

SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE AT THE INTERNATIONAL SEMINAR ON RECENT TRENDS IN JUDICIAL REFORMS: A GLOBAL PERSPECTIVE

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1. I am delighted to be here today on this occasion to inaugurate the International Seminar titled, “Recent Trends in Judicial Reforms: A Global Perspective”. The Seminar has been organized by the India International Law Foundation. I congratulate the organisers for choosing this theme at a very appropriate time.
2. Let me begin by stating the universal rule that there is nothing constant in this world except change. The only difference could be the speed at which the wheels of transformation may spin. The idea of justice and the manner of its implementation are no exception to this universal rule.
3. Judicial reforms should, therefore, be at the centre stage in the fast transforming world in which we live. It is imperative for enhancing the quality of justice that is at the core of human existence and welfare of any society. It is simply the fundamental goal of all societies. This is the reason why the human civilization has been locked in a constant struggle to achieve higher standards of fairness and equity. The endeavour is timeless with societies borrowing new practices

from each other achieving higher standards of justice and more commonality in laws and procedures in the process.

4. Ladies and Gentlemen, the ultimate goal of securing justice is the primary function of any judicial system. To accomplish it, the existence of the rule of law is a priority, with the highest standards of transparency, and the deliverance of speedy justice at affordable costs, being the two legs that give life and soul to the precept. These are the components that the judiciary should focus on to implement the “justice oriented approach”. Justice delivered with these goals can only live up to the highest standards of the ideal. It would, therefore, be necessary to effect organizational and procedural changes in the judiciary from time-to-time to address the exigencies of time. Yet the path to achieve it is varied and there is no consensus on the reforms that need to be embraced for it.
5. Different stakeholders may accord different priorities to the changes that need to be made. The market stakeholders may judge the effectiveness of judicial systems on the basis of speedy settlement of disputes. The common man on the other hand may judge the efficacy of the judicial system based on its ability to deliver to them equitable justice in what many call is an inequitable world.
6. In the ultimate analysis, however, the efficacy of the judicial system will depend on its capacity to deliver justice to all irrespective of their social or economic standing in the

society. As India's Prime Minister Jawaharlal Nehru stated: "the judiciary performs a social purpose, that is, to bring about justice, to deliver justice to the people."

7. In India, the judiciary has risen to this call departing from its traditional role of only settling disputes. Consequently, the role and expectation from the judiciary have also changed to encompass justice in its wider term.
8. The assumption of this wider role has been at times courted opposition for its deviation from the principles of the separation of powers. Yet, some of the positive contributions that such activism have spawned are unquestionable. But, I would need to add a cautionary note here---the fine balance existing in every democracy with each of the three organs of the state, the legislature, executive and judiciary, playing their designated roles should not be disrupted.
9. The three organs should not step into or play the role that the constitution has not assigned them. The fundamental principle is contained in the assertion of Charles Montesquieu that there can be "no liberty" when either legislative and executive powers are combined in the same entity or when the judicial powers are not separated from the legislative and executive.
10. In India, justice is time consuming and expensive. The large pendency of court cases is a cause for concern. The total pendency in the Subordinate Courts and High Courts in the end of 2011 calendar year was over 3.1 crore cases. The

pendency in the end of 2012 calendar year in the Supreme Court was over 66 thousand cases. Delay further adds to the costs. Therefore, in many ways it tantamounts to denying justice and this is against the principle of equality that is the bedrock of democracy.

11. The Eighteenth Law Commission had made certain suggestions in this direction. Steps to utilize full working hours of the court, more application of technology such that cases with similar points are clubbed for a combined decision, specifying a time limit for oral arguments, time limit for arriving at decision, and curtailing vacancies in the higher judiciary are some of the measures that are worth considering. I have full faith in the genius of our Judiciary to find the way forward to effect reforms in the judicial system so as to sustain the faith of the common man in the justice delivery process.
12. We must engineer change to reduce the backlog of court cases and the experience of the legal luminaries from around the globe who are present here, may be able to share their experience on how they tackle such issues in their respective countries. Worldwide experience reveals that important lessons can be gleaned from experiments conducted in different countries.
13. Additionally, there is a constant review of procedure and modification by way of Practice Directions and Practice Notes

simplifying rules and forms. In our country the Civil Procedure Code has all the ingredients necessary for an expeditious trial but the system requires a change in the mind set of the persons administering it. They should have a commitment to speed and expedition.

14. Internationally there is complete recognition that management of litigation is a service and not a favour. It is accepted that a litigant is entitled to the most appropriate and expeditious means of grievance redressal.
15. Ladies and Gentlemen, today, we live in a world where the traditional notions of state boundaries are fast crumbling. Technological advancements have created an interconnected world that has helped virtually unlimited exchange and transmission of information, the conduct of commercial transactions and social networking. These developments have thrown up new challenges and opportunities for all the organs of the Government. Globalization which is the engine of transformation, demands newer approaches.
16. Challenges spawned by globalization are many. The difference between overseas and domestic interests is gradually fading, with foreign businesses gaining increasing access to local markets through liberalized trade opportunities, commerce and investment. Complex litigations arising out of cross border trade and business transactions are increasingly being brought before courts in different countries.

17. Given the complexities of international law, including legal entitlements and implications of multilateral and bilateral treaties and agreements, there is perhaps a growing need to equip our respective national judiciaries to deal with the emerging international legal paradigm more effectively. The legal frameworks across nation would have to change to facilitate smooth market transactions, rule of law, promote transparent and predictable outcomes and establish democratic governance structures through such transformation, security and human rights in societies.
18. In the light of the far-reaching changes gripping the world, there may be a need to broaden the jurisdiction of the International Court of Justice at the Hague beyond those involving trade, business and commerce. This is required in the context of disputes that arise on account of transnational commercial operations. The need to allow legal professionals to practice without hindrance in all countries needs to be deliberated by the international legal fraternity. The need also arises as small developing countries are inadequately equipped due to lack of expertise in the intricacies of world agreements and its dispute settlement mechanisms.
19. Judicial reform is a continuous process. Through constant consultation among stakeholders consensus can be reached to engender changes. I am hopeful that various aspects of judicial reforms would be discussed and argued vigorously, shall I say, as you legal luminaries virtually do for all your

waking hours, though for this purpose, it may not be to win over the other.

20. I am sure that with your wisdom and experience, you will be able to address several concerns, paving the way for judicial reforms, which would benefit all.

21. I wish the organizers success in the conduct of this seminar.

Thank you.
