

WELCOME ADDRESS

*Justice Swatanter Kumar **

In the Central Hall of the Parliament on 12.12.1957, The First President of India, Dr.Rajendra Prasad, introduced the Indian Law Institute to the Nation and said:-

“It is necessary that there should be a body which works quietly in an atmosphere which is free from the din of courts and also away from the controversy of the legislatures, where attention is paid to the various implications of a particular kind of legislation and where legislation which has already been adopted is studied for the objects it has achieved and for the way in which it has been worked. This can be done by an Institute like this.”

The Institute has discharged the confidence reposed in it and has progressively attained its present international and national status. The Indian Law Institute is the forerunner in terms of its contribution in various fields of academic and research work.

The Gandhian notion of a just state was premised on the idea that collective interest must take precedence over individual interests. The Constitution adopted by independent India pledged to create a sovereign, socialist, secular, democratic republic and to secure justice, liberty, equality and fraternity for all its citizens. The concept of a free market economy is one where government intervention is limited to protecting property rights and maintaining a peaceful environment for the market to function. That economic freedom is a necessary condition for the creation of sustainability of civil and political freedoms is the view of Milton Friedman.

Today new dimensions have been added to trade which has become globalise with complex international transactions covering critical issues. Most observers agree that to sustain a GDP growth rate of 7%, it is imperative to accelerate the rate of investment in infrastructure.

It is our privilege that the architect of economic reforms in our country is our Chief Guest today. Not only as the Prime Minister of the country but as an acclaimed economist, the Governor of the Reserve Bank of India, even in his capacity as Central Government Advisor on economic affairs, Dr.Manmohan Singh's contribution in every position which he has occupied, is a landmark. It is said that Dr.Singh had a humble beginning and his worthy father desired him to become an industrialist. Rare are the children who rise much above the expectations of their parents. Dr.Singh instead of becoming an industrialist became the engine of dynamic policies to shape the industrial growth of the country. The Prime Minister's topic for his Ph.D. thesis as back as in 1964, “India's Export Trends and Prospects for Self Sustained Growth” reflects his farsightedness and vision, of an India free from war, poverty, exploitation, ailments. He has made India into a country where people did not fear the Government but the Government fears the people. To be precise, the dream of Dr.Singh for his country is a follow-up of what Gandhiji said decades back – ‘When I succeed in ridding the villages of their poverty, I have won (independence),’ and ‘Every man has an equal right to the necessities of life.’

It is my proud privilege to welcome, on behalf of the Governing Council and Members of the Indian Law Institute and everyone present here, a brilliant student, a great teacher, an economist par excellence and a

poet, Dr. Manmohan Singhji, the Hon'ble Prime Minister of India to this inaugural session of the Golden Jubilee Celebrations of the Indian Law Institute.

Going back to 12th of December 1957, at the same venue, Pandit Jawaharlal Nehru, the first Prime Minister of our country while welcoming the formation of India Law Institute and paying a tribute and homage to law and to the men of the law said,

“Laws had to be framed, adapted and changed. Therefore, it was well to remember that laws were not immutable, unless we think human society was immutable, which it was not. To be immutable was to be stagnant. In any progressive society therefore, law had to be adapted to the changing order.”

Hon'ble Mr. Justice Y.K. Sabharwal, the Chief Justice of India heads the Indian Judiciary with objectivity and firmness while maintaining judicial propriety. He ensures that orders of the courts are abided by, because law can coordinate behaviour effectively and ensure grant of relief to a litigant only if people obey the judicial decisions. He has often said that the Indian legal system is one of the best systems of administration of justice with inbuilt checks and balances. It has established its suitability even in relation to resolution of international disputes, commercial or civil. Its only limitation has been the quantum of litigation which the courts handle.

Once a fond leader of the Bar and now on the Bench for almost two decades is the indication of the respect that the judicial fraternity has for Justice Sabharwal. I would only refer to a part of the citation presented to his Lordship on 25th March, 2006 at this venue itself:-

He 'is one who illumines justice and has humanized the Law effortlessly and spontaneously',

and

'For him judicial function is divine duty & his ability to enforce hard decisions displays rare steel.'

May I, on behalf of the Governing Council of the Indian Law Institute and the entire legal fraternity welcome you to this momentous occasion in the history of the Institute of which you are the President.

On the first inaugural function of the Indian Law Institute its first President, who was also the First Chief Justice of India, Hon'ble Mr. Justice S.R. Das had said:

“We are, thus, launching the Institute on its career of usefulness, full of hope that it will take its rightful place as one of the great centres of legal research.”

Society and law are essentially progressive. The framers of law should amend or enact law which would be compatible to international laws and congenial to international trade. Equity, equality and freedom of trade is not a mere concept but is a constitutional mandate under Articles 14 and 19(1) (g) of the Constitution of India. Economic necessities, developments and policies have guided legal reforms. The realization that there is a limit to the radical change that can be effected in a democracy leads to regulatory measures and regulators. Developments in information and telecommunications have not only significantly indicated economic growth of the country but also necessitated changes in our basic and procedural laws.

India's unique dominance in the information technology sector has led to Western/American jobs being outsourced to India.

Law is order, and good law is good order which guarantees equity and equality. Law is needed to have just behaviour in the society. Aristotle said, “it is in justice that ordering of society is centred.”

Dr. H.R. Bhardwaj was enrolled as a member of the Bar Association of Delhi and because of his sincere efforts and progressive attitude, occupied the status of Minister of State and Union for Law and Justice on

different occasions. He as a Minister has pioneered and constructively contributed in enactment of new economic laws as well as social legislations which have short term as well as long term benefits not only to the economic policy of the country but to a common citizen of the country as well. Introduction of computerization in courts and expeditious appointment of Judges are some of his distinct contributions to facilitate the administration of justice in our country.

I am privileged to welcome you 'Sir' to this session of the Golden Jubilee Celebrations of the Indian Law Institute on behalf of all concerned.

During the following sessions of the National Seminar, various issues related to equity, equality and free economy would be the focus of deliberations. Eminent speakers, distinguished Ministers from Union Cabinet, judges from the Supreme Court of India and High Courts of several states, professors, members of the faculties and students from institutions all over the country, members of bar association nationwide, delegates from different walks of life are here to participate and make their contribution. On behalf of the Governing Council of the Indian Law Institute it is my proud privilege to welcome each one of you on this auspicious occasion.