

**ADDRESS BY THE PRESIDENT OF INDIA,
SHRI RAM NATH KOVIND
AT THE VALEDICTORY FUNCTION OF CONSTITUTION DAY
CELEBRATIONS ORGANISED BY THE SUPREME COURT OF
INDIA**

New Delhi, November 27, 2021

It is an honour for me to be with you all and take part in a conference organised to celebrate Constitution Day.

As the saying goes, “Well begun is half done”, I am happy to learn that in two separate working sessions held here today, various issues have been taken up in right earnest to streamline the justice delivery system. The first session on ‘technology and access to justice: a vision for the future’ took up the issues related to the cost, speed and accessibility of justice. Similarly, the second session, I am told, rightly focused on ‘75 years of Independence: constitutional perspective and vision’. The discussions would certainly have devised means to bring the society more in tune with the constitutional ideals for a better future.

As we are celebrating the 75th year of Independence as ‘Azadi Ka Amrit Mahotsav’, such deliberations on holding fast to constitutional norms and values are an ongoing project. But my mind goes back to the time when stalwarts of the freedom struggle got together to prepare this document. On the Constituent Assembly’s first day of business, it was one of my illustrious predecessors and renowned philosopher Dr. S. Radhakrishnan who explained the context of the drafting of a Constitution for India. Also, on a practical note, he added: [QUOTE] “It is essential for any constitution which is drawn up to make all the citizens realise that their basic privileges—education, social and economic are afforded to them; that there will be cultural autonomy; that nobody will be suppressed; that it will be a constitution which will be democratic in the true sense of the term, where, from political freedom we will march on to economic freedom and equity. Every individual should feel that he is proud to belong to this great land.” [UNQUOTE]

Three eventful years later, they did build an incomparable foundation that rested on democratic principles and values inspired by our great traditions. The ideals we set for ourselves formed a tall order. The Constitution is the roadmap of our collective journey. At the core of it are Justice, Liberty, Equality and Fraternity. In this forum, let us explore what it has to say about justice. In the very few and carefully chosen words, the Preamble expands the notion of justice to include its social, economic and political aspects. That is what the Constitution wants us to secure for all citizens of India. How far have we succeeded when compared to this ideal?

Justice is the critical fulcrum around which democracy revolves. It gets further strengthened if the three institutions of the state – the judiciary, the legislature and the executive – are in a harmonious existence. In the Constitution each institution has its defined space within which it functions. Except for a brief phase of aberration, the journey of our Republic has been glorious. Even during that phase, I vividly recall the comment of noted jurist Nani Palkhivala who famously spoke of “a few thousand square feet where a man may speak freely”. He was obviously alluding to the courtrooms of India where freedom of expression is guaranteed.

It is indeed a creditable achievement that people repose faith in the judiciary. And the Indian judiciary must be complimented for this well-earned achievement. As a former member of the bar, I always regarded it as a privilege to serve the cause of justice in my capacity as a lawyer. From this vantage position, I am also acutely conscious of obstacles in the path of justice delivery.

In Indian tradition, judges are imagined as a model of rectitude and detachment more akin to ‘sthitpragya’. We have a rich history of legions of such judges known for their utterances full of sagacity and conduct beyond reproach, which have become hallmarks for the future generations. I am happy to note that the Indian judiciary has been adhering to those highest standards.

There is no doubt that you have set for yourself a high bar. Hence, it is also incumbent upon the judges to exercise utmost discretion in their

utterances in the courtrooms. Indiscreet remarks, even if made with good intention, give space for dubious interpretations to run down the judiciary. Let me recount a profound observation of Justice Frankfurter of the US Supreme Court in the Dennis versus United States case of 1951. He said [and I quote], “Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their essential quality is detachment, founded on independence. History teaches that the independence of the judiciary is jeopardised when courts become embroiled in the passions of the day, and assume primary responsibility in choosing between competing political, economic and social pressure.” [unquote]

At the risk of repeating myself, I would like to once again point to the cost of justice. In a developing country like ours, a very small section of the citizens can afford to knock on the doors of the court of justice. From lower courts to the Supreme Court, it becomes increasingly difficult for an average citizen to seek redressal of grievances. Fortunately, there are, of course, individuals and also institutions that offer pro bono services. The Supreme Court too has taken praiseworthy steps in this direction. I wish to see increased access to legal aid and advisory services for all. It can take the form of a movement or the form of a better institutionalised mechanism.

The other obstacle is the long pendency of cases. All stakeholders appreciate the enormity of this challenge and its implications. I know much has been written about it, and pertinent suggestions have been made to address the issue. Yet, the debate continues and the pendency keeps increasing too. Ultimately, the citizens and organisations that have grievances bear the brunt. What can be done to quicken the pace of justice? The obvious answer is reform. But ‘reform’ is an umbrella term under which different stakeholders wish to see different things. The suggestions and attempts so far show that the steps required for the purpose need to be broad-based to evolve a consensus about the reforms. The issue of pendency has ramifications for economic growth and development too. It is high time all stakeholders find a way out by keeping national interest above all. Technology can be a great ally in this process. The Supreme Court has taken numerous initiatives in this regard. The pandemic has hastened the adoption of information and communication technology in the

domain of the judiciary. Young minds in this field, I am sure, will further propel the use of computers and the internet to serve the cause of justice and to serve the citizens. Here I would also like to refer to the campaign by the National Legal Services Authority (NALSA) which is promoting an inclusive legal system to ensure justice to the disadvantaged sections of society through its wide network.

While we talk about the pendency of cases, another pertinent issue relates to appointments in the judiciary. I am of the firm view that the independence of the judiciary is non-negotiable. Without diluting it to the slightest degree, can a better way be found to select judges for the higher judiciary? For instance, there can be an all-India Judicial Service which can select, nurture and promote the right talent, right from the lower levels to the higher levels. This idea is not new and has been around for more than half a century without being tested. I am sure that there could also be other, better suggestions for reforming the system. Ultimately, the aim should be to strengthen the justice delivery mechanism.

Ladies and Gentlemen,

In August this year, as you know, nine Supreme Court judges took oath of office. There were three women among them, which is a matter of pride, though, of course, much more needs to be done to improve gender balance in the judiciary. Equally noticed that day was the fact that it was for the first time in history that as many as nine judges were being appointed. This ended a long period of uncertainty.

What is of utmost significance here is that the top institutions of the Republic should be working in unison to serve the interest of justice from which flows all tenets of a democratic and equitable society. That is what the founding fathers of our Republic had dreamt. And that remains our cherished collective objective.

Ladies and Gentlemen,

We are legatees of an illustrious history in which legal luminaries not only shaped the national movement but also created a prototype of a selfless public figure. Right from the beginning, the judiciary

consistently conformed to those highest standards of conduct while discharging its responsibility. In people's view, it is the most trusted institution. It pains me no end, therefore, to note that of late there have been cases of some disparaging remarks against the judiciary made on social media platforms. These platforms have worked wonderfully to democratise information, yet they have a dark side too. The anonymity granted by them is exploited by some miscreants. I hope this is an aberration and it will be short-lived. I wonder what could be behind this phenomenon. Can we, collectively, examine the reasons behind it for the sake of a healthy society?

Constitution Day is a great festival of our democracy. It is a day to reiterate our debt to the known and unknown men and women who made it possible for us to lead our lives in a free republic. It is also a day to reiterate our commitment to keep walking on the path they forged for us. My congratulations to you all for organising this conference on Constitution Day! My best wishes to all of you.

Thank you.

Jai Hind!