

**Valedictory function of the
9th Annual Amity Law School Moot Court Competition
(Noida – March 7, 2010)**

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

Dr. Ashok Chauhan (Chairman, Ritnand Balved Educational Foundation)

Dr. M.K. Balachandran (Director, Amity Law School)

Ladies and Gentlemen,

And my dear students,

I am indeed very happy to be present here amongst all of you for this valedictory function of the 9th Annual Amity Law School Moot Court Competition. I would like to begin by congratulating the teachers and students of Amity Law School for organizing a competition that has attracted participation from law colleges all over the country. I have been made to understand that the students were required to prepare written submissions and present oral arguments on issues related to intellectual property rights and constitutional law.

In recent years, moot courts have emerged as an indispensable part of legal education. This activity gives the students an opportunity to sharpen their skills for extensive research and precise argumentation by exposing them to the simulated environment of a courtroom. Having attended a few of these competitions in the past, I can safely say that in some instances the standard of questioning is as rigorous as that of an actual courtroom setting. However, a moot court necessarily requires the opposing teams to adopt a confrontational approach, which is not necessarily required for all forms of litigation. In many cases, it is a far better-strategy for judges

to nudge the parties towards a negotiated settlement or a compromise. In that sense, the pressures and interests surrounding a moot court proceeding are mostly that of competition between the rival teams. Hence, I would like to say that the simple fact of participating in such activities is more important than winning or losing. While a healthy sense of competition does indeed motivate the law students to improve their skills, in the long run they must remember that there are shades of grey when they eventually take up legal practice.

While I cannot comment on the specifics of this competition, I would like to take this opportunity to make some general observations about the state of legal education in our country. There is of course a compelling need to keep pace with the rapid changes that have been taking place – both in the legal system as well as the higher education system. The role of lawyers is a pivotal one in any liberal democracy. We are all aware of the seminal role played by lawyers in our freedom movement as well as the framing of our Constitution. In order to sustain and deepen healthy democratic traditions, it is important for young law students to imbibe values such as respect for those who hold contrary views, the willingness to resolve differences through constructive dialogue and sensitivity to the needs of the poor and disadvantaged sections of society. It goes without saying that our law colleges must serve as the incubators of these values.

There are several challenges that need to be overcome to pursue this agenda. The foremost problem is that of resource

constraints faced by our educational institutions. Law Colleges all over the country are finding it increasingly difficult to attract motivated teachers. There are several underlying reasons for the same, one of them being that talented law graduates are increasingly driven to more lucrative career options. While there is no doubt that today's law graduates have many career-paths to choose from, we should devise methods to attract some of the best among them to the teaching line. After all any law college needs highly qualified and motivated faculty members to train students for careers in the bar and the judiciary. The knowledge that is imparted through rigorous and engaging classroom discussions often proves to be an important influence in the future careers of students. If the processes of learning and evaluation are conducted in a professional and innovative manner, the seeds are planted for meaningful contributions in the future.

Another set of factors that deserve attention are the overall expectations from legal education. Students should not view a law degree as merely a means to meet the end of professional success. While a law degree does enable a person to enrol as an advocate, the curriculum must also take on the broader mandate of sensitizing students to social, economic and political realities. In my career as a practitioner and a judge - an important lesson that I have learnt is that laws cannot be applied and interpreted in a mechanical and insulated manner. While interpreting the language of statutes and regulations, judges must also account for the policy-concerns and legislative intent behind them. Very often, judges are confronted with fact-situations that have neither been contemplated by the legislature nor

discussed in past decisions. In deciding such difficult cases, judges need to draw insights from a wide variety of sources, often going beyond the plain reading of statutes and the submissions made by the counsels.

In order to prepare for such complexities, legal education must promote a strong inter-disciplinary agenda. The insights gained through disciplines such as political science, sociology, economics, history, philosophy and literature enrich our understanding of the evolution of laws and help us to engineer reforms for the future. With the growth of specialised practice areas such as those related to natural resources, international trade, intellectual property and technology among others, such interdisciplinary inputs must also come from the natural sciences as well as commerce-related subjects. In the present day and age, law students have unprecedented access to research materials since the decisions of Indian as well as foreign courts, legislations, treaties and academic writings are easily accessible through the internet. I urge teachers and students to make the best use of these resources to publish articles and books which will actively engage with the problems faced by our legal system.

Young law students are always competing against each other to do well in academics and eventually to secure good job opportunities. However, this spirit of competition should also be channelled into activities which give them better preparation for their careers. 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'.

Lastly, I would like to highlight the fact that higher education is not only a means of personal empowerment, but it also serves an instrument of social integration and transformation. When students belonging to different backgrounds learn together in a conducive environment, they gradually learn to look beyond the traditional barriers of caste, regionalism, gender, class and religion. One of the key challenges for our educational system is to ensure that the future generations dissolve the old social barriers. Needless to say, law colleges should be at the forefront of these efforts.

With these words, I would like to thank all of you for patiently listening to me and I would like to convey my best wishes to all the participants and the organizers of this competition. I would like to especially thank Dr. M.K. Balachandran for inviting me to attend this valedictory function.

Thank You!
