

Felicitation function for SCBA members serving in Union

Cabinet

(December 4, 2009 – Supreme Court Lawns)

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

Esteemed brother judges,
Office-bearers of the SCBA,
Members of the bar,
and Ladies and Gentlemen,

I am happy to be present here for this function to felicitate the members of the Supreme Court Bar Association who are serving as Union Ministers. In this respect, I would like to acknowledge the presence of Shri M. Veerappa Moily (Union Minister for Law and Justice). Shri Kapil Sibal (Union Minister for Human Resource Development) and Shri Salman Khursheed (Minister of State for Corporate Affairs and Minority Affairs).

We have a long established tradition of legal practitioners crossing over into active politics. Some individuals have been able to hold their own, both in the courtroom as well as in the political sphere at the same time. In this sense they play an important role in the

intersection between law and politics since they can marshal their legal acumen to improve administrative decision-making while also enriching the quality of legislative developments.

Many of our leading freedom fighters as well as prominent members of the Constituent Assembly had a background in the legal profession. Their experience and insights have come to be engrained in the text of our Constitution. However, the constitutional values themselves cannot be viewed in a rigid and isolated context. With the passage of time all of us have to examine and interpret the provisions with due regard to changing socio-economic realities. The idyllic vision of the framers of our Constitution has often been questioned and we are indeed faced with some complicated fact-situations in our respective roles.

Persons possessing legal expertise play a vital role in the executive branch of government since they can highlight the importance of respecting an effective separation of powers between the different organs. Their disciplinary background also creates a disposition towards best practices such as consulting all the

stakeholders in the course of framing policies and providing cogent reasoning for administrative decisions. Just as lawyers and judges are trained to adhere to the principles of natural justice in the course of legal proceedings, those who wield executive power are also called on to apply these principles in the course of discharging their responsibilities. Especially when dealing with questions relating to the distribution of state largesse, it is extremely important to account for conflicts of interest between the decision-makers and the intended beneficiaries. Good governance can be conducted only when the citizens believe that their interactions with the state are guided by fairness.

With these words, I would like to convey my sincere regards to the Hon'ble Union Ministers and I hope that they will make the best of their respective tenures.

Thank You!
