

**Speech of Hon'ble Mr. Justice D.K.Jain, Chief
Justice of Punjab
& Haryana High Court, Chandigarh on the 57 th
Republic Day.**

My esteemed colleagues, past, present and future, Mr. President and other office bearers of the Punjab and Haryana High Court Bar Association, Members and office-bearers of Bar Council, Punjab and Haryana, Senior Advocates, other members of the legal fraternity, judicial officers, members of the staff, armed-forces personnel, friends from the media, ladies and gentlemen.

On this momentous occasion of the 57th Republic Day of our great democracy, I extend to you all my heartiest felicitations and best wishes.

Friends, what we are celebrating today is not just a ritual or a festival but an epoch making event that marked the beginning of a new era in the history of our Nation. On this day of the year 1929, Pandit Jawahar Lal Nehru declared on the bank of river Ravi that the aim of Indians was to get 'Puran Swaraj'. Exactly, a year later, on the same day the people all over the country unfurled the tri-colour and took a pledge to achieve that aim. Finally, we became free on 15th August, 1947. A dream was realized but aspirations were yet unfulfilled. Freedom was won but sovereignty was yet to be achieved. Our visionary leaders were alive to the situation. In the euphoria of freedom, they did not want to lose sight of the ultimate goal. They got

down to the task of giving real freedom to people by vesting sovereignty in them. What was accomplished in the process was a beautiful document, called the Constitution. 26th January, 1950 was chosen to dedicate this gem of jurisprudence to the people. The Republic of India was thus, born.

The attainment of social, economic and political justice along with the liberty and equality of the citizens was enshrined in the Preamble as the objective of the Constitution. The powers and functions of the various organs of the State and their *inter se* relations were defined. The concept of parliamentary democracy was introduced with an Executive responsible to the Legislature. The judiciary was entrusted with the responsibility to test the legislation on the touchstone of the Constitutional provisions and to protect the rights of the citizens.

We have stood the test of time. In our endeavor to uphold the supremacy and majesty of law, we have set ourselves high standards of judicial propriety. It is our duty to see that socio-economic and political changes do not deter us from discharging our prime functions. No doubt, we have to keep pace with the changes taking place in the society, but the principles of justice, equality, liberty and fraternity remain unchanged. In a vast country like India where diversities are galore, the Constitution provides a unifying factor in harmonizing and blending the specific needs of

individuals with the good of the entire nation. The Constitution embodies certain human values, cherished principles, spiritual norms and recognizes and upholds the dignity of men. It should be our earnest resolve to implement these principles in maintaining rule of law.

It is being said that there is a shift from the traditional judicial role to judicial activism, from passivity to creativity, in that, the Courts are taking judicial notice of the changing needs of the society and evolving new tools for redressing public wrongs. In boundless matters, the Courts have moulded reliefs be they cases concerning the deprived sections of the society, prisoners, environmental degradation, closing of polluting industries, encroachments and unauthorized constructions, immediate medical aid by Government hospitals to seriously injured persons, professional college admissions and corruption in high places. In fact the term "Judicial Activism" is nothing but the Courts' insistence that the rule of law must guide the Legislature and the Executive in enacting or enforcing the laws of the land. So long as the limbs of governance perform their respective functions as is expected of them, the Courts play the role of defender only. It is obvious and simply the human nature that the expectations of the people rise towards that wing of governance which is more responsive and conscious of its obligations. Where other wings fail to act and are not sensitive to the needs of the people, the expectations of the

people shift towards Courts. The role of the Courts to activate the other wings to perform their Constitutional obligations has been termed as judicial activism. There is nothing to be critical about it. Rather it should be a compliment to the judiciary as an institution. Every wing of governance has to be active to fulfill the aspirations of the people embodied in the Constitution.

Dear friends, today's priority is to have speedy and quick dispensation of justice. Our goal must be to secure justice to the weaker sections particularly poor, down-trodden, socially backward, women, children and elderly people. Steps are needed to be taken to ensure that nobody is deprived of the opportunity to seek justice for want of funds or lack of knowledge. People must be apprised of their legal rights and if we achieve all this, only then the mandate contained in the Constitution i.e. 'Access to Justice for all' shall be fulfilled. I am confident that we will be able to overcome the challenges confronting us today with the active co-operation of all my esteemed colleagues at the Bench and at the Bar.

This is the Golden Jubilee year of the High Court and I will be failing in my duty if I do not make a mention about the celebrations we had on the 10th December, 2005. I dare say even at the cost of self-praise that it was a memorable event. It was all because of the hard-work put in by each one of you.

On this day while remembering the past, we

have to tune ourselves to the requirements of the present and at the same time gear up for the challenges of the future. The people of the country are looking towards us with hope. We all owe a duty to them. Let us take a pledge to do our best to secure to the people justice, equality and liberty and maintain the dignity and honour of the country.

I finish with one of the prayers of Rabindra Nath Tagore in "Gitanjali", we used to recite in our childhood days:

"Where the mind is without fear and head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls;

Where words come out from the depth of truth;

Where tireless striving stretches its arms towards perfection;

Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

Where the mind is led forward by thee into ever widening thought and action -

Into that heaven of freedom, my Father, let my country awake."

Long live the Indian democracy.

JAI HIND