

**Full text of the speech delivered by**  
**Hon'ble the Chief Justice of India Shri Justice N V Ramana**  
**at the inauguration of 11th Joint Conference of**  
**the Chief Ministers and Chief Justices**

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I am very happy to be taking part in this 11<sup>th</sup> Joint Conference of Chief Ministers and Chief Justices for two reasons. Firstly, because we are meeting after 6 long years. Secondly, I am amongst public representatives. This is an opportunity for us to learn from your rich experience, knowledge, and wisdom that you have acquired in public life. You are the live link with the people. In your own way, each one of you is a great opinion builder.

Those in public life often come across the grievances of people, including those relating to the judiciary. You are best placed to enlighten us about the expectations of the people. It is your experience in the field that is going to help us to understand ground realities. I am eagerly looking forward to collaborating with you in identifying and addressing the existing challenges to improve the functioning of the judiciary.

All of us are constitutional functionaries and we abide by the constitutional mandate. The role assigned to each of us needs no re-iteration. The Constitution provides for separation of powers between the three organs- clearly outlining their sphere of functioning, delineating their powers and responsibilities.

It is the harmonious and co-ordinated functioning among the three organs of the State that has preserved and strengthened the democratic foundations of this great nation over the last seven decades.

While discharging our duties, we all must be mindful of the Lakshman Rekha. The judiciary would never come in the way of governance, if it is in accordance with law. We share your anxiety and concern regarding the welfare of the people.

However, as the head of the Indian Judiciary, I shall attempt to present a broader picture about the judiciary as a whole, and highlight the issues that are affecting the system.

The 140-crore strong population of the world's largest democracy is bound to test its judiciary. No other constitutional court in the world, hears such a wide range of

issues in such large numbers. This situation was foreseen by the first Chief Justice of India, Justice Harilal Kania, who had once said, and I quote:

*"This court will be called upon to discharge its duties as perhaps no other Court has so far been called upon to do so."*

I would like to begin with identifying a few contributing factors for docket explosion in the Indian scenario.

If a Tehsildar acts upon a grievance of a farmer regarding land survey, or a ration card, the farmer would not think of approaching the court. If a municipal authority or a gram panchayat discharges its duties properly, the citizens need not look to courts.

If revenue authorities acquire land through due process of law, the courts would not be burdened by land disputes. Apparently, these cases account for 66% of the pendency.

It is beyond my understanding as to why intra and inter departmental disputes of the Government or fights between PSUs and the government end up in courts.

If service laws are applied fairly in matters of seniority, pension and so on, no employee will be compelled to go to courts. It is a well acknowledged fact that the governments are the biggest litigants accounting for nearly 50% of the cases.

If police investigations are fair, if illegal arrests and custodial torture come to an end, then no victim will have to approach the courts.

Abiding by law and the constitution, is the key to good governance. However, this is often ignored, and opinions of legal departments are not sought in the rush to implement executive decisions.

Lack of special prosecutors and standing counsels is one of the major issues that needs to be addressed.

The decisions of courts are not implemented by Governments for years together. The resultant contempt petitions are a new category of burden on the Courts, which is a direct result of the defiance by the Governments. Deliberate inactions by the Governments, despite judicial pronouncements, are not good for the health of democracy.

The judiciary is also confronted with the issue of the executive willingly transferring the burden of decision making to it. Although policy making is not our domain, but, if a citizen

comes to the court with a prayer to address his grievance, the courts cannot say no.

At times, ambiguities in legislations also add to existing legal issues. If the legislature passes a law, with clarity of thought, foresight and with people's welfare in mind, the scope for litigation gets minimized.

The legislature is expected to solicit the views of the public and debate the bills, clause by clause, threadbare, before enacting a law. When I expressed concern about the passing of laws without much legislative scrutiny on the 15<sup>th</sup> of August last year, I was misunderstood by some quarters. Let there be no doubt. I have the highest regard for the legislature and the elected representatives. I value the role played by each of them in our democracy, right from a ward member to a Member of Parliament. I was merely pointing towards certain deficiencies. Interestingly, my sentiments on law making in India were shared by none other than the Hon'ble Speaker of Lok Sabha, Shri Om Birla, who reportedly said a few weeks ago and I quote:

*“Laws should be made after thorough debates and discussions, incorporating the needs of the aspirational sections of the society”*

Based on these examples, one can safely summarize that, often, litigation is triggered because of two major reasons. One is, non-performance by the various wings of the executive. Second is, the Legislature not realizing its full potential.

I am sure you will agree with me, that these are avoidable burdens on the judicial system. On various occasions, I have elaborated on the complexities involved in this issue.

I am aware that, there are certain concerns with the judicial system also, with regard to timely delivery of justice and pendency. Pendency is often blamed on the judiciary. Due to paucity of time, I cannot explain the same in detail. But a keen look at the websites of the courts will give you an idea about the huge workload on judges. The number of cases filed and disposed on each day is unimaginable.

The rising number of frivolous litigations is an area of concern. For example, the well-meaning concept of public interest litigation is at times turning into personal interest litigation. No doubt, PIL has served a lot of public interest. However, it is sometimes being misused to stall projects or pressurize public

authorities. These days, PIL has become a tool for those who want to settle political scores or corporate rivalry. Realizing the potential for misuse, Courts are now highly cautious in entertaining the same.

This conference is an occasion for us to introspect and contemplate solutions.

I have been a strong proponent of “Indianization of the Justice Delivery System”. By Indianisation, I mean increasing accessibility by moulding the system to suit the needs and sensibilities of the Indian population.

It is a multidimensional concept. It calls for inclusivity, providing access to justice, removal of language barriers, reforms in practice and procedure, development of infrastructure, filling up of vacancies, augmenting the strength of the judiciary and so on.

I am of the firm belief that judicial infrastructure, both in terms of personnel and physical infrastructure, needs urgent attention. With the expanding economy and growth in population, the caseload is rising alarmingly.

There is a severe gap between the existing infrastructure and the projected justice needs of the people.

The environment of some District Courts is such, even lady advocates feel apprehensive about entering court rooms, let alone female clients. Courts, being temples of justice, should be welcoming and carry the requisite dignity and aura.

To standardize and improve judicial infrastructure, I have been focusing on the creation of special purpose vehicles, namely, the National Judicial Infrastructure Authority and the State Judicial Infrastructure Authorities in the lines of NALSA and SLSAs. Let me make it very clear. This is not about funds. I must acknowledge that the Union Government has been making reasonable budgetary allocation through its Centrally Sponsored Scheme for this purpose. The data since the inception of the scheme in 1993-94 suggests that allocated funds remain underutilised due to procedural difficulties. The time has come to move on from the present ad-hoc committees to a more streamlined, accountable and organised structure.

I want to dispel apprehensions emerging from certain sections on this proposal. The proposed authorities are not aimed at usurping the powers of any government. The proposed authorities will have representation from all the stakeholders.

It must however be acknowledged that it is the judiciary which understands best its own needs and requirements.

Hence, the present proposal aims to bring infrastructure development under the supervision of Special Purpose Vehicles to be headed by respective Chief Justices, and involve the representatives of the Central and State Governments.

Another important factor in promoting access to justice is filling up of judicial vacancies and increasing the sanctioned strength of judges. Yesterday, at the Supreme Court Bar Association event, the learned Attorney General, Shri K. K. Venugopal, also highlighted the issue of vacancies and pendency. Expressing concern about the large number of vacancies at different levels in the judiciary, he said:

*“How do you expect that we would be able to even make a dent in the pendency of cases.”*

As on today, out of 1104 sanctioned posts of High Court Judges, there are 388 vacancies. From day one, it has been my endeavour to fill judicial vacancies. We have made 180 recommendations, for appointments in various High Courts during the last year. Out of this, 126 appointments have been made. I thank the Government of India for clearing the names. However, 50 proposals are still awaiting approval by the Government of India. The High Courts have sent around 100 names to the Government of India. They are yet to reach us. The data reveals the earnest efforts being made by the judiciary to fill the vacancies.

I would like to urge the Hon’ble Chief Ministers to extend wholehearted co-operation to the Chief Justices, in their endeavor to strengthen the district judiciary. When we last met in 2016, the sanctioned strength of judicial officers in the country was 20,811. Now, it is 24,112, which is an increase of 16% in 6 years. On the other hand, in the corresponding period, pendency in district courts has gone up from 2 crore 65 lakhs to 4 crore 11 lakhs, which is an increase of 54.64%. This data shows how inadequate the increase in the sanctioned strength is.

Unless the foundation is strong, the structure cannot be sustained. Please be generous in creating more posts and filling the same, so that our judge-to-population ratio is comparable to advanced democracies. As per sanctioned

strength, we have just around 20 judges per 10 lakh population, which is alarming low.

Another important aspect of Indianization is inclusivity. The judiciary, as well as every other institution of our democracy, must mirror the social and geographical diversity of the country.

I am receiving many representations for introducing local languages in proceedings before the High Courts. I think the time has come now, to revisit the demand and take it to logical conclusion. The practice of law before Constitutional Courts should be based on one's intelligence and understanding of law, and not mere proficiency in language.

The concept of 'Access to Justice' in India is much broader than simply providing lawyers for representation before Courts. I am proud to state that, India has one of the best free legal aid services in the entire world. Under the able leadership of Brother Justice Lalit, Legal Services Authorities are doing a tremendous job. I thank the Government of India for providing active support in this area.

Brother Justice Khanwilkar is contributing immensely, by strengthening the Supreme Court Legal Services by deploying modern technologies.

Brother Justice Chandrachud is adding huge value through the e-courts project. His efforts will ultimately lead to the much needed modernisation of the Indian judiciary.

Brother Justice L. Nageswara Rao, is heading a committee on artificial intelligence, whose work I believe is going to revolutionise the way the judiciary functions. I thank each one of them.

Hon'ble Chief Ministers and Chief Justices, all that I can say is that it is the active collaboration, based on our collective wisdom, that can take us forward.

Please remember, it is only the judicial process that is adversarial. Not the judges or their judgments. We are merely discharging our constitutionally assigned role. Judgments are meant for delivering justice and should be seen as such. Let us work together for fulfilling the Constitutional mandate.

As Aristotle once said and I quote:

*"Law should govern, and those in power  
should be servants of the law"*

I am sure the thoughts and concerns that you are going to share in this conference today, will be placed before the

Government. I am confident that the points which are actionable at the level of the Government of India, will receive deserving attention.

The Hon'ble President of India, Shri Ram Nath Kovind Ji has always been a pillar of support for us. Being an accomplished lawyer himself, he has a practical understanding of the Indian legal system and has always been extremely supportive of all our endeavours. It was at his behest that the project for translating Supreme Court judgments to Indian languages was initiated. He graciously took out time to interact with all of us over dinner last night. We are grateful for the same.

I am very happy that the Hon'ble Prime Minister has taken out time from his busy schedule to share his thoughts on this occasion. He had readily agreed to lend his support to the legal awareness mission, in the interest of increasing accessibility. I thank him for his continued support to the judiciary.

My dear friend Mr. Rijju, deserves special thanks for promptly responding to my suggestion to bring together the Chief Ministers and the Chief Justices for this event.

I am very happy to work with such a young and energetic Law Minister who is keen on improving the legal system in India.

I would like to thank my Brother and Sister Judges of the Supreme Court, who have given their full support to this event. I would like to specifically thank Brother Justice Lalit and Brother Justice Khanwilkar, who spared no efforts to make this event a grand success.

My best wishes to all the Chief Ministers, Lieutenant Governors and the Chief Justices who have gathered here. I thank them for travelling to the national capital despite the short notice and their busy schedules. Your continued support is highly appreciated.

I would also like to thank the Secretary General, the Registrars, officers and staff of the Supreme Court as well as the Secretary, Ministry of Law and Justice and other officers and staff of the Ministry who worked night and day to ensure the success of this event.

I am sure all your efforts will bear fruit, and I wish the conference a great success.

I will be failing in my duty, if I do not recall the invaluable services rendered by all, in the most trying times of the pandemic, to keep the flag of the judiciary flying high. I offer

my sincere condolences to the families of those who left us during this period.

Before I end, I would like to quote a few words of Mahatma Gandhi Ji:

*“Man becomes great exactly in the degree in which he works for the welfare of his fellow-men.”*

It is in this spirit that we must strive to achieve the highest degree of greatness for our institutions. This is the befitting tribute that we can pay to our freedom fighters in this 75<sup>th</sup> year of our independence. Thank you