

**ADDRESS BY THE PRESIDENT OF INDIA,
SHRI RAM NATH KOVIND
ON THE OCCASION OF PRESENTATION OF FESTSCHRIFT
“LAW, JUSTICE AND JUDICIAL POWER – JUSTICE PN
BHAGWATI’S APPROACH”**

New Delhi, February 8, 2019

1. I am happy to be here and to have received the first copy of the book titled “Law, Justice and Judicial Power”. The book is a collection of essays on the life and work – and approach to justice – of the late Justice P.N. Bhagwati. I offer my congratulations to the editor of the volume and to the various contributors. This book is truly a well-deserved and well thought-out tribute to one of the most accomplished jurists of our age and one of the best remembered Chief Justices of India.
2. Justice Bhagwati was more than just a judge and a legal scholar. He was an institution in himself – a friend of justice and a friend of those seeking justice. In his 26 years on the bench – 13 in the Gujarat High Court and 13 in the Supreme Court, culminating in his term as the Chief Justice of India – he made profound contributions. These contributions helped in building a more responsive judicial system and building a better, fairer India.
3. Justice Bhagwati strived to expand the concept of justice and make justice that much more accessible to common people. This humanist philosophy was in the best traditions of the law and of the judicial calling. He belonged to a generation of eminent jurists who re-conceived and re-imagined the role of the judiciary in a developing democracy such as India. This was a time when the judiciary came to recognise that the true judicial role of a judge is to transcend the boundaries of technocratic adjudication, and is to place himself or herself as a friend and protector of the poor and the oppressed.

4. Justice Bhagwati was a part of this exciting phase in the judiciary. In the aftermath of lessons learnt during the Emergency, it focused attention on the upholding of human rights and civil liberties – as enshrined in our Constitution. It helped pioneer an environmental regime that acted against industrial pollution and ecological degradation well before climate change became a pressing issue. It offered relief to long-suffering under-trials who had already spent more time in jail than they would have had to if their cases had been decided and they had been convicted. It broadened avenues for justice by promoting the right to legal aid and the institution of lok adalats.
5. It is not without reason that Justice Bhagwati has been called the father of public interest litigation in India. The idealism and simplicity of the highest court in the country responding to even a petition filed on a postcard is worthy of appreciation. This practice had far-reaching implications. It unshackled the courts from a narrow definition of locus standi and allowed a friend of the affected person, or any other concerned individual or institution, to approach the court on behalf of a citizen who had been denied justice. In due course, it led to the role of an amicus becoming that much more important in dealing with such petitions.
6. The PIL tradition is an Indian contribution to the practice of law and the process of justice delivery. This has been admired by other democracies and other legal systems as well. Yes, there are occasions when PIL professionals may misuse such provisions for their own vested ends or to obstruct legitimate decision making. I am happy that the judiciary is guarding against such attempts. In the wider picture, however, it is instructive to see the value and the service of a mechanism such as a PIL. For this, we owe Justice Bhagwati a degree of gratitude.

Ladies and Gentlemen

7. Justice is not an absolute and justice is not a constant. The very definition of justice as well as the roads by which justice is reached have evolved and grown through the course of human history. Over three decades ago, Justice Bhagwati and his generation of jurists spread the horizons of justice. Today, at our stage of development, there are new challenges in the realisation of social and economic justice, and of climate and technology justice.
8. As democracy has deepened in our society, the infrastructure of and approach to justice has kept pace and must continue to keep pace. The ever stronger urgings of democracy, equal-access and egalitarianism among our people must continue to find adequate reflection in the institutions of state.
9. It must be recalled that the very concept of the PIL began as an instrument for the poor and those who could not afford the expense of a lengthy litigation process. Justice Bhagwati himself termed this [I QUOTE] "Equal justice in action". [UNQUOTE] Such questions remain relevant today. Litigation fees should not create a divide between haves and have-nots, and between litigants who can afford and cannot afford considerable fees. This is an urgent issue for the bench and the bar to consider and help resolve.
10. In a related manner, and as I have mentioned on earlier occasions, when the judiciary attempts to find solutions to the aberration of frequent adjournments, it expands the idea of justice. After all, frequent adjournments, often sought only to delay cases, are an inconvenience and a form of a justice tax on poor and less-well-off litigants.
11. Similarly, the facility to provide certified translated copies of court judgements in regional languages is a boon for litigants who may not be comfortable with the English language. I am happy that some High Courts have taken up my suggestion in

this regard and others too are working to implement it. I must also applaud the effort made by the Chief Justice of India to begin providing certified translated copies of Supreme Court judgements in initially Hindi and then other Indian languages.

12. To complement these measures, it is crucial to pay attention to constant upgrading of human resources. Our higher judiciary is recognised as being of world-class quality. Our lower judiciary probably requires some capacity support, and the lead for this should come from the judiciary itself. In representation too, our judiciary must strive to reflect the diversity of our nation and the depth of our society. All of this will take forward the work and philosophy of Justice Bhagwati and his generation of jurists – and will be a commemoration of the robust traditions of our independent judiciary, an institution of which every Indian is proud.
13. With those words, I once more congratulate the editor and writers who have given us this fine volume. I wish the book a large readership and every success.

Thank you,
Jai Hind!