

REPORT on NEETI TALKS on “JUDICIAL REVIEW IN A DEMOCRACY”

The NEETI Forum of JSS Law College (Autonomous), organized the Neeti Talks – A Lecture Series on the topic ‘Judicial Review in a Democracy’ on the **2nd July, 2022**, addressed by Hon’ble Mr. Justice Devan Ramachandran, Judge, High Court of Kerala.

The event was held in the Silver Jubilee Hall of JSS Law College, (Autonomous) in the august presence of Prof. K.S. Suresh, Chief Executive, JSS Law College, and Dr. S. Nataraju, Principal, JSS Law College. The talk was live streamed to the students of JSS Law College and to the public via social media platform.

Approximately **250 Students** were in attendance and 200 online streamers viewed the event. The formal function began at 9:30 am with Ms. Krithi Kailar seeking the blessings of the Almighty through an invocation song. Following the invocation, Dr. S Nataraju, Principal, introduced The NEETI Forum to the gathering and delivered the Welcome Address. Further, the Chief Guest for the day, Hon’ble Mr. Justice Devan Ramachandran, was introduced to the gathering by the principal.

Hon’ble Mr. Justice Devan Ramachandran commenced his talk by expressing his delight and excitement to interact with the students. His Lordship conveyed his admiration for the students of JSS Law College who interned under His Lordship’s guidance for their sincerity and attitude.



“There can be no democracy without judicial review”, His Lordship said, highlighting the importance of Article 13 of the Constitution of India and stated that it is the backbone of India’s Constitution and polity, in absence of which, there would be tyranny, chaos, and capriciousness round the nation. He called the Constitution of India the ‘Grundnorm’ of the country and explained the Writ Jurisdiction of the High Courts under Article 226. The more expansive scope of Article 226 was well elaborated by striking difference with Article 32.

Speaking of judicial review, the interdependent and overplaying concept of separation of power propounded by Montesquieu in his book ‘Esprit des Lois,’ said that when all the powers of a sovereign is in the hands of one body, it turns into tyranny, making separation of power important. His Lordship highlighted the contrasting nature of administration between the United Kingdom and India where the former practices Supremacy of the Parliament and the latter, Supremacy of the Constitution paving way for judicial review in India.

Lauding the makers of the Constitution, His Lordship stated that the Constitution is so framed that it can be interpreted by the evolving time. He went back to 1946 when the Constituent Assembly was established, outlining the significance of looking into the Constituent Assembly debates as to how Article 13 evolved. The gentlemen of the Assembly debated and deliberated upon every word as to whether or not it is apposite for India, His Lordship added, and went on to teach the students why the Indian Constitution is called a ‘bag of borrowings.’



After having elucidated on how the Constituent Assembly came into existence, he pointed out the intention of the assembly to make our Constitution as comprehensive as possible by culling out provisions from the various Constitutions round the world. This is when His Lordship struck a difference between the Fundamental Rights enshrined in the Constitution of India and the Human Rights in the UNDHR, saying that there are certain rights that we culturally accept, by our ethos, that are made inalienable to us, prioritizing them over the equally important Human Rights.

His Lordship next trenched the concept of Rule of Law without which there can be no judicial review and stressed upon the term “*Rechtsstaat*” to point out that no person is above the law. He went on to give the example of a judgment he wrote criticizing a policeman, a public servant, who used derogatory language towards men and women on the street and said it goes against the ethos of the Constitution and the Rule of Law. A detailed explanation of all Articles falling under Part III of the Constitution was given for a better understanding of the importance Article 13. The Constitution of India is framed so strong that it has tolerated 105 amendments, and can tolerate a thousand more only due to the existence of Article 13, His Lordship added. When the Judiciary is independent, the citizens are independent. Hence, it becomes the duty of a Judge to analyze the skewness of power between a citizen and the State.



His Lordship, in continuance, stated that the concept of judicial activism does not exist. It can either be judicial impropriety or judicial constitutionality when a Judge acts on his own on a subjective predilection or within the ambit of the Constitution respectively. Taking the intellect of Guru Shankaracharya as an example, His Lordship inspired the audience to analyze every situation or case with a human angle and not confine to books, and finished the very insightful and inspiring talk by advising them to face their 'exciting and breezy' career with a sense of responsibility towards the nation.

A memento of Adi Jagadguru Shri Shivarathreeshwara Shivayogi Mahaswamiji was presented by Prof. K.S. Suresh to Hon'ble Mr. Justice Devan Ramachandran as a token of gratitude and respect. Following it, the Vote of Thanks was delivered by Mr. Jagadish A.T., Assistant Professor. The event was zealously hosted by Mr. Pranav Kumar Nair, Assistant Professor, JSS Law College.
