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## Law, Justice and Judicial Power

Law, Justice and Judicial Power - Justice Bhagwati's Approach Prafullachandra Natwarlal Bhagwati, is a name that has found its place engraved in the judicial realm, above and beyond being the 17th name on the List of Chief Justices of India. He is the man behind ushering Lady Justice from the corridors of the courts to the streets among the people. He abhorred the view that Judges do not make Law but only implement 'what it is', without delving into 'what it ought to be'. He in fact viewed 'Law' as a plasticine in the hands of a judge who can mould it as he likes, provided he has the requisite vision and craftsmanship.

A Harbinger of Public Interest Litigation into the the Indian Judicial realm, he introduced the concept of Epistolary Jurisdiction -the 'Postcard revolution of judicial activism' wherein people could even send in their petitions and complaints on a postcard, and the apex court would act on it- as one among many steps toward procedural reformation of the system. He believed that - Public interest litigation is brought before the Court not for the purpose of enforcing the right of one individual against another as happens in the case of ordinary litigation, but it is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of large number of people who are poor, ignorant or in a socially or economically backward position should not go unnoticed and unredressed.

It is only appropriate to say that Justice Bhagwati brought to life Article 21. He freed the Right to life and personal liberty from the confines of a mere animal like existence and wove into it, right to live with human dignity and right to a clean environment amongst others. Drawing from the Nehruvian Philosophy, he did not see fundamental rights at a footing different from Directive Principles. He questioned, how individual liberties such as equality could be considered in isolation from the politico-economic structures in which they operate? He vehemently argued that equality and freedom of expression, though priceless rights, had little meaning for the downtrodden until the Directive Principles were implemented to ensure socio-economic justice for them. The principle of egalitarianism, he maintained, is an essential element of social and economic justice and, therefore, where a law is enacted for giving effect to a directive principle with a view to promoting social and economic justice, it would not run counter to the egalitarian principle and would not therefore be violative of the basic structure, even if it infringes equality before the law in its narrow and formalistic sense.

Justice P.N. Bhagwati as a professor of Legal Aid and a guardian of the 'Rights of the Accused', professed that Legal Aid is really nothing else but equal justice in action. Legal aid is the delivery system of social justice. He cautioned the pillars of our democracy that if free legal services are not provided to such an accused- one who is unable to engage a lawyer and

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secure legal services on account of reasons such as poverty, indigence or incommunicado situation-, the trial itself may run the risk of being vitiated as contravening Article 21. He further opened doors for intellectually provoking ideas that are still a conundrum to newer Jurists, like his thoughts on Death Sentence -that criminals do not die at the hands of law; they die at the hands of other men. He strongly believed that assassination on the scaffold is the worst form of assassination since there it is invested with the approval of the society.

It is in this sense that the present judiciary has inherited a map of areas that are waiting to, almost yearning to be explored. Along with it, a duty has devolved upon us to carry forward the legacy by reaching a rightful conclusion, one wherein interest of the masses sits at the focus of thought.

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