

LAW AS PROFESSION – CHALLENGES AND EXPECTATIONS*

INTRODUCTORY

On the eve of Republic Day, I offer my joyous greetings and felicitations to everyone present here as free citizens of a great nation.

I feel honoured to have been asked to deliver this Lecture in the memory of late Chiranji Lalji Agrawal. I could not have declined the invitation. The qualities of brother Justice Suresh Chandji Agrawal as a Judge, as a jurist and above all as a gentleman, have always impressed and inspired me. His command was conveyed to me by the august body, the Bar Council of India through Shri S.K. Gupta, whose capacity of persuasion is invincible and difficult to resist.

Indeed, today is a unique day. Having bidden a good-bye to the year 2003, we have launched ourselves into the year 2004, exchanging the greetings of a happy, prosperous New Year. Tomorrow, we would be celebrating the 55th Republic Day. Just four days beyond we would be remembering Mahatma Gandhi, the Father of the Nation who laid his life for redeeming the country from the shackles of a foreign rule. While Republic Day is a day of celebration, the Martyrs Day is an occasion for remembering the martyrs. A day shadowed by such two eventful days is a befitting occasion for reflections and introspection.

Late Shri C.L. Agrawal

We all know late Chiranji Lalji Agrawal. He lived a life of a little less than three quarters of a century before bidding us a good-bye with a sense of satisfaction and fulfilment. He served the humanity to his best. A combination of versatilities, he was a lawyer, an academician, a Rotarian, a freedom-fighter and above all a gentleman. From his life-sketch, we can gather him to be a visionary and a missionary – both. A scholar and a speaker, a lawyer and a jurist, great and good, sagacious and farsighted, not only did he maintain the rich traditions of his family but laid down such high standards in life which only a real '*Karmayogi*' can.

I recall with pleasure a few precious moments of life, which by God's grace I got the opportunity of spending with him. He was a devoted Rotarian. The fragrance generated by his deeds in the field of service knew no bounds and that is how I too as a Rotarian came to know about him. Once, in Jodhpur, I called on him. In the very first meeting, though I was a stranger to him, he showered so much of affection on me as if we had known each other for long. I recall my last meeting with him. It was somewhere around 1979 when he contested an election for Governorship in Rotary. I know he would not have contested an election but he was told that Rotary needed him as a leader, and therefore, there would be no contest. However, the human nature being what it is, late Chiranji Lalji Agrawal was forced into a contest. When the result of the election was about to be announced in the hall, I was sitting

by his side with a bouquet in my hands to be presented to him on his being declared successful. But, he lost by a very narrow margin. Totally unruffled he stood up calm, cool and collected, as if nothing had happened and cheerfully greeted his opponent who had won the election. Then he silently left the hall. Later, I went to see him. The obvious purpose of my visit was to show my concern about his defeat. I asked him how was he feeling, having lost the election. He smiled and recited a couplet to me. That couplet I would like to share with you today. The couplet is full of wisdom and carries a message, originating from the philosophy of 'Gita'. He had no regrets for having lost the election; what pained him was how he was dragged into election and how his friends and apparent well wishers had betrayed him, assuring him of their support but then crossing the floor. The couplet is:

Safina ho gaya gark-e-aab apna

Is ka to kise gam tha

Magar afsos ye hai us jagah

Pani bahut kam tha.

(My ship has sunk into waters; I have no regrets for that. But, I do regret that the waters in which the ship sank was the shallerwest)

You all know the oft-quoted English Poem:—

Lives of great men all remind us

We can make our own lives sublime,

And, departing, leave behind us

Footprints on the sand of time.

To sum up the life-sketch of late Chiranji Lalji Agrawal, to sum up his great qualities as I see and to deliver the message of his life I would borrow these four lines of a muktal (couplet) and say—

Chal woh chaal ke khushi se kate zindagi teri,

Kar woh kaam ke log tujhe yaad kiya karen.

Jahan bhi tera zikra ho woh zikr-e-kher ho

Jab bhi tera naam len, adab se liya karen.

(Let your footsteps, your accomplishments enable you in leading a life full of pleasure/Do only such things as will make the people remember you/Wherever you are talked about people wish well of you/and whenever you are remember, your name is taken with respect)

I offer my heartfelt felicitation to the great man and a great lawyer late Chiranji Lalji Agrawal.

The Subject

The subject which I have chosen in consultation with Shri Suresh Chandji and Shri S.K. Gupta is – 'Law as Profession – Expectations, Challenges and Resolutions'. Late Chiranji Lalji Agrawal was a lawyer par excellence. It would be more appropriate to say that he was an enlightened lawyer. We thought that the most befitting tribute to the personality of late Chiranji Lalji Agrawal and to his memory would be to discuss the law as profession which was dearest to his heart. In the words of national poet *Maithlisharan Gupt*—

*Ham kaun the, kya ho gaye, aur kya honge abhi,
Aao vicharen baith kar, mil kar ise hum sabhi.*

(What we were and what we are going to be –
let us all sit together and ponder over)

Let us reflect on our profession. Let us have some introspection. For this purpose, in legal profession, in its wider sense, I include the judges, the lawyers, the law teachers, the law students and those who are in legal services. But I would concentrate more on judges and lawyers.

The Glory of Past

Search for truth is the noblest of all the professions. No other profession on the earth indulges into and embarks upon such intense and endless search for truth as the legal profession does. A Judge decides what is just in the facts and circumstances of a case and thus he accomplishes his journey in search for truth. A lawyer's mind is trained to indulge into reasoning so as to enable the grains of truth being separated from the chaff of untruth and it is this propagation of reasons which enables a Judge delivering justice. Thus the lawyer by his articulated reasoning helps in accomplishing the journey in search for truth.

The profession of law, said Justice McCardie, has two aspects. It may be regarded as a pursuit which yields, if success be gained, a reward of fees and emoluments. But it may also be looked upon as a vocation which offers the joy of intellectual achievement, which claims the allegiance of unswerving honour, which asks for the guardianship of high tradition, and which affords a wide field for royal and generous service to the community. (Selected Writings, Nani Palkhivala, p. 115)

There are three base instincts:

- The instinct for *justice* – the belief that right and not might is the true basis of society.
- The instinct for *liberty* – that free will and not force is the true basis of government.
- The instinct for *balancing* rights and duties with safeguards – that neither the rights nor power shall be exceeded or abused.

These instincts are best brought out in a judicial mind. That is why separation of powers and rule of law are enshrined in the Constitution. In the words of Lord Devlin, "The judicial function is not just to render a decision. It is also to explain it, wherever explanation is possible, in words, which will carry the conviction of its rightness to the reasonable man, whom in his mind the judge would always be addressing. . . . This is justice but without the lawyer it is not justice according to law. What the lawyer is uniquely trained to do is to produce the just decision out of the law and to expound the reasons for it in terms that conform to the law and add to it. This is justice according to law." (Corrupting the Constitution, Shri K.R. Ramamani Memorial Lecture, Justice T.N.C. Rangarajan)

Those who fought the freedom struggle and made India a free nation were mostly the men of law. Constitution of India, one of the greatest written legal documents of the world, was drafted by a Committee, the members whereof were all lawyers. To name a few – Dr. Rajendra Prasad, the Chairman, Dr. Bhimrao Ambedkar, K.M. Munshi, Alladi Krishnaswami Aiyer, Muhammed Saadulla, Vallab Bhai Patel, Jawahar Lal Nehru, Gopi Nath Bardoli and S. Varda Chari, were all lawyers.

The constitution is the foundation of a civilised democratic society. The strength of the foundation depends not on the book of the constitution but the character of the people who hold and administer the constitution. The legal profession, entrusted with the obligation of acting as a watch-dog of that foundation consists of learned intellectuals. The learning will be futile, if it is not accompanied by fearlessness. No citizen can be safe and citizen's rights would have no real value unless there be a courageous Bar and an independent and fearless judiciary. It is the learning associated with courage which gives righteousness to a man of law.

Human history is full of examples as to how the legal profession has been guarding against onslaughts on basic human rights, natural rights and fundamental rights of the citizens and thereby contributing to the maintenance of peace and order in the society. Let me recollect a few notable examples, just one or two, of such righteousness when men of law have stood like a rock and became legends whose gratitude the civilization shall never forget. I feel inclined to narrate these stories, small in narration but tall in their morals and which can make us feel legitimately proud of our heritage and inspire us for future.

The first story relates back to the 18th Century. Sir Edward West had become the Chief Justice of the newly established Supreme Court in Bombay in 1824. He was survived by two Judges, Sir Charles Chambers and Sir John Peter Grant. Sir Chambers and Sir Grant in 1828 issued a writ of Habeas Corpus to the Poona Court for the production before them of one Moro, a boy of 14 years, allegedly taken away from lawful custody of a guardian. The then Governor Malcolm thought that the Court at Bombay had no jurisdiction to issue a writ for the production of a boy from Poona. He instructed the Poona Court to ignore the writ. The writ remained unserved. This was direct and calculated challenge to the authority of the Supreme Court. On this being communicated to the Court, the Judges strongly and rightly resented and declared that "the court would not allow any individual, be his rank ever so distinguished, or his powers ever so predominant, to address it in any other way respecting its judicial and public functions, than as the humblest suitor, who applies for its protection"; and adding, "within these walls, we know no equal and no superior but God and the King". They warned the Government against instigating any person to disobey the writs of the King issued by his Judges.

Before the matter could come up before hearing in the next sitting, Sir Chambers died. Sir Grant, sitting alone, said that the Government had killed his brother Judge but he shall not be killed and that he was prepared to fight single handed for the rights and privileges of his office. Finding that no return to the writ of Habeas Corpus was forthcoming, owing to the obstruction of the Government, Grant issued a fresh writ, returnable immediately, with a penalty of Rs. 10,000 in case of disobedience. A special constable was sent to Poona with authority to seek military aid, if the civil authorities obstructed him in the discharge of his duty. The Commander of the Bombay force, Sir Thomas Bradford, who was at first disposed to support the Government, now veered round to the side of the judiciary, declaring that to oppose the writ was to oppose the King, and he would call out the military to enforce His Majesty's writ. Governor Malcolm retorted by declaring that, if the Commander interfered, he would "deport him with bag and baggage" out of India, regardless of all consequences. Sir Grant then took the extreme measure of abstaining with his entire staff from the Court. He locked up the Court, suspending its functions for a period of about five months. He would break but would not bend, was writ large.

In the rift between the judiciary and the executive, the Prime Minister in England, the Duke of Wellington, who was a friend of Malcolm, supported the executive. The Board of Control appointed two Judges in the High Court of Bombay to sit on the two sides of Sir Grant with the hope that “these appointments will prevent all mischief in future; as Grant will now be like a wild elephant between two tame elephants.” but Grant was a “wild elephant” with a very tough hide, and made of sterner stuff than either West or Chambers. He survived these shocks for twenty years; and closed his stormy and valiant judicial career in 1848 as a Judge of the Supreme Court of Calcutta. Grant forfeited the favour of the authorities, but gained immensely in popularity with the Bombay public. On his departure from Bombay, his carriage was pulled by people of Bombay up to the port. A scroll of honour signed by hundreds of Indians, commending his valor and independence, was also presented to Grant on his departure from Bombay. (Famous Judges, Lawyers and Cases of Bombay by P.B. Vachha, pp 196-199).

The gold of the bravery and courage and determination to stand by what is right and just did not fade its colour and about one and a half century later, the story was repeated with different actors in a different context but with the same moral. In the famous or rather infamous case of A.D.M. Jabalpur, during the emergency period, four out of five learned Judges of the Supreme Court laid down the monstrous proposition that once an emergency was imposed under Article 359(1) of the Constitution, even Article 21 was suspended and the right of the citizen to life and liberty ceased to exist. It was the lone dissenting voice of Justice H.R. Khanna who declared that the right to life and liberty which is the basic human right of any human-being in a civilized society, and the essential postulate and basic assumption of the rule of law in every civilised society was not dependent on the existence of Article 21 of the Constitution. Even in emergency, the State does not have a right to deprive people of their life and liberty except by due process of law. The proclamation of emergency by President could not take away the power of constitutional courts to issue writ of habeas corpus. Justice Khanna paid the price of his independence and courage and was deprived of the opportunity of being appointed Chief Justice of India. He knew that he would have to pay the price but he did not compromise with his conscience, the principles and his oath which he had taken for upholding the Constitution and the laws. Justice Khanna in his historic and noble dissent declared—

“I am aware of the desirability of unanimity if possible. Unanimity obtained without sacrifice of conviction commends the decision to public confidence.... A dissent in a Court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting Judge believes the court to have been betrayed.”

In the independence and courage of Justice Khanna is written the guarantee of citizens' civil liberties, safe in the hand of judiciary even in the absence of any cast-iron guarantee in the Constitution. The only reward for Justice Khanna was his own satisfaction that he had served the cause of public good over his own interest. One of the highest tributes paid to him was by the New York Times which remarked that – surely a statue would be erected of him some day in an Indian city. Indeed his monument came to be erected by his life size portrait, being installed in a court hall of the Supreme Court of India.

Just four days before, on this 21st January, His Excellency Dr. A.P.J. Abdul Kalam came to the lawns of the Supreme Court for delivering Nani Ardeshir Palkhivala Memorial Lecture. He spoke on the need for righteousness and enlightenment in the legal profession that is in the Judges and the lawyers. Justice H.R. Khanna was one of the persons sitting in the audience. When the Memorial Lecture was over and the National Anthem had been sung, the President of India, departing from the protocol and defying the security came down from the dias, moved to reach Justice H.R. Khanna where he was, and complemented him and presented to him the good wishes of the nation. What a great honour!

We all know the historic pronouncement of the Supreme Court by a Bench of 13 Judges in Keshavananda Bharti's case which is known as the Fundamental Rights case, wherein the Supreme Court propounded the basic structure doctrine. On 1st September 1975, the Attorney General for India made an application for constituting a Bench of 13 Judges to reconsider the power of the parliament to amend the Constitution. Chief Justice A.N. Ray constituted a Bench of 13 Judges to reconsider the correctness of the judgment in Kesavananda Bharti. On 10th November 1975 the Attorney General Niren Dey opened the case by saying that the concept of basic structure of the Constitution being unamendable was creating "a considerable difficulty in the way of Government and Parliament". It was suggested that the Government was committed to bring about large measure of socio-economic upliftment of the people and the decision in Kesavananda Bharti was an obstacle. The questions which Justice Khanna put to the Attorney General made him dumbfounded and then came the eloquent address by N.A. Palkhivala to the Bench, raising the question how a Bench could be constituted for reconsidering an earlier ruling of the Court except in pursuance of a judicial order. Soon the Chief Justice realised that he would not be able to carry with him the dedicated Judges committed to the Constitution sitting on the Bench and the eloquent reasoning from the strong bar. The Chief Justice unceremoniously dissolved the Bench, as unceremoniously as it was constituted, without passing any order in writing and the Bench never assembled again.

Each decision of the Supreme Court which has struck down any amendment in the Constitution or any other law as *ultra vires* of the Constitution is an addition to the history of rich traditions and bravery of legal fraternity.

The stories can be multiplied but the time may not allow me to do so. I would close this topic simply by wishing that the dark 19 months in the history of Indian Independence may not repeat themselves. It is my perception that there is a marked difference in the standards of Indian legal profession whether it is the Bench or the Bar, pre-1975 and post-1975.

The Features of the Preceding Century

Before we deal with the challenges before the legal profession and the solutions, it would be useful to notice, in brief, the peculiar developments of the preceding century, of significance for law as profession.

Globalisation. With the advancement in the fields of Science and Technology, the world has shrunk into a global village. The natural barriers such as sea, hills, rivers and extremely differing weather conditions, are no impediment to the movement of the people and goods from one part of the world to the other. Any achievement in one part of the world has to be shared by the others. And no man in the world howsoever remotely situated he may be, can afford to say that he is immune from the disturbances or catastrophes taking place

thousands of miles away. For example, the outbreak of SARS in China is as dangerous to us in India as it is to any Chinese. The question of entry of foreign lawyers in the profession has arisen. While the lawyers in India are apprehensive of tough competition, the youth in law take it as an opportunity for spreading their wings into the doors of immense opportunities within and without the country.

To take care of all development and progress in the society, new laws enacted on subjects hitherto unknown are upcoming. Look at the subjects – Cyber Laws, Money Laundering, Diplomatic Protection of Person, Intellectual Property, Feministic Jurisprudence, Water Resources Law, International Commercial Arbitration, Refugee procedures, Sustainable Development, Cultural Heritage Law, Environmental Laws, Terrorism and so on. Look at the issues which are being posed for resolution before the legal fraternity. For example: (i) Theft of time and intellect. Both have become precious and saleable commodities. You pay for your telephone bills as per the time consumed in talking. You can purchase time for surfing on internet and the time you purchase can be stolen away by someone else. (ii) The womb of a mother can be hired and then arise intricate questions of paternity and maternity of the child and fine questions relating to ethics, morality and confidentiality also arise. (iii) Right to privacy and right to information. The person suffering from H.I.V.-positive or AIDS, is he bound to disclose and suffer a disqualification or run down in the eyes of people? (iv) Computer generated document though not signed or thumb-marked, what evidential value it has? (v) Can software be treated as goods so as to be liable to sales or purchase tax and liable to payment of custom duty on being imported? How will it be valued?

Introduction of information technology has become unavoidable in all walks of life. We are heading towards bookless libraries, paperless offices and wireless communications. Court management, case management and judge management are being discussed as topics of litigation engineering.

The traditional courts are becoming backbenchers. Several tribunals, commissions and alternative dispute resolution system are trying to occupy front seats. Arbitration, mediation, conciliation and pre-suit evaluation systems are catching up, also gaining popularity.

In spite of mounting backlog of arrears, the justice delivery system, through Courts of Law, enjoys the faith of the people. The Courts working with 1/6th of man-power (according to an estimate made by Law Commission of India), starved for funds and lagging behind in modernization, are being accused of delay and disposal of cases both in civil branch and the criminal branch of justice.

Advent of public interest litigation and letter petition have aroused the expectation of the people from Law Courts. Several issues which deserve to be handled and resolved by the Legislature or the Executive are being brought to the Court of Law because the people feel that though there will be delay but one day the justice would be done.

The law education system has been revolutionized by the introduction of five years full time law course and advent of national law schools.

All said and done, and howsoever noble we may claim ourselves to be, it cannot be denied that the credibility of legal profession has suffered a setback at the meeting point of the two millenniums. Some unfortunate incidents have happened. Question marks have been raised on the credibility, competence and character of some of the Judges as also of the

legal profession as a whole. It is said that the lawyers have ceased to be accountable to their clients; they are accused of being instrumental in delaying disposal of the cases by taking adjournment and by playing every card in their deck of skills to delay and drag the hearing if the client stands to gain thereby.

And last but not the least parting gift of the previous century to the humanity in general and legal profession in particular, has been the crisis of character. The gulf between the words and the deeds has widened. There is no dearth of precepts and sermons but the examples are missing.

Resolution

How do we solve these problems? Who would hold the beacon light and guide our path? As a concerned citizen and a responsible member of legal fraternity, I have spent several hours sitting in silence and thinking and thinking, what can I or anyone else do to restore the dignity and credibility of the legal system. I find the solution lies in our Constitution. And this is what I wish to share with you at this moment as a central theme of C.L. Agrawal Memorial Lecture. I would invite your kind attention to three parts of the Constitution – its preamble, the chapter on fundamental duties and the oath of a judge. In fact these aspects can by themselves be the subject matter of a self-contained memorial lecture but I propose to touch them very briefly and insofar as necessary for the day.

Preamble to the Constitution of India states:

Preamble

We, the people of India, having solemnly resolved to Constitute India into a sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

And to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

In our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.”

It is a solemn resolution of every citizen of this country, including every member of legal profession, to develop India into a sovereign, socialist, secular, democratic republic. Every member of legal profession, if a lawyer, must strive to secure to the people of India justice, liberty, equality and fraternity. And every judgment by a Judge must aim at dispensing and distributing to the people of India justice, liberty, equality and fraternity.

Clause (j) of Article 51A of the Constitution dealing with fundamental duties provides it as a duty of every Judge and every lawyer to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

As a Judge, many a times a question has been arising in my mind until I found out the answer. Why the learned people who drafted the Constitution of India did not provide for an accountable judiciary? And soon I realized it was not necessary. Wise men believe more

in understanding than in saying. The form of oath, prescribed in the Third Schedule to the Constitution of India, to be made by the Judges of the Supreme Court and the High Court provides for oath being taken by a judge in the name of God or solemnly affirming and then to say that I will bear true faith and allegiance to the Constitution of India as by law established; That I will uphold the sovereignty and integrity of India; That I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws. What more is needed for an accountable judiciary. A complete Code of conduct and behaviour, expected of a Judge is written in his oath and a Judge who cannot come up truly and fully to his oath, does not deserve to continue as a Judge.

There are other protections, in-built in the very system which make the Judges accountable. What are those in-built guarantees? Firstly, every judgment or order of a Court has to be written. What a Judge pronounces goes on record. He cannot back out from what he has said or done. Secondly, he must hear before he decides. The churning of reasoning at the Bar clears the vision of the Judge and enables him in reaching the truth. Thirdly, his decision has to be accompanied by reasons; else his judgment is liable to be struck down as unreasonable, whimsical and arbitrary. Fourthly, he sits in open Court. Whatever he does, it is done under the gaze of the lawyers and litigants watching him from two sides. The watchful eyes of the Bar and the public keep the Judge on right track. Fifthly, every decision by a Judge is open to scrutiny by a superior Court in appeal or revision. This is apart from the fact that every decision by a Judge is also open to public criticism, subject to objectivity, by the press and jurists. Sixthly, not only in appeal or revision, the judgment by a Judge continues to be tested time and again whenever cited as a precedent. Whenever the Judge is found to have erred, his judgment will be reversed or overruled. And lastly, the Judge is subject to rules of conduct. A member of subordinate judiciary can be punished under the service rules and a member of higher judiciary can be impeached for his misconduct. If these in-built safeguards are available, the obvious question proper who says that Indian judiciary is not accountable?

To the Judges, I would like to say that they are accountable and they must continue to be accountable. Remember, a Judge remains a Judge for 24 hours. It is futile to say that a Judge is a Judge only from 10 to 5 when he sits in a Court and the rest is his personal life. There is no distinction between the official and private life of a Judge. Once appointed a judge the time and talent of a judge ceases to be his own; they are then the property of the nation, held in trust by him. He cannot afford to waste or misuse his time or talent. A Judge is under public gaze not only when he is sitting in a Court but also when he is shopping, taking an evening stroll or sitting in the drawing room of his house.

Who is a lawyer? In my humble opinion, a lawyer is not a mere professional and certainly not a businessman. He is a social servant and an officer of the Court. He is assigned an important role in assisting the administration of justice. The Roman concept of a lawyer was that he would neither tell nor demand his fee. Once he has rendered service to his client and assisted him in seeking justice, the client would make an assessment of the value of the service rendered by the lawyer to him and put a reasonable amount of compensation for the service so rendered in the back pocket of his gown. Therefore, the gown does not have any front pocket. I am reminded of a story. I do not know how correct it is but I have high

regards for the person who narrated this story to me. Moreover the underlying message or moral of the story has so much appealed to me that I believe it and hence I share it with you.

Once upon a time there was a King. One night he had a dream that he was God. He believed it when he rose up the next morning. He declared, 'I am God'. He proclaimed throughout his kingdom that he was God and he should be worshipped. It was King's mandate and nobody could afford to disobey as the penalty for disobeying the command of the King was death. There was a citizen who refused to recognize the King as God. The King's police arrested the man and put him behind the bars only to be executed, soon on the pronouncement of sentence of death by the King. One of his friends, when he learned of this man having been incarcerated, rushed to his aid. This friend knew that defending a person who has disobeyed the royal mandate may itself invite the penalty of death. He did not worry as he was convinced of the justness of his cause. He decided to plead for his friend by appearing before the King. He put on black clothes which revealed his preparedness to encounter the deadly King and, may be the death itself. He appeared before the King and by sheer logic and forceful reasoning he convinced the King that God is God and King is King; King can never be God. His friend was released from the prison. This was the first advocate. The black coat put on by advocates of today is symbolic of that man's black clothes who had fought for truth at the cost of his life. The advocate is one who has conviction for pleading the cause of truth till the end of his last breath.

We shall have to exert ourselves for restoring the lost glory of law as profession. We shall have to re-open and read the closed chapters of professional ethics and morals. Our nation is suffering because we are law literates and not law educated. There is a difference between learning the letters and learning the education. Shiv Khera, an educator and motivator of world fame, says – 'educating the mind without morals creates maniacs in society'.

Quickly, I would sum up my message in a few tips:

- (1) Every lawyer, though busy he is, must find time for social service. It may be for one hour in a day or for a few hours in a week and if not, then for a day in a month. It will boost his morale and make his approach humane. Remember, God helps those who really serve the children of God.
- (2) A definite percentage of your income, whether 10% or 1% it does not matter, must be set apart for charity.
- (3) To upgrade yourself with latest developments in the field of law you must think of introducing some programme of continuing legal education. If you are fortunate enough as Jaipur is to have a Law College and a good number of retired Judges settled in Jaipur, you must often interact with academicians, jurists and former judges and brush your knowledge and experience. Spending time in close contact with academicians sharpens the wits of practicing lawyers.
- (4) The junior lawyers must spend their maximum time in the company of senior lawyers. The seniors are selfish in a way, as they are not prepared to part with and share the pearls of wisdom and experience gathered by them. During an informal conversation or chitchat, a quick-witted junior can easily extract from the senior a few tips without his knowledge. The great poet Tulsidas says in his epic-Ramayana

"Bin Satsang, vivek na hoye,

Ram kripa bin sulabh na soye."

By God's grace, juniors obtain *satsang* (good company) of seniors and consequently *vivek* (discriminatory wisdom) – the offspring of *satsang*. If juniors do not sit in the company of seniors, it is very difficult to obtain *vivek* – the science of discerning, essential to success in profession. And without *vivek* it is tough to deal satisfactorily with all the ups and downs in life or in profession.

The following verse in the *Bhaja Govindam* explains this concept: "*Satsangatva nissan gatvam/ Nissan gatve nirmohatvam/Nirmohatve nishchalatattovam/ Nishchalatattove jivanmuktih*". From *satsang* comes non-attachment, from non-attachment comes freedom from delusion, which leads to self-settledness. From this state comes *jeevan mukti* or true freedom.

(TOI, Speaking Tree – Surya, the Sun God)

- (5) Periodically, the members of Bench, the members of Bar, the academicians, the law students and other citizens should sit together, understand each others problem, familiarize with each other's view points and set down certain goals. Such gathering can be utilized for sorting out issues of common interest, for introspection and for defining and redefining the goals.

Friends, the community of lawyers is a vast community with powerful force in numbers and in intelligence. As on March 31, 2002 there were 7,33,063 lawyers on the Rolls of Bar Councils. If they come together and decide to achieve a goal they can do wonders. But I must warn, coming together is not necessarily forming a union. There is difference between a lawyers association and a trade union. I do not propose to delve any further on this. But I am reminded of a story and let me tell it to you.

"King Hieron asked Archimedes to invent new weapons when the Romans were threatening to invade his native city Syracuse. On discovering that a Roman fleet had set sail under Marcellus, the feared Roman Commander, Archimedes turned to the king and said, "I believe I can destroy the fleet." "By what means?", asked the king. "By means of a burning mirror," replied Archimedes.

Archimedes trained a battery of specially constructed concave mirrors that reflected the blazing rays of the Sun directly onto the ships. And lo and behold, the fleet was destroyed!

The legendary Marcellus, on seeing the devastation wrought upon his fleet, is said to have exclaimed: "Let us stop fighting this geometrical monster, who uses our ships like cups to ladle water from the sea, and has whipped our most efficient engines and driven them off in disgrace, and with uncanny jugglery of his mind, has outrivalled the exploits of the hundred-handed giants of mythology."

Its devastating power is only one manifestation of the Sun's awesome energy. Its true manifestation is in the form of life force."

(The Speaking Tree, *ibid.*)

The community of law professionals can act as a concave mirror and destroy the evils in society by burning them. The question is, are you prepared to be an enlightened lawyer?

Before parting, as the quintessence of late Chiranjilal Law Memorial Lecture of today, I pose this question to you and to myself as well – Are you and I prepared to be an enlightened lawyer, an enlightened judge – as enlightened as the constitution of India has

desired us to be? Can each one of us be a Chiranjilal or at least try to be? Several memorial lectures have been delivered. The success of a memorial lecture does not depend on what transpires at the lecture. The success of the memorial lecture depends on what transpires between one lecture and the next lecture.

Friends, those lawyers who have had an occasion of appearing before me as a Judge know I give a very patient hearing to every lawyer, whether a senior or a junior. You have obliged me today by giving a very patient hearing to me. I am beholden to you.

* C.L. Agrawal Memorial Lecture delivered on 25th January, 2004, at Jaipur.