

News

Representing constitutional principles rather than vote banks, the judiciary acts as a moderating force: Justice Kant Surya



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Justice The annual lecture given by HL Sibal is delivered by Surya Kant.

On Sunday, Justice Surya Kant of the Supreme Court made the observation that in a democratically diverse nation like India, the judiciary acts as a stabilizing influence.

Democracy, Justice Kant argued further, stands for fundamental principles and not vote banks. He elaborated by saying that this keeps the democratic blood flowing clean and strengthens public trust.

The generating power of democracy is comparable to that of nuclear fusion, but like any power, it requires moral restriction. The court acts as a stabilizing core, preventing this power from dissipating into anarchy but instead channeling it into the service of constitutional order and justice, according to Justice Kant, while the Constitution acts as a containment chamber, molding and directing that energy.

He was addressing the first Annual Shri HL Sibal Memorial Lecture at Punjab and Haryana High Court.

High Court Chief Justice Sheel Nagu, Senior Advocate RS Cheema and Senior Advocate Kapil Sibal also addressed at the ceremony. Jammu & Kashmir and Ladakh High Court Chief Justice Arun Palli and judges of different high courts were also present.

Senior Advocate RS Cheema presented the introduction address

Senior Advocate RS Cheema presented the introductory address HL Sibal, born in Lahore in Pakistan, came to India after partition. He practiced at Lahore, Amritsar, Chandigarh and in Delhi. He stayed the President of High Court Bar Association and also held the post of Advocate General of both Punjab and Haryana. He was awarded the 'Punjab Rattan' award in 2023 and Padma Bhushan in 2006. He died in 2012. Sibal is noted for having fought the cases of eminent Urdu writers Saadat Hasan Manto and Ismat Chughtai.

He is the father of Senior Advocate Kapil Sibal and former Foreign Secretary Kanwal Sibal.

Justice Kant characterized HL Sibal as a mentor, a guide and a personal friend.

"His wisdom shaped my thinking, his generosity uplifted me... his presence in my life was a gift," the top court judge said, adding that Sibal was an institution in himself.

He noted that Sibal practiced in several disciplines of law and delivered outstandingly but election problems were close to his heart.

"It is a domain he championed with unmatched conviction and continues to reflect the values he held so dear," Justice Kant remarked.

Justice Kant stated Sibal's strategy in matters pertaining to electoral corrupt practices was to encourage courts to embrace a "very conservative view, a conventional view".

"The reason was simple - that he wanted that the will and wish of people must be respected by court... merely because there are some allegations against a candidate who has won the election, unless it is found to be the case of hijacking the system or completely misdirecting the voters, his entire contour of argument was that we respect the sentiments, will and wish of

the voters, the electorate," he added.

In this context, Justice Kant commented about the judiciary's role when it comes to elections. Since elections are not only procedural occurrences, he argued, the judiciary has a responsibility to ensure that they are free and fair in every democracy.

"They [elections] are foundational to legitimacy and often vulnerable to misuse. The capacity of judicial review to invalidate tainted elections and dismiss those who engage in electoral malpractices serves not only as a deterrence but as a crucial mechanism to protect the integrity of our democratic process," he added.

Judiciary reinforces public trust and ensures that the life blood of democracy continues to flow unspoiled, Justice Kant further added.

"As the Supreme Court resolutely observed, the principle of fair and free actions forms an essential part of our Basic Structure. One of the more visionary strides taken by our constitutional courts has been the expansive interpretation of Article 324 empowering the Election Commission to placidly supervise elections, independently and with decorum, while simultaneously securing the foundational freedom and democratic guarantees over to every citizen," he added.

Senior Advocate Kapil Sibal offered the vote of gratitude

Kapil Sibal, in his vote of gratitude, described the yearly lecture as a "very emotional moment" for his family. He praised Justice Kant for delivering the first lecture of the series and Cheema for inspiring it.

"It is pursuant to our [Sibal and Cheema's] frequent conversations that I decided to create a corpus with a sizable contribution to hold this annual lecture series and also for outreach events throughout the districts of Punjab and Haryana," Sibal added.