

## **Acceptance of Honorary Doctorate in Laws from Mysore University**

(Bangalore – December 12, 2009)

Remarks by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India

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Dr. H.R. Bharadwaj (Governor of Karnataka)

Sh. Arvind Limbavalli (Minister of Higher Education, Karnataka)

I am deeply grateful to the Mysore University for conferring an honorary degree of Doctorate in Laws (LL.D.) on me. I am overwhelmed by this gesture and accept this recognition with all humility. It is often said that education is a life-long process, one that continues beyond the institutional framework of schools, colleges and universities. The value of a sound formal education lies in the accumulation of knowledge as well as cultivating a capacity for rational inquiry and an open mind.

There is no doubt that democratic values can be deepened only if we ensure that all of our citizens have access to basic entitlements such as nutrition, housing, education and healthcare. To borrow the terminology developed by Prof. Amartya Sen, our understanding of concepts such as 'niti' (design of public institutions and policies) and 'nyaya' (the pursuit of substantive justice) should be geared towards developing the capabilities of our citizenry. If the government can play the foundational role of ensuring equitable access to such basic entitlements, then the resourcefulness of citizens themselves will lead them to personal and collective empowerment.

This might be a simple idea to communicate but is indeed the existential question for examining our approaches to governance. The legal system must also contribute to the vital agenda of improving the capabilities of citizens. This places a special duty on both judges and lawyers who are often called upon to play central roles in resolving disputes about allocation of resources and opportunities. Whether it relates to questions about admissions to educational institutions, the provision of job opportunities or even the delivery of social welfare schemes, it is imperative for courts to prioritise concerns of distributive justice over those of private gain. In some cases, judges and lawyers have been confronted with underlying tensions between the competing notions of 'justice for the masses' and the 'rights of a few'. These tensions have become prominent on account of increasing competition for resources such as land, employment and investment opportunities. In a gradually liberalizing economy, we need to be vigilant about the widening of existing socio-economic inequalities. Judicial interventions have been the instruments of distributive justice in the past and even more difficult questions will be brought before the courts in the future.

We may disagree with each other on how to deliver justice in particular cases, but I hope that there is a broad consensus on the understanding of our constitutional values amongst the legal community. Ideas such as the 'rule of law', 'equal protection before the law', the protection of 'personal liberty' and the promotion of civic virtues are at the core of these values. There are of course complications on account of the wide disparities among our people,

but the first premise of a functioning democracy is that its citizens must learn to look past their mutual differences and resolve their disagreements through peaceful means.

With these words, I would like to once again express my gratitude to the Mysore University.

Thank You!

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