

Second Convocation of the Indian Law Institute (ILI)

(New Delhi – February 8, 2010)

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

Esteemed colleagues,

Members of the bar

And Ladies and Gentlemen,

I would like to begin by congratulating the students who are receiving their LL.M., M. Phil. and PhD. degrees today. The Indian Law Institute (ILI) was set-up more than five decades ago with the objective of strengthening research and teaching in the legal field. In due course, its' publications such as the Journal of Indian Law Institute (JILI) and the Annual Survey of Indian Law (ASIL) have become essential reading for judges, practitioners and scholars alike.

However, there is much that remains to be done, especially in respect of promoting research activities in most of our law colleges. There is 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 of course 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 these values must be reflected in teaching and research as well.

There are, of course, 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 young 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 the obtaining of a law degree as merely a means to 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 counsel.

In this sense, the mantle falls on legal scholars to critically evaluate judicial decisions and legislative developments. Since judges and practitioners are often constrained from reflecting on systemic problems, the onus is on teachers and researchers to lead the public dialogue. In order to examine the complex issues that arise in the legal system, teaching and research activities should also incorporate a strong inter-disciplinary agenda. The insights gained through disciplines such as political science, sociology, economics, history and philosophy 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 and commerce-related subjects. In the present day and age, we 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, researchers and law-students to make the best use of these resources so that they can publish books and articles of a world-class level.

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, legal scholars 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 hope that the graduating students will uphold their role as agents of social transformation.

Thank You! ***