

## **Programme in honour of Dr. N.R. Madhava Menon**

Organised by Society of Indian Law Firms and Bar Association of India

(New Delhi – September 4, 2009)

Address by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India

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Justice J.S. Verma,

Shri Veerappa Moily,

Dr. N.R. Madhava Menon,

Shri Fali Nariman, Shri Lalit Bhasin,

Shri Arun Jaitley,

Dr. Mohan Gopal, Dr. Sivakumar,

Members of the bar, Distinguished guests

And Ladies and Gentlemen,

I am indeed very happy to be present here for this programme in honour of Dr. N.R. Madhava Menon. I would also like to record my appreciation for the Society of Indian Law Firms and the Bar Association of India for instituting an annual award to recognize outstanding contributions in the field of law-teaching. It is only fitting that the first such award has been conferred on Dr. Menon.

I think that all of us are conversant with Dr. Menon's numerous achievements, especially his great skill for building institutions. He began his higher education with bachelors degrees in science and law in his home state of Kerala and went on to pursue an M.A. in political science in Delhi. He began his teaching career at the Aligarh Muslim University, from where he obtained LL.M. and PhD. Degrees. He spent many fruitful years at the Law Faculty in Delhi University where he has also served as head of department in the mid-1980's. He pioneered concepts such as clinical legal

education in India and took the lead in organizing legal aid programmes as well as examining how the legal system can be used to address social problems that arise due to poverty.

Despite facing numerous obstacles he has been the guiding force behind the establishment of educational institutions such as the Government Law College, Pondicherry, the National Law School of India University, Bangalore and the National University of Juridical Sciences in Kolkata. Even after his retirement he has continued to work with a lot of zeal. It was at the special request of my predecessor Justice B.N. Kirpal that Dr. Menon had taken over as the first director of the National Judicial Academy at Bhopal in 2003. This was a watershed event since it marked the beginning of a vigorous agenda for judicial education in our country. I have been told that in recent years Dr. Menon has been part of numerous governmental commissions and has already submitted reports that deal with a 'Draft National Policy on Criminal Justice', a framework for the proposed Equal Opportunity Commission as well as concrete suggestions for further reforms in legal education. At present, many of us are eagerly looking forward to the output of the Commission on Centre-State Relations, of which he is presently a member.

Dr. Madhava Menon's most important contribution has of course been the sea-change in popular attitudes towards legal education. Until a few years ago, pursuing a law degree was seen as an inferior alternative to other professional courses such as engineering, medicine and management. In most of the universities, law departments were seen as breeding grounds for student-politics and the environment was hardly conducive for academic

pursuits or meaningful scholarship. Large scale absenteeism as well as irregularities in examinations came to be frequently associated with legal education. While these problems still persist, the emergence of several National Law Schools has triggered a gradual shift in public perceptions.

I have been made to understand that thousands of students appear for a nation-wide test to gain admission to the five-year programme in these law schools. The exposure that they get in residential campuses is far more intensive than what was on offer before. Frequently updated curriculums, flexibility in teaching-methods and evaluation, as well as an emphasis on research activities have emerged as the strengths of the National Law Schools. The students who enroll for the LL.B. and LL.M. programmes are being given good library and computer facilities to facilitate research. Furthermore, the students come from different parts of the country and learn to live together in a residential setting.

A core feature of Dr. Menon's efforts is the successful blending of social sciences into the curriculum for the five-year law programme. There has been an age-old debate on whether law is an autonomous discipline where the instruction must be confined to the teaching of doctrines, the interpretation of statutes and the reading of precedents. However, in an ever-changing world where legal professionals must make sense of disputes in all kinds of settings, there is clearly a need for interdisciplinary training in legal education. With the conceptual tools of disciplines such as history, politics, economics, sociology, philosophy and literature – today's law students will be in a much better position to respond to challenges in their professional lives. The increasing involvement of lawyers in business transactions as well

as the emergence of newer technologies also means that the curriculum must prepare students for grappling with practice areas such as those related to natural resources, intellectual property, corporate finance, infrastructure, biotechnology, telecommunications and the internet among other fields. A wholesome undergraduate education in law must familiarize students with the first principles in these areas. At the same time, there is also a need for improving the manpower and resources for effectively delivering courses which deal with international and comparative approaches.

A meaningful university education must not only focus on classroom learning and examinations but should also encourage students to look beyond the social divisions of caste, religion, language, gender and class. This can be effectively done if the teachers engage the students in co-curricular pursuits where students are given adequate exposure to social problems. Dr. Madhava Menon has been among the pioneering teachers in this regard by involving law students in legal aid camps as well as research projects for critiquing judgments and suggesting legislative reforms. Some of the main objectives of legal education are those of encouraging tolerance towards different viewpoints, a capacity for critical inquiry as well as the willingness to resolve disputes through informed and constructive dialogue. The idea behind imparting research and writing skills is not just to help the young law graduates in making better arguments but to also train them so that they can offer the best alternatives to their clients. In many fact-situations involving disputes of a civil nature, resorting to litigation can indeed be counter-productive and worsen existing relations between parties. Hence it is very important for law students to be familiar with the various ADR methods such as mediation and negotiated settlements. Dr. Menon has

made conscious efforts to incorporate these aspects in the curriculum through practical training and I hope that all law colleges in the country will soon offer these as compulsory courses.

Even with the success of a few law schools, there is a lot to be done for improving legal education in our country. At present, we are facing a considerable shortage of talented and motivated law-teachers. One reason for this is that the graduates of the better law schools are getting lucrative job-opportunities in commercial law firms and as in-house counsels in companies. While it is understandable that the young lawyers would want to ensure financial security for themselves, we must try and devise methods that attract talented individuals to legal practice, the judicial services and most importantly to law-teaching.

In the past, the teaching branch of the legal profession has not been given the importance that it deserves. However, the immense contributions made by persons such as Dr. Madhava Menon do show that judges, lawyers and legislators have a lot to gain if they continuously interact with academicians. Law-teachers can indeed play an active role outside the classroom by writing articles and books that examine judicial decisions as well as legislative efforts. The various law schools must promote scholarship on emerging areas of legal practice as well as policy-questions, so that the government officials are kept on their toes. I look forward to the day when Indian Law Schools will publish law journals, whose quality will be on par with the best in the world. In many ways, that will be a fitting tribute to the efforts of Dr. N.R. Madhava Menon. I once again congratulate him on

receiving this award and sincerely hope that many others will draw inspiration from him.

Thank You!

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