

## Quality Paradigms in Legal Education

**Speech of His Excellency, Shri Murlidhar C. Bhandare, the Governor of Orissa on the occasion of the All India Law Teachers' Conference on "Quality Paradigms in Legal Education" organized by Symbiosis Law School, Pune on 28.2.2009.**

I am very happy to be here with you today, in the company of such distinguished teachers of Law who are participating in the All India Law Teachers' Conference on "Quality Paradigms in Legal Education" organized by Symbiosis Law School / Symbiosis International University, Pune in association with All India Law Teachers' Congress. Very rarely so many things that fill your heart combine, as they do today. If I had a choice, I would rather like to learn than to teach.

Though I am not new to Pune, this is my first visit to an institution of the Symbiosis Society and a constituent of the Symbiosis International University. I am aware of the reputation of these institutions imparting quality education in diverse disciplines. I was fascinated by the genesis of Symbiosis and its subsequent growth. Dr Majumdar, the Founder-Director of the Symbiosis and the Chancellor of the University, was a Professor of Botany in Fergusson College and a great visionary. By his efforts and his single-minded devotion to work, he has succeeded in translating his dream into reality. In recognition of his great contribution to education, the Government of India has conferred on him the coveted Padma Shri award. I take this opportunity to congratulate him and wish him success in all his future endeavors.

I am glad to see here Dr. Ambedkar Institute of Research in Law and Development. There also stands the Symbiosis Society's Dr. Babasaheb Ambedkar Museum and Memorial, which houses all the personal belongings of Dr. Ambedkar, his rare photographs, the urn containing his sacred ashes, the coveted Bharat Ratna award and his books. I have known Dr. Ambedkar since I was a child. I vividly recall an incident connected with my family, which now forms a significant part of the history of Mumbai and that of the Dalit Movement in our

country. In 1936, both Dr. B. R. Ambedkar and Dr. M. R. Jayakar led over 100 Dalits to enter our family temple of Lord Shri Thakurji Murlidhar at Thakurdwar. It was perhaps the first incident of Dalits entering a temple anywhere in the country. The incident assumed significance because earlier Dr. Ambedkar and his followers were forced to go back when they tried to enter Kala Ram Temple. My father could not swallow this insult and requested Dr. Ambedkar to come to our family temple, which he did.

Pune occupies a special place in my heart because of the immense contribution it has made to the spread of quality education in our country. Popularly called the Oxford of the East, Pune is a leading centre of higher education and research. The University of Pune was founded by Dr. M. R. Jayakar, one of the leading legal luminaries of his days and the first Indian member of the Privy Council. My neighbour in Mumbai, he has visited our home regularly.

It is an interesting coincidence that Dr. Ambedkar was a distinguished Principal of Government Law College, Mumbai where I studied and later taught. For Dr. Ambedkar, reading was a passion. As a scholar, he had a reputation that he had read every book in the Government Law College library. He also had a reputation of knowing every Constitution by heart. Many years later, someone who came close to him in reading was my teacher, Professor Nani Palkhivala. I have visited Dr. Ambedkar's library several times in his house, Raj Griha in Hindu Colony. He had preserved even his text books of Standard IV in vernacular in his library. Never have I seen such a passion to preserve books. Today is a great day; once again I shall visit his library.

I recount an incident relating to Pune Law College, which I learnt in my college days. In the early days, when the college building was constructed, its first Principal Prof. Gharpure bought a hill along with the land. Not many did appreciate it but let me recall what Dr. M. R. Jayakar said on the occasion of its Silver Jubilee, and I quote, "What was considered as Principal Gharpure's folly 25 years earlier has today proved to be a paradise." I also admire the far-sight on the part of Dr. Majumdar and his team in establishing a new campus of the

International University among the lush green hills at Lavale, which is not very far from the city of Pune, yet certainly far from its madding crowd. I am sure, the place offers the serene and blessed mood to our young students to pursue learning and research.

This conference brings back the memories of my teachers in the Government Law College, Mumbai. All of them were great teachers. But I must make a mention of two of them - Prof. Y. V. Chandrachud, who later became the longest serving Chief Justice of India, and Prof. Nani Palkivala, one of the all time great Constitutional jurists. It is such a great coincidence that Hon'ble Mr. Justice Chandrachud, who belonged to Pune, was also a Professor Emeritus in Symbiosis Law School. Both Prof. Chandrachud and Prof. Palkivala have left indelible footprints on the path of law and justice. No wonder they have left lasting impressions on my mind and I continue to cherish their memories all these years, for about six decades now. They were not only teachers par excellence; they did much more for their students. They inspired us and ignited our minds with a passion for justice and law, deeply rooted in human rights. In a way, they shaped our thoughts. As said by George Savile, "Education is what remains when we have forgotten all that we have been taught."

Our Constitution was enacted on the 26<sup>th</sup> of November, 1949 which is being observed as 'Law Day' and was adopted on the 26<sup>th</sup> of January, 1950, when India became a Sovereign, Democratic, Republic, the day now observed as the Republic Day. All this took place when I was in the first year at the Government Law College, Mumbai. Among my close friends at the Government Law College are Madhukar Hiralal Kania, who later became the Chief Justice of India, Fali Nariman, Anil Divan, Ashok Desai and Soli Sorabjee. The entire Law College tribe later migrated to Delhi. Since I was the first to go to Delhi, in a way, I led the tribe.

Let me recount an anecdote relating to a conversation between the two great teachers, Prof. Chandrachud and Prof. Palkivala. It reveals what they thought about their students. Prof. Chandrachud said, "Our students are doing well. They have learnt a lot from us." But Prof. Palkivala, with the humility that is characteristic of true greatness said, "Our students have taught us more." Prof. Chandrachud readily agreed.

Symbiosis is a Greek term which stands for “living together for mutual benefit of each other.” My *mantra* is “We will learn together.” This *mantra* I have learnt from my teachers and also from my students, my children and grandchildren.

If you imbibe this spirit of my great teachers -- never to stop learning -- you can become a great teacher, a source of inspiration to your students. Legal education is like the course of the Ganges which never stops flowing and the flow carries pure streams of human rights, of justice, liberty, equality and fraternity with dignity which incidentally are the four pillars of the Constitution as stated in the Preamble. Very often do they spread into several tributaries. The main rivers in the legal education are compulsory subjects and the tributaries are optional subjects. So it is these memories of my teachers and the spirit I have imbibed from them that made me readily agree to come here.

I would always like to be a student rather than a teacher. One never stops learning in life. Frederick W. Robertson once said, “Instruction ends in the school room but education ends only with life.”

Time has changed. Today, we live in the world of human rights. We live in a ‘Gyan Yug’ or knowledge society. In the world of human rights, all human beings are born free and equal. Biological imbalance in the physical prowess of men and women has been eradicated. Today, what counts is only brain power in which both women and men are equal, but of course a woman has to surpass many hurdles before she is considered superior or even equal to man. In human rights, the appeal is to reason and conscience as stated in Article I of Universal Declaration of Human Rights. There has been a sea-change in the world of legal jurisprudence. Every action and legislation now has to be tested on the touchstone of human rights. Merit and competition with opportunity to excel form the basis of good education. Legal education was earlier restricted to one’s getting an entry to the law courts. After the era of liberalization ushered in 1991, avenues opened up in industry, trade, commerce and of course in legal research. In old days, lawyers were those who practiced in law courts. Today, there is a surge of corporate lawyers. Personally, I am unhappy that the entry to the legal

profession is not expanding as fast. I do not appreciate many choosing to be corporate law clerks. But everyone is free to exercise their choice and has the right to excel in the chosen field.

In keeping with the needs of the changing times, the Bar Council of India has amended its rules providing for 2 streams of law courses, namely, a 3 year regular law course and a 5 year integrated law course for enrolment of an advocate. Apart from the law subjects, there are several general and special subjects included in these courses. The detailed course is one thing, but what is important is the objective. There should be a regulating authority to supervise the implementation of the various provisions of the new curriculum.

Holding of today's conference to discuss the quality paradigms in legal education is a very timely step. Let me tell you, why I became a lawyer and how after 57 years of practice I refuse to change. I became a lawyer for two reasons. First, I did not want to serve anyone except society. Second, almost all the great leaders of freedom struggle such as Mahatma Gandhi, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel belonged to this noble and learned profession. It was then a foolhardy decision to take, for I had neither family background nor money to sustain me through the waiting period at the Bar. In fact, my enrolment as an advocate was delayed by six months as I had to earn Rs.1000/- by giving tuitions to pay my registration fee and black coat and the gown. I then roamed through the streets of Mumbai with hardly any money in my pocket. Thus early roaming like good morning walks has helped me to travel all over the world later in life.

Gandhiji is truly the father of today's world of human rights. The values, which Gandhiji cherished and which formed an integral part of the dream of Martin Luther King, have been vindicated, when Mr. Barack Obama, a man of African-American descent, was sworn in as the 44<sup>th</sup> President of the United States of America on 20<sup>th</sup> January, 2009. People have proved that change can happen and does happen. It is interesting to note that President Obama was the Editor of *Harvard Law Journal*.

The first thing you must find out is the motivation for a student to study law. Does he or she want to be a practicing lawyer in a court or a corporate lawyer or a law teacher or a researcher? Does he or she intend to use his law degree to prosper in some other area of interest or even to be a social activist? Motivation is important to decide the kind of legal education one is willing to get. Whichever field one may choose, one must be guided by the three 'I's in one's profession - Independence, Integrity and Industry. I could practice all the three I's in my profession.

I always consider myself to be a cosmopolitan and have more friends whose mother tongue is other than Marathi. When one asks me my religion, I say, 'humanity'. When one asks my caste, I say 'out caste'. Equally, my concern is speedy justice, especially for the poor. As Chief Justice Chagla always said, the Court must weigh the farthings of the poor in their weight of gold. That was the position then. Speedy and cheap justice is a fundamental right. Today, the enjoyment of that right has become distant and rare and almost impossible. How are you the law teachers going to groom your students to accept the challenges of human rights and protect rule of law.

Today, the main purpose of quality legal education is providing a good quality of legal service. I must admit that today the quality of legal service is poor. However, opportunities have increased. I studied on borrowed guides since I had no money to buy text-books. Today, students get easy access to computers. The quality of students therefore has improved. But, what about the quality of teachers? What is the percentage of these teachers to guide students to excellence? Majority of law teachers today live on meagre emoluments. This is taking legal education in the reverse direction. So think of what adequate remuneration should be paid to get quality law teachers. When in early 60s I was an elected Member of the Mumbai University Senate from law graduates' constituency, I advocated highest salaries for University Teaching Staff. Of course, I did not succeed.

Today, students prefer corporate jobs to legal practice. It is of course a very subjective matter. But the satisfaction I got by appearing in court cannot be measured with the satisfaction I would have got had I worked as a successful corporate lawyer working all the time in office. Of course, one earns much more but earning money was never an urge with me. Law is a noble and learned profession, it is not a trade. In the profession, values are more important than money. In pre-independence days, practicing lawyers like Motilal Setalvad, Jawaharlal Nehru and Vallabh Patel did not hesitate to give their practice to join the freedom movement.

Today, the ground has changed. We have to fight for freedom of our people from hunger, want, illiteracy, malnutrition and poverty. Even after 61 years of independence, we have succeeded only to a certain extent and not as much as we should have. Legal profession is the one which can lead the march. There can be no other greater mantra than what Lokmanya Tilak announced in Bombay Court: "Swaraj is my birthright". Today, Swaraj means freedom to lead a life of dignity.

Today, the concept of freedom is no longer confined to political arena. The horizon has expanded to include civil, economic, social and cultural freedom. Teachers must rise to the occasion and respond to the emerging situation. Along with the students they must help the society spread a beautiful rainbow of human rights where they will protect and promote equal dignity for every citizen. Teachers must impart the kind of legal education that leads to citizens' empowerment, especially the empowerment of women and the weaker sections of the society. They should encourage the students to adopt villages where they can provide legal aid services to the poor and the needy. They should also live up to the expectations of the community they live in. In order to fulfill the local aspirations and to provide opportunity to the youth to serve the community in a meaningful way, a few seats may be reserved for local students. As teachers, you must guide the students and must not run away from pursuing these goals.

The National Knowledge Commission has submitted its report on 6<sup>th</sup> November, 2007. You have all read the chapter on legal education included in the excellent report of the Commission chaired by Mr. Sam Pitroda. The Committee on legal education, which was chaired by the eminent Jurist, Justice M. Jagannadha Rao, a former Judge of the Supreme Court of India, and included other reputed members, has submitted an exhaustive report to the Commission to improve the quality of legal education in India. The main recommendations are summarized in the National Knowledge Commission Report. Compilation of recommendations on legal education is covered under 10 heads. It is a very incisive and enlightening report, the outcome of an in-depth study. As rightly pointed out in the report, the vision of the legal education is to ensure justice-oriented legal education so as to contribute to the realization of the values enshrined in the Constitution of India. These are basically human rights values.

It is too exhaustive a subject, which you cannot teach in a whole year. But you can microscope and telescope the thoughts, directions, vision and goal that will ensure legal education in India as among the best in the world. You are going to focus on the vexed issues confronting legal education. With your experience and expertise, I am sure, the interactions among yourselves and your deliberations will be meaningful, and you will come out with concrete suggestions to make legal education a vibrant and responsive discipline. While suggesting the best possible methods, you must bear in mind that life is larger than law. With these words, I wish the Conference all success and also wish a very incisive and in-depth discussion and an equally fruitful recommendation.

Jai Hind.