

Laying of foundation stone of Vaish Law College

(Rohtak, Haryana – January 25, 2010)

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

Ladies and Gentlemen,

The establishment of an educational institution is always an auspicious occasion. I am glad that I was invited to participate in this foundation-stone laying ceremony.

At this forum, it would be most appropriate for me to share some thoughts on the state of legal education in our country and the direction it should take. All of you are well aware that the legal profession itself is undergoing massive changes. The young law graduates now have a range of opportunities to choose from. While joining the chamber of a senior practitioner is the most commonly adopted route, opportunities have also emerged in commercial practice as well as research and voluntary sector work. With increasing opportunities to study and work in foreign countries, qualified lawyers can also look forward to careers in international institutions and multinational corporations. However, it is also true that these diverse and often lucrative opportunities are only available to graduates from a few top institutions. Most of our law colleges and departments are perennially cash-strapped and struggle to retain qualified and motivated law-teachers. Some colleges also function in a very politicized environment, where serious academic pursuits often take a backseat.

However, all of these problems can be effectively solved with some initiatives and a sense of commitment. In 1927, Felix Frankfurter wrote: "In the last analysis, the law is what the lawyers are. And the law and

lawyers are what the law schools make them." In this regard, we must recognise the role of our law schools in not only preparing individuals for the bar and judiciary, but also as the breeding grounds for democratic values and meaningful social engagement. Most of the leading lights of our freedom movement were from a legal background and in today's day and age there is a compelling need for lawyers to play a transformational role in our society. Traditionally, legal education has stressed on the development of skills needed to conduct meticulous research, speak effectively and respond to arguments. While these are essential traits of a good lawyer, there is also a need to imbibe values such as tolerance and empathy.

Building a successful legal practice also requires effective interaction with clients. Very often, advocates tend to impose solutions on clients rather than listening to them and suggesting the best course of action. In some instances, clients are encouraged to engage in unnecessary litigation without exploring alternatives such as mediation and negotiated settlements. Even in the courtroom, both lawyers and judges often get entangled in excessive argumentation and technicalities, while losing sight of the real interests of the litigants. We are all encouraged to 'think like a lawyer' and win arguments rather than coming up with mutually beneficial solutions. In many ways, this predisposition towards an adversarial and combative style of functioning also goes back to the structure of our educational system.

In our present system, young law students are always competing against each other to do well in academics and eventually secure good job opportunities. However, this spirit of competition should also be channeled in creative and innovative ways which give them better preparation for their careers. Our law schools must be conceived of as spaces that encourage rational and critical inquiry into socio-economic

realities. Meaningful practical experience through participation in legal literacy programmes, involvement with NGO's and regular visits to institutions such as courts, police stations and prisons among others will give students a chance to observe the 'law-in-action' as opposed to the 'law-in-the-books'.

Law students can actually play a vital role in spreading legal awareness among the disadvantaged sections. For many communities of the urban poor and those in remote villages, there is little awareness of even the most basic rights given under our family laws, property laws and criminal laws. By disseminating what they learn through legal services programmes, law students can actually be the agents of real social change. Furthermore, the interactions between students from well-to-do backgrounds and the disadvantaged sections can be an effective method to bridge social divisions based on caste, class, religion and gender among others.

Legal Education is not just a means for personal advancement. It can also act as a stimulus for deepening democratic values such as tolerance of diversity and the willingness to resolve disagreements through constructive and informed dialogue. In an article published in 1992, Paul Carrington compared the teaching of law to the 'butterfly effect' – i.e. the idea of some small steps taken in the present which lead to unforeseen yet favourable changes in the future. I am confident that if we are able to promote a meaningful understanding of our constitutional values, the same can be the basis of a more equitable and caring society in the years to come. Building a rule-following society is of course a very gradual and ambitious process, but we should not give the generations to come a chance to fault us for not having tried.

Thank You! ***