

THE NATIONAL LAW INSTITUTE
UNIVERSITY

(NLIU) BHOPAL

First Annual Convocation

16 December, 2007

I feel privileged to participate in the proceedings of the First Annual Convocation of this pioneering institution of legal studies.

I congratulate the graduating students of NLIU on their academic accomplishments. I congratulate Justice G.P. Singh, well-known judge and legal academic, who is receiving the Ph.D. (*Honoris Causa*) today. I would also like to convey my personal greetings and compliments to Justice A.K. Patnaik, Chief Justice of the High Court of Madhya Pradesh, Prof. Balraj Chauhan, Vice-Chancellor, Directors of Schools, Professors, other teaching and non-teaching staff of the NLIU university for their contributions and

services in moulding young generations into globally competent legal minds to face the present day challenges of the world.

It is pleasing to note that since its foundation the University has now blossomed into a great centre of learning and academic rigour. In a short span of time, NLIU has emerged as the third top law school in the country.

I have perused the annual report of NLIU and am pleased to note that it is comprehensive and provides interesting data for those focussing on developing legal education in India. The variety of information provided by the report is a model that other national law institutes would do well to follow.

An issue which is of concern for those who observe the careers of the bright young minds of national law institutes is to understand why the practice at the Bar is not thought of as an attractive option by them. The general reasoning is that of the disproportionate remuneration influencing such choices. It is indeed an important factor and with the pace of the economic growth and expansion of the organized sector, the need for such services goes by the demand and supply proposition.

However, this leads us to the challenge as to what could be done to get a reasonable proportion of talented graduates to serve at the Bar. Such introspection should lead us to make efforts for finding ways to make it attractive at least in terms of ‘recognition’ and bridging the gap with respect to monetary aspects partially. Perhaps the working atmosphere in the Bar could also be suitably amended to match the alternate career choices available in law. Though the Bar and Senior Advocates have a role to play in this regard one must appreciate that it is only if graduates take up the challenge of practice that the standards within the Bar can ultimately improve. Judiciary has already taken a step in this direction with interning law school graduates as ‘law clerks’ and there is a tremendous attraction towards such internships. Perhaps, the long term intellectual challenge and the diversity of legal issues that lawyers are called upon to deal with need to be impressed to our young law graduates. Openings in Judicial service could be another challenging and socially beneficial career choice. In essence we need to deliberate and find ways of achieving such a shift in the career choices of our young legal minds.

In this regard I am pleased to note that many of the graduating students from NLIU have been taking up practice at the Bar.

New law schools such as NLIU have a crucial role to play in training and sensitizing the Bar on contemporary issues. Academics such as you have the strength and opportunity to update themselves on the various trends in legal regimes of other parts of the world. They are also endowed with the ability to observe and analyse the subject in greater detail. Their scholarship needs to be transmitted through continuing education of the members of the Bar by way of publication of research articles, conducting seminars etc. Those involved in legal education in India recognise that our research output is woefully short of what similar institutes in developed educational systems are able to produce. To meet these standards should be the next immediate challenge for our national law institutes. We must move towards developing a rigorous one year LLM course in keeping with international standards to attract students to an academic career in law. As in comparison to the one year LLM courses provided by foreign universities institutes such as the NLIU can provide accessible quality education that can help students look towards a teaching career in law.

Yet another challenge for those of us involved in the legal system must be to engage ourselves with the issue of how technological developments can be harnessed to disseminate the knowledge of law and legal rights and obligations to the common man. Institutes like the NLIU could use innovative tools such as video conferencing with other universities in India and abroad to increase academic interaction in order to facilitate development of new and create research in the field of law. Such facilities could also be used for distance education and legal literacy programmes for the common man.

I would recommend to the Vice Chancellor, faculty and students of NLIU for a serious brainstorming of the above issues by bringing in Judiciary, Bar and Academics to deliberate upon a common strategy and action plan.

The transformation of India in the last decade as an economic powerhouse and its integration into the globalized trade and commerce has brought some stability and hope for those in governance. Nevertheless, it has also thrown open various challenges of equitable distribution of such wealth,

displacement of human resources, regulatory issues of markets, problems of consumers, interface of other legal regimes of the trading partners, issues of human rights, spread of global terror networks and a host of other issues. The sustained growth and development of the country and the ability to address the above issues will depend upon innovative and humanistic approaches. This in turn requires a solid foundation of technology, business and legal resources.

We live in a country whose people are largely ignorant about laws, their possible impact, implications or strategies for using them. While on the one hand, such lack of information about available laws and methods for accessing legal rights often acts as deterrent, on the other hand, people who approach the legal system are often caught within the labyrinth of the legacy legal system that we have inherited. Such experiences in turn often deter citizens from taking recourse to courts.

According to Prof. Amartya Sen, the very idea of legal development is contingent on social and economic characteristics in a society. And thus, *“legal development must, constitutively, take note of the enhancement of people’s capability – their – freedom- to exercise the rights and entitlements that we associate with legal progress.”*

And in the above context *“legal and judicial reform is important not only for legal development, but also for development in other spheres, such economic development, political development, and so on, and these in turn are also constitutive parts of development as a whole. **This is like a thickly interwoven textile.**”* [Role of Legal and Judicial Reform in Development, World Bank Legal Conference, Washington D.C., Amartya Sen, June 5, 2000]

Therefore, it is essential that institutions such as this University fundamentally re-negotiate and change the landscape of legal education in our country and raise the standards for the rest of our legal institutions, while helping students place the law in its socio-economic context. Today’s lawyer must understand and appreciate the several approaches towards using law as a tool of social engineering in our society. For instance, the legal aid approach can be used for the lawyers to address the problems of people at an individual level. However, this approach is also constrained by the number of practitioners committed and available to such a cause and thus a multi-pronged approach is also necessary. A legal awareness approach where lawyers can dedicate their time to raising awareness amongst communities about their legal rights would be useful to the prevention of violation of legal rights. Encouraging, Alternate Disputes

Resolution mechanisms, through agencies other than the courts to resolve disputes is yet another approach. A committed lawyer also has a responsibility towards developing and improving upon our existing legal system and laws through advocacy as well as providing inputs towards legal reform.

While healthy competition amongst students is a prerequisite to maintaining and raising academic standards, we must not forget our duty to those who may not have had access to acquire such knowledge and education. It is thus also the responsibility of students such as yourselves who now hold the wisdom of knowledge to be generous in sharing it with those who have not had such opportunities. I hope each one of you will render all necessary and possible contribution for access to justice and education to the downtrodden, and the poor and uplift them to the mainstream of the society.

I also find this an appropriate occasion to remind ourselves of the importance of ethical training in education. Today, we are faced with a situation where the evil of corruption has permeated all sections of our society. We live in a society where increasingly one tends to respect wealth without perhaps enquiring into the source of such wealth. Therefore, it is

the duty of the teaching community in our country to impart a strong sense of ethical values amongst our student population.

I am certain that the graduates of this University will embark on their jobs with their newly acquired skills and pledge to maintain the highest standards of ethics and professionalism in whichever profession within the legal arena that they choose to undertake.

Legal education and the practice of law are central to addressing the paradoxes and inequities that challenge our society today.

To quote Bertrand Russell;

“If professional men of forty were examined in the subjects that they had studied at the University, I am afraid it would be found that in most cases very little knowledge remained whereas, if they had studied something which enabled them to see their profession in relation to the life of the community, and to understand its social aspects, it is likely that their subsequent experiences would therefore have caused the knowledge to remain in their minds” [Bertrand Russell, Education and the Social Order, 1967]

Institutions, such as this University, have an influential role to play in societal empowerment by rooting our legal education system in the social and economic realities that challenge our country. Students must be provided with experiential learning that will train them to harness the Constitutional tools provided to us by our visionary national leaders in the interests of millions of our people who are yet to fully benefit from them.

Development and progress of our nation hinges upon technology, commerce and most importantly faith in legal processes to enhance equity and resolve disputes in a peaceful manner. Thus, our fast paced growth in technology and commerce cannot be sustained if our people lose faith in legal processes and the rule of law

I am confident that the passing out batch of 2007 will not only make good lawyers but also affect social change as social engineers, which is one of the goals envisaged for the products of the National Law Schools of our country and thus help in strengthening our peoples' faith in the rule of law.

My best wishes to the students graduating today. The Graduating students and those who are receiving the post graduate degrees and research degrees have a tremendous role to play at a time where our country is poised for exciting prospects as well as enormous challenges. I am sure the

contributions of the graduating students will bring laurels to the *alma mater*, a smile on the face of the deprived, justice to those who are victims, as well as, professional and personal satisfaction to themselves.

For you, a new and bright career is awaiting. The field of law is wide open and it has reached new horizons. If you are fully equipped and talented and prepared to work hard, your life is assured and I am sure, every one of you would shine like a bright star of this great Nation. My only advice to you is that, stick to your own conscience and do not stoop down to get anything unworthy. Keep the flag of the legal fraternity high and I wish all success for you in your life.