

Role of Judiciary, Constitution, Administration & Citizens in National Integration

[Speech delivered by Hon'ble Mr. Justice R.C. Lahoti, Former Chief Justice of India
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I am delighted to see the All India Classic People Society having organized this seminar and brought together enlightened and responsible citizens from cross-sections of the society and different walks of life to deliberate on an issue of singular significance i.e. National Integration. People of India struggled for freedom. Freedom means we are the rulers and we are the ruled. This concept is the height of integration. The people of India, when they got freedom, gave a Constitution to themselves. Therein they have set out four goals of democracy, two out of which are Equality and Fraternity. These coupled with Justice and Liberty, the other two goals set out in the Constitution, are in the foundation and also the essential source of National Integration. The principal architect of our Constitution, Dr. Ambedkar, attached great importance to fraternity. He said- 'what does fraternity mean? Fraternity means a sense of common brotherhood of all Indians - of Indians being one people. It is this principle which gives unity and solidarity to social life.' People of India are all equals.

I vividly remember to have read long back a book, the name whereof I am not able to recollect. Therein someone asks a question to the author- what is the difference between a country and a nation? The answer given is something like this. A country is defined mainly by its geographical territories while the nation is known by its people. That country is a nation which has *ek pradhan*, *ek nishan*, *ek juban*, meaning thereby - one leader, one national symbol that is the flag - the National Flag, and one language. Here language is not used in a literal sense i.e. a

system of communication in speech and writing. Here language means the language of love, the expression of feelings, feelings of togetherness and of being one, the language of patriotism. India is a pluralist society. We must have a unity in diversity so as to integrate.

Recently I got an opportunity of reading manuscript of a book written by Dr. Justice M. Rama Jois which is under publication. The name of the book is – ‘Division of the People, [More] Disastrous than Partition’. Therein he writes that the Constitution lays down the Directive Principles of State Policy. Some of them directed towards securing national integration are:

- (i) secure social order for promotion and welfare of people [Art. 38(1)]
- (ii) to minimize inequality among citizens and eliminate inequality in Status [Art.38 (2)]
- (iii) to provide facilities and opportunities [38 (2)]
- (iv) to provide equal justice for all
- (v) to secure right to work, to education and public assistance to those who are unemployed (Art. 41)
- (vi) uniform civil code (Art. 44)
- (vii) Protection of childhood (Art. 45)
- (viii) Promotion of educational and economic interest of Scheduled Castes/ Scheduled Tribes and weaker sections (Art. 46)

Sardar Ballabh Bhai Patel was the principal architect of Part-IV of the Constitution wherein are incorporated Directive Principles of State Policy. His objective was that independent India should be a united and modern civil society, built on the foundations of democracy, religious tolerance, inner discipline and a clear perception of country's security

and economic interests. These are all essential to national integration. While being respectful about the religious and cultural diversity of the Indian people, he felt that the unity of the freedom movement and the unity of the Indian nation can be secured only through the adoption of the norm of secularism in all political processes. He wanted clinically impartial application of this principle to politics. He was clearly of the view that religious minorities of India should not use their separate identity as a leverage to vitiate national politics. He was equally convinced that majority should refrain from exploiting its numerical superiority for sectoral political advantages¹.

Times have shown how prophetic were the views of Sardar Patel. Unfortunately, we have forgotten our those great leaders who were real builders and well wishers visionaries of free India and national integration.

I appreciate this seminar as I see it as an initiation of a movement. Intellectuals, judges, lawyers, officials (elected and non-elected) have a prominent role to play in national integration. They must come out of their shells to assume this responsibility in a Democracy. There is rule of majority, the first object of which should be the protection of minority in the interest of national integration.

Coming to the role of judiciary it would suffice to say that the Constitutional Courts have always believed in upholding the Constitution and constitutional values. Numberless judgments bear testimony to this. The Indian courts have not hesitated in, and never missed any opportunity, of acting as social reformers and nation

¹ See JN Dixit, *Lessons from the Life and Work of Sardar Patel on Nation-Building*, (Sardar Patel Memorial Lecture 25.10.2002)

builders. They have noticed detrimental changes and acted to undo them. I would like to quote only three instances.

In the case of Pradeep Jain (AIR 1984 SC 1420) the Supreme Court stated-

‘We find that today the integrity of the nation is threatened by the divisive forces of regionalism, linguism and communalism and regional linguistic and communal loyalties are gaining ascendancy in national life and seeking to tear apart and destroy national integrity. We tend to forget that India is one nation and we are all Indians first and Indians last. It is time we remind ourselves what the great visionary and builders of modern India - Jawaharlal Nehru said, ‘Who dies if India lives; who lives if India dies?’. “We must realise; and this is unfortunately that many in public life tend to overlook; sometimes out of ignorance of the forces of history and sometimes deliberately with a view to promoting their self-interest, that national interest must inevitably and forever prevail over any other considerations proceedings from regional, linguistic or communal attachment”.

Numberless times, the Supreme Court has expressed that politics when polluted with religion and caste factors becomes anti-secular. Need for enforcing Common Civil Code under Article 44 has been emphasized time and again. Recently a Seven Judges Bench of the Supreme Court in (*State of Gujarat v. Mirzapur Moti Kureshi Kassau Jamat and ors.*), after tracing the history of development of law from the case of *Keshwananda Bharati* till recent times, has held that Directive Principles of State Policy

are not the words wasted in the Constitution. Though they are placed as 'subordinate' or 'subservient' to the Fundamental Rights, they have been gradually elevated by the Supreme Court to the status of 'partner' of Fundamental Right in guiding the nation. This is a great contribution of the Court in achieving the goal of national integration.

In a pluralist society not mere tolerance but mutual respect is essential for everlasting peace and harmony. The constitutional functionaries, administrators and citizens, in particular the intellectuals must realise this truth and do their best in reaching the goal of national integration.
