

Series of Lectures for law practitioners and Judiciary at the IJLS by Hon. Madan B Lokur (Retired Judge of Supreme Court of India)

The Institute for Judicial and Legal Studies organized a series of lectures between the 26th to 29th March by Indian Supreme Court Judge Madan Lokur for law practitioners and the Judiciary on various aspects of Indian Supreme Court, judicial activism, computerization of Indian courts and interpretation of Human Rights in light of the Indian Constitution.

About Judge Lokur:

Judge Madan Bhimarao Lokur who retired as Supreme Court Judge of India on 30 Dec 2018, has presided over the Social Justice Bench related to social and environmental issues. Mr Justice Lokur read law at the Delhi University in 1977. He then enrolled as an advocate (Barrister) in 1977, following which he practised in the Delhi High Court and the Supreme Court of India in civil, criminal, constitutional, revenue and service matters. He was appointed as an Additional Solicitor General of India in 1998, and was then appointed as an Additional Judge of the Delhi High Court on 1999, where he was eventually promoted as permanent judge. He was then appointed as Chief Justice of the Gauhati High Court and the Andhra Pradesh High Court in 2010 and 2011 respectively. After an extensive and fruitful career, he was in due course appointed as a Judge of the Supreme Court of India in 2012.

Mr Justice Lokur has a keen interest on matters pertaining to judicial reforms, computerization of courts, judicial education, legal aid and services, juvenile justice and ADR. In effect, he was Member and later Judge in charge of the Mediation & Conciliation Project Committee of the Supreme Court of India since its inception in 2005 till 2018. He was also the chairperson of the E-Committee of the Supreme Court of India from 2012 and was a key player in the digitalisation of over 19,000 courts in India as well as the oversight of the National Judicial Data Grid of India. The computerisation is still ongoing in India, and he is now looking at virtual courts and the application of Artificial Intelligence in the judicial system. He also chaired the One-Man Juvenile Justice Committee from 2013 till 2018, which was set up under the Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act. Additionally, he was the Chairperson of the Supreme Court Legal Services Committee from September 2017 till October 2018, and the Executive Chairperson of the National Legal Services Authority from October 2018 till December 2018.

First Lecture for law practitioners:

On Tuesday 26 March, he gave his first lecture on the topic 'Public Interest Litigation' where more than 80 members of the legal profession responded positively to the invitation. He discussed the evolution of Public Interest Litigation (PIL) in India with a brief background of a few initial cases in the 1980s. Over the years, the PIL jurisdiction of the courts has expanded and

has covered a series of rights and interests of the general public. The PIL jurisdiction has embraced issues of environment, governance, electoral reforms, and judicial independence and so on. Unfortunately, the PIL jurisdiction of the courts has also been misused by some litigants and it has also invited criticism from the Government. He laid particular emphasis on the advantages of PIL in the context of social justice and human rights, and why the criticism of judicial activism is not warranted.

Second Lecture for law practitioners:

He gave a second lecture on Thursday 28 March on the topic 'Interpretation of fundamental rights in the Indian Constitution', with the notable presence of judges of the Supreme Court of Mauritius as well as members of the National Human Rights Commission and the legal profession. He retraced the role of the Supreme Court of India as the guardian of the Constitution in order to ensure the respect and protection of the rights of the most vulnerable people in society. The importance of fundamental rights has been often misunderstood by the State which has been trying to curtail or limit its application, and this has been met with fierce resistance from the Supreme Court. The right to life and liberty has been given considerable significance by the Supreme Court and a few cases on the equal protection of the rights of vulnerable groups such as LGBTQI and women and girls were discussed in this context. Reference was also made to the 'basic structure doctrine' which permeates the whole fabric of the Indian Constitution insofar as the latter has certain basic features that cannot be altered or destroyed through amendments by the legislative branch of the State.

Judicial interaction and address to magistrates:

On Friday 29 March, Mr Justice Lokur kindly gave a talk to around 50 magistrates on the theme 'Judicial activism of the Supreme Court of India with respect of the interpretation of basic human rights and the challenges faced by the Indian Judiciary.' He provided a comprehensive overview of the role of the Indian Supreme Court in shaping the constitutional landscape of India. The doctrine of separation of powers which stipulates that the three branches of the State (the legislature, the executive, and the judiciary) cannot encroach on each other's province is valid only if the three branches obey the basic tenet of a democratic state: the rule of law. This cardinal principle refers to the idea that everyone, including the executive, must act within the power which the law has conferred upon them. As a result, if the executive branch of the State goes beyond or below this power, the Supreme Court will intervene in order to protect the fundamental rights of individuals against infringement or inaction by the State.

On Friday 29 March, Mr Justice Lokur also met with the esteemed judges of the Supreme Court of Mauritius, where the latter were apprised of the Indian Judicial Data Grid about the computerisation of the around 20,000 courts in India since Justice Lokur was and is still chairing the e-committee on computerization of Indian courts. Judge Lokur stressed how digitalization which is client friend, geared towards the ultimate client of justice brings about a better and more

efficient administration of justice. He also mentioned the new project of virtual courts set out in India for fixed road traffic offences penalties and how inspiration can be sought from India in order to equip our judiciary with more effective digital tools in the timely and efficient administration of justice. Mr Balancy CJ, the newly appointed Chief Justice, as well as other SC judges present, had productive exchanges with Mr Justice Lokur. Mr Balancy CJ addressed the judges on his vision for the Judiciary and judicial training.

Conclusion:

On the whole, the visit of Judge Lokur was a resounding success as it gave diverse legal insights and reflection on the judicial machinery of the greatest democracy in the world to all the branches of law and the judiciary, and drove in how law is and will always be a tool of social change.