

**SUPREME COURT BAR ASSOCIATION  
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**Address by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India**

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After a long period of 10 years in Supreme Court, I am bidding farewell to all of you. This moment gives me mixed feelings. I will be missing the daily glance of your smiling faces in the First Court of one of the greatest judicial institutions of the world. Most of you have appeared and argued in hundreds of cases on various subjects – economics, social, political, environmental, marital and many other subjects under the Sun. Probably, the Supreme Court of India is the only court that deals with these varieties of cases. Many of the foreign guests who come from various other legal jurisdictions really wonder the way in which our Supreme Court of India is functioning. They say that this is the only national court where the litigants, public and lawyers come in large numbers seeking justice for their cause and, to be here to associate with this institution and to be the Chief Justice of India, is the highest honour for my life.

While attending a function, I told the other day that a group of Senior Advocates from the United States, who visited me last year, asked me – How did I become the Chief Justice of India? I knew the

implications of that question. I could not give an answer to that question. But still that question baffles me. I was born and brought up in a tiny village in Kerala. I was one of the 8 siblings. I suffered all the difficulties that a village boy could have suffered about 60 years back. But I do not want to narrate my childhood miseries. I must have suffered social prejudices. It is part of our social life. - no use grumbling over this. A great tennis player Boris Becker, after divorce from his first wife, said :-

“The Paradise where people with different religions and different skin colours can live without problems does not exist.”

But I am extremely fortunate that so many people, who might have social prejudices, helped me in my career and I remember them with reverence. They are innumerable – Chief Justices, Judges, friends, well-wishers. They guided me and gave me the tips for my life. But I do remember and I must pay regards to one by mentioning his name and he is the then Chief Justice of Kerala High Court Justice K. Bhaskaran who suggested my name to be appointed as a Judge of the High Court. I must say that I surpassed many social prejudices, I got great strength and support from several people and that is why I could reach this position. To be in the precincts of this great institution itself is a great honour and to be a Judge and later Chief Justice of this Court, is the greatest fulfilled dream of my life.

As a Judge I tried my best to discharge my functions, but it is ultimately for the members of the Bar and the public to assess my contribution, if any, to the development of law in this country. Justice Cardozo once said about Judges :-

“There is in each of us a stream of tendency...which gives coherence and direction to thought and action. Judges cannot escape that current more than other mortals. All their lives, forces which they do not recognise and cannot name, have been tugging at them ...inherited instincts, traditional beliefs, acquired convictions and resultant is our outlook on life, a conception of social needs, a sense in James' Phrase of 'total push and pressure of the cosmos' which when reasons are nicely balanced, must determine where choice shall fall.”

He went on to say :-

“The judge even when he is free is still not wholly free. He is not to innovate at pleasure. He is not knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consolidated principles. He is not to yield to sporadic sentiments to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system and subordinated to the primordial necessity of order in public life.”

I also must have pre-conceptions, attitudes and prejudices. It is part of my make-up and I must have also not recognised my own prejudices and many are unable or unwilling to admit even this that

action of theirs may be motivated. English Author G.K. Chesterton once said :

“It does not so very much matter whether a man eats a grilled tomato or a plain tomato, it does very much matter whether he eats a plain tomato with a grilled mind. The only kind of simplicity that worth preserving is simplicity of heart.”

The lawyers, by and large, do not mind whether their cases are dismissed or allowed, but it does matter whether it is dismissed with a vengeance or allowed with an undue favour.

As the Chief Justice of India I tried my best to improve this institution. Despite the best efforts of my colleagues the pendency of this Court is still at a higher rate and our dockets are full. The disposal of cases in 2009 went upto 71179 cases. In 2001, 39149 cases were filed, whereas in 2009, 77151 cases were filed in this Court. Within a short span of 9 years the filing of cases is almost doubled. Due to increase in the number of cases and the consequential workload, the burden on the members of the staff has become unbearable. I could increase their strength marginally, but the lack of office space is really creating problem. We find it extremely difficult to give the members of the staff a working environment. Until the new building is available in the Appu Ghar area, we have to bear with this difficulty.

I started my career as a Civil Judge (Junior Division) at the age of 27 and had worked at different places in various capacities. It is great fortune that I could be a part of the judicial system of this country. When I lay down my Office, I remember all those who have helped me in discharging my duties in various capacities. I sat with so many Judges in the High Court of Kerala, High Court of Gujarat and High Court of Madras and in this Court. All my benchmates gave me immense strength and courage in discharging my duties. I remember them with reverence on this occasion. Members of my personal staff gave me excellent support. I do not want to name each one of them. The Registrars, my personal secretaries, my assistants, law clerks, my driver, class IV employees – all helped me in various ways and this is the only occasion where I can express my gratitude to them.

Supreme Court of India is a great institution. It is the constitutional duty of this Court to protect the rights of the people and uphold the democracy and rule of law in this country. This Court is vested with unprecedented powers and jurisdiction - jurisdiction wider than its counterparts in any other country. This Court enjoins far-reaching influence in constitutional history and progress of this country. This court has protected the interest of the people and safeguarded the independence of the judiciary. Through landmark decisions and liberal jurisprudence this court has considerably strengthened our democratic and pluralistic foundations and

commitment to the rule of law. This court has contributed to the strengthening of country's national unity and fostered a distinct sense of constitutional patriotism. To be part of it is indeed a great fortune of my life.

Hundreds of lawyers are practising in this country. I know many of them do not have sufficient work. Some of the young members of the Bar still face several difficulties. I can only wish them all success in their career. My only advice is - what is required for the young lawyers at the Bar is clear head, a good memory, strong commonsense and aptitude of analysis and arrangement. If you possess these qualities, difficulties in your profession would vanish, like the morning mist before the Sun.

I am very optimistic about the future of this great institution. I am handing over the baton to none other than a Judge with immense versatility and supreme skill, Justice Kapadia is a Judge who supplements his reason with the promptings of a sensitive and an understanding heart, the Judge with a sleepless sense of justice, with a habitual, glowing, vision of righteousness. He decides not, indeed, according to his own private impulse but in accordance with the laws and customs of the land by reading them in the light of their ethical significance and, I am sure, he will be a fearless defender of citizens' rights. Future of this institution would be safe, secured and protected in his hands. This court has got an array of excellent advocates. I can only

say that I am extremely fortunate to have discharged my functions in this Court amongst these advocates who have made history in the profession.

With these words, I once again express my deepest gratitude to all of you for affording me this opportunity.