

Speech of Hon'ble Governor on the occasion of inauguration function of "India Legal Conclave" on 'Access to Justice' organized by India Legal Research Foundation Conclave on 23rd July, 2016 at Hotel B.N.R., Chanakya, Ranchi

Hon'ble Chief Justice of Jharkhand High Court Justice Virendra Singh,

Hon'ble Judges of Jharkhand High Court,

Members from the Bar, Advocates,

Legal Professionals, Media Persons,

Ladies and Gentlemen,

Today I am delighted to be here for the inaugural function of 'India Legal Conclave' on "access to justice".

'Access to Justice' in its generic sense means the right of an individual to remediation and justice. It is the bounden duty of the state to provide this essential service to all citizens. This is one of the primary mandates of our constitution. No democracy would be safe without this fundamental pre-requisite of a modern state.

The concept of 'Access to Justice' has two significant components. First is a strong and effective legal system with

rights clearly defined by substantive legislations. The second is an accessible judicial system which is available, responsive and quick.

The Constitution of India is a living document of our Country and constitutes the basic law of the Nation. The Preamble of our constitution aims at securing to all citizens Justice: social, economic and political. Though it is not easy to give a precise meaning of the term justice, by and large, it can be stated that the idea of justice is equated with equity and fairness.

Social justice, therefore, would mean that all sections of society, irrespective of caste, creed, sex, place of birth, religion or language, would be treated equally and no one would be discriminated on any of these grounds. Similarly, economic justice would mean that all the natural resources of the country would be available for the common good of our society and no one would suffer from any undeserved want. Whereas, Political justice entitles all the citizens equal political rights such as right to vote, right to contest elections and right to hold public office without discrimination.

To achieve this, our constitution provides for an effective and independent judicial system. Right to 'access

to justice' has been recognized as one of the fundamental rights. Justice delivery or administration of justice is one of the paramount functions of the State.

To bring justice closer to the underprivileged segments of the society, a number of innovative measures including providing legal aid to the poor have evolved over time. Article 39A provides as follows and I quote,

“The State shall secure that the operations of the legal system promote justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”.

In a number of judgments, the Supreme Court has emphasized, while interpreting Article 21 in the light of Article 39A, that legal assistance to a poor accused person is a constitutional imperative. In the absence of legal assistance, injustice may result and every act of injustice corrodes the foundations of our democracy.

I hope this conclave will find out the short-falls in our justice delivery system and recommend remedial measures which are practical and doable.

Considering the challenges ahead, I commend my best wishes to this conclave. I have no doubts in my mind that

this initiative would go a long way in realizing the cherished goals enshrined in our constitution.

Jai Hind!

Jai Jharkhand!