

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE
AT THE LAW DAY FUNCTION ORGANISED BY
THE SUPREME COURT BAR ASSOCIATION
ON 26TH NOVEMBER, 2015.**

Hon'ble Mr. Justice H.L. Dattu, Chief Justice of India, Hon'ble Supreme Court Judges, President and Members of the Supreme Court Bar Association, other invitees and dignitaries, ladies and gentlemen,

It is my pleasure to be with you on the occasion of Law Day function. As we all know, November 26, 1949 is a red letter day in the history of our country, the day on which we adopted our Constitution. It is in memory of that day since 1979 we are celebrating 'Law Day' on 26th November every year. The Preamble to the Constitution identifies securing social, economic and political justice for all citizens. Our forefathers have allowed us, the people of India, to carry forward the dream of creating a nation ruled neither by historical injustices nor by personal whims of dictators – but by a democracy most vibrant and ever aspiring to uphold the Rule of Law. Since, it is only by adhering to the rule of law, we can seek to deliver timely and quality justice as envisaged in the Constitution and reinforce public confidence in the justice administration system, it is befitting that on the Law Day celebrations, we rededicate ourselves to the cardinal principle of Rule of Law. Independence of the Judiciary and legal profession are the other principles flowing from this very cardinal principle.

Rule of Law permeates the entire fabric of the Constitution and is a basic feature without stating so. The necessary element of rule of law is that the law must not be arbitrary or irrational and it must satisfy the test of reason. Justice Khanna, in ADM, Jabalpur case, stated that “Rule of Law is the antithesis of arbitrariness”. The concept of Rule of Law would lose its vitality if instrumentalities of the State are not charged with the duty of discharging their function in a fair and just manner. In a system governed by rule of law, there is nothing like absolute or unbridled power exercisable at the whims and fancies of the repositories of power, but power exercised only along well recognized and sound juristic principles with a view to promoting fairness, inducing transparency and aiding equity.

Access to fair, quick and speedy justice is a constitutional guarantee. Article 14 lays down the principle of non-discrimination by assuring every person of the right to equality before the law and equal protection of laws. Article 21 guarantees that no person will be deprived of their life or personal liberty except in accordance with procedure established by law. The responsibility to protect these basic rights of the common man has been cast on judiciary and legal profession.

The peculiarity of the legal profession is that what the lawyers do, affects not only an individual but the administration of justice which is the foundation of the civilized society. An Advocate is an integral part of the administration of justice. He is an Officer of justice and friend of the Court. The critical position enjoyed by an Advocate, in fact, imposes a responsibility upon him to ensure that justice is made available to all. No wonder, the members of this

profession are expected to uphold the traditions of the profession and serve the society with sincerity and honesty. By virtue of the pre-eminence which senior counsel enjoy in the profession, they not only carry greater responsibilities but they also act as a model to the junior members of the profession.

Further, in a democratic country like India, judiciary plays a vital role in governing a welfare society as the custodians of the fundamental rights and freedom of the citizens. Indian courts in the past and today, have done a commendable job not only by upholding the rule of law but also by various other path-breaking initiatives, including Public Interest Litigation and setting up of Green Courts. Also, we have witnessed that our courts have grown and evolved accordingly to the tremendous tidal changes in the state of affairs of things over a period of time, including the advent of socio-economic revolutions and transformations on a global level, it has thrown up many challenges as well. The huge pendency of cases, challenge to reduce inflow of cases, need to have Alternate Dispute Resolution mechanisms, making the justice accessible to poor and marginalised, identifying and removing the archaic provisions of living laws, adopting structural changes for enhanced accountability and capacity building, are some examples. While the Government remains committed and has been pro-actively doing its bit, including by increasing the strength of judges at various levels and developing the infrastructure to enable the courts to function effectively and efficiently, equal onus, if not more, lies on the Bar and the Bench as well, to overcome these challenges. You are aware that the Government has already undertaken

the National Mission for Justice Delivery and Legal Reforms with the objectives of increasing access to justice and adopting structural changes for enhanced accountability and improving capacities.

You may recall, our Hon'ble Prime Minister Shri Narendra Modiji has very recently, in his speech on National Legal Services Day, emphasized on 'sabka nyaya' along with 'sabka saath, sabka vikas'. I, therefore, feel, apt on this momentous occasion, to point out various concerns and barriers to access to justice. High cost of litigation, the difference in capacity of the individual litigants to extract from the legal system, lack of adequate legal awareness, cumbersome procedures of litigation and quality of legal aid services available to the poor and marginalized are some examples bothering all of us. Though the legal aid camps, legal aid clinics and legal awareness programmes are being conducted regularly, we have still a long way to go in creating awareness on legal rights among public in general and actual ways of getting redressal through the legal system in particular. An effective judicial system requires not only that just results be reached but that they be reached swiftly. Concerns have also been raised on quality of legal services available to the poor and marginalized largely due to reluctance on the part of experienced and senior advocates to volunteer for the legal aid services. You are aware that Lok Adalat Programme is being run on a massive scale across the country, providing a low cost alternative to a regular court based adjudication mechanism especially in areas like family disputes, contractual disputes, motor accident claims, disputes with neighbors. Despite all these, major challenges remain to achieve the objectives enshrined in our

Constitution, and we must debate and come out with creative solutions in this regard.

Friends, the thrust of this Government is to create enabling environment. The Government is pushing forward the concept of “Make in India” and converting our country as a major player in the world market for which we need to come out with enabling business friendly environment. Law cannot afford to remain static. As new situations arise the law has to be evolved in order to meet the challenges of such new situations.

On the solemn occasion of Law Day, may I appeal to young legal brethren to appreciate the importance of learning best legal innovative skills to prove themselves to ever growing legal challenges. I hope and wish that the Supreme Court Bar Association will play a pioneering role in motivating the legal fraternity in safeguarding the cherished values of our Constitution. I once again thank the organizers for inviting me to this occasion.

With all this, let us on this LAW DAY, re-dedicate ourselves to serve the society, particularly the poor and disadvantaged sections, to ensure equal justice to all and take all steps to provide speedy and inexpensive justice.

Thank you.