

LEGAL EDUCATION: A BRANCH OF MORALITY*

I feel very happy, this morning, to be present in the precincts of NALSAR

University, an institution of great learning and excellence in the field of legal education, for delivering the Third Convocation Address and congratulating, by witnessing the presentation of degrees, medals and prizes, to those who have earned recognition for their academic excellence. I am conscious of the fact that the First Convocation Address was delivered by none else than His Excellency, Dr. A.P.J. Abdul Kalam, the President of India. His words of wisdom and counselling for the students, delivered in the form of a Convocational Address, continue to echo in this Institution.

Today, we are standing at the crossroads of Indian democracy, having travelled more than five and a half decades, from the day, the people of India gave a Constitution, unto themselves. The nature of riddles, now, propping up for resolution in courts of law and other institutions of the Indian democratic republic, probably justify the observation that our Constitution is being put to test and our constitutional values are under challenge. The nature of contribution which the brilliant students of an excellent law university, like NALSAR, can make, in strengthening the constitutional democracy, one of the largest in the world, that is India, is not beyond contemplation. Availing the opportunity at hand, I propose to share some of my views with you on this occasion.

The Preamble, adorning the Constitution like a crown on its head, promises Justice, Liberty, Equality and Fraternity to the people of India. Justice is three dimensional – social, economic and political. Fraternity is meaningless unless the dignity of the individual and the unity and integrity of the nation, both, are secured on the same pedestal. Under the Constitutional Scheme, the Judiciary is entrusted, as a sentinel *qui vive*, with the responsibility of protecting the Constitution and preserving its values. It is the legal profession wherefrom the judges are drawn and the students of law are the future legal professionals. The fulfillment of the hope and expectations of the people of India is in the hands of the students of law, that is, you. You have to be aware of these expectations, conscious of your responsibility and accordingly, take a vow on this momentous occasion to so shape yourselves as to be capable of discharging this onerous but pious obligation. India needs rejuvenation of its constitutional ethos, may be as a revolution, the urge, for which, has to be generated in the youth of today, who are none else than you. And, as lawyers, by your training and equipment and your professional competence, you are better qualified than the rest of the citizenry to take an active part in the process of preservation and development of the democracy, and to fulfill this role, has to be your lifelong endeavour.

You are fortunate to have taken instructions in law in one of the leading law schools in the country which has the requisite infrastructure, complemented by a challenging intellectual environment. Here, education in law is treated as a branch of philosophy and it aims at achieving not only learning but also its application with professional skills. Here 'law is not a logic merely; it is life's experience'. The courses of study have been so designed as to have the goal, objective, method and ability to totally integrate multi-disciplinary under-graduate curricula with legal education so that it usefully blends itself with other branches of knowledge. The institution aims at, not only satisfying the needs of education and research in the field of law but also, meeting the

needs of advanced training and applied research for economists, administrators, parliamentarians and advocates of 21st century. Here, pursuit of excellence is learnt as a way of life by the students.

Why law?

Shri M.N. Venkatachaliah, the former Chief Justice of India, told me, during a personal conversation, that next to the study of religion and philosophy, if there is anything else worth studying, it is the law. Nothing strengthens the intellect of a seeker of knowledge more than the study of law and nothing puts the wits of a man to test more challengingly than the legal profession. May be in the law you do not find what you find in art and literature, which are the finest flowers of culture. Cynically, in law, you seem to be seeking in vain for the winged phrases, for impulses of the mind. In reality, the law moves on a different plane. It is a great anthropological discipline. It reflects man's sense of order and justice; embodies rules and traditions which hold the society together; and supplies the enduring element of the dimensions of permanence, in history. There can be no government without order; there can be no order without law and there can be no administration of law without the legal profession. For almost 3000 years, law has governed the progress of man.¹

Law is a living embodiment of fundamentals of ethics, morality and everything that is good. The legal profession is a vast reservoir of wisdom, strength and courage. "Law is no trade, briefs no merchandise".² It is "a part of the social reality. The social reality consists also of the economy, the political structure, religion, morals, customs, etc., each of which operates on a different, though often inter-connected, plane."³

Chief Justice Hidayatullah said in one of his talks, relayed from All India Radio, Nagpur, "The study of Law has two aspects. Firstly, you study the law for its own sake as you study philosophy and, secondly, you study it to make a living. We need to realize that the study of the law can be an intellectual occupation and that law is a branch of learning. Dr. Johnson said, "the law is the last result of human wisdom, acting upon human experience for the benefit of the public." It is the crystallisation of the thought and habits of the society. There is a philosophy of the law and there are no limits to it. It is, as one eminent thinker said "a bottomless pit".

Why do we study law? Why is law essential to civilization in society? While searching for answers to these questions, let us not overlook what is our own *i.e.* Indian Ancient Law. "A study of codified law of the world shows that the object of law is to attain justice after ascertaining truth. Justice or truth, which the law courts strive to achieve today, was also the aim of courts in ancient India. The peculiarity of ancient Indian legal theory was that it was based on spiritual and moral aspects. The moral content in law, in its application, is just like the protoplasm in a cell. As a cell without protoplasm is dead, a law without moral content is dead. It is most unfortunate that ancient Indian legal philosophy became a subject of ignorant accidental criticism as well as of the gigantic pressure, generated by the historical events. The precious legal culture of ancient India can be revived and revitalised, if there is a determined effort, coupled with ethical, spiritual and intellectual rectitude"⁴.

Legal Profession

Five years ago, you took the decision to pursue law as a career. You were some of the privileged few who were chosen to enter the portals of this great institution. Today, on this solemn occasion and having been decorated with a distinction, you are at the threshold of entering the battle field of your life. The theories and concepts which you have learnt and acquired and the values imbibed in your personality will enable you to successfully navigate the unexpected, ahead. Having chosen law as a career you may guide policy makers, balance the

interest of various stakeholders, expand the space for those left out in the society and be a compass for the nation, in its voyage. In litigation practice, you will provide hope to millions. You will counsel, arbitrate, settle and liberate. For you as the would-be members of a learned profession, my advice is: keep abreast of the law; join the stream of continuing legal education; at all costs, be honourable; be ethical as a professional and be righteous as a person in the society; be always alert to the plight of those, for whom the law becomes tyrant on account of ignorance or poverty. You must harness law to creative ends.

We often talk about LPG as a household word, that is, Liquefied Petroleum Gas. Twenty first century has assigned a new meaning to LPG and that is – Liberalisation, Privatization and Globalisation. These three have changed the form and content of democracy. They have opened doors into fields hitherto unknown, re-arranged the lines between the public and private sectors, complicated the decision-making processes, and enlarged the private sector by delegating, formerly, public functions to private forums, such as corporations and non-governmental organisations. National territories are being obliterated for international trade and commerce. Courts and court inspired reforms will be important, but new scientific inventions, new technologies, and new economies will dictate, rather have commenced dictating, a paradigm shift in the trends of legislation. Much of the redefinition of the public interest will take place due to the careful legislative drafting abilities of lawyers. Multilevel governance with regulated markets and various public/private partnerships will require a new institutional architecture for the law.⁵ You will be involved in those projects, making your contribution therein, no matter where you practice law.

In the same breadth, the impact of developments, in science and technology, on law has caused a paradigm shift. The legal fraternity, including the Judiciary, shall have to keep pace with such developments. This requires a Science-Law interface in understanding and developing appropriate legal regimes. The DNA techniques, forensic developments, patents regime and therapeutic research, based on stem cell research and cloning have opened up areas, yet uncharted by legal fraternity. The 'Logic of Science' and the 'Logic of Law' need a meeting point to carry forward the balance of logics. The National Law Universities have a crucial role to play in this regard.

Your legal education has provided you with a rich fund of resources which will enable you to respond to the challenges of the times and it is you, who will make these times so very, very promising. As members of this profession, you can be instrumental in shaping the legal world you inherit. Today, as in the past, the future of law and legal profession are uncharted and hence exciting and full of adventure. As your careers unfold, you will see that one of the most gratifying aspects of being a lawyer is the freedom and opportunity for you to be leaders and trend-setters, leaders when it comes to advancing the cause of justice and trend-setters in development of communities. You will come to learn that being a lawyer means being able to see issues and needs before most other people can see them. Being a lawyer means having the courage to act on your convictions and to act in ways that may be years ahead of your times. It means the development and the exercise of a courageous imagination, the imagination to envision a just society and foresee its model. Being a lawyer means being fluent in the language of law to express ideas, often, on behalf of those who are unable to speak for themselves.

Law, as a profession, is a very satisfying one. It fulfils your intellectual lust and, at the same time, provides immense opportunities of learning, earning and churning your status to the topmost of the society. However, your motto must be to earn by serving and not to serve by earning. My late father, an example of the living idealism in legal profession, used to say, "Having chosen law as a professional career, if, in the beginning, the entrant does not run after

money, the day is not far off when money runs after the professional and he does not bother to count the wads of currency, earned during the day". In whichever field of law you may go, your motto should be 'service'.

A wise man once told me in a lighter vein that a lawyer cannot afford to eat two square meals in a day. The reason: if he fails to pick up, he is possessed of hardly anything to eat. If he picks up, there is hardly any time available when he can peacefully eat.

Guiding Principles

Wisdom, Service, Altruism, these are the values that lie in the heart of legal profession. The service which the lawyers and the judges render to the society is not just the provision of legal assistance to those in need but equally, service in the broader sense of vigilant protection of the Constitution and the Rule of Law. Securing protection of rights and enforcement of obligations, in a balanced manner, is the tight rope exercise, performed by a lawyer everyday.

You can and you will succeed in the practice of law by dint of hard work and the exercise of good judgment, founded on knowledge and professionalism. Never compromise on this simple, elementary commitment. Remember that your legal education begins anew today. It does not, and cannot, end with law school. Although you have no more formal exams but, every day your wit, intelligence and learning will be put to test and rewarded by experience. Now, your education will continue throughout your lives. If you succeed, you will be leaders in your respective communities. You must stay current, commit to life-long education, knowing all the while that law and technology as we understand and practice today, will change, perhaps later today or tomorrow. Be open to newness. Do not forsake change. Justice Oliver Wendell Holmes said it well when he observed: "The best part of our knowledge is that which teaches us where knowledge leaves off and ignorance begins."⁶ Law is protean and malleable. It moves and grows and is ever in the making. In this way, it constantly challenges us, and it forever relegates us to the status of a student. The profession of law is, in a continuing process, of self-creation. Still, the values that underlie our profession, the values at its heart and centre, are constant and timeless.⁷

If the independence of law as profession has to be maintained, the legal professionals must be able to demonstrate to the people, who place their trust in them, that they possess not only a special body of current knowledge and skills but also the core values of honesty, integrity and diligence which set them apart and justify their exclusive right to carry on the practice of law.

Opportunities for you

The day calls for jubilation as you are being decorated with different insignia of honour for your academic performance and also as the day opens the doors of opportunities galore for you. Some of you may be inclined to go for higher studies. NALSAR, itself, provides post-graduate courses of study as also opportunities for advanced legal studies in M.K. Nambyar SAARC LAW Centre which has been inaugurated today. Some of you may be inclined to seek admission in foreign universities. There, only the marks, which you have secured in the graduation examination, may not suffice.

Harvard University, in a survey of the current recruitment practices, concluded that most organisations give only 20 per cent weight to academic/professional background. It is expected that a student from a good school/college/institute, will have acquired the requisite knowledge. On the other hand, 80 per cent weight is given to soft skills such as communication skills, interpersonal skills etc., which are best developed through participation in co-curricular activities and pursuit of hobbies.⁸ I am confident that in this institution, you have acquired such soft skills as well. Continue to sharpen such skills.

M.K. Nambyar SAARC LAW Centre for Advanced Legal Studies

It is my added pleasure to have inaugurated the M.K. Nambyar SAARCLAW Centre for Advanced Legal Studies, a few minutes before. Late M.K. Nambyar was one of the most distinguished lawyers and perhaps the most erudite constitutional lawyer of his times. Intellectually he was a scholar and emotionally committed to human cause. Inside the robes of a professional, as a man he was the embodiment of modesty, humility, kindness and courtesy in all aspects of life. His passionate concern for and urge to encourage the junior members of the Bar was commendable. This Centre would enable the pupils thereat to imbibe the humanistic qualities of Late M.K. Nambyar, while involved in advanced legal education and research and thereby contribute to the wholesome benefit of law at national and international levels.

A Message

I would like to share with you a message from Albert Einstein – appropriate to the occasion. Einstein was a voracious reader. He admired literature and adored music. His favourite possession was a battered old violin which he played affectingly and which he left, in his will, to a beloved grandson. He believed strongly in the need for ethical behaviour, emerging from a secular humanism, directed towards the welfare of human beings. He greatly admired Mahatma Gandhi's pursuit of 'just ends through ethical means'. He said – "The ideals which have lighted my way and, time after time, have given me new courage to face life cheerfully, have been Kindness, Beauty and Truth".⁹ On his death, his entire estate was worth \$65,000. Far lesser men died as millionaires on the back of their scientific advances. But Einstein himself had said: it was far more important to be a man of values than a man of success. He advised everyone – "Never do anything against conscience"¹⁰ even if there is compulsion.

Excellence

Happily this Convocation falls in the Year 2005 which has been declared to be the "Year of Excellence in Indian Judiciary". Speaking on the Law Day, that is, 26th November 2004 and defining 'excellence', in the context of lawyers and judges, I had said – Excellence consists of five I's. (i) Initiative – We shall not be satisfied with doing just what is our duty. Each one of us shall exert to do better than his contemporaries or predecessors, going beyond the goal of duty and to be better than himself; (ii) Intelligence – None of us shall feel satisfied by mediocrity, *i.e.* by just being average; (iii) Industry – Each one of us shall exert to put his competence and capability to its maximum utilization; (iv) Integrity; (v) Inobtrusive personality, *i.e.* modesty and humility. Imbued with initiative, intelligence, industry and integrity, what has been achieved is just what is the basic requirement of the personality of any legal professional. In the words of Homer – 'Always to be the best and be distinguished above the rest'. This message of excellence is for you, as well.

Epilogue

I need to congratulate the Director, Prof. Ranbir Singh, his Faculty and staff who have not only worked hard but with tremendous speed, developed this institution as a front-runner in the cause of legal education. Institutes like NALSAR bear testimony to the shift in the field of legal education from 'quantity institutions' to 'quality institutions'. Law is now a matter of not only learning but also research in the laboratory of schools. Surely, this institution can inspire several other present and future legal education institutions.

Before I close, I feel inclined to recite a poem written by the great poet Rabindra Nath Tagore. In my Memorial Lecture on 'Preamble to the Constitution' delivered at Guwahati, I have referred to this poem as the reflection of the Preamble. It carries a powerful message for every Indian citizen and, in particular, for a legal professional. I recite the poem with the fond hope that you will listen to every word and every sentence of the poem and imbibe the values which lie at the heart of the poem, as the characteristics of your personality. The poem has the secrets of success

of law as a profession and it ends with what ought to be and can be achieved as a goal by all of us:—

Where the mind is without fear and the head is held high,
Where knowledge is free;
Where the world has not broken up into fragments by narrow domestic walls;
Where tireless striving stretches its arms towards perfection;
Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;
Where the mind is led forward by thee into ever-widening thought and action;
Into that heaven of freedom, my Father, let my country awake.

India is free but it is yet to be the heaven of freedom. To awaken the country and continuing to keep it awake is the responsibility which lies on your shoulders.



* Convocation Address delivered at the NALSAR University of Law, Hyderabad on 16th July, 2005.

1. N.A. Palkhivala, *We, The People* (6th ed., 1986) 348.
2. *Bar Council of Maharashtra v. M.V. Dabholkar*, AIR 1976 SC 242.
3. Justice Markandey Katju, *Law in the Scientific Era*, p. 33.
4. Dr. Vijender Kumar, *Oriental and Occidental Approaches to Law*, (2005) 5 SCC J-17.
5. Alfred C. Aman, "21st-Century Lawyers and the Public Interest".
6. E.C. McKenzie, *Quips and Quotes* (New York: Greenwich House Publications, 1980) 286.
7. Harvey T. Strosberg, Q.C., "Call to the Bar in Toronto", October 4, 2002.
8. Dr. Amrita Dass, *Opportunities galore!*, Hindustan Times (Bhopal Edition) 7-7-2005.
9. Shashi Tharoor, *Was there such a one as this?*, The Hindu (Magazine), July 3, 2005.
10. *Ibid.*