

**ADDRESS OF THE CHIEF JUSTICE, THE HONOURABLE MR. JUSTICE
CLINTON BERNARD, T.C., AT THE OPENING OF THE 1989-1990 LAW TERM
IN THE HALL OF JUSTICE, KNOX STREET, PORT-OF-SPAIN, ON TUESDAY
OCTOBER 3, 1989**

Once more on behalf of my colleagues as well as on my own behalf, it gives me great pleasure to welcome you to this Ceremonial Opening of the 1989-1990 Law Term. Allow me at the same time to convey especial thanks to those persons who, despite their busy schedule, found the time to join with the Bench and the Bar in prayer this morning at the Holy Trinity Cathedral. I am happy to record at this juncture too that, in agreement with the various religious bodies, the round-robin system of the conducting of this annual church service at this Cathedral began in earnest today. For the first time in our legal history the conducting of the service has been placed in the hands of the Trinidad and Tobago Council of Evangelical Churches, Inc. Next year another religious body will be invited to conduct the service. It is my fervent wish that this system of sharing in the religious ceremony at the opening of the Law Term would continue and be a fixture as, in my view, it is an eminent example of our constitutional motto and is consistent as well with that part of our National Anthem which tells it to and assures the whole world that "Here every creed and race find an equal place". We in the Judiciary do not only preach this maxim but we, and, incidentally, those charged under the Constitution with certain functions pertaining to the Administration of Justice, observe this motto in every sense of the word. We depend upon the good sense of right-thinking members of the society to know and be assured of this. We have no doubt in our minds that they do.

The Church Service this morning was very stimulating and many thanks must be given to the Council of Evangelical Churches, the officers thereof and also the participants in the service for its form and conduct and the contributions made thereat. We have listened carefully to and have taken note of the inspiring Address which was delivered at the Service by the President of the Trinidad and Tobago Council of Evangelical Churches Inc., Reverend Frederick Coombs. To

him, the Moderator of the Presbyterian Church Rev. Emerson Sieunarine, Rev. Violet Assam, Pundit Mahadeo Sharma, Iman Hassan Karimullah, Rev. Herbert Griffith, Rev. Flemming Joseph and the African Methodist Episcopal Church Choir and the Soloist, the Rev. Peter Regis, we say again many gracious thanks.

A: TOBAGO

We can say with a sense of pride and satisfaction that despite the constraints a great deal was achieved by and for the Judiciary and, by extension, the society at large during the last term. Take for example Tobago. I had indicated in my last Address that the needs of this sister isle required to be addressed. Consistent with this thinking follow-up action was taken by me. I visited Tobago and met with representatives of the Tobago Lawyers' Association. Following my discussions with them there, a decision was taken to assign a sitting judge there to deal exclusively with civil cases from January to April, 1989, with follow-up sittings of the High Court and the Court of Appeal. Discussion also centered on the appointment of a permanent Assistant Registrar there, as well as the holding of a vacation court during the Long Vacation which hitherto did not obtain. I am happy to record that all these proposals were put in place. I am indeed happy to have learnt subsequently from the President of the Tobago Lawyers' Association of the success of these ventures, and I am grateful to him for the thanks and kind sentiments which he expressed on behalf of the Association for the recognition that is being given to Tobago in this regard. I can assure him and the practitioners in Tobago that the system will continue for as long as is practicable and necessary. In this connection I trust that the discussions which I held recently with the chairman of the Tobago House of Assembly for increase in accommodation for the Courts to meet the demands of Tobago will bear fruit. Tobago has been too long neglected in this area.

B. THE MAGISTRACY

So far as the Magistracy is concerned, new magistrates have been appointed. The approval of the relevant authority for the release of funds is still being

awaited in order that the appointment of a number of new magistrates can be finalised. The jurisdiction of magistrates has at last been widened to permit them to deal with the offences of kidnapping and robbery. Their jurisdiction has also been widened to deal in a special way with offences involving the larceny of or interference with motor vehicles and the receiving of them.

C. THE RULES COMMITTEE

The Rules Committee did a considerable amount of work during the last term. Consistent with what I had announced in my Address at the 1988-1989 Law Term Opening, steps were taken by the Committee to bring a number of matters into force. To start with, the Petty Civil Courts (Amendment) Rules 1988 were made. See legal Notice No. 6 of 1989. This enables the service of summons or other process or writ (other than a writ of execution) by the plaintiff or his agent.

The Committee had also taken steps to have the Matrimonial Causes (Amendment) Rules for revising and shortening the existing procedure in divorces in undefended cases to be put in place. Unfortunately, however, the Legal Notice (See No. 108 of 1989) laid in Parliament contains a number of errors and omissions. Further, the question has arisen as to whether the intention was to limit the procedure only to cases falling under section 4(1)(d) of the Matrimonial Proceedings and Property Act or to all undefended divorces. As a consequence, the Committee has referred the matter back to the Law Commission for further consideration and advice.

A reminder has been sent to the Honourable Attorney General with respect to three outstanding matters referred to in my last address, namely:-

- (a) Amendment to the existing law to provide for Notes of Evidence in criminal cases in the High Court to be recorded by mechanical or other means.

(b) Amendment to the existing Order 18 Rule 2 of the Rules of the Supreme Court to provide for an automatic extension of time for service of a defence where the defendant has issued a summons for a stay of proceedings under section 7 of the Arbitration Act Chapter 5:01.

(c) The Law Association's proposals for reforms in civil matters.

The Committee is still awaiting a response from the Attorney General's Ministry.

In addition to the foregoing the Committee looked into the following matters during the period under review:-

- (1) The Copyright (High Court Special Jurisdiction) Rules. I referred to these Rules in my last Address. The Committee has since made a comprehensive review of the Rules and has proposed certain amendments both to the Draft Rules themselves and the draft Forms. Having completed its assignment the Committee has forwarded the Rules with the amendments to the appropriate authority for vetting.
- (2) Amendment to Order 20 of the Rules of the Supreme Court to provide for an amendment to pleadings by written agreement between the parties after service. This would result in a reduction in the number of applications which are currently made to the Court.
- (3) Amendment to Order 65 Rule 2 of the Rules of the Supreme Court with regard to filing of originating process.
- (4) Amendment to Order 65 Rule 8 of the Rules of the Supreme Court with regard to the manner of service of documents and identification in the case of personal service.

- (5) The addition of a new sub-rule to Order 42 of the Rules of the Supreme Court to provide for the effective date of a default judgment with consequential amendments to Rules 3(2) and 5(1) of this order.
- (6) A proposal for dealing with inactive matters. A draft in respect of this matter has been sent by the Committee to the Law Association for its comments.
- (7) Amendment to Order 62 Appendix 4 of the Rules of the Supreme Court to provide for an increase in the fees payable in the High Court and Court of Appeal. A draft has been sent by the Committee to the Honourable Attorney General and the Law Association for their comments.
- (8) Substituted service under the Petty Civil Courts Act.

I desire to take this opportunity, as I did last year, to thank all the members of the Rules Committee for the assistance, cooperation and support which they afforded me during the previous term, without which so much could not have been achieved.

D. PRACTICAL MEASURES

The Rules Committee, over the last two law terms, has made several proposals to the appropriate authorities to introduce amendments to the Rules which will expedite the hearing of several matters. There is, however, a measure to which particular consideration will be given over the next few months, and which, I think, will further expedite the hearing of matters. That is the introduction of a short cause list. There are litigants, and I dare say there are many, who contest matters simply to buy time. They take advantage of the system by delivering sham defences, knowing fully well that such defences are doomed to fail. Several causes of action come to mind e.g. defamation actions, claims for

liquidated demands, personal injuries claims. There are others, no doubt, but these causes of action directly affect the personal lives of the majority of litigants in this country. Whenever a citizen feels that his character has been assassinated and institutes an action in defamation, his claim is usually frustrated because of the delay in the system. The honest businessman, big or small, who delivers goods on credit only to find that when the time comes for payment the customer defaults is yet another example. A sham defence will usually buy the defaulter four to five years of credit. And then there is the unfortunate pedestrian or motor vehicle passenger who is injured in an accident and is made to wait sometimes up to as much as four to five years for compensation. Delays in matters such as these must be reduced to the minimum. A way must be devised to accommodate these litigants. We run the risk of people resorting to unconventional methods in seeking redress, unless provision is made for the expeditious hearing of such matters. The short cause may be the answer. Consideration will be given to setting up such a list within the next few months together with the establishment of the appropriate court to deal with such matters.

Many of you may have observed that during the past law term an effort had been made to create a criminal division and a civil division with particular judges being assigned to each division. So far that system appears to be working well. The time has come for consideration to be given to a further division within the Civil jurisdiction. Rather than simply identify the Civil Courts numerically, a more acceptable system may be to designate the courts as, say, the Commercial Court, the Land Law Court and the like with the appropriate matters being assigned to those courts. Such a division should greatly assist in reducing the number of cases which has accumulated over the years.

The Rules Committee, as I said, has already drafted a suitable rule to deal with actions which remain dormant for an unreasonable length of time. The Rule will

be somewhat similar to Order 59 which gives the Court of Appeal power of its own motion to strike out matters which attorneys fail to prosecute with despatch.

While the judiciary recognises that matters such as defamation, liquidated demands, personal injuries claims and the like are matters which need attention as a matter of urgency, the judiciary is concerned about the lack of action on the part of the appropriate authority in dealing with matters such as criminal libel. A democracy such as ours depends on the proper functioning of its institutions for its survival and the relentless attacks, many of which are nothing short of criminal libel against the Judges and Magistrates, the Executive and other Institutions of this country are a threat to such survival. It is time that the appropriate authority does something positive to protect these institutions. The law of Criminal Libel must be updated, if it lacks the teeth to deal effectively with such matters, and enforced.

Further, I harbour the view, that, like in some other countries, convicted prisoners – whatever their station in life – should, as formerly, be required to do community service and by this I mean social services in public. I have no doubt in my mind what the outcome of this would be in practical terms both social and economic in the long run. For one thing useful social enterprises would be carried out e.g. self-help projects, the construction of community and adult centres, the cleaning and clearing of drains and rivers, the beautification of our squares and gardens. Side by side with the on-going rehabilitation programmes, what a genuine and magnanimous way this will be to repay the society, and the innocent victims of crime in particular, for the wanton, callous, unwarranted and cruel misdemeanours perpetrated upon them.

Incidentally, there is need, it seems, for Rules of Court to be made under the Status of Children Act No. 17 of 1981 as they relate to Declarations of Paternity. I say no more for fear of treading outside the limits of my jurisdiction.

E. STATISTICS

(i) TOBAGO

This is an appropriate point to give the statistics of the work done by the Courts during the previous term. In Tobago there were sittings of the Civil Court for five months, namely, November 1988 and January – April 1989. During this period 197 matters were listed and 51 were determined. There were sittings of the Master's Court in December 1988 and March 1989. 31 matters were listed and 20 were completed. There were criminal assizes in November 1988 and May 1989. 17 matters were listed and 7 completed. Most of the matters that were adjourned were due to applications for adjournment for one reason or another.

The Court of Appeal sat in the sister isle in July 1989. 91 appeals were listed and 86 were completed.

(ii) PORT OF SPAIN

In the Port-of-Spain High Court 634 criminal cases were listed and 252 were determined. In the Civil Court 2,111 cases were listed and 678 determined. In the Matrimonial Court 907 divorce cases were listed and all were completed. Applications for ancilliary relief in matrimonial matters amounting 2654 were listed and 1209 of these were determined. Judgment summonses amount to 659 were listed and 298 were determined. In the Civil Chamber Court 3059 applications were listed and 2504 were completed. Also, 415 motions were listed and of these 178 were completed. In the Master's Court 1845 applications were listed and 1145 were completed.

(iii) SAN FERNANDO

In San Fernando 371 cases were listed in the Criminal Court and of these 127 were determined. In the Matrimonial Court 1140 were listed and of these 478 were determined. In the Civil Court 831 were listed and 244 were determined. In

the Civil Chamber Court applications amounting to 1060 were listed and of these 540 were determined. Also, 236 motions were listed and 116 were determined. Judgment summonses amounting to 779 were listed and of these 125 were determined. In the Master's Court applications amounting to 2961 were listed and of these 1107 were completed.

(iv) COURT OF APPEAL

In the Court of Appeal, apart from the Tobago sitting, 103 criminal appeals were listed and 81 including abandoned ones were completed. Civil appeals amounting to 386 were listed and of these 62 were completed. Petty Civil appeals amounting to 39 were listed and of these 24 were completed. Motions amounting to 170 were listed and of these 81 were completed. With regard to magisterial appeals 340 coming from Port-of-Spain were listed and 231 were completed. A total of 177 coming from San Fernando were listed and 114 were completed.

Although the picture with regard to civil appeals is not as bright as the rest, a number of reasons, among them being application for adjournment, the prospect of settlement, non-compliance with the Practice Direction regarding submission of skeleton arguments and the length of some of the matters were contributing factors giving rise to the situation in this area. Albeit that this is so, I am happy to record, however, that most of the old appeals were given priority and dealt with. Also, among the matters listed and even completed were appeals as recent as 1988. So that, all in all, there is much to be said for the work that is being done in this area. If things proceed as they are, the picture for the future looks very encouraging.

F. DRESS

I wish once more to remind practitioners about the mode of dress in court. I adverted to this before in one of my previous Addresses and issued a Practice Direction in connection therewith. Several complaints have reached me in this

regard. I wish to remind practitioners about the Practice Direction as, failure on the part of a practitioner to observe it, could result in that practitioner not being recognised in court by the presiding Judge.

G. THE COUNTRY

I disagree for a moment to advert to a recent event. A sad and unredeeming incident occurred in this country recently. My colleagues join with me in extending once again (but this time publicly) an expression of profound regret and disappointment over this blot on our sense of respect, loyalty and patriotism. The question as to who was the target is, in my respectful view in my respectful view, a non issue. The fact is that it should not have occurred at all. Acts of the kind are not only irresponsible but they also cast a bad light on our country and could only cause some others in the outside world to describe our country, wrongly of course, as a “Banana” Republic. Small wonder that, as I said on a previous occasion, a distinguished son of the soil once described his people as a nation of transients and copycats, particularly of the bad side of life. Is it not about time that we, the people, of this country begin to think seriously about “putting our acts together” if not for the betterment of ourselves but for that of the generations to follow?

Laws must be made and adapted to meet the needs and problems of or threats to a society. As I said in *Allan Henry v. the State*, Criminal Appeal No. 10 of 1983 the law is not for an accused person only; it is also for the innocent victims of crime. The victims of crimes have human rights as well, for example, the right to their life, their liberty and the enjoyment of their property. Law-abiding citizens are also entitled to their comfort, the safety of their homes and their own inalienable right to their pursuit of happiness. This brings me to a topical matter of some moment. It is well to observe that a peculiar idiosyncrasy of ours is that it is only when we are kicked and bruised or when the horse has bolted the stable that we are galvanised into action. Fellow citizens for more than 4 – 5 years I had spoken to you with good intentions and from my heart. You scoffed at me.

You spurned me. You laughed at me. You accused me, of all persons, of ignorance of the mechanics of our Constitution. You went over the electronic media and even to luncheons and there you poured scorn on me. You bruised my bleeding heart. Who is laughing now? Not I! I will never do such a cruel, terrible thing. It is those whom you once so vociferously and vigourously defended that are laughing at you and, indeed, laughing all the way to the bank. I must quote a famous local bard and scholar here. His name is Hollis Liverpool – the “Mighty Chalkdust”. But I must do so with the dignity and decorum that the occasion demands –

“Am I telling an untruth Trinidad and Tobago?”

Let us face it. The chickens have come home to roost. Now is not the time for accusation or recrimination however. Now is the time for all right-thinking people to stand up and be counted. There is no place to hide any more. Now is the time for all men and women of goodwill to pick up the pieces, join hands and to act decisively, resolutely and positively for the good and welfare of the country lest we leave for posterity a Nation torn asunder and in shambles. A true Nation is not built on the tantrums and antics of the chicken-hearted, the sycophant, alarmist, or mudraker but by men and women of sincerity, with nerves of steel and hearts of gold. Show me a person who has not erred or will never err and you show me God. It is not too late for us to learn. Fellow citizens now is the time for us to learn from our history beginning with our own homes for – make no bones about it – as has been espoused by the Scribes, the root cause of the ruin of a Nation begins in the homes of its people.

H. THE LAW ASSOCIATION AND THE CHAMBER OF COMMERCE

During the period under review I held discussions with officers of the Council of the Law Association.

The matters included:

- (a) Relationship between Bench and Attorneys;

- (b) Tax free salaries and pensions for Judges;
- (c) Security for Judges;
- (d) Additional judicial personnel;
- (e) A “closed shop” for the Judiciary (Supreme Court and the Magistracy).

And at their specific requests I met with a Committee of the Trinidad and Tobago Chamber of Commerce Inc. The matters discussed included:

- (i) Dormant matters;
- (ii) A “closed shop” for the Judiciary (Supreme Court and the Magistracy);
- (iii) The existing accommodation for the courts at San Fernando, Arima and Princes Town; the contracts awarded in connection therewith; and the delay in the starting or completion of these works;
- (iv) Increase in filing fees;
- (v) Mechanical recording of evidence;
- (vi) Identification parades;
- (vii) Tax free salaries for judges.

Discussions with the Law Association and the Chamber’s Committee were most encouraging. Both parties fully supported the case for tax free emoluments of its own volition more than one (1) year ago. The Law Association has endorsed this in writing, although to be fair to it the Association had been mooting this for some time in the past.

With regard to the question of a “closed shop” in the Judiciary which I raised since last year and which has been endorsed by the Law Association and the Chamber’s Committee, the position is that it has found support, in principle, with the Organisation and Management Division. However, after several enquiries made of them by me about their attitude to this proposal, the Public Services Association has only recently, that is to say within the last couple of months,

indicated that it is conducting investigations and will respond to the proposal in due course.

All of the other matters which I discussed with the two entities have been addressed by me either with the appropriate authorities or with the Rules Committee. In particular, I am still awaiting a response from the Executive in regard to the matters which are for their concern e.g. Judges' emoluments, the new courts at San Fernando, Arima and Princes Town, unsworn statements from the dock, the additional Master of the High Court, the new committal proceedings legislation and the Family Court for which I have been advocating for some years now. The additional Master is an imperative. The Jurisdictions, particularly Tobago, will continue to suffer if the Executive continues the delay in the creation of the office.

I. THE JUDICIARY

It is unfortunate but it is a truism that in most societies – particularly developing ones – in the corridors of power the Judiciary enjoys a low priority in the scheme of things. Some may ask if this is so why is this so? To my mind the answer is a simple one and it is this: The Judiciary has no marketable, appreciative or decorative value or significance at a particular time and to certain people at that time. Those who sell this kind of ware or entertain these thoughts not only sell themselves, and their country, for that matter, short but indeed, they know or should know only too well that a weak or disillusioned Judiciary or one that is not well oiled or geared in every sense to meet the challenges of the times, is a threat to the very democracy about which they so proudly boast or loudly proclaim. I must now say why I say this.

Since I attained office in December of 1985 repeated appeals – some of them of a most sensitive nature – and most if not all of them supported by the Law Association and the Chamber of Commerce – have been laid by the Judiciary at the altar of those who have the command of the Nation's purse strings and other

services. So far there has been no concrete response one way or the other to our more sensitive appeals. Nonetheless, I would ask my colleagues to take comfort and be patient. We are not alone in all this. Only recently in Australia, (a developed country at that) the Lord Chief Justice of that country, namely Sir Anthony Mason spoke about the crises which the courts there were facing. In an article published in the Week End Australian newspapers of August 19/20th 1989 published by one David Solomon, the Lord Chief Justice is reported as warning his country that the Australian Judiciary and the court system were facing a series of crises. The areas included Judicial independence, Judges' salaries and court costs. It is said that Sir Anthony's Address – "State of the Australian Judicature" – presented to the Australian Legal Convention in Sydney, Australia, painted a distinctly gloomy view, expressing concern about the impact of executive government on the independence of judges and courts. He said also that those responsible for determining the level of court funding should appreciate that courts did not and could not administer justice as if they were a government department or a business.

Further, he was quoted as stating the following in his Address to the Convention:

"In the prevailing climate of economic gloom we have seen the emergence of a new religion whose deities are economic rationalism and managerial efficiency.

Justice, it seems, is not one of the divine goals. It features instead as a possible target for expenditure cuts.

In this respect, court funding is coming under increasing pressure. The court system appears to compete with legal aid... for government funding of the law and legal institutions.

Judges should not be put in the position of having to justify court funding or for that matter, salary increases, by pointing to a larger number of cases decided."

For years we in the Judiciary have been saying the same thing that Sir Anthony has told the Australian Legal Convention in Australia in August 1989. It is about

time that those in authority should come around to recognise that the Judiciary is not only a separate and independent organ but that it is a different kettle of fish from the rest and that it should be treated with the dignity, respect and understanding that it so eminently and necessarily deserves. Our Constitution recognises this. Would that those others who have to play their own part whether jointly or severally would do so as well. The Rule of Law would be a meaningless epithet, unless those who matter take a more serious and meaningful approach to the concerns of the Judiciary.

Now this is not to say that the present Administration has done nothing at all for the Judiciary. This would be quite untrue. Indeed, it has addressed itself to and remedied some of the matters which cried aloud for redress e.g. recall of retired Judges; proper passports for Judges, the use of the priority bus route by Judges all of which was previously denied a Judge by the previous Administration. Moreover, I am advised that included in the measures by the previous Administration was one which went to the extent of demoting a Judge from his position on the Protocol list. How in the face of all these things would anyone have had any respect or regard to the Institution and its members! And how in the face of the existing terms and conditions could any competent Attorneys other than those imbued with a deep sense of patriotism and love for their country be attracted to the Bench, upon whose shoulders could ultimately depend the difference between order and chaos! I ask those responsible to bear this well in mind. As I said before, the job of a Judge is very strenuous, very difficult and very stressful. Let us by our actions make it more pleasant and rewarding for the holder of the office more particularly in light of the present climate.

In a small developing country, particularly one such as ours comprised as it is with its amalgam of diverse races, creeds, cultures and sensitivities, a grave and heavy responsibility befalls those who have to dispense earthly justice therein. The taste of many will, of necessity, on occasions be offended. The sensitivities

of a multitude will on occasions as well, be pricked or pinched. Human ambitions or desires will, on occasions, be put down. And, too, the hopes of the masses – in whole or in part – will on occasions be dashed. All these could invite anger, resentment, pettiness or petulance. In a small society these knocks come quickly. In some instances they come in rapid succession and are felt almost instantly. They come from all quarters – secular and lay; priests and penitents. But with these a dispenser of earthly justice must not be concerned. A dispenser of earthly justice must be concerned with the “scales”, as he, in his conscience, sees it. And so my colleagues I ask you to fear not. Criticisms and alarms, some of them mischievous, unkind, unfair, uncharitable and unmeritorious, there will be. We must not be dismayed by these things. We must continue to face these things as cloistered priests and continue to depend, as I said earlier, upon the good sense of the public to sift the wheat from the chaff. One thing I am confident about and it is this: All right thinking members of the community have great respect, regard and confidence in us and our Institution. We must continue to use this factor as the lever for strengthening our resolve to do right between all manner of people in accordance with our conscience and our oath. The Unseen Figure expects no more nor less than this from us. This reminds me that only recently I was in the company of a man of the cloth and a distinguished one at that. We were discussing our individual problems. In response to a view which I expressed he told me that which I regarded as words of wisdom and which I ask you, my colleagues, always to bear well and quietly in mind in answer to the critics, alarmists and mudrakers.

“You know that is the difficulty which one has to face when people are born in and are inhabitants of an island. Such people always invariably believe that there is something better outside there.”

I thank you, my colleagues, for the cooperation and support which you gave me during the previous term. May it always continue to be so. Keep up the good work. I extend similar sentiments to the members of the staff of the Judiciary.

J. ODE TO THE BENCH

And with this – if only as a sign of comfort and cheer – I leave with you, my colleagues, in the Judiciary both at the higher and lower level the following lines from a speech by the late Theodore Roosevelt, a former President of the United States of America, and a man of world renown:-

“It is not the critic who counts; not the man who points out how the strong man stumbled, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.”

K. REDEDICATION

Let us together continue our efforts to prove to the sceptics that we have both the talent and the wherewithal – to quote one of our renowned scholars – “for calling into existence a humane civilization” right here in our country. For myself, I too am confident that in spite of everything we still have the youths, the women and the men, the competence, the ability, the fortitude and the inbuilt dedication to rekindle our valleys and to make them green again. Let us all rededicate ourselves to this unshakable belief and confidence if not for ourselves at least for those who must, by the irrepressible result of evolution, follow after us.

I call upon every citizen to play his part. It is essential that we start in our homes as I said, and continue in our schools. We must go back to our churches, temples, mandirs, mosques and kingdom halls for moral and spiritual sustenance and guidance. We must restore and repair family life and, above all, we must at all costs return to our traditional values. This approach, I submit, neither requires nor does it impose a financial burden on anyone. Yet, I venture to suggest that it is one of the most effective weapons in our arsenal for dealing with our existing

social problems. For our part, we in the Judiciary and I as Chief Justice, solemnly pledge that in these times of upheaval, stress and concern the Judiciary will continue to stand firm in maintaining its independence and ensuring as far as possible the preservation of the Rule of Law. United we will stand. Divided we will certainly fall. This is our country. We are the ones to make it or break it. The final solution is in our hands and our hands alone. We would, therefore, be the ones responsible for our success or failure.

I now formally declare the Opening of the New Law Term. The sitting is adjourned to Wednesday 4th October, 1989.