

A Noble and Learned Profession

Bar Council Meeting in Bar Council Meeting Hall, Nuapada on 11.02.2011

It gives me immense pleasure to be amongst the members of Nuapada Bar Council today and also inaugurate a seminar on 'Role of Advocates in Lok Adalat'. I take this opportunity to extend my good wishes to you all. I was listening to the report highlighting activities of Bar Council and also to the previous speakers. Addressing to those who are in this noble and learned profession to which I proudly claim to belong gives me utmost satisfaction because it revives old memories. Today, I am here not to preach because many of you are in the profession for long time and very well know the glorious tradition of this profession and what it means to society and the common masses but I shall prefer to share with you some of my own experiences while practicing law in different courts and how I visualize the profession.

Law, as I said a little earlier is a noble and learned profession and many great persons practicing law have glorified the profession. You all have been a member of this profession and I am sure you have entered with certain goal and reasons. In my case, I took the decision to become a lawyer for two reasons. First, I did not want to serve anyone except society and secondly, almost all the leaders of our Independence movement like Mahatma Gandhi, Pandit Jawaharlal Nehru, Sardar Vallababhai Patel belonged to this noble profession. That gave me the inspiration and motivation which made me going and after serving the profession for decades I have no regrets at all rather I can proudly conclude that my profession filled my heart fully and that of my wife late Sunanda Bhandare who was Judge in Delhi High Court and would have been the first Woman Chief Justice of India had not cruel hands of destiny snatched her untimely, without any feeling that we have missed something in our life. I have enjoyed my profession with some very good friends who rose to high position and are considered as legal luminary of the country. I am sure all of you must have been enjoying the profession and contributing in your own way to strengthen the edifice of justice.

Our Constitution stands on four pillars, they are justice, liberty, equality and fraternity with dignity. Members of legal profession have great responsibility to ensure and secure justice to every citizen. One is required to remember and follow three I's meant for a lawyer that is Independence, Integrity and Industry. Similarly, I have outlined five C's for a Judge that is Character, Caliber, Compassion, Courtesy and last but not the least Common Sense. These will certainly enhance efficiency in discharging the responsibility, improving credibility and image before others. The rule of law and sanctity of judicial proceedings do not depend merely on courts and the law enforcement agencies. They need a general climate of order and discipline and good behaviour.

Judiciary is a vital organ in our democracy and every effort should be made to preserve its integrity, fairness and independence so as to make it in real sense an instrument of justice. It is subordinate judiciary which poor people turn for protection of legitimate rights and claims. If they feel that it is of little consequence to them, their faith in judicial system and democracy will erode. So, it is of paramount importance to uphold that faith. We should not forget that 90 per cent of litigants are average citizens who cannot afford expensive litigation. Besides this, long delay in disposing the case leaves the litigant in physical and mental tension. So, speedy and cheap justice should be ensured because as the saying goes- justice delayed is justice denied. In the old days, no lawyer asked for a fee. A client used to put some coin in the pouch which was in the gown worn by the lawyers.

Here, I would like to cite the instance of one of the topmost lawyers of Supreme Court, Shri Viswanath Shastry. He used to travel by train and walked to the Supreme Court from railway station. Once he appeared for a client who by winning the case earned crores. The client signed a blank cheque, placed it before him and requested him to fill in the amount. But Shri Shastry charged only Rs. 1680 a day multiplied by the number of days he appeared for him. The purpose of my telling this is that it makes one to decide whether to fill one's heart or one's pocket. In my case, I have no regrets for appearing for the poor and underprivileged in

my life that has filled my heart with unbound joy and satisfaction. Here, I just cite one incident during the days as lawyer. Bombay Municipality refused to provide electricity to unauthorized colonies. I filed a writ petition and was able to convince the judge that air, water and light are essential requisites of life which cannot be denied to any one. I firmly believe no human being can be deprived of these basic amenities, which are an integral part of the right to life guaranteed under Article 21 of our Constitution. So, lawyers need to be vigilant on situations around them and come forward if there is violation of public rights. Coming back to the cost of access to justice, affordability of legal services is surely an issue before us and we need to find out means so that the right for judicial opportunity is not compromised due to high costs.

There is a tendency in our country to rush to the court at the slightest provocation. If lawyers could adopt a positive approach and strive to arrive at reasonable out of court settlements, the time and expense of the litigants would be saved to a great extent and the inflow of cases into courts would be reduced thereby facilitating expeditious disposal of pending cases. Lok Adalat (people's courts), established by the government is a novel step for settling dispute through conciliation and compromise. Since the first Lok Adalat held on March 14, 1982 at Junagarh in Gujarat, the land of Mahatma Gandhi it has come a long way and has been accepted by the people. Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. Lok Adalat is very effective in settlement of money claims. Disputes like partition suits, damages and matrimonial cases can also be easily settled before Lok Adalat as the scope for compromise through an approach of give and take is high in these cases. Since a seminar on the role of advocates in Lok Adalat is organized here I would appeal to the lawyers to come forward to extend their full support and cooperation for this noble cause and in reducing load on regular court. The relation between the Bench and Bar is very important for smooth functioning of court business and it should be in the best interest of judiciary and justice.

A distressing phenomenon which paralyses and cripples the functioning of courts is the prolonged strikes on one or other issue. In democracy, everyone has right to raise their demand but that should be in proper forum for redressal of the problem. The persons who are hit the most as a result of these strikes are the poor litigants who knock at the doors of the court in quest of justice. It would be a sad day if the interests of the litigants for whom the courts exist are smothered for other reasons. So, I would like to urge the members of the Bar to raise their issues in proper forum without putting people in any kind of inconvenience or disrupting the court work.

The relevance of laws in bringing about social change is no doubt important but more than enacting legislations it is the awareness that hold more importance. Information needs to be disseminated about laws, their applicability and the forums to be approached. For this, we need to give priority towards legal literacy. I would like to urge you to take lead in undertaking awareness campaigns with support of NGOs to make people aware of their rights and obligations under the law. As lawyers work among people they can influence social attitudes and use that for creating a better society.

Law is a noble and honoured profession. Let us continue to feel proud of the profession and work with all dedication and devotion. I wish you all the very best and Nuapada Bar Council to set an example for others.

Vande Utkal Janani

Jai Hind.