly inadequate and there is no scope for expanding the existing parking areas.
3. With the likely enhancement of the strength of Hon'ble Judges from 22 to 30 in the Principal Bench, the Government will be unable to accommodate the required additional space in the existing premises.
4. Lack of adequate essential facilities such as a modern library, an auditorium, advocates' chambers and sitting areas, designated rooms for senior advocates, lawyers-litigants consultation rooms, first aid and emergency medical services, audio-video facility rooms and many other infrastructural requirements.
5. There is an acute shortage of official residences for the Hon'ble Judges of the Gauhati High Court within the city.

Let me also state that I was in active law practise in Hon'ble Gauhati High Court from 1994 to 2001 during which period, I, although being a member of the Bar Association, could not get any place to sit for legal work or for consultation with clients, compelling me to convert my car for keeping the files and books and also a meeting place with my clients, and, I am aware that the situation is no different for any junior lawyer today. So, I am fully aware and have first-hand experience of the immense difficulties faced by lawyers, especially the junior ones, in pursuing practice in our High Court. The situation is much worse after 25 years now, when the number of law practitioners have risen many fold. Moreover, at present, law practice also requires lots of gadgets and technological support to keep pace with modern law practise methods in the field of research, papers works and hybrid system of conducting cases. So in order to upgrade and upscale our law practice, adequate state of the art facilities in spacious surrounding and ambience are need of the time. As such, I personally feel

that the existing infrastructure of our High Court has miserably failed to meet the requirement of present day need and situation will get further worsen in the coming times. At the present juncture, the Government has been able to provide 6 sites in Kamrup District, each one is with more than 100 bighas, all within the range of traveling time between 15/20 minutes to 1 hour 30 minutes, for establishing a new Gauhati High Court Premise, and, if we do not act now, after couple of years, we shall not be able to have these options also, and shall be compelled have to go to other districts beyond Kamrup District.

In addition to these factors, with the completion of the new Guwahati-North Guwahati bridge, expected to be opened within next few months, it will significantly reduce the travel time between the present High Court complex and Rangmahal, North Guwahati to just 15-20 minutes. Establishing the new High Court premises in a location historically associated with one of Assam's greatest kings, Swargadeo Rudra Singha, will also add to the legacy and heritage of the institution.

On the other hand, an apprehension has been expressed in some quarters about what will happen to the existing High Court Buildings, and on this aspect, it can be very well assured that the Government, in consultation with Gauhati High Court, may convert it to a full fledged judicial museum. It is pertinent to mention that the existing Chief Justice's Bungalow has already been declared as a heritage building.

We are aware that several States across India have taken similar steps to relocate and modernize their existing High Court complexes to meet present and future needs of the judiciary, legal fraternity and litigants.

As the Chief Minister of Assam, it is my constitutional duty to work in coordination with the Hon'ble Gauhati High Court, especially when a decision has been taken in a Full Court meeting to set up a new High court premise with state-of-the-art facilities and for which land was sought for. It is also my firm belief that the legal fraternity, including the Bar Association, in due course of time, will appreciate the long-term benefits of this decision, particularly in the context of the fast-paced infrastructural growth taking place in and around North Guwahati.

Further, be it also informed that the proposed site at Rang Mahal, North Guwahati was selected considering its suitability and convenience, by a High Powered Committee, constituted in consultation with the Chief Justice of the Gauhati High Court, with 2 Hon'ble Judges and other members. And only after recommendation of the said High Powered Committee, duly approved by the Full Court of the Hon'ble Gauhati High Court, the Government has started the process of acquiring land at the recommended site at Rang Mahal, North Guwahati. It is pertinent to reiterate that State Government had given the options of 6 sites to the High Powered Committee to choose the most suitable site.

Further, I have come across opinions expressed by few senior members of the Bar in media that shifting of the High Court to Rang Mahal, North Guwahati would give

political benefit to me as it comes under Jalukbari Legislative Constituency, which I represent in the State Assembly. In this regard, I would like to only say that selection of Rang Mahal as proposed site is not my decision but is as per the recommendation of the High Powered Committee with approval of the Full Court of Gauhati High Court, and, most importantly, after the Delimitation exercise conducted in 2023, Rang Mahal as well as North Guwahati no more come under Jalukbari LAC, and, all these versions about me getting political mileage are to totally baseless and frivolous. Moreover, with the upcoming Ring Road and Narengi-Kurua Bridge Project over Brahmaputra, the whole of Rang Mahal, North Guwahati will become heart and centre of Guwahati City within next 4/5 years.

However, considering the present position adopted by the Gauhati High Court Bar Association, which is in contrast and in conflict with the stand of the Hon'ble High Court and also of the Government of Assam, I find myself in a morally difficult position as I am unable to align myself with the opposition to the Full Court's decision.

Therefore, in all humility and with due respect, I request you to kindly accept this letter as my resignation from the membership of the Gauhati High Court Bar Association with immediate effect.

This decision to resign from bar membership has been reached not only to avoid any conflict of interest but also in the larger interest of judicial reform, institutional growth, future of our legal system combining with the greater interest of our new generation lawyers so that they are at par with other upcoming and practicing lawyers of the Nation.

Thanking you,

Yours sincerely,

(Dr. Himanta Biswa Sarma)