

## **First Annual Convocation of the Gujarat National Law University**

(March 28, 2010 - Gandhinagar)

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

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Justice Ahmed Musa Ebrahim (Former Judge, Supreme Court of Zimbabwe)

Justice S.J. Mukopadhyaya (Chief Justice, High Court of Gujarat)

Mr. Narendra Modi (Chief Minister of Gujarat)

Prof. Bimal Patel (Director, GNLU)

Distinguished guests, Faculty and staff members,

And the young students present here,

I am happy to be here for this Convocation programme in my capacity as the visitor of the Gujarat National Law University (GNLU), Gandhinagar. I would like to begin by congratulating all the students who have received their degrees today. This is of course a special moment for this institution since the first batch of students who had joined in 2004 are graduating today.

Since its establishment, this institution has made rapid strides to take its place among the leading centres of legal education in our country. The wider socio-economic changes that have been taking place since the onset of economic liberalization in our country have created many promising career avenues for young lawyers. The choices range from courtroom litigation to openings in commercial law firms and companies apart from careers in academics and the public services. This is of course a testament to the first rate training that is being imparted in the various National Law Universities.

In addition to the rigorous classroom study of the prescribed curriculum, the students have been given excellent library and Information Technology (IT) related facilities. In the present day and age,

law students have unprecedented access to materials such as the decisions of Indian as well as foreign courts, legislations, treaties and academic writings through the medium of computers and the internet. Such research facilities were unthinkable for our generation and I would urge the teachers and students to make the best use of these resources in order to produce legal writing which will actively engage with the problems faced by our legal system. I must also add that legal writing of an academic nature should aspire to such high standards that judges, administrators and legislators are kept on their toes. On this note, I must add a word of encouragement for the publication of the *GNLU Law Review* and the *GNLU Journal of Law, Development and Politics*. I hope that these publications will be circulated widely among judges, lawyers' chambers and law libraries. In the long-run it is the quality of research and publications coming out of an institution which shape its reputation.

With respect to the curriculum, it is noteworthy that the emphasis seems to be shifting from 'rote-learning' to more participatory methods which help the students to develop their capacity for critical thinking and comprehensive research. Frequent assessment in a semester system ensures that the performance of the students is adequately monitored while at the same time it generates a sense of healthy competition. The credit for these changes must of course go to the faculty members as well as the administrators.

The success of the five-year model of legal education can also be attributed to the intensive environment of a residential campus. When students from diverse social backgrounds reside together, there is a lot of learning which takes place outside the classroom. While the focus of the curriculum tends to be on the absorption of theories, doctrines and case-law, the peer-to-peer interaction helps in dissolving the traditional social boundaries based on caste, religion, class and regionalism. In recent

times I have visited several law colleges and I am extremely happy to note that with each passing year, more and more female students are taking up legal studies and performing exceedingly well. This augurs well for the future, since a larger number of female lawyers and judges are needed to mitigate the existing gender-gap in our legal system.

However, an issue that merits close introspection is that of the larger objectives of legal education and the students' expectations from the same. In my own career, an important lesson that I have learnt is that laws cannot be interpreted and applied in a mechanical and insulated manner. In the course of interpreting statutes and regulations, we must also account for the policy-concerns and the legislative intent behind them. Very often, judges encounter fact-situations that have neither been contemplated by the legislature nor discussed in judicial precedents. In order to decide 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 from 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.

All of you are well aware that the legal profession itself is undergoing massive changes. As I said earlier, the young law graduates now have a range of opportunities to choose from. 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 channelled in creative and innovative ways which give them better preparation for their careers. Our law schools must be viewed 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'.<sup>1</sup>

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.

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

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<sup>1</sup> See: N.R. Madhava Menon, 'Training in Legal Education: Some comparative insights from Indian and American experience', 49(3) *Journal of Indian Law Institute* 399-409 (July-September 2007)

Carrington compared the teaching of law to the ‘butterfly effect’ – i.e. the idea of some small steps taken in the present which can lead to unforeseen changes in the future.<sup>2</sup> 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 future generations a chance to fault us for not having tried.

While the Courts are the primary spaces for lawyers to protect the rights of the voiceless and underprivileged sections of society, motivated law graduates should also consider active involvement in public-service oriented jobs. I do understand that many graduates of this institution would have taken up jobs in the corporate sector in order to ensure financial security for their families. My humble request to all these bright young lawyers is that once you have attained the means to live comfortably, you should consider moving towards careers in mainstream litigation, the judiciary and law-teaching. At the present time, we are facing an immense shortage of motivated and committed law-teachers. Even though some measures have been designed to encourage talented law graduates to take up careers in teaching and research, much more needs to be done so that our best minds choose this line of work. Similarly, there is a need for some innovative thinking in order to attract more applicants for judicial services examinations in the various states. In today’s day and age, it is of course important to earn well, but the pursuit of material success should not prevent us from making earnest efforts to contribute to public welfare.

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<sup>2</sup> Paul D. Carrington, ‘The Butterfly Effects – the possibilities of law-teaching in a democracy’, 41 *Duke Law Journal* 741-805 (February 1992)

In the coming years, Institutions such as the Gujarat National Law University (GNLU) among others, must also act as incubators to train researchers and law teachers who can then implement meaningful changes in the numerous institutions in our country. On this point, I am happy to note that plans are afoot to start LL.M. and PhD. programmes at this institution. However, I would also urge that these research degrees carry a high degree of rigour. So far, the success of the various National Law Universities is largely on account of their autonomous administrative structure which enables flexibility in aspects such as curriculum design, evaluation methods and service-conditions. The dissemination of the best practices evolved at these institutions can perhaps help in improving the state of legal education as a whole. The *National Knowledge Commission* has also urged that we cannot rely on a few elite institutions to bring about whole-scale improvements in our legal system. Therefore, there is a compelling need to take on the triple mandate of strengthening the teaching, research and extension activities of the institution so that the benefits of a sound legal education can reach more people.

With these words, I would like to thank all of you for patiently listening to me. I must especially thank Professor Bimal Patel for inviting me to deliver this convocation address. I would like to conclude by conveying my best wishes to all of you.

Thank You!

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