

REPORT OF THE INAUGURAL FUNCTION OF THE ILI GOLDEN JUBILEE CELEBRATIONS AUGUST 4-5, 2006

The inaugural function of the Golden Jubilee Celebrations of the Indian Law Institute (1956 – 2006), the premier legal research Institute in the country, was held at the plenary hall of the prestigious Vigyan Bhavan on 4th August, 2006. The Prime Minister of India, Dr. Manmohan Singh, inaugurated the glittering function in the presence of the Chief Justice of India, Hon'ble Mr. Justice Y.K. Sabharwal and the Hon'ble Union Minister for Law and Justice, Dr. H.R. Bhardwaj, President and Vice-President of the Institute, respectively.

Speaking at the function attended by numerous legal luminaries consisting of former Chief Justices of India, former and present judges of the Supreme Court and High Courts, Professors of Law, Senior Advocates, senior government officials and students of law, the Prime Minister Dr. Manmohan Singh, recalling the aspirations of the founding members of the Indian Law Institute, wanted the Institute “to be a leader in legal research” and “set standards and give general guidance to legal research in the country.” He observed that “It is the quality of public opinion and public debate which will eventually determine how informed and how transparent our decision making process will be.” “In improving the quality of public debate”, he stated, “Institutes like yours can and must play an important role.” He emphasized that a legal system committed to values, to integrity and to excellence in legal education and research is an extremely important component of a vibrant and just society. “Legal academia and scholars”, he observed, “constitute a strong pillar of our polity. Any constructive criticism or dissent that comes from them only contributes to strengthen our democratic fabric and makes our decision making process more alive. It will be unwise on our part to view them as an impediment to governance.” He wished the Institute many more years of fruitful service to the nation.

The Chief Justice of India, Hon'ble Mr. Justice Y.K. Sabharwal traced the history of the Institute from its inception to the present day when it has been granted the status of the Deemed University in recognition of the contribution it has made in the areas of legal research and education. He recalled the highs and lows, the trials and tribulations the Institute had to go through in the last 50 years of its existence and appreciated the good efforts made by the Directors in making the Institute what it is today.

Dr. H.R. Bhardwaj, Union Minister for Law and Justice, while recognizing the high standard of legal research the Institute has maintained over the years as evidenced by its prestigious publications, including the *Journal of the Indian Law Institute* and the *Annual Survey of Indian Law*, emphasized the leadership role the Institute has been called upon to play not only in the area of legal research but in the area of legal education as well, now that it has been accorded the status of a Deemed University.

The welcome address and vote of thanks were given by Hon'ble Mr. Justice Swatanter Kumar, Judge, High Court of Delhi and Mr. Gopal Subramaniam, Additional Solicitor General of India, Chairman and Member of the organizing committee, respectively.

The National Seminar on “Equity and Equality in a Market Economy”, the highlight of the programme, had three eminent speakers in Mr Montek Singh Ahluwalia, Deputy Chairman of the Planning Commission, Government of India, Prof. Upendra Baxi, former Vice-Chancellor, Delhi University and Prof. N.R. Madhava Menon, former Director, National Judicial Academy to speak on “Access to Justice in a Globalised Economy”

and “Role of State and Judiciary in a Market Economy”, respectively, spread over two sessions.

Speaking on the topic “Access to Justice in a Globalised Economy” Mr. Montek Singh presented an economist’s perspective and stated that globalisation has had its impact on the development of our legal system and the legal profession. In a globalised world, the quality of legal expertise and independence of judiciary are the best tools a country can use. Individuals, firms and countries are seeking our legal expertise across the world, he observed. He asserted that India has benefited substantially from globalisation in terms of economic growth. Our GDP has increased substantially as compared to previous years and now it is only a question of maintaining that momentum. There is a fear among the people in the western countries that jobs would be outsourced to India, if they do not perform their duties well. He, however, admitted that the benefits of globalization have not been distributed equally amongst the people. He hoped that growth in GDP would certainly help to render economic justice to the weaker sections of the society.

Professor Upendra Baxi, taking quite an opposite view, observed that the judiciary as an institution was being susceptible to the ill effects of globalisation. Comparing the MNCs and the IFIs with the East India Company of yore in the present day globalised economy; he stated that “These now use the languages of access and claim that such access remains essential to achievement of global justice! The tasks of human rights and new social movements also thereby stand defined by the slogan: *Justice consists in a resolute denial of such access.*” He opined that our judiciary which was previously known for its well reasoned judgments, upholding social justice and labour jurisprudence, is now with the winds of change brought in by economic liberalization reinterpreting the law to the detriment of the common man. He cited instances (stories, as he called them) like the “infamous” Bhopal settlement, Narmada Dam Construction case, the recent Demolition case and the Zahira contempt case, to drive home his point wherein either justice or access to justice was denied to the parties concerned. He wanted the higher judiciary to avoid “judicial adventurism” and the Supreme Court of India to become the Supreme Court *for* all hapless Indians.

Taking a middle path, Prof. N.R. Madhava Menon, speaking on the topic “Role of State and Judiciary in a Market Economy” stated that globalisation is a reality and it is here to stay, no matter whether one likes it or not. It has both positive and negative implications. He stated that in the wake of globalisation the rich have become richer and the poor have become poorer. In this situation, what is required is to utilize the opportunities thrown up by globalisation by way of a judicious approach in implementing the process of globalisation. Therefore, a balanced view has to be taken while formulating policies relating to globalisation. The state and the judiciary should ensure that the benefits of globalisation are evenly distributed, he emphasized.

Hon’ble Mr. Justice Ashok Bhan, and Hon’ble Mr. Justice Arijit Pasayat, judges of the Supreme Court presided over the sessions. In his concluding observations, Mr. Justice Ashok Bhan stressed the need for the legal system to be more responsive to the changing needs of the time to make justice more accessible to the people. Winding up the session Mr. Justice Arijit Pasayat observed that it is not easy for a judge to decide a case this way or that way. While criticizing a judgment, a thought should be spared to the difficulties a judge faces. He emphasized the crucial role played by the Supreme Court to defend the rights of the common man and to reduce the rigours of globalisation.

In his vote of thanks Professor K.N. Chandrasekharan Pillai, Director, ILI while appreciating and thanking the speakers for their forceful presentations, thanked the audience for their sense of equanimity in applauding

the viewpoints put forth by each of the speakers. He also promised that ILI would continue to provide opportunities for such healthy debates.

Speaking at the valedictory session Hon'ble Mr. Shivraj Patil, Union Minister for Home Affairs stressed the need for a dispassionate assessment of how the legal system can better serve the nation and addresses the requirement of justice. Hon'ble Mr. Justice K.G. Balakrishnan, Judge, Supreme Court of India in his valedictory address underscored the need for better access to justice and emphasized the key role to be played by the judiciary in broadening the scope of this access.

Mr. B. Sen, Senior Advocate, the only surviving founding member of the Institute, in his vote of thanks took a journey down the memory lane and recalled the purpose for which the Indian Law Institute was formed and the giant strides it has taken since then. He was happy that the Institute has kept the purpose while pursuing its various academic and other activities. He thanked all speakers and participants for making the function a great success.