

**SPEECH BY HON'BLE THE CHIEF JUSTICE OF INDIA ON THE
INAUGURATION OF THE HIGH COURT CIRCUIT BENCH AT
DHARWAD**

JUSTICE K.G. BALAKRISHNAN, CHIEF JUSTICE OF INDIA

4th July, 2008

My esteemed colleague Shri Justice R.V. Raveendran;

**Shri B.S. Yeddyurappa, Hon'ble Chief Minister of
Karnataka;**

**Shri Justice Cyriac Joseph, Chief Justice, High Court of
Karnataka;**

Hon'ble Speaker of the Karnataka Legislative Assembly

Shri Jagadish Shettar;

Former Chief Ministers of the State of Karnataka Shri H.D.

Kumaraswamy and Shri N. Dharam Singh;

Advocate General;

Judges of the High Court of Karnataka;

Other distinguished guests;

ladies and gentlemen:

Today is a day of rejoice for the people of Dharwad. Dharwad is said to mean place of rest after a long travel. The agitation for having a Circuit Bench at Dharwad has been there for a long period and now the dreams have been fulfilled. Dharwad is a historical place with a long history of its own. Many ancient rulers wanted to have control over this place. In 12th Century, it was ruled by Chalukyas and later it formed a part of the great Vijayanagar Empire. Adil Shah of Bijapur captured Dharwad and built a Fort and wanted to have control over this beautiful part of the country. Shivaji, Tipu were all among the great rulers who wanted to control over Dharwad and finally, the British people got final triumph over this place and that after too much resistance from the local rulers. We must acknowledge that the British rulers laid foundation for education and first English medium school was started in 1848 that paved the way for Dharwad being an educational centre later. When education spread, it became a great cultural centre and the important literary and musical exponents of Karnataka have been born and brought up in Dharwad. It is in such a place now, the Circuit Bench of High Court of Karnataka is being established and starts functioning from 7th July, 2008.

Starting of a High Court Bench at any place other than the main seat of High Court is always beset with problems. In almost all the States, there are demands for establishment of Circuit Benches at places other than the main seat of High Court. Sometimes there may be good reasons for starting a Circuit Bench but sometimes a demand would be based quite unreasonable and more based on the parochial thinking of some group of people, and generally the wish or necessity of the litigant public is not in the forefront of such demand. Demand for Circuit Bench at some places leads to violent agitations and courts are not able to function properly because of the incessant strike by the lawyers. Anyway, that phase is over as far as Dharwad is concerned.

The roots of many present day human institutions be deeply buried in the past. That is true in respect of our legal institutions. Our legal system as such is not the creation of one man or in one day. Large number of people through generation contributed for its growth and development. Even before the British period, that is, prior to 1600, in most of the States there was distinctive legal system of its

own. Our laws and judicial interpretations were based on high degree of human values. Even before the establishment of the High Court of State of Mysore in 1884, the various courts in the State were taking care of the law and order situation. On the formation of the State of Karnataka, the High Court of Karnataka was established and so many eminent judges adorned the Bench of the High Court of Karnataka. The High Court of Karnataka contributed two eminent Chief Justices of India to this country. There were many eminent lawyers practicing in the High Court of Karnataka and some of them actively participated in our freedom struggle. Judges of the High Court of Karnataka were known for their independence and their impartiality.

By starting a Circuit Bench at Dharwad, we are opening a new chapter. There are 8 districts which would come within the jurisdiction of the Circuit Bench of Dharwad. The districts of Dharwad consists of 6 Talukas and more than half of the people are from rural background and the majority of the people in this area belong to the working class and mainly engaged in the agricultural sector and the trade and commerce also is dependent on the agriculture. The profile

of the districts of Dharwad and the neighbouring district would indicate that the per capita income of the people in this area is around Rs. 15,000 p.a. When a High Court Bench is established in an area which is predominantly with rural background, we should ensure that this institution should give utmost service to the people. The law and legal system must have been initially established primarily to settle the disputes between the parties and the law was always considered as passive rather than active, as a social force to bring about social change. Initially, there was only limited scope to effect major social change through the medium of law. It is said that law lagged behind the real life and **Goethe** expressed about law as the “rule of the dead over the living”. The society was constantly in motion and social institutions emerged. There was fundamental alteration in the way and aspect of structure of society. There was new thinking and new belief in the potentiality of law as the role of State changed. No longer State was seen as standing to one side and performing a limited night watchman’s role. The State is having concentration of political and economic power and acts as a manager of socio-economic rights and works as a source and distribution of basic legal rights and material standards. Law does not work only as a straight

forward command but it defines, gives status and rights and selectively distribute burdens and incentives. It sets up agencies and institutions to impose burdens and distribute benefits. All these are implementative techniques that operate more or less to translate the legislative aim to social behaviour. Of course, the change through law is difficult to plan, complex to execute and often uncertain in its consequences.

The Indian economy has made significant progress in all sectors of development in the last 50 years since it started its planning process. There is distribution between civil and political rights and economic, social and cultural rights. Socio-economic rights include education, health, standards of living, trade union rights, housing, water, food, cultural identity, etc. These economic rights of people are beneficial rights created by benevolent legislations and they should reach the people otherwise it will remain as “manifesto rights”.

When we start a new High Court, people of this area may have great expectations. On many occasions, the Court can transform its

jurisprudence into more people friendly and the court must also begin to pay more attention to the emerging dimensions of the socio-economic rights including the responsibilities of transnational corporations and agencies as well as relationship between different branches of law. There are creative opportunities for expanding the jurisprudence of the court. The court's legitimacy will depend to a large extent on its ability to offer support to social movement struggles which are primarily focused on the realization of economic and social rights at a time of economic liberalization. Thus, this Circuit Bench of the High Court of Karnataka at Dharwad should certainly help the people of this locality, should help not to increase litigation but to lessen their burdens in day-to-day life and make their lives more worthy of living.

Our High Courts have maintained high standards of etiquettes and professional ethics. The lawyers who are to practice in this High Court should scrupulously follow the high principles of ethics and maintain highest dignity of profession and those who are going to start practice in the High Court should set an example to the young

members of the Bar and should guide them properly as to how the highest standards are to be maintained.

I wish all success to the new High Court Bench and I formally inaugurate the same.

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