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### **Independence Day Message**

My Distinguished Judicial Fraternity,

Happy Independence day to every one and we should not dampen our spirits of patriotism during this pandemic situation which is a global crisis since it is not a symbolic occasion like any other and it is a day of commemoration of many freedom fighters who made India free from foreigners.

With this I would like to share my thoughts with all of you.

Today we all are celebrating the 74th Independence Day of our nation which is one of the largest democracies in the world. This day marks the historic occasion when the country finally broke the shackles of oppression and gained independence from the British empire in the year 1947.

Independence Day is celebrated with utmost fervour, zest and a spirit of patriotism to mark the innumerable sacrifices of the freedom fighters of India and honour the fact that we are living in a free India.

Each generation must respond to social economical and political issues and challenges in the society in keeping the vision and foresight of the framers of our holy book of India i.e Indian Constitution.



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I must say undoubtedly the democratic values in every citizen of nation deepens only if all the citizens are able to have feasible access to basic needs of life like health, nutritious food, shelter, literacy, access to justice etc which empowers every citizen to a responsible individual and for a better society

Besides the entitlements to the citizens, we the Judiciary which is the vital part of the nation must also contribute for improving the capabilities of citizens for that a heavy duty casts on all members of our legal fraternity both the bench and the bar even the crew of entire bench i.e., the employees as well .

As we all know the learned members of the bar and the bench often plays a significant role in resolving the litigation about resource allocation of whatever department it is and through access to justice the judiciary ensure better access to the welfare schemes to public and better education, health etc . It is imperative for the courts to give priority to concerns of distributive justice rather than those of benefits to private parties. Freedom was not gained and merely gifted to the people of this country it was placed in trust to every citizen to protect and preserve the same and to mould according to



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the changing needs of the society and pass the legacy to generation to generation.

We are passing through good and bad times and there are achievements from every field and we are jubilant about the same. But there are also dangers equally and we must guard against them, significantly during this pandemic situation. In this regard, I extend our tribute to late Sri B.Raja Sekhar and Sri S.Prasad Nayak who rendered tremendous services to our institution and lost their breath, from the bottom of my heart. I also pay condolences to their family members.

We must always remember and acknowledge with gratitude to the contributions and sacrifices of the freedom fighters, leaders who over the years fought for independence to us and it is also a day to convey our eternal gratitude and deep indebtedness to our Indian police, Armed Forces, Para Military, Internal Security, Heroes of the Pandemic i.e. Doctors, Health Workers, Sanitisation Workers and who directly and indirectly extending their services to every one of us at their end in this Covid 19 outbreak and our gratitude in words never replace their personal sacrifices and commitments in this situation and who are safeguarding our lives.



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And we all must ensure justice to the masses so that 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. And the people of this democracy must follow the constitutional values significantly and the community who are involved in governance of the three organs must uphold the core values of constitution i.e., rule of law .., equal protection before law, protection of personal liberty and the civic virtues . And the civilians must adopt the process of resolving their litigation by peaceful means .

***I would like to recollect the words addressed by Hon'ble Mr Koka Subba Rao, Chief Justice of India, on 25<sup>th</sup> November, 1966, in his Inaugural Ceremony speech said that:***

*"In the discharge of its legitimate duties sometimes it had to come into conflict with other institutions. Our Constitution has provided three great institutions, namely, the Legislature, the Executive and the Judiciary. Though there is no absolute separation of powers in the sense found elsewhere, the functions of the three are*



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*separately defined. Broadly, the Legislature makes laws, the Executive administers the State and the Judiciary decides disputes between person and person, between person and State, between State and State and between State and the Union. If the State is visualised as one unit and the three institutions as its component parts, the said functions are only parts of a self-regulating machinery. They are three co-ordinated State instrumentalities.*

*There is no question of any complexes. Each is expected to discharge its allotted duties for the common good of the country. If this aspect of the Constitution is borne in mind, there can never be any scope for conflict. Though the Judiciary, in the role of a corrective agency, has to set aside the orders of the other two wings, if they offend the Constitutional provisions, it only means that one wing of the State corrects the others, as it should do under the Constitution. I hope and trust that this High Court will continue, with humility and impartiality, to enforce the Constitutional mandate of the rule of law".*



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I hope all of us who are part of this Judiciary will take lead in protecting the core values of the constitution in our society.

***On one occasion, Netaji Subhash Chandra Bose said that:***

*Forget not that the grossest crime is to compromise with injustice and wrong. Remember the eternal law: you must give, if you want to get.*

***And today we must recollect and renew the Pledge formulated by Pandit Jawahar Lal Nehru :***

*"The Service of India means the Service of the Millions who suffer . It means the ending of poverty and ignorance and poverty and diseased and inequality of opportunity . The ambition of the greatest man of our generation has been to wipe every tear from every eye . That may be beyond us. But as long as there are tears and sufferings , so long our work will not be over "*

Let us salute today people who fought for the independence of the country and dedicate ourselves to the service of this great nation.

Jai Hind

**Dt.15.08.2020**

*15.8.2020*  
**(J.K.MAHESHWARI)**