



# Address by the Hon'ble President of India Shri Ram nath Kovind On the Occasion of Inauguration of Constitution day Celebrations

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1. I am happy to be here this morning on the occasion of Constitution Day, which marks the anniversary of the adoption of our Constitution on November 26, 1949. This is a moment to recall the men and women of the Constituent Assembly who completed the monumental task of drafting a Constitution for independent India. They produced a fine document, handwritten in 90,000 words, which continues to be our guiding light.

2. A key role in this exercise was played by Babasaheb Dr Bhim Rao Ambedkar, the chair of the Drafting Committee, who was awarded the Bharat Ratna in 1990. In 2015, in honour of Dr Ambedkar's 125<sup>th</sup> birth anniversary, the Government of India began to observe November 26 as Constitution Day.

3. Since 1979, the Supreme Court has observed this day as National Law Day. From 2016, it decided to celebrate it with a **Constitution Day Lecture** to be delivered each year by an eminent jurist. The first such lecture was delivered by Mr Justice M.N. Venkatachaliah. Today, we had the opportunity to hear Mr Justice R. C. Lahoti, former Chief Justice of India. I am also glad to have received the first copies of two books - ***The Constitution at 67*** and ***Indian Judiciary: Annual Report 2016-17***. I compliment the Supreme Court for publishing them.

## Ladies and Gentlemen

4. Perhaps the most remarkable feature about our Constitution is that its philosophy is everlasting - but its structure and clauses are flexible. Our Constitution framers were enlightened and far-sighted enough to give future generations the power to amend and change clauses as may be needed with the times.

5. Our Constitution is not static but is a living document. The Constituent Assembly was conscious that the Constitution would need to be interwoven with new threads. In a dynamic world, this would be the best way to serve the people and the nation as a whole. As such, over the years, many amendments have been carried out to the Constitution by Parliament.

6. The Constituent Assembly comprised men and women of unparalleled vision. They sought to draft a Constitution that was defined by a noble and expansive philosophy - rather than being a rigid document. The members of the Constituent Assembly ensured that there are checks and balances in the democratic system with appropriate roles for the executive, the legislature and the judiciary. This allows them to function independently but with accountability.

7. As for the citizens of our country, in whom sovereignty is ultimately vested, the Constituent Assembly was of the firm belief that they have a claim to Fundamental and Constitutional Rights. And yet they also have obligations towards the nation and society, including but not limited to Fundamental Duties.

8. At the heart of the constitutional project was **trust** - **trust** in each other, **trust** between institutions, **trust** in the goodness of fellow citizens, and **trust** in the wisdom of future generations.

9. This sense of **trust** is inherent in constitutional governance. When the Government **trusts** citizens to attest their documents themselves, it is in keeping with the spirit of the Constitution. When the Union government **trusts** state governments by devolving financial powers to them, and taking ahead the mission of **cooperative federalism**, then too we are working in the spirit of the Constitution.

10. Our Constitution framers realised that a Constitution, no matter how well written and how detailed, would have little meaning without the right people to implement it and to live by its values. And in this, they placed their faith in generations that would follow.

11. As Dr Ambedkar told the Assembly in his concluding speech on November 25, 1949, “However good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good, if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution.”

12. The Constitution empowers the people as much as the people empower the Constitution. When individuals and institutions ask what the Constitution has done for them and how it has built their capacities – they must also consider what they have done to uphold the Constitution. And what they have done to support its value system. The Constitution strengthens us, but we too strengthen the Constitution with our actions every day. To borrow the opening words of the Preamble, it could be said that the Constitution is ‘We, the People’ as much as ‘We, the People’ are the Constitution.

13. Our Constitution builds a superstructure of political, economic and social democracy. This superstructure rests on three principles or pillars: **liberty, equality and fraternity**. Dr Ambedkar had cautioned that these principles are not to be treated as separate and unrelated. As he said, [I QUOTE] “Without **equality**, **liberty** would produce the supremacy of the few over the many. **Equality** without **liberty** would kill individual initiative. Without **fraternity**, **liberty** and **equality** could not become a natural course of things.” [UNQUOTE]

14. It is critical to keep this intricate and delicate balance in mind when exploring the relationship between the three branches of the state – that is, the judiciary, the legislature and the executive. They are all **equal**. They should all be conscious of their **liberty** and strive to protect their **autonomy**. And yet, they should be careful not to disturb the **fraternity** of the separation of powers by even unknowingly intruding into the domain of either of the two other branches.

15. Sobriety and discretion in communication between the three branches is also extremely advisable. This will promote and enhance **fraternity** between three **equal** branches of the state, all of which have a certain **responsibility** to the Constitution. It will also reassure the ordinary citizen that the Constitution is safe – and in mature hands. And that the three branches are fulfilling their obligations in accordance with the spirit of the Constituent Assembly.

## Ladies and Gentlemen

16. Our fundamental commitment must continue to be to take the values of our Constitution – and the fruits of our social, economic and political development – to the very grassroots of our society. For this we must make constant efforts to raise standards of subordinate institutions and bring them at par with apex institutions in all spheres.

17. There should no doubt be emphasis on Ministries and Departments of the Union government – but also on how our constitutional project is being taken forward by village and block-level institutions. The legislative sanctity of Parliament is important. But so is that of every gram panchayat. And this must demand attention from each one of us.

18. Perhaps the greatest challenge is before the higher judiciary. It is in its mandate to bring justice closer to the people. To cite an example I have given earlier, High Courts need to take up the task of quickly providing certified translated copies of judgements in local and regional languages. Even the hearings in court, if possible, have to be in a language that is understandable to the ordinary litigant. The process of case disposal too has to be made faster.

19. It is upon the higher judiciary to mentor and encourage the lower judiciary. In this, the cooperation of state governments is very much necessary. It is for state governments to ensure that the district and subordinate court judges are not denied their due perquisites and facilities. And it is for the High Courts to urge subordinate courts to be more efficient and conclude cases faster. I appreciate that this concern is close to the heart of the Chief Justice and the other Judges of the Supreme Court.

20. I am glad to note some High Courts are taking steps in these directions. As of June 30, 2017, there were about 76,000 old cases, pending for five years or more, in sessions and district courts under the High Court of Jharkhand. The High Court has set a target of March 31, 2018, to dispose of almost half these cases.

21. In a related manner, the High Court of Chhattisgarh has set subordinate courts a deadline of April 30, 2018, for disposal of cases pending for over 10 years. And of September 30, 2018, for disposal of cases pending for between five and 10 years. The High Court of Chhattisgarh has also started to make provision for availability of Hindi versions of judgements and orders.

22. I commend these initiatives. I am sure other High Courts are also moving ahead with a similar sense of public service.

### **Ladies and Gentlemen**

23. The Constitution is not just an abstract ideal. It has to be made meaningful to the lives of ordinary people in every street, every village and every **mohalla** of our country. It has to somehow connect with their everyday existence and make it more comfortable.

24. As Mahatma Gandhi told us, in every decision we take, every measure we consider, we must ask ourselves if what we are about to do will be of use and benefit to the poorest and weakest person we have met. And in some manner restore to this person control over his or her destiny.

25. To my mind that would be the greatest tribute to the Constitution that we are celebrating today.

Thank you

Jai Hind!

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