

Bar Association of India - Golden Jubilee celebrations

(April 9, 2009 – New Delhi)

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

Dr. Somnath Chatterjee,

Mr. Fali Nariman / Mr. Anil Divan / Mr. Lalit Bhasin

Ladies and Gentlemen,

I am grateful for this opportunity to attend the Golden Jubilee celebrations of the Bar Association of India. This body was formed under the watchful eyes of stalwarts such as Mr. M.C. Setalvad, Dr. K.M. Munshi, Mr. C.K. Daphthary and Mr. H.M. Seervai among others. The past as well as present members of the Bar Association of India include some of our finest practitioners, and many of them are role-models for all of us in the bar as well as the bench.

The legal profession in our country is presently at the crossroads. While our judicial system faces a progressively increasing workload, concerns have also been repeatedly raised about the quality of practitioners, especially at the subordinate level. It is a sorry state of affairs in so far as most ordinary citizens view legal proceedings as a cause of further harassment for both parties rather than a means for resolving disputes. There are of course several structural reasons behind these problems which are frequently discussed. However, a body such as the Bar Association of India can play a leading role in mitigating some of these factors.

The most eminent members of the bar must make special efforts to set an example of adhering to professional ethics. Not only is it important to

maintain an ethical demeanour in one's private practice, but it is also essential to demonstrate the value of such behaviour to younger members of the bar. In recent years, we have all heard of instances such as the charging of exceptionally high fees and even collusion between opposing counsels in criminal proceedings. When prominent members of the bar indulge in such practices, it has the undesirable effect of rendering them acceptable in the eyes of younger practitioners.

We must acknowledge the fact that our legal system does not only have a shortage of lawyers and judges in proportion to the total population, but is also characterized by deficiencies in essential skills – such as research, writing and familiarity with new areas of legal practice. While concrete steps have been taken to improve the standards of legal education at the college-level, there is also a compelling need to promote Continuing Legal Education (CLE) programmes for lawyers. The judiciary has already made significant progress in this regard with the establishment of the National Judicial Academy (NJA) and several State Judicial Academies (SJAs) – where sitting judicial officers undergo periodic training. I must draw your attention to a recent initiative taken by the Guwahati High Court which has organized pre-appointment training for newly-selected judicial officers.

The Bar Associations at the various levels – namely in the District Courts and the High Courts must take up such an agenda. There is always the option of involving educational institutions, research organisations and civil society groups in these training programmes. Such a strategy will account for the interests and viewpoints of different stakeholders. Lawyers

are always known for their verbal skills but sometimes it is the willingness to listen and learn from persons outside the legal system which can enhance their professional as well as social profile. The failure to re-educate ourselves from time to time can lead to the undesirable scenario of Indian lawyers falling far behind their counterparts from other countries.

There is also a serious need for reflecting on the existing structure for regulation of the legal profession. Like most professions, the scheme created under the Advocates Act and the Bar Council of India Rules was based on the philosophy of 'self-regulation'. The Bar Council of India as well as the respective Bar Councils at the State level have been vested with disciplinary powers over their members. However, in many instances there have been criticisms about the delay and reluctance in taking action against some advocates. It is very important for the Bar Councils to maintain a high standard of integrity and independence for taking prompt action against erring advocates. All possible measures should be taken in order to prevent undue influence in the course of disciplinary proceedings. Those who seek to uphold the law must first demonstrate respect for the rules which govern their own professional lives.

I am sure that all of you are well aware of the multiple problems plaguing our legal system. I can assure you of the judiciary's whole-hearted support for any special programmes that may be aimed at improving our legal system.

***Thank You! ***