

**Commemoration of the 73rd Anniversary of the Establishment of the
Supreme Court of India, 4th February 2023**

By Dr. Justice D Y Chandrachud, Chief Justice of India

Hon'ble Justice Sundaresh Menon, Chief Justice of the Supreme Court of Singapore, my colleagues from the Supreme Court of India, Judges of the Delhi High Court, former Chief Justices of India, former Judges of the Supreme Court, Attorney General, Solicitor General, Vikas Singh, President, SCBA , Manok Misra, members of the bar, ladies and gentlemen.

I join Justice Sanjay Kishan Kaul and my colleagues in welcoming Chief Justice Menon. I know that all of you are eagerly waiting to hear Chief Justice Menon's lecture, so am I!

Today, all of us have gathered to commemorate the 73rd anniversary of the establishment of the Supreme Court of India. The Supreme Court came into being on 28 January 1950, two days after India adopted its Constitution and became an independent sovereign republic.

From this year, we will be commemorating the first sitting of the Supreme Court each year by organizing the Supreme Court of India Annual Lecture. It is an honour to have Chief Justice Menon deliver the first Annual Lecture on the theme "The Role of the Judiciary in a Changing World".

The Federal Court created under the Government of India Act 1935 was the predecessor to the Supreme Court, but its jurisdiction was limited to adjudicating disputes between provinces and federal states and hearing appeals against High Court decisions. In contrast, the Supreme Court's

jurisdiction not only extends to hearing criminal and civil appeals, but also jurisdiction with regards to the enforcement of fundamental rights, and disputes involving the states of the Indian federation. In addition, the Court can advise the President on important questions of law.

The Constitution has envisaged a unified and integrated judicial system with the Supreme Court at its apex. The Supreme Court serves the world's most populous democracy and is in true aspects a 'people's court' because it is a collective heritage of the people of India.

The Supreme Court's opening session was held on 28 January 1950 in the Chamber of Princes in the Parliament building, where the Federal Court sat for 12 years. The inaugural proceedings were marked by an air of solemnity and simplicity. At its inception, the Court had a sanctioned strength of eight judges, but the Court started functioning with an occupied strength of six judges. During the inaugural session, all six judges of the Supreme Court, including Chief Justice Harilal J. Kania took their seats on the dais. In attendance were the Chief Justices of High Courts. The Prime Minister, other Ministers, Ambassadors and diplomatic representatives of foreign States, a large number of Senior and other Advocates of the Court and other distinguished visitors also graced the occasion. In his address, Chief Justice Kania prophesied that the Court will "*play a great part in building up of the nation.*"¹

¹ 'Supreme Court Inaugurated' (The Hindu, 29 January 1950).

In its first year itself, the Supreme Court heard a number of cases related to matters of fundamental rights, including freedom of speech, equality, etc. As the Court began its functioning, several doyens of Indian constitutional law and many members of the Constituent Assembly appeared before the Court. The Chairman of the Drafting Committee of the Constitution, Dr BR Ambedkar, also appeared before the Supreme Court in 1952.²

Ever since the Constitution was enacted, the Supreme Court has sat in Delhi. A lesser-known fact is that the Supreme Court has functioned outside Delhi on only two occasions – that is in Hyderabad in 1950 and Kashmir in 1954. On the coming into force of the Constitution, all appeals of privy councils in Hyderabad and Kashmir were transferred to the Supreme Court. The appeal records of these courts were in local language and their translations would have entailed much expense and time. Therefore, the Chief Justice decided to constitute a bench in Hyderabad and Kashmir to hear and decide the pending appeals.³

In 1954, a decision was taken to construct a separate building for the Supreme Court. The chief architect Ganesh Bhikaji Deolalikar designed the building in the shape of a balance with a pair of scales of justice. When you enter the court premises, you will find the pensive statue of Mahatma Gandhi facing the Court building. The Court's logo consists of the wheel of dharma with the inscription यतो धर्मस्ततो जयः meaning "where there is

² State of Bihar v. Shri Kameshwar Singh, AIR 1952 SC 252

³ Courts of India- Past to present, 2018

dharma, there is victory". These are not merely ornamental imageries. They represent the values of the Constitution and the aspirations of the Indian people. They serve as a reminder for both the judges as well as lawyers to act righteously.

The present Supreme Court complex was inaugurated by Dr. Rajendra Prasad on 4th August 1958. At the inauguration, Chief Justice S R Das presciently laid forth the responsibility of the Court:

*"To us [the new building] stands forth as a solemn and sublime symbol of the majesty of law. The portals of this palace of Justice shall be open to every person who may seek redress for wrong, if any, done to them by their fellow citizens or by the State and justice shall be denied to none. The lowliest of the low, be he a citizen or a non-citizen, may as of right claim here equality before the law and shall receive from this temple of justice equal protection of the laws."*⁴

Later on, in July 2019, the Additional Building Complex of the Supreme Court where we have assembled today was inaugurated.

The Court's workload during the initial years was a fraction of what we witness today. In the Annual Report of 2005-06, Justice B P Singh recounts that when he visited the Supreme Court for the first time in 1956, the proceedings were "solemn [and] virtually dull".⁵ He also observed that at a time only five to six lawyers would be present in the Court Hall. Over the

⁴ 'Supreme Court as I saw it then' Justice B P Singh in Supreme Court Annual Report 2005-06.

⁵ 'Supreme Court as I saw it then' Justice B P Singh in Supreme Court Annual Report 2005-06.

years, the workload of the Supreme Court has increased. Every day now, the Supreme Court has hundreds of cases on its docket. The judges of the Supreme Court and the staff of the Registry put up tremendous hard work to ensure the speedy disposal of cases.

We have to also remember that the functioning of the Supreme Court was very different from the provincial High Courts. Many judges who were serving in the provincial High Courts found it difficult to get accustomed to the new ways. When Justice Mohammad Hidayatullah was elevated to the Court in 1958, Mondays were 'miscellaneous days'. Justice Hidayatuallah's first day in court was a Monday. Late Sunday night, he found a huge bundle of thirty-five Special Leave Petitions by his bed – he was expected to have read them by the morning! However, Justice Vivian Bose, with whom Justice Hidayatuallah was staying at the time, advised him to read only the later cases because most of his colleagues would have only read the earlier cases, and that way he could control the conversation in the courtroom.⁶ Like Justice Hidayatuallah, we – the bar and the bench - are also learning and adapting to the new norms on a daily basis.

Over the years, the sanctioned strength of the Court was increased and currently, it stands at 34 judges. As the number of cases increased, the Court started sitting in smaller benches of two, three, and five judges.⁷

⁶ Abhinav Chandrachud, 'Supreme Whispers: Conversations with Judges of the Supreme Court of India' (Penguin, 2018) 76

⁷ Nick Robinson, 'The Supreme Court and its benches' (Seminar)

The Supreme Court's jurisprudential approach has been evolving. In the 1970s, the Court adopted a broad, purposive, and contextual interpretation of the Constitution.⁸ In the past few years, the Court has furthered the transformative vision of the Constitution by recognizing and protecting fundamental rights such as the right to privacy, decisional autonomy, and sexual and reproductive choices. Our court has emerged as a strong proponent of gender equality whether it be in its interpretation of the laws of inheritance or securing the entry of women in the armed forces. The Court has also ensured that the criminal justice administration is not de-linked from the framework of human rights. For instance, while the death penalty has been upheld to be legal,⁹ the Supreme Court laid down various mitigating and aggravating circumstances that a judge should take into account before awarding the death sentence. This ensures fairness in the process. Procedural innovation-open court hearings in reviews arising out of death penalty cases. Psychiatric assessment of death row convicts-humanising influence on the law. Thus, the Court has sought to use the language of the Constitution to humanize law and act as the protector and defender of fundamental rights and liberties.

In the past few decades, India's legal landscape has undergone significant changes with the adoption of legislation such as the Competition Law and Insolvency and Bankruptcy Code. Consequently, commercial matters now

⁸ Maneka Gandhi v. Union of India, AIR 1978 SC 597

⁹ Bachan Singh v. State of Punjab (1980) 2 SCC 684

comprise a significant part of the daily docket along with criminal matters. While dealing with such matters, the Court has often drawn upon the new and emerging jurisprudence developed in other jurisdictions. To give an example, in dealing with insolvency and bankruptcy matters, the Court has often referred to principles enunciated by the Singapore Courts because of similarity in the legislation.¹⁰ In arbitration matters, the Court has taken a conscious stand of upholding the sanctity of contracts.¹¹

The Supreme Court has made a constant endeavor to ensure access to justice for everyone. The Court has facilitated increased access to justice by dilution of the requirement of *locus standi* through public interest litigation in the 1980s, i.e. anyone can approach the constitutional courts in India to seek redressal of a violation of the fundamental rights of any person. By doing so, the Court opened its door to persons bereft of means to approach the courts because of their social and economic disadvantage. This has provided a space for citizens to converse with the state on equal terms. In turn, the Court has been using its jurisdiction to make the “rule of law” a daily reality for persons belonging to marginalized communities.

During the Covid-19 pandemic, the Supreme Court adopted innovative technological solutions to reach out to people by adopting video-conferencing of court proceedings. During the period between 23 March 2020 and 31 October 2022, the Supreme Court alone heard 3.37 lakh cases

¹⁰ *Ebix Singapore (P) Ltd v. Educomp Solutions* (2022) 2 SCC 401

¹¹ *N.N. Global Mercantile Pvt. Ltd. v. M/s. Indo Unique Flame Ltd.*, (2021) 4 SCC 379

through video conferencing.¹² We updated our video conferencing infrastructure in courtrooms at a meta scale. And, we are continuing to use such technological infrastructure to allow a hybrid mode of Court hearings that allows parties to join court proceedings from any part of the world online.

In the recent budget, the Government of India has announced provision of Rs. 7000 crore for phase III of the e-Courts project.¹³ This will help to enhance the accessibility of the judicial institutions and improve the efficiency of the justice delivery system in India. Such endeavors will ensure that the Court truly reaches out to every citizen of our country.

If we peruse the history of this Court, we realize that the history of the Supreme Court is the history of the daily life struggles of the Indian people. Mentioning list every morning in the court of Chief Justice spans anywhere between 60-100 cases. Through these seemingly request, we can sense the pulse of the nation. Above all- message in this uniquely citizen centric initiative is an assurance that the court exists to protect our citizen from injustice, their liberties are as precious to us and that the judges work in close connect with our citizens. For the Court, there are no big or small cases – every matter is important. Because it is in the seemingly small and routine matters involving grievances of citizens that issues of constitutional and

¹² Supreme Court of India, Annual Report 2021-22.

¹³ PTI, 'Legal fraternity hails Budget 2023 funding for eCourts project: 'Welcome Step' (Hindustan Times, 1 February 2023) < <https://www.hindustantimes.com/business/union-budget-2023-legal-fraternity-hails-budget-2023-funding-for-ecourts-project-welcome-step-101675258981186.html>>

jurisprudential importance emerge. In attending to such grievances, the Court performs a plain constitutional duty, obligation, and function.

Thank you!