

Address by

Hon'ble Mr. Justice S.A.Bobde

Chief Justice of India

21st November 2019

(Felicitation by Supreme Court Bar Association)

My brother Judges

Mr. K.K. Venugopal, Attorney General for India.

Mr. Rakesh Khanna, President of SCBA

Office bearers of Supreme Court Bar association

Members of the Bar

Ladies and Gentlemen

1. 19 years as a Judge and still the memories of being an advocate are very fresh in my mind. I was a part of the bar for 22 years i.e. more than my career as a Judge and so believe me when I say I know it all. I know the problems, the concerns, the lifestyle and also on a lighter note, if I may, I also know the tactics you (advocates) use in the court.
2. The strength of any institution depends on its foundations and undoubtedly the strength of this institution is the bar. You all do great service to this nation by discharging your duty with dignity, determination and utmost distinction. This is of course apart from paying high taxes to the government. (Humour)

3. The relationship between bar and the bench is special given that by all accounts the bar is the mother of the bench. After all most judges commence their careers at the bar and then join the judiciary. All of us (Bar and the Bench) are more like coparcenaries of an undivided family. Anything detrimental to one of the coparcenary naturally affects the other coparcenary. But, the more important reason for the special bond between the bar and bench is the values and beliefs that unite the two. It is this unity which has time and again ensured ardent adherence to the rule of law and zealous protection of the basic and fundamental rights enjoyed by the citizens of this country.

4. There have been numerous instances when the judiciary has been called upon to engage with challenges and tasks that usually others avoid to address. But we believe, resolution of these matters is crucial to the shaping and continuance of a peaceful and just society. On every occasion, I can say with a sense of pride, both in the past and present, judiciary has been able to meaningfully respond and, in the process, become the catalyst of socio-economic change. But at the same time, I must acknowledge that the judiciary has been able to do so only because of the strength and support it has always derived and received from a strong, committed and resilient bar. It is the bar working together with the bench which has enabled this glorious institution to be the most willing to stand up for the values of tolerance, liberty and dignity.

5. Our Judiciary is one that is independent, and both the bar and the bench have on many occasions zealously guarded it. At the same time, it is equally important for all of us to maintain the independence and integrity of not only of the judiciary but also of the bar. If the bar loses its integrity, it would have an enormous repercussion on the workings of the judiciary. As I have mentioned earlier, actions of one of the coparcenary would affect the other as

well. It is our collective responsibility to ensure that the credibility of the bar is maintained. And it will be maintained only if members of the bar continue to act freely, diligently, and fearlessly in promoting the legitimate interests of their clients, without any fear or inhibition. A crucial aspect of this independence also involves ensuring people's access to independent and affordable advocacy, advice and assistance from lawyers.

6. This institution belongs to the nation and its achievements are the result of unflinching dedication and commitment of numerous individuals on and off the bench. It has been able to play a defining role in the public life in large measure because of the trust it enjoys among the public. Having said that I acknowledge that there remain areas of concerns in the working of the institution. That is natural, especially in an institution that attempts to balance, day in and day out, the firmness of law against the vagaries of human nature. However we must also remember that neither inadequacy nor aberrations define a system, nor are hasty solutions a sensible way forward. Concerns require well-thought out solutions, for hasty responses are more likely to complicate the problem. Over the last few years, through concerted and coordinated efforts we have taken important strides in addressing existing concerns including those of pendency of cases, infrastructure and vacancies.

7. Given the increasing usage of information technology among the citizens, we must increasingly focus on harnessing IT and IT enabled services (ITES) for providing more efficient and cost-effective access to and delivery of justice. This must also include undertaking serious study concerning future of Artificial Intelligence in law, especially how Artificial Intelligence can assist in judicial decision making. I believe exploring this interface would be immensely beneficial for many reasons. For instance, it would allow us to

streamline courts caseloads through enabling better court management. This would be a low hanging fruit. On the other end of the spectrum, it will allow us to shift the judicial time from routine-simple-straightforward matters (e.g. cases which are non-rivalrous) and apply them to more complex-intricate matters that require more human attention and involvement. Many nations of the world, including US, Netherlands, Estonia, etc have integrated Artificial Intelligence in the justice administration system. Therefore, in India identification of such matters and developing relevant technology ought to be our next focus.

8. There are certain other aspects that need our consideration for a better legal system, such as-

- Decision of matters by circulation without oral hearing.
- Imposition of qualification for appearing before the Supreme Court.
- It can be a special part of the curriculum for the law students in their universities to learn the best practices in law which are otherwise learnt in the chambers of the advocates, where juniors learn the art of practicing by observing their senior.
- There is also a need to learn the art of cross-examination, which seems to be pretermitted.

All of this may be an entirely long-term solution and therefore of little interest to the members of the bar and the bench. But I do think that legal education in our country must receive the greatest importance from the members of this profession. This is so because it is the only guarantee of an excellent bar in the further and therefore an excellent Judiciary.

9. Equally important as resolving today's concerns, is developing the ability and foresight to deal with emerging concerns. These days it seems everyone is leading a very demanding life. Legal practitioners are no exception as they

continuously face enormous pressure on the professional front. Such demanding lifestyle can have grave consequences on the health of an individual. I believe, we must no longer live in the hubris that only physical well-being is important. We all can agree that mental wellbeing of members of both bar and bench is equally, if not more important. I think time is ripe to focus on mental wellness of legal practitioners. Efforts in this direction must attempt both de-stigmatisation of this idea and making available professional help, where necessary. SCBA must take the lead, and coordinate efforts of all relevant stakeholders.

10. Finally, I thank SCBA office bearers and members for their good wishes and for felicitating me. I must place on record my appreciation for the tremendous work you all have done during the last year or so. I look forward to your continuing support.

Thank you, Jai Hind!