



Ceremonial Bench to Commemorate Seventy-Five Years of The Supreme Court of India







Ceremonial Bench to Commemorate Seventy-Five Years of The Supreme Court of India

Sunday, 28 January 2024

Chief Justice's Court, Main Building,
Supreme Court of India, New Delhi

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Hon'ble the Chief Justice of India and Hon'ble Judges of the Supreme Court of India

at the Special sitting of the Ceremonial Bench on 28 January 2024

Dr Justice Dhananjaya Y Chandrachud, Hon'ble the Chief Justice of India
Hon'ble Mr. Justice Sanjiv Khanna
Hon'ble Mr. Justice B.R. Gavai
Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice Aniruddha Bose
Hon'ble Mr. Justice Hrishikesh Roy
Hon'ble Mr. Justice A.S. Oka
Hon'ble Ms. Justice Hima Kohli
Hon'ble Mrs. Justice B.V. Nagarathna
Hon'ble Mr. Justice C.T. Ravikumar
Hon'ble Mr. Justice M.M. Sundresh
Hon'ble Ms. Justice Bela M. Trivedi
Hon'ble Mr. Justice P.S. Narasimha
Hon'ble Mr. Justice Sudhanshu Dhulia
Hon'ble Mr. Justice J.B. Pardiwala
Hon'ble Mr. Justice Dipankar Datta
Hon'ble Mr. Justice Pankaj Mithal
Hon'ble Mr. Justice Sanjay Karol
Hon'ble Mr. Justice Sanjay Kumar
Hon'ble Mr. Justice Ahsanuddin Amanullah
Hon'ble Mr. Justice Manoj Misra
Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Aravind Kumar
Hon'ble Mr. Justice Prashant Kumar Mishra
Hon'ble Mr. Justice K.V. Viswanathan
Hon'ble Mr. Justice S.V.N. Bhatti
Hon'ble Mr. Justice Satish Chandra Sharma
Hon'ble Mr. Justice Augustine George Masih
Hon'ble Mr. Justice Sandeep Mehta
Hon'ble Mr. Justice Prasanna B Varale

Supreme Court of India

SUPREME COURT OF INDIA			
SITTING PLAN (DIAMOND JUBILEE YEAR)			
SITTING PLAN FOR THE CEREMONIAL BENCH ON SUNDAY, 28 JANUARY 2024 AT 3.30 P.M. IN THE HON'BLE CHIEF JUSTICE'S COURT			
Prasanna B Varale, J. Augustine George Masih, J. S.V.N. Bhatti, J. Prashant Kumar Mishra, J. Rajesh Bindal, J. Ahsanuddin Amanullah, J. Sanjay Karol, J. Dipankar Datta, J. Sudhanshu Dhulia, J. Bela M. Trivedi, J. C.T. Ravikumar, J. Hima Kohli, J. Hrishikesh Roy, J. Surya Kant, J. Sanjiv Khanna, J. CJI		Sandeep Mehta, J. Satish Chandra Sharma, J. K.V. Viswanathan, J. Aravind Kumar, J. Manoj Misra, J. Sanjay Kumar, J. Pankaj Mithal, J. J.B. Pardiwala, J. P.S. Narasimha, J. M.M. Sundresh, J. B.V. Nagarathna, J. A.S. Oka, J. Aniruddha Bose, J. B.R. Gavai, J.	
(LOBBY)			
Ahsanuddin Amanullah, J.		CJI	
Sanjay Karol, J.		Sanjiv Khanna, J.	
Sanjay Kumar, J.		B.R. Gavai, J.	
Manoj Misra, J.		Aniruddha Bose, J.	
Aravind Kumar, J.		A.S. Oka, J.	
K.V. Viswanathan, J.		B.V. Nagarathna, J.	
Satish Chandra Sharma, J.		M.M. Sundresh, J.	
Sandeep Mehta, J.		P.S. Narasimha, J.	
		J.B. Pardiwala, J.	
		Aniruddha Bose, J.	
		A.S. Oka, J.	
		B.V. Nagarathna, J.	
		M.M. Sundresh, J.	
		P.S. Narasimha, J.	
		J.B. Pardiwala, J.	
		Sandeep Mehta, J.	
		Satish Chandra Sharma, J.	
		K.V. Viswanathan, J.	
		Aravind Kumar, J.	
		Manoj Misra, J.	
		Sanjay Kumar, J.	
		Pankaj Mithal, J.	
		J.B. Pardiwala, J.	
		P.S. Narasimha, J.	
		M.M. Sundresh, J.	
		B.V. Nagarathna, J.	
		A.S. Oka, J.	
		Aniruddha Bose, J.	
		B.R. Gavai, J.	
		Sanjiv Khanna, J.	
		CJI	
		Sanjay Karol, J.	
		Ahsanuddin Amanullah, J.	
		C.T. Ravikumar, J.	
		Bela M. Trivedi, J.	
		Sudhanshu Dhulia, J.	
		Dipankar Datta, J.	
		Prashant Kumar Mishra, J.	
		Rajesh Bindal, J.	
		Hrishikesh Roy, J.	
		Hima Kohli, J.	
		Augustine George Masih, J.	
		Prasanna B Varale, J.	

Sitting Plan for the Ceremonial Bench
on Sunday, 28 January 2024 at 3.30 p.m. in the Hon'ble Chief Justice's Court

Foreign Delegates

who attended the special sitting of the
Ceremonial Bench on 28 January 2024

Hon'ble Mr Justice Obaidul Hassan
Chief Justice of Bangladesh

Hon'ble Mrs Justice Bibi Rehana Mungly-Gulbul
Chief Justice of Mauritius

Hon'ble Mr Justice Bishowambhar Prasad Shrestha
Chief Justice of Nepal

Hon'ble Mr Justice Jayantha C Jayasuriya
Chief Justice of Sri Lanka

Hon'ble Mr Justice Kinley Dorji
Judge, Supreme Court of Bhutan

Mr Saifur Mohammad Rahman
Registrar, Supreme Court of Bangladesh

Mr Bimal Poudel
Registrar, Supreme Court of Nepal

Former Hon'ble CJIs and Former Hon'ble Judges

who attended the special sitting of the
Ceremonial Bench on 28 January 2024

Hon'ble Mr. Justice K.G. Balakrishnan, Former CJI

Hon'ble Mr. Justice Tirath Singh Thakur, Former CJI

Hon'ble Mr. Justice J.S. Khehar, Former CJI

Hon'ble Mr. Justice U.U. Lalit, Former CJI

Hon'ble Mr. Justice Brijesh Kumar

Hon'ble Dr. Justice Arijit Pasayat

Hon'ble Mr. Justice B.P. Singh

Hon'ble Dr. Justice Mukundakam Sharma

Hon'ble Mr. Justice Markandey Katju

Hon'ble Mr. Justice Swatanter Kumar

Hon'ble Mr. Justice D.K. Jain

Hon'ble Mrs. Justice Gyan Sudha Misra

Hon'ble Mr. Justice K.S.P. Radhakrishnan

Hon'ble Dr. Justice B.S. Chauhan

Hon'ble Mrs. Justice Ranjana P. Desai

Hon'ble Mr. Justice Shiva Kirti Singh
Hon'ble Mr. Justice Anil R. Dave
Hon'ble Mr. Justice Amitava Roy
Hon'ble Mr. Justice Adarsh Kumar Goel
Hon'ble Mr. Justice A.K. Sikri
Hon'ble Mr. Justice Deepak Gupta
Hon'ble Mr. Justice Arun Mishra
Hon'ble Ms. Justice Indu Malhotra
Hon'ble Mr. Justice Ashok Bhushan
Hon'ble Mr. Justice A.M. Khanwilkar
Hon'ble Mrs. Justice Indira Banerjee
Hon'ble Mr. Justice Ajay Rastogi
Hon'ble Mr. Justice V. Ramasubramanian
Hon'ble Mr. Justice S. Ravindra Bhat
Hon'ble Mr. Justice Sanjay Kishan Kaul

Hon'ble Chief Justices/ Hon'ble Acting Chief Justices of the High Courts

who attended special sitting of the
Ceremonial Bench on 28 January 2024

Hon'ble Mr. Justice Manoj Kumar Gupta
Acting Chief Justice
High Court of Judicature at Allahabad

Hon'ble Mr. Justice Dhiraj Singh Thakur
Chief Justice, High Court of Andhra Pradesh

Hon'ble Mr. Justice D.K. Upadhyaya
Chief Justice, High Court of Bombay

Hon'ble Mr. Justice T.S. Sivagnanam
Chief Justice, High Court at Calcutta

Hon'ble Mr. Justice Ramesh Sinha
Chief Justice, High Court of Chhattisgarh

Hon'ble Mr. Justice Manmohan
Acting Chief Justice, High Court of Delhi

Hon'ble Mr. Justice L.S. Jamir
Acting Chief Justice, Gauhati High Court

Hon'ble Mrs. Justice Sunita Agarwal
Chief Justice, High Court of Gujarat

Hon'ble Mr. Justice M.S. Ramachandra Rao
Chief Justice, High Court of Himachal Pradesh

Hon'ble Mr. Justice N. Kotiswar Singh
Chief Justice, High Court of Jammu & Kashmir and Ladakh

Hon'ble Mr. Justice Shree Chandrashekhar
Acting Chief Justice, High Court of Jharkhand

Hon'ble Mr. Justice P.S. Dinesh Kumar
Chief Justice, High Court of Karnataka

Hon'ble Mr. Justice Ravi Vijaykumar Malimath
Chief Justice, High Court of Madhya Pradesh

Hon'ble Mr. Justice Sanjay V. Gangapurwala
Chief Justice, High Court of Madras

Hon'ble Mr. Justice Siddharth Mridul
Chief Justice, High Court of Manipur

Hon'ble Mr. Justice H.S. Thangkhiew
Acting Chief Justice, High Court of Meghalaya

Hon'ble Dr. Justice Bidyut Ranjan Sarangi
Acting Chief Justice, High Court of Orissa

Hon'ble Mr. Justice K. Vinod Chandran
Chief Justice, High Court of Judicature at Patna

Hon'ble Ms. Justice Ritu Bahri
Acting Chief Justice, High Court of Punjab and Haryana

Hon'ble Mr. Justice M.M. Shrivastava
Acting Chief Justice, Rajasthan High Court

Hon'ble Mr. Justice Biswanath Somadder
Chief Justice, High Court of Sikkim

Hon'ble Mr. Justice Alok Aradhe
Chief Justice, High Court for the State of Telangana

Hon'ble Mr. Justice Aparesh Kumar Singh
Chief Justice, High Court of Tripura

Hon'ble Mr. Justice Manoj Kumar Tiwari
Acting Chief Justice, High Court of Uttarakhand

Registry Officers

who regulated the proceedings of the
special sitting of the Ceremonial Bench

Mr. Atul M. Kurhekar,
Secretary General

Mr. Mahesh Tanajirao Patankar,
Registrar (Admn. Gen.)

Appearance from the Bar

in the Ceremonial Bench of Supreme Court
held on 28 January 2024

Shri R. Venkataramani
Learned Attorney General for India

Shri Tushar Mehta
Learned Solicitor General of India

Shri Manan Kumar Mishra (Sr.)
Chairman, Bar Council of India

Dr. Adish C. Aggarwala (Sr.)
President, SCBA

Shri Manoj K. Mishra
President, SCAORA

Mr. Sukumar Pattjoshi (Sr.)
Vice-President, SCBA

Mr. Rohit Pandey
Hony. Secretary, SCBA

Mr. Meenesh Kumar Dubey
Joint Secretary, SCBA

Ms. Yugandhara Pawar Jha
Treasurer, SCBA

Mr. Amrendra Kumar Singh
Joint Treasurer, SCBA

Mr. Arijit Prasad (Sr.)

Mr. Jayant Bhushan (Sr.)

Mr. Ranji Thomas (Sr.)
Mr. Dinesh Kumar Goswami (Sr.)
Mr. Narender Hooda (Sr.)
Mr. S. Wasim Ahmed Qadri (Sr.)
Mr. Vibhu Shanker Mishra
Mr. Kumar Gaurav
Mr. Shashank Shekhar
Mr. Vikas Gupta
Mr. Pratap Venugopal (Sr.)
Mr. Chanchal Kumar Ganguli
Mr. Manish Goswami
Mr. Anil C. Nishani
Mr. Upendra Mishra
Ms. Vijaya Laxmi Venkataramani
Mr. Maninder Singh (Sr.)
Col. Balasubramanian (Sr.)
Mr. Aman Sinha (Sr.)
Mr. Mukesh Kumar Singh
Ms. Kumudlata Das
Ms. Sadhna Sandhu
Mr. Ravindra Nath Pareek
Mr. Mata Prasad Singh
Mr. Gaurav Yadav
Ms. Shweta Sinha
Mr. Rohit Jaiswal
Mr. T. Harish Kumar
Mr. Umesh Dubey
Ms. Munisha Anand

75th Anniversary

Ceremonial Speech

R. Venkataramani

Attorney General for India

- a. Hon'ble the Chief Justice of India
(Dr. Justice D Y Chandrachud)
 - b. Hon'ble Judges of the Supreme Court and High Court
 - c. Chairman of Bar Council of India
(Shri Manan Kumar Mishra)
 - d. President of Supreme Court Bar Association (Shri Adish C Aggarwala)
 - e. Solicitor General (Shri Tushar Mehta)
 - f. and my dear Sisters and Brothers of the Supreme Court Bar.
1. In the course of the well chronicled exchanges between Thomas Jefferson and James Madison, two principal architects of the Philadelphia Convention and the US Constitution making, Thomas Jefferson argued that the Constitution should be rewritten every generation, and following the observations of Thomas Paine, he famously declared that, “the dead should not govern the living”. Jefferson also critically talked about those who, ‘looked at constitution with sanctimonious reverence, and deemed them like the arch of the covenant, too sacred to be touched’. It is said that he even proposed 19 years as an expiration date, a figure he seemed to have picked up from studying a set of actuarial tables. Jefferson went on to serve

France as inaugural US Ambassador, and Madison was deeply engaged in putting the new American Constitutional document into effect. The constitutional trajectory of these countries were however different. Question is asked, ‘why is it that the inaugural constitution drafted in Philadelphia in 1789 has survived for more than 220 years and keeps counting, whereas the French Constitution of 1791, lasted a little more than a year, to be followed in French History by fourteen more Constitutions?’ A recent study of the endurance of the national constitutions adds an old joke, that a man goes into the library and asks for a copy of the French Constitution, only to be turned away with the explanation that the library does not stock periodicals. Despite the large number of amendments to our Constitution, it will never be said so about us.

2. The story of the endurance of the Constitution, as we move into challenging global exchanges of ideas, people, technology, and most of all human values which are common to all humanity, the history of the Indian Constitution will be a shining example for global adoption.
3. The political forces, and governance institutions, are undoubtedly the pillars of democracy. Their commitment to democracy and rule of law are generative factors which keep people’s faith in democracy and rule of law. Where Constitutions have not endured or have been under constant endangerment, we see the lack of stability of the political forces, or their lack of commitment to rule of law and democracy. Without citing examples one can say even in those countries and on those testing occasions, constitutional courts have endeavored to stand by rule of law. But more importantly, it is the vibrant presence of the constitutional courts that keeps people at the centre of constitutional articulations and democratic practice.

4. As constitutional scholars, we can look at the distinctive role played by the legislatures and the institutions of governance in striving to effectuate constitutional promises. Story however will be incomplete if the role of the Supreme Court is not seen and debated in the remarkable phenomena of endurance of the Constitution of India. So it is we talk about the importance of a distinctively Indian constitutional legality. This Indian constitutional legality, besides a product of the exchange between the court and governance institution, is more importantly the singular product of the courts. In the course of 75 years, Honourable Judges who have come to adorn this court, have internalized the highest driving values of the Constitution in ways beyond legal and constitutional thinking elsewhere. The tallest of members of the legal fraternity and the giants in the Bar—whose names are many—are equal partners in this regard. See my illustrious predecessors have added to the rich tapestry of our constitutional jurisprudence. At the inaugural sitting of this great court, venerable Sri M C Setalvad, the first Attorney-General, rightly spoke about the far reaching influence this Court will have on the life of the nation.
5. Recent scholarship on Constitutions in deeply divided society also looks at India. It is assumed in this study that the process of constitution making is necessarily different from western societies which are said to be ideologically and culturally united. These studies keep Europe and America out of the scope of such analysis. In a contribution titled 'Justice as equity, and the making of the Indian Constitution' an academic in the department of history, university of colorado observes thus,:

What intrigues these scholars is remarkable and unexpected survival of the Indian Constitution for over seventy years given their foundational assumption of a deeply divided society, or alternatively as the famous economist and one time American ambassador to India J K Galbrith called it, a 'functioning chaos'.

6. I stand by the contributor of this Article in the statement, that such scholarship is based on an imperialist and orientalist epistemology, that Constitution making and democracy in their ideal form can only be found in western nations that are sovereign because they are inherently united.
7. In May 1950, A K Gopalan petitioned the Supreme Court soon after its inauguration. The engagement of the court on the issue of liberty from then on has been one of the most fascinating journeys, and when we are in constitutional law making post Maneka Gandhi, one can still say that the liberty jurisprudence of the court has been and will continue to be one of the most important factors for constitutional endurance. The picture before the Supreme Court in the first few years of its inauguration and the classes of people who accessed the court raising concerns of infringement of their fundamental rights, one can say that what we have today is an enlarged graph of the same.
8. The Law Commission of India in 1958 on its report in Administration of Justice said:

The country stagnated for one hundred and fifty years of foreign rule, our legislatures are now trying to advance the nation in all directions. In their zeal to achieve quick results, they have not infrequently enacted legislation interfering with the vital and daily functions of the citizen. In order that their policies may go forward uninterrupted they have endeavored to trench the executive and succumbed to the temptation of restricting the powers of the court

9. In terms of social, economic, and political arrangements and processes, and in terms of transformation of the lives of people, India of 2024 is not the India of 1950. While universally all countries, through their Constitution or otherwise, endeavor to make the lives of people secure and comfortable, the genius of the institutions of different countries present a mosaic of, a veritable field for academic scholars and legal pundits. If you

look at the class of people who came to SC in the year 1950 to 1955, the communist party newspaper editor facing censorship by the Central Government, that is Romesh Thappar, and today what a vibrant set of principles and arguments we have on censorship; a school girl refusing to comply with a government order, forcing her to study in her mother tongue, came to this court in *State of Bombay vs Bombay Education Society*. The deep importance of linguistic and cultural affinities to flow in a balance with public order and social relevance has been set by such precedents. A Hindu man unable to take a second wife because of reforms in Hindu marriage law (*Narasu Appa Mali vs State of Bombay*), and the field is now occupied by women's equality in succession to property, and becoming coparceners. The saga of 9th schedule adjudications, is a story of the balance between social necessities and governance adventures.

10. To capture debates and discussions happening in an expanding literature on the transformative constitution of India, in a few minutes is a daunting task. As a nation continues to pledge itself, which means the pledge of the people, the governance institutions, and the judicial institutions, as the three angles of a triangle, the legal fraternity has the most noble task of standing by this triangular faith and pledges. Today's celebration, I hope will continue to reverberate and constantly promote the constitutional consciousness of we the people of India.

Jai Bharat!

Dr. Adish C. Aggarwala

Senior Advocate, President
Supreme Court Bar Association

This is a momentous day where for the first time in the history of the Supreme Court, a ceremonial bench is sitting to commemorate the coming into existence of the Supreme Court. This has become possible due to the dynamic leadership, foresight and initiative of Hon'ble Chief Justice of India Dr D Y Chandrachud. The Supreme Court is the institution where judges from all across the country come. They play their part during their tenures and then leave. Each and every day of theirs spent here in the Supreme Court involves extensive reading and churning out judgments. Nobody had the time to take a pause, and to reflect on how the institution of Supreme Court has evolved ever since it had its first sitting on the 28th day of January 1950. Hon'ble Dr Justice Chandrachud has given us this day to think about the journey travelled by the Supreme Court and to celebrate the increasing role played by it in safeguarding the rights of the citizens of this country. It is also an occasion to pay homage to the judges who held the high offices of the Supreme Court in 1950 and who laid the foundation of this great institution.

I want to briefly talk about why the need of the Supreme Court had arisen and how it was different from the earlier courts. At the time of India's independence, there was a federal court which had been created by the Government of India Act, 1935. The federal court was practically the highest court on Indian territory but it could only settle personal disputes, or disputes between

governments. It did not have the power to examine the validity of laws. In certain cases, parties could challenge orders of the federal court before the Judicial Committee of the Privy Council in London. The Constitution of India abolished both the federal court and the jurisdiction of the Judicial Committee of the Privy Council. It also gave the Supreme Court of India an important power of protecting the rights of citizens. The Supreme Court could now interpret the provisions of the Constitution. The Supreme Court could strike down laws which interfered with the rights of citizens. So the Supreme Court could do far more than what the federal court could do and the citizens could challenge the mighty government and drag them to court in case of violation of their rights.

The Supreme Court immediately used this power in the case of *Romesh Thappar vs State of Madras* in the year 1950 itself where it struck down a ban on dissenting media imposed by the government.

Over the years, the Supreme Court has positioned itself as the most powerful court in the world with its powers of judicial review of legislative and administrative action and with creative use of its powers under Article 142 of the Constitution. The Supreme Court has filled lacunae in the laws to make them more effective. It has framed rules even in absence of legislative backing. It has used power under Article 142 to grant divorce to couples in cases of breakdown of marriage where divorce is otherwise not proved under any of the recognised grounds. This shows that the Supreme Court is sensitive to the needs of ordinary persons, and is ready to go lengths to give them their due even when the legislature is yet to provide for it.

We are happy that Hon'ble Dr. Justice D Y Chandrachud has increased the number of working days in Supreme Court to 190

in the year 2024. The courts have extended cooperation to the Bar and have accommodated the genuine requests of lawyers. For instance, no adverse orders were passed in Supreme Court due to non appearance of any lawyer or litigant on the day of Pran Pratishtha in Ram temple at Ayodhya, in pursuance of my request to Hon'ble Chief Justice of India on 21.01.2024.

Just as India is celebrating Azadi Ka Amrit Mahotsav, this is the start of the 75th year of the Supreme Court and the beginning of Amrit Kaal of this great institution.

I congratulate Hon'ble Dr Justice D.Y. Chandrachud for having this ceremonial bench for reconnecting with the history of this highest temple of justice.

Jai Bharat

Dr Justice Dhananjaya Y Chandrachud

Hon'ble the Chief Justice of India

1. Today marks a significant day in Constitutional history. The inaugural sitting of the Supreme Court of India was held seventy-five years ago on this day. The six Judges of the Federal Court, led by Chief Justice Shri Harilal J. Kania assembled for the first sitting of the Supreme Court of India. The event took place without much fan-fare in the Prince's Chamber of the building of Parliament from which the Federal Court functioned.¹ For many, it would have seemed another day at the Federal Court because neither the composition nor the seat of the Court were altered. On closer reflection, with the benefit of the hindsight of a succeeding generation, we see now that much had changed.
2. On 28 January 1950, the judges assembled as judges of the highest appellate adjudicatory body in the world's largest democracy with wide, almost unrestricted powers to do justice. India was a newly formed republic which had overcome colonial oppression and navigated a period of incredible social, political, and legal turbulence to successfully draft and adopt its own Constitution. Upon its establishment, the Supreme Court as the custodian of the Constitution shouldered a heavy burden of ensuring the

1 B. Sen, "The Supreme Court Bench and Bar: Reminiscences of the Formative Years", in Supreme but not infallible.

development of the nation by protecting individual and group rights. What was a burden has survived decades of trials and triumphs, challenges and critiques, accolades and assaults - all along creating a uniquely Indian jurisprudence rooted and grounded in the expectations of her citizens.

3. The Chief Justice's address at the inaugural sitting emphasized three principles that are necessary for the Supreme Court to function according to the constitutional mandate. The first is an independent judiciary, where the Supreme Court must be independent of the legislature and executive. The second is the judicial approach towards adjudication, which postulates that the Supreme Court must interpret the Constitution not as a rigid body of rules but as a living organism. The third principle is that this Court must secure the respect of citizens for it to establish itself as a legitimate institution. The confidence of our citizens is determinative of our own legitimacy.
4. Much has changed in the seventy-five years since the inaugural. The Supreme Court itself and the legal regime in which it adjudicates have undergone extensive structural alterations. At its first sitting, the Supreme Court consisted of six Judges. It now has a sanctioned strength of thirty-four Judges. In 1950, this Court sat in a Bench of six, even at preliminary hearings. One thousand two hundred and fifteen cases were instituted before the Supreme Court in 1950. Judgments were pronounced in forty-three of those cases. The Supreme Court now sits in a Bench of two Judges unless the case has been referred to a Constitution Bench or a Bench of three Judges.

Between January and October 2023, 45,495 cases were instituted and judgments were pronounced in more than a thousand cases. With the Indian economy having undergone a radical transformation, new areas of law - telecommunications, insolvency and bankruptcy, and intellectual property have emerged. Conventional forms of alternate dispute mechanisms have metamorphosed into avatars dictated by the need for speed and business efficacy. The Supreme Court now deals with cases beyond the traditional classification of the civil, criminal, and constitutional. Disputes have become increasingly complex as the emerging areas of science and communication have reshaped our lives. In an interconnected world, neither the genesis of disputes nor their resolution exists in silos.

5. However, despite the change in the world around us, the three principles highlighted during the inaugural sitting of this Court continue to remain as relevant today to the functioning of an independent Supreme Court. This Court has in the last seventy-five years faced old and new challenges in confronting the face of injustice and meeting the expectations of those at the receiving end of power. This Court has through the course of many years charted its understanding of principles and developed innovative approaches to achieve the ideals of a democratic polity governed by the rule of law under a written Constitution. We have received the baton in this long run from wise forbearers - judges and lawyers who walked through these portals - with fortitude and compassion.

While much has changed in the world, the core of our ideals remains valid today as ever - our commitment to human dignity, liberty, equality and fraternity. We are inheritors of a

commitment where the welfare of the nation walks in tandem with the well-being of her citizens.

6. The Constitution entrenches several institutional safeguards for an independent judiciary such as a fixed retirement age and a bar against the alteration of the salary of judges after their appointment. However, these constitutional safeguards are not in themselves sufficient to ensure an independent judiciary. An independent judiciary does not merely mean the insulation of the **institution** from the executive and the legislature branches but also the independence of individual judges in the performance of their roles as judges. The art of judging must be free of social and political pressure and from the inherent biases which human beings hold. Efforts are being made from within the institution to educate and sensitize judges across courts to unlearn their subconscious attitudes inculcated by social conditioning on gender, disability, race caste and sexuality.
7. Over the course of years, this Court has been called upon to navigate through the ambiguities of the law, resolve the conflict between individual and group rights and the tussle between economic development and social reformation. This Court has in every such instance stood up to the test of time and adjudicated these complex questions based on constitutional principles. Over the years, the Court has understood the Constitution not merely as a document establishing a nation State and delineating the role of institutions of governance in the State but also as a document with a transformative potential to reform social and political relationships. Once the transformative potential of the Constitution was unlocked by Courts, the scope of the judicial function also enlarged. For example, the judgments interpreting the mandate of

reservation in Articles 15 and 16 as a facet and not as an exception to equality, the limits placed on Parliament's power to amend the Constitution through the basic structure doctrine and the dilution of the doctrine of political questions are important jurisprudential developments. Through them this Court has upheld core constitutional tenets by interpreting the Constitution as a living document. In none of those court terms, were the answers to these questions clear as the day. Multiple benches of this Court agreed and disagreed to arrive at these celebrated jurisprudential developments. It is in this dialogical process between different Benches that a conclusion closest to the constitutional framework is reached. In multiple voices, we speak both to the present and the future. We may be as it is sometimes called, a polyvocal court. But the strength of our polyvocal nature lies in its ability to adapt dialogue as a processual instrument in bringing together a synthesis of ideas. The synthesis in our court brings together diversity and respects inclusion. That is the true social ethos of the court, its social conscience. In the many that wear its apparel, the Court emerges as one soul which knits together the Bar and the Bench in our desire to ensure justice to our citizens.

8. The Constitution establishes the Supreme Court of India and confers on it wide-ranging powers to do justice. The Court, as the highest appellate and Constitutional Court of the nation, derives but cannot rest its legitimacy solely on the Constitution. The legitimacy of this Court is also derived from the confidence of citizens that it is a neutral and impartial arbiter of disputes which would deliver timely justice.
9. This Court has followed two approaches to enhance the faith in its justice delivery mechanism. First, by not conferring permanence upon judicial decisions, this Court is cognizant

that the law is not constant but is ever-evolving. The space for disagreement is always open. In fact, the strongest jurisprudential developments of this Court have undergone multiple rounds of litigation over the course of years where the Court has taken divergent views on questions of law. This Court has gone about its task less attentive to its supremacy and more cognizant of the fact that the Court though final is not infallible. It has not only opened itself up to critique but has also taken positive steps to create spaces for the critique of its work. The Supreme Court for its Golden Jubilee celebration published the book titled “Supreme but not Infallible”, a compilation of essays written by leading practitioners celebrating and **critiquing** the work of the Supreme Court.

10. The second approach of the Court to enhance faith in the justice delivery system has been to increase access to Courts by diluting the procedural rules for the institution of cases. This Court was opened up to citizens in every corner of the nation irrespective of their social and economic status. In 1985, 24,716 letter petitions were received in English, Hindi, and other regional languages. This number has since then undergone an exponential surge. In 2022, about 1,15,120 letter petitions were submitted to the Supreme Court clearly indicating that the common person believes that they would be able to secure justice in these halls. These are letters of all hues - some of which fall within the ambit of the judicial function and others that do not. As judges we need to know what lies within and outside the judicial function.
11. The increase in access to courts does not necessarily translate into access to justice. This Court has over the course of years

faced immense difficulty in keeping up with the surge in the institution of cases. Currently, a total of 65,915 registered cases are pending before the Supreme Court. Much as we would like to reassure ourselves that the mounting pile represents the faith of citizens in the line, we need to ask hard questions on what needs to be done. There has to be a radical change in the approach to decision making. In our desire to ensure justice in each individual case, should we risk the court becoming dysfunctional ? I believe that we have to have a common understanding of how we argue and how we decide and above all, on the cases which we select for decision making. If we do not make hard choices and take difficult calls to resolve these pressing issues the euphoria generated from the past may well be short-lived.

12. In recent years, this Court has taken a positive approach towards decreasing the pendency of cases. In 2023, 49,818 cases were registered; 2,41,594 cases were listed for hearing, and 52,221 cases were disposed of, which is more than the number of cases registered. Technology has been a steadfast ally in decongesting pending matters. The electronic filing of cases has reduced the time between filing cases and curing defects. To address the pendency of old miscellaneous after notice matters, directions have been issued to list the 7,430 miscellaneous after-notice matters that have been pending since 1993 on priority. Specialized Benches for civil, criminal, direct and indirect tax matters, land acquisition, motor accident, personal law, labor and service cases have been constituted. Criminal cases in which the sentence of imprisonment is less than three years and the convict has undergone half or more than half of the sentence have been identified and are listed

for disposal on priority. Pending Constitution Bench references which involve crucial questions about the interpretation of the Constitution are listed on priority. This is of particular significance also because it would reduce the pendency of numerous cases which are not disposed of because the questions of law are yet to be settled by the Constitution Bench.

13. This is where we are today. Before I end, it is worth reflecting on perhaps the oldest challenge of all. The Supreme Court of India was at its very core, designed to ensure that the exercise of power under the Constitution is legitimate and in accord with the rule of law. The occasion may be the exercise of power by the State against an individual by the Union against the States, by one State against another, or even one individual or group of individuals against another. The Court is not the sole guarantor, but it is the final arbiter that power may be used to liberate, emancipate and include, but never to oppress or ostracize. The novel challenges of today must never distract us from this most sacred duty of the Court. The framers of the Constitution clothed the Judges of the Supreme Court with immense power and independence and cast upon them the task of restricting the exercise of unbridled power.
14. These are solemn duties. Since its founding, this Court has constantly striven to fulfill them and address the challenges that it has faced. We are indebted to the Bar for the valuable support we receive in deciding cases. All too often, the rich jurisprudence evolved by this Court is viewed as the work of craftsmanship of the Judges who author these decisions. The sleepless nights and the incisive mind of each lawyer ought not

to be glossed over under the pen of the Judge. The celebration of the history of this Court is complete as we recognize the contribution of advocates to this Court's rich tapestry. The Supreme Court of India has a staff of 2,148 persons. The tireless work of every staff member of the Supreme Court now and in the years since its founding towards ensuring the orderly functioning of the apex body one day at a time must be recognized and commended. Today is a day to celebrate this Court's achievements, reflect on its deficiencies and aspire for its advancement. Introspection is the art of bringing the seemingly unattainable within the line of vision.

15. *Thank You!*





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