

JUDICIAL AND LEGAL ACADEMY*

I thank Prof. M.C. Sharma for giving me this opportunity of being

amongst you. The school is a place for learning. To me, every school, is a temple of Goddess Saraswati. We get to learn many things simply by being here. The other reason for my being here is my desire to spend some time amongst young persons which makes me too feel young. I love to spend time with young students, as I feel, though I am growing in age still I am at the youth of my old age.

In fact, to share my mind with you, I had only wished spending some time by moving around amidst you and having very informal chitchat and exchange of views. I had no desire of inflicting any formal speech on you. However, I have been ordained to do so.

At the outset, I owe you an apology. I have come to know that the brilliant students of this NLIU work very hard and with the entrance of Prof. Sharma in the Institute, I see the students are becoming more and more conscious of their duty towards taking instructions and learning very seriously. Sunday is probably the only day to relax and to do a few things other than listening to lectures. Yet, on account of me, you have been required to be here, sacrificing your holiday.

Today I have more reasons than one to congratulate each one of you: —

- (i) You have chosen law as a course of study and as a career ahead;
- (ii) You have joined 5 years course of study in law and that too in a National Law School – an institution which has in its prospectus declared that it was founded with the good hope of establishing a Harvard of South Asia.
- (iii) As on the day you are the students of an Institution is headed by Professor M.C. Sharma, who is son of the soil but before retuning to Madhya Pradesh he has earned many a laurels in the field of academics generally and in law especially, not only in Delhi but also in other countries of the World.

May I ask you a question? Why have you chosen law as a discipline in education and, then, for career?

My answer to this question, if I were in your place, would have been – ‘because I want to be a good citizen, a responsible citizen, and an enlightened citizen – what the Constitution of India visualizes every Indian to be, in one of the largest democracies of the World; because I want to be a useful person to build India – a developed India by 2020’. You all know the price which we had paid for earning freedom and getting ourselves freed from foreign rule. This hard earned freedom of ours would not last long if each one of us cannot be a good citizen. The lesson of democracy is: we are always ruled by such rulers by whom we desire and deserve to be ruled.

The significance of legal education in a democratic society cannot be over-emphasised. Socially relevant legal education plays a pivotal role in the advancement and development of democratic institutions and in inculcating the culture of the Rule of Law. As law is the tool of social change, in a socially relevant legal education, a future lawyer should be so shaped as to be an “Architect of social structure”, a designer of framework and a specialist in the high art of

speaking to future. In this view the legal education, which prepares the future lawyers, ought to provide channels both on the side of competence and skills and on the side of values.

Law plays a very important role in the affairs of human beings in a welfare society. It serves as an important instrument to achieve socio-economic development. The aim of legal education is not only to produce good lawyers but also to create cultured, law abiding citizens, who are inculcated with concepts of human values and human rights; who can serve humanity in various capacities such as, administrators, law teachers, jurists and industrial entrepreneurs etc. who can imbibe the principle of rule of law and social justice in normal and daily lives of the people in the country.

“Learning the Law” by Glanville Williams, provides useful reading for the prospective lawyers. He says, “Law is the cement of society and an essential medium of change. Knowledge of law increases one’s understanding of public affairs.” It is now established that every one is supposed to know the law and that the ignorance of law does not excuse any one. If a nation expects to be ignorant and free, it expects what never was and never will be. Education alone can erode ignorance. Education in law can only eradicate that ignorance which is the biggest road block in the success of constitutional democracy.

I was not that fortunate, as you are, to have studied in a five years course of law education. The object of 5 years course of study through National Law Schools is not merely an award of Degree in Law. These Schools are not expected to turn out mere Law Graduates. A student who passes out from a Law College should not feel satisfied merely by becoming a practical, efficient and competent law professional, equipped to face the challenges of law as profession but he should also turn out to be a good human being. A good human being is honest to himself, honest to others and sensitive to the needs of others. The practice of law is not just a trade or business. It is certainly neither commerce nor industry. Those who take up law as profession in any constitutional democracy should be prepared to take up the responsibility of being graduates of those ideals and traditions which are essential to the sustenance of democracy and a civilized and orderly society. Lord Denning said that the price of freedom is eternal vigilance; you should be prepared to be the watch and ward of such principles, as ensure freedom.

What is law? What a law professional ought to be? How a student must exert himself to be an ideal law professional? I am sure you would be learning these lessons under the very able guidance of your teachers, here, under the leadership of Prof. Sharma. I am expected to share my view on the opportunities and challenges which are ahead of you.

The field which you are going to occupy, there, only sky is the limit for your aspirations and achievements. It is said, that in law —

MERI ZINDAGI EK MASALSAL SAFAR HAI,

JO MANZIL PE PANHUCHE TO MANZIL BADHA DEE.

About 50 years ago it was Gorden D. Shabar, an Educator and Dean in University of Pacific Law School, who made a cynical statement, ‘The practice of law in most court rooms today is about as modern as performing surgery in a barber shop’. The misconception stands demolished by advent of National Law Schools.

We are living in the age of globalisation, liberalization and privatization. There is now scope for unprecedented innovativeness, ingenuity and performance.

One of the gifts unfortunately presented by the preceding century to the new millennium is the crisis of character. With the increase in affluence, we have touched a new low in the norms of ethics and morality. You are enlightened students. You must be well aware of the recent incidents

which have happened in Meghnagar, Karnataka, Rajasthan, Delhi and Punjab. I am confining myself to the incidents which have happened only in the field with which the lawyers and the judges are concerned. I will not exceed the limits of my discussion with you today by including therein, what is happening in other walks of our lives.

I would also not like to disappoint you by painting a dismal picture of the society today. There is always scope for improvement. Future is bright and our hopes are risen high when we look up at the promising brilliant students like you who are determined –rather obsessed with desire – to give the country, and why the country alone, to the entire world, a new up-lift, a new order. No challenge is incapable of being met; the only thing is: we must understand the situation and get ready to search for solutions and then act.

A few simple and basic tips for meeting the challenges ahead of you.

1. Take your law classes seriously. These are the days of laying the foundation of your future in law. I took my two years' course of study in law very seriously. On all the subjects I preferred studying from the original authoritative texts or commentaries. The fundamentals of law which I had learnt by heart as a law student continue to serve me as a Judge in two ways. Learning the principles of law by heart has enabled me in marching ahead of others. And, today even while dealing with most complicated issues, I bank upon those fundamentals which I learnt as a law student and they help me in resolving most complicated issues. Taking the law classes seriously does not mean that you spend all the 24 hours in reading the law only. An equal emphasis is needed in shaping your personality overall. The age old saying – "Work while you work and play while you play" – continues to be all time golden.

2. As a student of five years' course of study in a National Law School you have the opportunity which you must avail of, learning not only the lessons in law but also the lessons of the profession or the career which you are going to join as also the lessons of life. You must find time for social service as also for charity – by personal involvement and regularly. That will enable you to develop into a good human being and a gentleman. Travel a lot. Meet the grass-root Indian, the teeming millions who have been addressed as 'We, the people of India' in the Preamble to the Constitution.

3. Acquire a good command over English as language, both spoken and written. English continues to be recognized as an internationally acceptable language. In the days of globalisation and liberalization, you cannot afford to neglect English language. Computers are our pen and paper. The only language known to the computers, in the world around, is English. The advantage of commanding chaste English is that you can effectively communicate and the listener or reader is delivered with the message which you really wish to convey.

4. Be computer savvy. Befriend the computers. Play with the computers as often as you can. The computers are a gateway to unbound treasure of knowledge, information and wisdom.

5. You must maintain good health. Law as profession is a demanding one. You need to concentrate a lot. A healthy mind lives in a healthy body. A morning or evening walk, a little time for sports if you have been playing and about 15 minutes, set apart for yogic exercises would enable you to maintain sound health and physique throughout your life and would also enable you to concentrate on your work. That would increase your efficiency and quality of performance.

6. Your reading should not remain confined to law alone. Depending on your interest you can occasionally read philosophy which would strengthen your power of reasoning and logic. I satisfied my own lust for reading some philosophy by reading biographies and autobiographies of great men, great jurists and great Judges. An ocean of such literature is available. By reading

such literature your footsteps would unconsciously move towards achieving heights and in the right direction.

7. Be humble and quick witted. Be conscious of the events happening in the society around. Whenever you find any complex situation emerging anywhere in the country your mind should start thinking on these lines: What would have been my reaction if I would have faced such a situation and what are the legal aspects referable to this situation and how does the law provide an answer to the given problem. Various anecdotes referable to Akbar, Birbal, Gulistan, Bostan provide an enjoyable reading and at the same time enable you to develop a penetrating insight into principles of law which emerge therefrom. Such reading would provide you relaxation, sharpen your wits and enable you to wriggle out of embarrassing situations.



* Address at NLIU, Bhopal on 29th February, 2004.