

**Full text of the speech delivered by
Hon'ble CJI Shri Justice N V Ramana
at the Inaugural Ceremony of
the Constitution Day celebration
organized by the Registry of the Supreme Court of India**

Vigyan Bhawan, New Delhi
26 November, 2021

“WE, THE PEOPLE OF INDIA”, gifted ourselves the Constitution 72 years ago, to run our Republic as a liberal constitutional democracy. After intense and illuminating debates spread over nearly three years, the Constituent Assembly adopted the Constitution on this day in the year 1949.

This is an occasion to recall the sacrifices made by countless patriots in India’s freedom struggle. I feel privileged and honored to stand here and pay tribute to the freedom fighters who liberated us from colonial bondage. The struggle for freedom was aimed at emancipation, not merely political - but social and economic as well.

I bow to the memory of the members of the Constituent Assembly who selflessly worked day and night to present to the world one of the most modern, progressive, and scientific documents of the 20th century. I am proud that most of those who contributed to the framing of our Constitution belonged to the legal fraternity. They were also in the forefront of the freedom struggle.

Today, I am reminded of the words spoken by Baba Saheb Dr. B. R. Ambedkar on the 25th of November, 1949 in the Constituent Assembly while moving the motion for adoption of the Draft Constitution, and I quote:

*“... however good a Constitution may be,
it is sure to turn out bad because
those who are called to work it
happen to be a bad lot.
However bad a Constitution may be,
it may turn out to be good
if those who are called to work it
happen to be a good lot.”* Unquote.

At a macro level, our experience so far reassures us that the Constitution and the institutions have been in safe hands. It is on the strength of the Constitution alone that we have reached great heights in various fields. The nation has made great strides in diverse fields such as space technology, information technology, pharma, and energy. We are self-sufficient in food grain production. Infant mortality rate, life expectancy and other indicators suggest our enhanced standing globally.

Today, India is among the major vaccine producers that support immunisation programmes world over. We are among the leading exporters of vaccines, medicines, software, and many other products. It is a matter of pride that persons with roots in India are leading various international institutions of repute. I salute each one of those who made this nation progress.

I would like to take this opportunity to share a few of my thoughts with you. The framers of the Constitution made accountability an integral element with

respect to the Legislature and Executive. However, they consciously decided to keep the Judiciary on a different pedestal. They trusted the competence of the men and women who would adorn the Bench, in upholding the Constitution.

Looking back, I can proudly claim that, as an institution, the Judiciary has lived up to the faith reposed in it by the Constituent Assembly. The fact that the Indian Judiciary continues to be the last hope for those in distress, suggests that it is on the right track. For this, I give full credit to my colleagues on the Bench- present and past, the members of the Bar and the Registry.

The commitment made in the Preamble of the Constitution to secure social, economic, and political justice to all the citizens, imposes a sacred duty upon the State as a whole. The general perception is that securing justice is the responsibility of the Judiciary alone. This is not correct. To the contrary, it is all the three organs of the State which are responsible for upholding this commitment to secure justice. All the three organs are repositories of Constitutional trust. While the judiciary is the “*guardian of the Constitution*”, its role and scope of action is ultimately limited by the very nature of the judicial process. The Executive and the Legislature must work in conjunction with the Judiciary to ensure complete justice as envisaged under the Constitution. Any deviation by the Legislature or Executive from the path prescribed by the Constitution will only lead to additional burden on the Judiciary.

The Laxman Rekha drawn by the Constitution is sacrosanct. But, there are times when Courts are compelled to pay attention to unresolved grievances, in the interest of justice. The intention behind such limited judicial interventions is to nudge the executive, and not to usurp its role.

The Constitutional obligation and duty of the judiciary to intervene needs to be appreciated in this context. Attempts to project such interventions and constructive observations as the targeting of one institution by another, are totally misplaced. If encouraged, such attempts will prove to be detrimental to the health of democracy.

Misgivings about the constitutional scheme are mainly due to a lack of Constitutional literacy among even the well-informed sections of society. Despite it being the document that decides their destiny, the vast majority of our population is oblivious to its relevance and importance. There is an urgent need to launch a massive drive to raise awareness about the Constitution- the rights and duties of citizens, as well as the roles of other co-ordinate branches of the State.

I am glad to learn that the Government of India launched a video series yesterday aimed at educating children about the Constitution. To take it to the larger population, more such materials need to be made available in all the Indian languages.

A healthy democracy is known by its dynamic institutions. Every dynamic public institution needs to constantly evolve and innovate in order to keep pace with changing times. The Indian Judiciary is no exception to this. The Supreme Court of India must be on its toes, and its innovative best, to meet the challenges.

A comparison is often sought to be drawn between the judiciary of 1950s and the present-day judiciary. It is unfair to do so. Since the Constitution came into effect, it has undergone changes 105 times through Amendments. This dynamic document can evolve in tune with the times. It is only logical that the

judiciary moved beyond the restrictive Constitutional philosophy of its formative days. What we are witnessing now is a totally transformed judiciary. This enrichment brought about during the last 7 decades is due to a more informed citizenry, the rise in expectations of the people, and increasing challenges of a diverse nature faced by society.

One notable outcome of this enrichment is the idea of Public Interest Litigation. I am not sure if anywhere else in the world a simple letter written by a common man receives judicial attention of the highest order. Yes, it is sometimes ridiculed as 'Publicity Interest Litigation' due to occasional misuse. We must be ever vigilant to discourage motivated PILs. At the same time, we must also acknowledge the enormous public good achieved through such progressive expansion of Constitutional Jurisprudence.

But the same judiciary which offers solutions based on a mere post card, paradoxically, struggles for years to take regular litigations to their logical conclusion due to various complex reasons. The question is, how to address the issue of protracted litigations and pendency which is agitating the minds of the citizenry.

As far as pendency in the Supreme Court is concerned, we have initiated steps to reduce it by harnessing technology. Pendency in lower judiciary is particularly alarming. It calls for a multi-pronged approach involving all the stakeholders.

The solutions that we could think of are:

Filling up existing vacancies of judicial officers

Creation of more and more posts

Filling up vacancies of Public Prosecutors, Government Pleaders and Standing Counsel

Creation of necessary infrastructure

Sensitising the police and the executive about the need to cooperate in Court proceedings

Deployment of modern technological tools

Infrastructure development is proving to be a difficult task. I must acknowledge that the Union Government has been making reasonable budgetary allocation through its Centrally Sponsored Scheme for this purpose. But, due to non-availability of matching grants by some States, the budget allocated remains underutilized. I feel the situation calls for the creation of special purpose vehicles, namely National and State Judicial Infrastructure Authorities in the lines of NALSA and SLSAs.

This will help us make optimum use of available funds and standardize infrastructure development under one roof. The Government of India can follow the model implemented for modernisation of police stations across the country.

The new Court complexes should be able to deploy modern technological tools to accelerate justice delivery. For this, modern equipment with video conferencing facilities and high-speed networks are essential. The E-Committee headed by Brother Justice Chandrachud and the Committee on Artificial Intelligence chaired by Brother Justice Nageswara Rao are doing a stellar job in this direction.

I beseech the Hon'ble Prime Minister to strengthen our efforts in building state-of-the-art Court complexes for the lower judiciary.

An area of grave concern for the judiciary is the increasing attacks on Judges. Physical attacks on judicial officers are on the rise. Then there are attacks on the judiciary in the media, particularly social media. These attacks appear to be sponsored and synchronised. The law enforcing agencies, particularly the Central agencies, need to deal with such malicious attacks effectively. The Governments are expected to create a secure environment so that the judges and judicial officers can function fearlessly.

My experience as a legal professional in different roles is what prompted me to call for “Indianisation of the Judiciary”. I am using the term “Indianisation” to refer to a wide range of reforms that our judicial system requires. The judicial system, as it exists in our country today, is essentially still colonial in nature. It takes no account of the social realities or the local conditions.

The procedures followed, the language of arguments and judgments, and the high costs involved are all contributing to alienate the common man from the judicial system. People should feel confident in approaching the Courts. Only when litigants get a chance to directly participate, their faith in the process and outcome will be reinforced.

There is therefore a pressing need to simplify the entire process- by removing avoidable procedural barriers and ensuring greater use of the local language.

Going back to the issue of vacancies, recently, we have witnessed many appointments in the higher judiciary being cleared by the Government. It is very heartening to note that the number of vacancies in the Apex Court is reduced to just one. Now, there are four women Judges in the Supreme Court for the first time. I hope to see this number grow further. My Brothers in the Collegia worked overtime to facilitate filling up of vacancies across the High Courts as well. This is an ongoing exercise, and I am sure vacancies will be reduced to the bare minimum soon. I look forward to the continued cooperation of the Government.

The Hon’ble Prime Minister was kind enough to lend his support to the legal awareness mission which was led by NALSA under the dynamic leadership of my Brother Justice U.U. Lalit. I also thank the Prime Minister for taking out time for this event today. Within a span of two weeks, the Hon’ble Prime Minister graciously came forward to host my Brothers and Sisters from the Supreme Court and across the country, not once but twice.

Having a Law Minister who understands the functioning of the Constitutional system is highly appreciated. His cooperation with the legal fraternity and the judiciary is invaluable.

We, the judges, are also citizens of this great country. We too have dreams and aspirations to be part of a society which is recognised world over as inclusive, modern, prosperous and progressive.

The great Telugu poet Gurajada Appa Rao garu said: “*Deshamante matti kaadoy, deshamante manushuloy*”. I remember the Hon’ble Prime Minister himself quoting this. It means, ‘A country is not defined by territorial boundaries. A country is defined by its people’. The judiciary has a duty towards the people. On this day, I do not think there is any more patriotic act for the judiciary, than re-dedicating itself to uphold the Constitution in the interest of ‘WE, THE PEOPLE’.

Thank you.