

News

According to CJI Surya Kant, justice is destroyed rather than denied when it is delayed.



The Chief Justice stated that prompt High Court involvement is frequently the sole effective defense against executive overreach and loss of liberty during his speech at the Fali Nariman Memorial Lecture.

Chief Justice of India (CJI) Surya Kant warned on Saturday that individuals frequently lose their only true protection when courts do not act promptly, saying that a delay in judicial action not only denies justice but also destroys it.

The CJI emphasized that the High Court's capacity to step in at the initial hearing frequently

decides whether justice is received at all for many citizens, especially those who are subject to executive action.

"For a student who is wrongfully denied admission or a small farmer whose land is being seized, justice delayed is not justice denied, it is justice destroyed. Therefore, the citizen's only genuine access is frequently the High Court's capacity to stop an executive action at the very first hearing, he noted.

Justice Kant added that if High Courts continue to be watchful, attentive, and accessible to common people, liberty in India will never again be at the mercy of unbridled state power.

He continued, ***"In India, liberty will never again be at the mercy of unchecked authority because the High Courts remain ever vigilant, ever responsive, and ever the proud sentinels of our freedom."***

The Bombay Bar Association was hosting the Fali Nariman Memorial Lecture, which Justice Kant was giving.

He emphasized that High Courts play a special and crucial role in India's constitutional structure, serving as people's first and most important line of defense against unlawful detention, excessive administrative power, and human rights breaches. The hallmark of the Court's protective jurisdiction to step in at the threshold and ensure that the status quo is maintained so that justice is not undermined by the fait accompli of administrative haste is the High Court's ability to provide interim relief under article 226, he said.

High Courts, he claimed, were never intended to serve only as appellate or revisional courts or as stepping stones to the Supreme Court. Rather, they were intended to be dynamic constitutional tribunals where people may pursue prompt and efficient remedies.

Justice Kant linked this function to India's colonial past, pointing out that civil freedoms were purposefully withheld and laws were used as tools of control. He claimed that after learning from this past, the founders of the Constitution made sure the people would never again be powerless against the government.

He clarified that Article 226 was created in this historical setting to guarantee that rights were enforceable rather than only asserted.

They came to the realization that rights are meaningless without remedies. He stated, ***"They decided that the citizen would never again be left defenseless against the State when they sat down to draft the Constitution of a free India."***

The Chief Justice made a clear contrast between Articles 32 and 226, stating that whereas Article 32 safeguards fundamental rights, Article 226 grants High Courts more authority to uphold statutory obligations, redress legal wrongs, and curb administrative excess.

High Courts are the "true first constitutional court" for citizens, according to him.

The High Court frequently has the most important opinion, even though the Supreme Court may have the last say. According to Justice Kant, ***"the High Court is the main sentinel guarding the doorsteps of the ordinary citizen, ensuring that the rule of law is a local, breathing reality rather than a distant Delhi-centric concept."***

Justice Kant emphasized that in situations involving illegal imprisonment, risks to human dignity, environmental damage, or administrative failure, the High Courts are frequently the first to hear complaints of injustice.

He claimed that when public interest litigation developed, courts were able to hear the concerns of people whose voices are silenced by poverty, illiteracy, or marginalization, making this role even more prominent.

This was not merely a change in procedure. He stated, ***"It was a moral one."***

Justice Kant cited the High Courts' authority to intervene suo motu and issue interim directives, saying that this capacity to close legal gaps had enabled courts to preserve the environment, uphold the dignity of prisoners, and protect migrant workers in times of national emergency.

According to Justice Kant, virtual hearings should no longer be viewed as emergency measures and access to justice must now go beyond traditional judicial settings.

"Courts must adjust in a time when automated processes or emerging technology are likely to violate citizens' rights. Instead, technology needs to be used to guarantee judicial equality, he stated."

Justice Kant cited Fali Nariman's critique of wordy litigation and stated that more straightforward and targeted procedures will enhance access for common people.

He said that long-term systemic remedies were more successful than short-term judicial interventions, citing his own judicial experience, which included time in the Punjab and Haryana High Court.

He emphasized the necessity for a focused bench and a disciplined bar while cautioning that High Courts must expand their function without going overboard.

Justice Kant considered Nariman's legacy as he wrapped up his speech. He characterized the distinguished jurist as a lifetime guardian of constitutional morals who held the view that the Constitution, like a river, is a living entity that needs ongoing attention to maintain its proper flow.