

THE PLEADERS OF JUSTICE*

I treat this occasion as a friendly shake-hand between the two wings of legal fraternity, reaffirming mutual trust and confidence in each other and an occasion for reminding ourselves of the common goal which we aspire to achieve – the goal of delivering speedy, cheaper and quality justice to the litigants who are the consumers of justice.

I am amidst the members of an august body of legal professionals which is statutory, strong and well-built. The Attorney General for India and the Solicitor General of India are ex-officio members of this august body. The Attorney General is, inevitably, the leader of the profession in his own right, as, to be appointed as an Attorney General, he has to be a lawyer of eminence with erudition, integrity, legal acumen and vision. So is with the Solicitor General. Other members of Bar Council of India are elected representatives of State Bar Councils. They are chosen, by their electors, for their learning, sense of duty and availability for doing service to the profession by devoting their time and energy. It is a unique feature of this institution that the representation of the State Bar Councils is not based on the strength of their membership; the representation follows a uniform pattern. Every State, without regard to the number of advocates on its rolls, is entitled to one representation in the Bar Council of India.

The Advocates Act of 1961 contemplates the Bar Council of India as an Apex Body of peers of profession. It is a trustee for maintaining the standards in legal profession as also the standards of legal education. Both have their own significance. As a peer body of the legal profession, it is entrusted with the responsibility of taking care of the present, *i.e.* today. Having been empowered enormously, in the matter of institutions imparting legal education and the curriculum that will be adopted by the institutions imparting legal education, the Bar Council of India has been entrusted with the responsibility of shaping the legal profession of tomorrow.

Each one of you who is sitting here has reached this position by your performance which earned laurels and recognition for yourself amongst your colleagues. In that sense each one of you is the product of your own past, entrusted with the task of ruling the present and shaping the future. You and me, that is, we, have one thing in common. None of us holds a perpetual lease or a life tenancy in our respective roles in which we are present here today. Each one of us has a limited term of years available to discharge his respective obligations to the society. It is the divinity which has brought us together at this point of time. None of us is here with any personal agenda of his own. Our agenda is one and that is common. We have to uphold the rich traditions of the legal profession and lay down such standards, as would inspire the posterity to acknowledge our gratitude. The time to act is now. Since we may or may not have another opportunity of being together in such positions let us not postpone or procrastinate what we want to do today and what the society expects us to do now. A judge is destined to dispense justice to society. Lawyers are obliged – traditionally and statutorily – to assist in the dispensation of justice.

A few things come to my mind and I would like to invite your attention to those:

(1) Mushrooming growth of law schools

It is good to provide fullest possible opportunities for younger generation of free India to learn. Instructions in law make a man a responsible and enlightened citizen. However, that does not mean that every student who has done law must necessarily enter the legal profession. You will agree that over-crowding results in fall of standards. I would suggest that the law institutions must impart five-years education which should be divided into two parts. Having been allowed admission in a law school after 10+2, the student should be free to divert himself to another allied course of study after completing two years' education and one degree should be awarded, at the end of two years. Similarly, the law education must consist of two channels; one, which is meant only for learning academics of law, for the sake of gathering knowledge, and, the other, which must be undergone for entering the legal profession, *i.e.*, the active practise as a lawyer. The latter should lay more emphasis on practicals and empirical studies. The Bar Council of India should conduct a scientific study and make an estimate of the number of lawyers which are really needed and regulate the opening of the law schools and the admissions therein, in such a way that a rational co-relationship is maintained between the number of persons qualifying the professional course and the number of lawyers which would enter the profession. Or else, you must find out the channels where the over-product of law schools can be usefully absorbed.

(2) Settlement of Disputes

Under the Advocates Act, the Bar Council of India gives recognition to Bar Associations. On any issue, if there is an occasion for conflict between two Bar Associations, the Bar Council of India should not be a mute spectator. It must intervene and resolve the dispute. Any controversy or issue or difference between two Bar Associations must necessarily be resolved by Bar Council of India. That will raise its stature.

(3) Erring lawyers

Every professional is a human-being and, therefore, susceptible to human weaknesses. This is very natural. Disciplinary proceedings are intended to act as deterrents to any fall from virtue or laid down standards of the profession. While hearing appeals under section 38 of the Advocates Act, I have noticed that the original proceedings have remained pending for unreasonable length of time, sometimes more than a decade. Such delay does no good, either to the members of the legal profession facing the proceedings or to the credibility and prestige of the profession. While the lawyers must be protected against frivolous accusations and black-mailing, at the same time, the Bar Council of India should not hesitate in chastising and, if necessary, weeding out such members who indulge in unprofessional and unethical practices; else the credibility of the entire profession is at stake.

(4) High-ethical standards

I appreciate the code of professional ethics and code of conduct of lawyers laid down by the Bar Council of India. It speaks of lawyers' duty towards five C's: country, community, client, court and colleagues, which has been aptly called *Panch Shila* or the five principles, by reference to which the fundamental duties of lawyers are to be determined. The lawyers are the leaders of the society. One example is better than hundred precepts. Every lawyer should be a role model to the society to which he belongs.

I would like to quote His Excellency, A.P.J. Abdul Kalam, the President of India, from the First Nani Phalkiwala Memorial Lecture which he delivered on 21st January, 2004, in the lawns of the Supreme Court of India. He made a call to the conscience of every lawyer,

present there or otherwise, to be a righteous person and a righteous professional. He said, "righteousness is imbibed in our culture and is a part of our cultural strength. Righteousness gives us mobility. Righteousness makes a man, carry on his activity without any greed, and feel proud of his ability to be of use to the society."

Lawyers, as a society of professionals, have always continued to wield influence on the contemporary society. They have led the fight for freedom. Their obligation to lead the society has not come to an end with the freedom earned by India. The second fight for freedom *i.e.* of securing justice – social, economic and political – is still on. President Shri Abdul Kalam ended his lecture by reciting a poem which reads:—

*"Where there is righteousness in the heart,
There is beauty in the character.
When there is beauty in the character,
There is harmony in the home.
When there is harmony in the home,
There is order in the nation.
When there is order in the nation,
There is peace in the world."*

It is time, when every lawyer and every Judge should ask a question to himself – 'Is he a righteous person? Is he a righteous lawyer? Is he a righteous Judge?' We must strive hard to have an answer in the positive.

Mr. Pattanaik, the Chairman of BCI, has rightly said in his opening address today, "strengthening the judicial system of the country is my first priority. But I cannot do that, single handed or alone. Members of Bar are called officers of court and they are an integral part of the judicial system". The system cannot be strengthened or toned up without their full co-operation and support and I ask for it. I would bank upon it.

Let us take a vow that we shall strive hard and do our best to serve the consumers of justice, a cause for which we are all meant. Problems are many. But we have to find solution to the problems. An eminent educationist and motivator says – 'If we are not a solution we are ourselves a problem.' Much harm has been done to the society not so much by activity of bad people as by inactivity of good people (like us, who are immensely capable of doing good things but some time fail to do or just do not act). We must rise to the occasion.

* Speech delivered on 10th July, 2004, at New Delhi, in response to Felicitation Function organised by the Executive of Bar Council of India.