

# LEGAL REVOLUTION AND SEARCH OF A NEW LAWYER\*

I consider this day and this hour, a unique occasion to be present

amongst you. The entire legal fraternity is present here. We have the Bar Council, an august body of legal profession, the legal practitioners of the State and the law teachers. In particular, I notice the presence of those who are learning the law. There is a sparkling twinkle of hope in their eyes; and I can also read the message of future beaming from their faces – “Rest assured, the future is safe in our hands”. We have the brilliant and popular Chief Justice of the State by my side. We have the enlightened citizens present here. And, all of us are present in the campus of an educational institution which has already earned a name and made a mark in the field of not only legal education but several other disciplines of learning.

The occasion too has its own significance. The learners of law – the future law professionals, some of whom may be invited to accept judgeship – are to be housed in a new building which is to be inaugurated today. Two journals are also being released. The learned men of law have assembled here to hold a thought-provoking Seminar on ‘Horizons of Legal Education and Legal Profession’. I wish to avail this opportunity for putting across a few thoughts on what these horizons are going to be, and need to be.

I have recently returned to India after participating in two International Conferences. From 31st May to 2nd June, there was a Conference of Chief Justices and other senior Judges of the countries with Common Law tradition, held in Washington. The theme of the Conference was ‘Challenges for the Judiciary in the 21st Century’. Soon followed a one – day Conference of the Chief Justices of the SAARC LAW countries at Paro in Bhutan, a small but beautiful country, where again, one of the topics for deliberations in the Conference was ‘How to Achieve Excellence in Judicial Administration’ so as to face the incoming challenges. The deliberations at both the places were of very high level. I have returned surcharged with ideas and a widened vision and an amplified desire to do something, as the head of the Indian Judiciary, with the co-operation of you all, who are the past, present and future of legal profession.

Law and Justice are indispensable for any civilized society for they are central to our lives. We encounter law daily, without even thinking about it. Use a home appliance. Catch a bus. Hire a taxi. Engage an electrician. Sign a bank loan. Make a deal. Buy or rent a home. Let a doctor examine. Send your children into others’ care at school. Return a faulty appliance for an exchange or refund. Do your annual tax return. Work hard for a fair day’s pay. Surf the internet. Take out insurance. Drive a car. Just walk outside your front door and breathe unpolluted air. Every time you do any one of these things, multiplicity of laws operate to regulate, protect, and guide you and others.<sup>1</sup>

The great American jurist Oliver W. Holmes had said, as far back as in 1881 – “The life of the law has not been logic: it has been experience. The law embodies the story of a nation’s development through centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics”.<sup>2</sup> And Cicero had said – “We have a natural propensity to love our fellow men, and this, after all, is the foundation of all law”.<sup>3</sup>

What is called jurisprudence or legal philosophy is just a coming together of different ideas grounded in ethics, politics, economics and sociology. Many of life’s big questions arise in major battles of truth and justice in law, and those battles continue to be played out today,<sup>4</sup> at every place, including Parliament, Legislature and Court Rooms.

Times have changed. The fundamentals of law and the basics of legal profession remain the same. But the challenges, posed for resolution before law and justice and the methodologies for resolution, have certainly undergone a change.

It is commonly said that we have crossed over a millennium and entered the 21st century, bidding a farewell to 20th century, marking the end of 2000 years of human existence. Counting the number of years which have elapsed is not as significant as is the speed with which time has moved and the changes which it has witnessed. The advancements in the field of science and technology which have taken place within the last preceding century, that is, the hundred years, had not taken place in the 1900 years which preceded before. The same comparison can be made between the last 20 years over the preceding 80 years of the 20th century. Now, it is the power of mind which rules the power of muscles. Several barriers in the field of science, technology and intelligence have been broken. Artificial intelligence or the intelligence created by man is competing with (also commenced marching ahead of) his own intelligence – the God given intelligence. At one time, the natural resources were counted for assessing the wealth of a society or country; now it is the strength of human mind and artificial intelligence, possessed by machines, called computers, which determine the power of a nation. It is the technology which is the ruling factor. I have seen the markets of developed and advanced countries, like Japan and America, flooded with Chinese goods. For the same reason, *Chandni Chowk*, the century old commercial centre of Delhi, has been nick-named as ‘China Chowk’. America and Japan do not mind if they are not producing and exporting goods. They believe in exporting technology and know-how and do not mind the goods, made in other countries, being imported to flood their own markets, as they believe and may be rightly, that they are still a gainer.

Two decades before, I had read ‘Future Shock’ written by Alvin Toffler in 1971 – a book which was then called ‘a disturbing and challenging book’ permitting a peep into future, as would be shaped by science and technology. The author has written therein chapters like ‘Death of Permanence’ on account of accelerative thrust of the technological engine, with knowledge as fuel, and tried to visualize the people of the future in which things would be just thrown away and may be machine would replace the man. He canvassed for taming technology as strategy of social futurism. Not even 35 years have elapsed since ‘Future Shock’ was authored. About a month before, Hon’ble Shri M.N. Venkatachaliah, the former Chief Justice of India, mentioned to me yet another book – ‘Fantastic Voyage’ written by two very eminent Doctors – Ray Kurzweil, Ph.D. and Terry Grossman M.D. (one in philosophy and other in medicine). The reading thereof is enough to send shock waves and shivering

into our nerves. Noticing the discovery of DNA, genes and stem cells, the learned authors have opined that it may now take just a few years, not even a decade, to permit the replacement of every part of human body which is rendered redundant. In a few decades, the life expectancy of human beings may rise to 100 years, and it may not be too much to hope that by the middle of the century man may achieve immortality. The philosophical question cannot be answered today as to whether it will be a boon or a bane to live for all times. Let us confine ourselves to perceiving what is just in – waiting to come before us.

What is the impact, in particular on us? We are the most thickly populated country of the world, with ample but unexploited natural resources. The enormous population of India (1.04 billion or 104 crores at present) was considered, at one point of time, by economists with a positive note, to be a potential human resource. But it may soon cease to be so and turn into a market where anything and everything can be sold. Our behaviour and life style would change. You have all witnessed traffic jams on roads. Now there is a jam on airports. Yesterday's newspaper showed that 21,500 passengers fly everyday from Palam airport, creating an air traffic jam. Today the Bar Council of Maharashtra and Goa would be pondering over 'Horizons of Legal Education and Legal Profession'. But just look at the horizon widespread over your heads. Have you ever seen or heard of any two birds dashing against each other and causing an accident? Yet, in the year 1996, as a One-Man-Commission of Inquiry, I had investigated into the causes of mid-air collision between 707-Boeing and IL-76 Russian aircraft. I then learnt that there are corridors even in open sky.

Uncontrolled growth of population may render man himself as a purchasable commodity. Brain power would dictate the muscle power and bodies may dance to the tune of brain waves of others. The question of society being divided for consideration of caste and community and issues like reservation will become totally irrelevant, as society will have only two divisions, that is, of 'haves' and 'have nots' in terms of technology and brain power. Nepotism, favouritism, corruption and such like issues, which eat away most of our time, would become matters of past, as all these things are unknown to computers which would work with mathematical accuracy and geometrical progression. Information and communication technology may render it meaningless for man to move on business or official tours, as any part of the world would be visually accessible on touch of a button. Man would move out only for entertainment and pleasure. We will forget the disputes relating to person and property. Now the disputes will centre around genetics, electronics, robotics, nano-technology, space and oceans. 'Search for knowledge' would be replaced by 'urge for research'. The whole concept of civilization would change. One shivers to imagine that the concepts of parentage, marriage and family may soon become irrelevant. Technology may replace emotions. Interesting but highly complicated questions of confidentiality, ethics and morality are sure to arise, and may defy solution to some extent. The legal profession has to prepare itself for this. May be, the definitions of ethics and morality, themselves, would undergo a change.

All these changes have caused new challenges to prop up before law and justice. Law and Justice are, by their very nature, inclined to be traditional. We shall have to shed this inhibition and take a leap, into emerging areas of knowledge and learning, with vision and innovation. In the times in which we stand today, the serious frontiers which have opened before us call for revolution in justice delivery system, especially in the field of criminal justice, commercial causes and international disputes. There is a sad news for the legal

profession. The electronically operated courts would render strikes totally ineffectual. The lawyers will not be able to stall the working of the courts by a call for strike, as the functioning of the courts would not be brought down to standstill unless the electronic system or the supply of energy fails and both these will be beyond the control of the lawyers' fraternity.

Friends, all that I wish to say is: get over trifles, the smaller issues, and concentrate on bigger issues, the real issues, if you really wish to march ahead, keeping pace with times. We need to gear up and respond to the changes and challenges which have been already ushered in. Greater changes and challenges are in waiting. I have tried to paint a very small comparative picture of the past and future insofar as law and justice are concerned, only to emphasise the need for dealing with the issues of the present day.

Law and Justice shall have to march with the times. Those who are already in the legal profession and those who are sitting judges must be prepared to learn these new advancements and better equip themselves so as to successfully grapple with such issues as were hitherto unknown. Neither the sitting judges nor the practising lawyers can be sent to law schools. They shall have to devise means and methods for continuing education, learning and training, to keep themselves updated and abreast of the advancements in the field of knowledge and intelligence. Our hopes are rivetted on the young students who are taking education in good educational institutions like Bharati Vidyapeeth.

As to legal profession, it is only a truism to say that such of them, who do not take cognizance of the upcoming situations and change their attitude so as to assimilate themselves by making adjustments, will soon be outdated and discarded. For the young students, it has rightly been said that the legal education, taking note of social, political, economic and technological changes, must be ready to prepare students and arm them with knowledge to meet challenges, which are the products of these forces. All these demand devotion, dedication, steadfastness and total committed fidelity. If the students are so, they are only doing justice and imparting fairness to themselves. The study of law demands unprecedented high quality of learning and research and an understanding that law pervades every aspect of life and every institution of human activity.

I do hope that these issues, in all their phases, shall be taken up for consideration at the National Seminar, organised by the Bar Council. I wish the deliberations, at the Seminar, to be a success in giving new horizons to legal education and legal profession.

The new building of the Law College, the foundation whereof was laid by Hon'ble Shri Y.V. Chandrachud, the former Chief Justice of India, in the presence of other eminent Judges, is a magnificent and modern building. Its grandeur is very impressive. I am told that the New Law College, constituent unit of this University, has completed 25 years and celebrated its Silver Jubilee last year. The Law College has done tremendous progress in the past few years. In addition to the graduate and postgraduate degree courses, it is conducting 5 postgraduate diploma courses and one certificate course. There is also a Ph.D. programme in Law under which 29 students have been registered. At present, this College is having 2189 students from 25 States in India and 15 foreign countries. The College has been enthusiastically pursuing other intellectual activities also. I congratulate Bharati Vidyapeeth family, its teaching staff, Prof. Dr. S.F. Patil, Vice-Chancellor and Prof. Dr. Shivajirao Kadam, Pro-Vice Chancellor and Secretary, Bharati Vidyapeeth, who are the moving forces behind

this great institution as also Dr. Mukund Sarda, the Principal and Dean, Faculty of Law, but for whose untiring efforts, neither these achievements could have been made nor would I have been here. As the building has seven storeys, I am confident and do hope that the level of excellence in learning, imparted in this new building would be seven times better than what is being already imparted in a reputed institution like Bharati Vidyapeeth.

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\* Speech delivered on the occasion of inauguration of building of Bharati Vidyapeeth's New Law College and inaugural of Lecture Series organised by MP State Bar Council, a joint function, on 18th June, 2005, at Pune.

1. Bryan Horrigan, *Adventures in Law & Justice*, First Indian, Reprint, 2003, p. 24.
2. Bryan Horrigan, *Adventures in Law & Justice*, First Indian, Reprint, 2003, p. 31.
3. Bryan Horrigan, *Adventures in Law & Justice*, First Indian, Reprint, 2003, p. 26.
4. Bryan Horrigan, *Adventures in Law & Justice*, First Indian, Reprint, 2003, p. 27.