

## CONVOCATION ADDRESS\*

*Justice J. S. Verma\*\**

### I

It is a privilege to be invited to address a group of young men and women who are at the threshold of their career in the profession of law. This event marks a watershed in the life of those graduating today, but it is only the beginning of an arduous journey of life. I am grateful to the Chancellor and the Vice-Chancellor for the invitation to deliver this convocation address.

Let me first congratulate those who receive degrees and honours today for their meritorious performance. I also congratulate the others who contributed to raise the level of competition by their participation. However, success in life now will depend on your ability to apply the acquired knowledge effectively for maximum benefit. One of the fundamental duties of every citizen is ‘to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement’.<sup>1</sup> Remember that the legal fraternity has been at the vanguard of the freedom struggle, as also of nation building. Therefore, the responsibility of improving the quality of the polity is greater in the legal fraternity, which you now join.

The contribution of your generation to elevate the status of India from a developing nation to a world leader of developed nations will be decisive. You face greater challenges, but have better opportunities and equipment to meet them.

Remember,

“Life’s battles do not always go  
to the strongest or fastest man;  
but soon or late the man who wins  
is the man who thinks he can”.<sup>2</sup>

The force of this belief has been reaffirmed recently by the success of Barack Obama in the American Presidential election campaign with the slogan ‘Yes, we can’<sup>3</sup>.

---

\* *At the Third Convocation of the W B National University of Juridical Sciences, Kolkata on February 1, 2009.*

\*\* *Formerly, Chief Justice of India.*

<sup>1</sup> Article 51A (j), Constitution of India.

<sup>2</sup> Walter D. Wintle, *The Man Who Thinks He Can* in HAZEL FELLEMAN (COMP.), POEMS THAT LIVE FOREVER, 310 (1965).

<sup>3</sup> Senator Barack Obama’s remarks after he won the Democratic presidential primary in South Carolina, available at <http://www.cnn.com/2008/POLITICS/01/26/obama.transcript/index.html> (Last visited on February 20, 2009).

The purpose of a convocation address is to apprise those passing out, of their duty, and to motivate them to work towards that aim. I do so, on this occasion.

## II

Education is meant to prepare good and aware citizens. Education must secure equity, preserving individuality without effacing diversity. Education is meant to impart knowledge with capabilities to make its profitable use for mankind. Education is a potent tool of human development, most valuable in this century of knowledge. Daniel Webster defines 'Education', thus:

"Knowledge does not comprise all that is contained in the large term of Education. The feelings are to be disciplined. The passions are to be restrained. True and worthy motives are to be inspired. A profound religious feeling is to be instilled. And pure morality is to be inculcated in all circumstances. All this is comprised in Education".

M.K. Gandhi identified the 'Seven Deadly Sins', in which he included 'knowledge without character', and 'science without humanity'.<sup>4</sup> Similarly, Albert Einstein said, 'science without religion is lame, religion without science is blind'.<sup>5</sup> In this context, 'religion' as a component of 'education' means '*dharma*' or 'righteousness', and not the rituals and dogmas of any religion.

## III

The purpose of higher education is manifold. It is concerned with student growth and development, the discovery of refinement of knowledge and social impacts on the community. The University Grants Commission emphasized the significance of value education for promoting human development and social change towards social goals in the Ninth Plan.<sup>6</sup>

Sir Asutosh Mookerjee in his convocation address at the Calcutta University stressed the true role of Universities. He said:

"To my mind the University is a great storehouse of learning, a great workshop of knowledge, a great laboratory for the training of men of thought as well as men of action. The University is thus the instrument of the State for the conservation of knowledge, for the discovery of knowledge, for the distribution of knowledge, and above all for the creation of knowledge makers".<sup>7</sup>

---

<sup>4</sup> M.K. Gandhi as quoted in STEPHEN R. COVEY, PRINCIPLE CENTERED LEADERSHIP 87-93 (1990).

<sup>5</sup> Albert Einstein, *Science and Religion* in SCIENCE, PHILOSOPHY AND RELIGION: A SYMPOSIUM (1941).

<sup>6</sup> See, VIJAY KUMARI, HANDBOOK OF UGC SCHEMES: WITH SPECIAL REFERENCE TO 9TH FIVE YEAR PLAN (2000).

<sup>7</sup> Sir Asutosh Mookerjee, *Convocation Address at the Calcutta University*, (March 18, 1922).

The task of the University must be synthesized with the duty of the student as a citizen under article 51A, ‘to develop the scientific temper, humanism, and the spirit of inquiry and reform’<sup>8</sup>, and ‘to strive towards excellence in all spheres of individual and collective activity...’<sup>9</sup>. Then only the real purpose of higher education is served.

#### IV

There is a definite linkage between quality higher education and sustainable development, which is a millennium development goal. The urgency to control global warming and climate change for saving the planet earth is too well known to need emphasis. The role of law and of the legal profession in this behalf is significant, which is apparent from the beneficial effect of the judicial interventions. Education being a basic component of human development, the interface between them is evident. Education reinforces the socio-economic dynamics of society towards equality and promotes a social order conducive to an egalitarian ethos. This is the mandate of articles 38 and 39 of the Constitution of India.<sup>10</sup> The directive principle of State policy in article 48A and the citizen’s fundamental duty in article 51A (g) were inserted in our Constitution soon after awareness of the need for sustainable development was generated by the Stockholm Conference in 1972.<sup>11</sup> This is now an important segment of legal education.

Education empowers the people. The quality of governance in a democracy depends on the capabilities of its people who constitute the institutions of governance, and the remaining who monitor governance. Education equips them with the required capabilities to do so. The knowledge makers make the real difference in the quality of governance. The true significance of their achievement is the improvement of the polity.

#### V

Management techniques have become a part of education, and the means of acquiring this skill is gaining importance. Adoption of this concept in court management with the aid of advanced technology is helping to improve the quality of the justice delivery system. The problem of huge backlog in courts is yielding substantially to this technique. Economics of knowledge is in current focus. ‘Emotional intelligence’ (“EI”) is the skill to make profitable use of, and to

---

<sup>8</sup> Article 51 A, Constitution of India.

<sup>9</sup> *Supra* note 1.

<sup>10</sup> Articles 38, 39, Constitution of India.

<sup>11</sup> See, United Nations Environment Programme, *Report of the United Nations Conference on the Human Environment*, (1972), available at <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=97> (Last visited on February 20, 2009).

apply knowledge. The different level of EI of individuals with similar IQ explains the difference between their achievements. Synthesis of EI and IQ is the magic wand for maximum achievement.

You must, therefore, focus on raising the level of your EI to derive the maximum benefit from the acquired knowledge. This is what distinguishes one lawyer or judge from another of his class, with both having the same knowledge quotient and support.

## VI

Significance of ethics cannot be over emphasized. More so, at present when the credibility of the legal profession—both the Bar and the Bench—which you would now join, I am sorry to say, is on decline. Mercenary trend is converting the profession into a business. It is the duty of each one of you to not only arrest the decline, but to work for the revival of the glory of the profession. The change can come by infusion of ethics in public and private life. National character moulds the polity; and national character depends on individual rectitude. Individual is the unit to influence the change in the society. M.K. Gandhi said: ‘Be the change that you want to see in the world’.

C. Rajagopalachari had emphasised:

“National character is the keystone on which rests the fate and future of our public affairs, not this or that ‘ism’. National character depends on, and, in fact, is individual rectitude. Individual honesty must be brought into being before we can hope for improvement of national affairs. If the parched field of Indian politics and administration has to get fresh, green, life and grow, we need the monsoon of purity in national character. And the monsoon consists of little drops falling united to make the rain. Individual purity of character alone can revive the parched field. Let’s regain our good character quickly, and all will be well—politics, administration and economic conditions”.<sup>12</sup>

Each one of you is that ‘little drop’ who can unite to make the ‘rain’ needed for the ‘monsoon of purity in national character’ to revive the parched field.

## VII

Legal education is now far more intensive than it was in our times. You are much better equipped for the profession than we were at that stage. There is no reason why you should not do better than what we could achieve. Our duty is to

---

<sup>12</sup> C RAJAGOPALACHARI & VUPPULURI KALIDAS, RAJAJI READER: SELECTIONS FROM WRITINGS OF C. RAJAGOPALACHARI, (1978).

guide you to do so, and to pass on to you the beneficial advice we received from our forbears at the threshold of our career.

In this context, guidance is provided to members of the legal profession—lawyers and judges, by the ancient texts and our predecessors in the profession. It is imperative that you bear in mind the sage counsel to guide you through the vicissitudes and travails of your professional journey. You would be lawyers, and many of you would become judges in due course. This advice will be useful. Those who choose the academic career would find it useful as teaching material.

Sir Maurice Gwyer, in his Foreword to K.V.Krishnaswamy's book—'Professional Conduct and Advocacy' quoted the author who said: "Every member of the Bar is a trustee for the honour and prestige of the profession as a whole", and he then proceeded to say:

"...The student or young advocate who reads this book will learn why that is so. He will also understand better than he did before that the law is a noble profession. Whatever its critics may say, and law itself a great and noble science, the king of kings, as sacred books of this country call it; and he will, I hope, determine that never by any act or word of his will he show himself unworthy of the great tradition which he has inherited and which the author of this book puts so plainly and convincingly before him".<sup>13</sup>

David Pannik in his book—'Judges', writing about the qualities of a Judge, in the conclusion says: "The qualities desired of a Judge can be simply stated: that he be a good one and that he be thought to be so"<sup>14</sup>.

The 'Allahabad High Court Post-Centenary Silver Jubilee Commemoration Volume' quotes a Sanskrit sloka from the ancient texts, English rendering of which is:

"Let the king appoint, as members of the courts of justice, honourable men of proved integrity, who are able to bear the burden of administration of justice and who are well versed in the sacred laws, rules of prudence, who are noble and impartial towards friends or foes".

In an oft quoted reply of a distinguished Chief Justice when asked how he chose his judges, he said: "I look for a gentleman, if, in addition, he knows some law, it is better".

---

<sup>13</sup> K. V. KRISHNASWAMY, PROFESSIONAL CONDUCT AND ADVOCACY, (1945).

<sup>14</sup> DAVID PANNIK, JUDGES (1988).

## VIII

Granville Austin has described the Constitution of India as the ‘*Dharmashastra*’ to guide the people in the performance of their duty.<sup>15</sup> The vision of the post-constitution judiciary has to be broader, in consonance with the basic values indicated in the Preamble of the Constitution and the Directive principles along with the Fundamental Duties stated therein. The laws must be interpreted consistent with the spirit of the democratic ethos. Distributive justice, inclusive democracy, gender justice, egalitarian ethos, and empowerment of people are the constitutional promise to be promoted. This is the duty of the citizenry, more so of the legal fraternity.

Many of you may enter public life in other forms too. It is good to remember certain general principles applicable to all forms of public life. Lord Nolan Committee set up in U.K for the purpose, has enumerated the ‘Seven Principles of Standards in Public Life’: “Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty, and Leadership.”<sup>16</sup> The leader has to be a role model to lead by example.

The ‘Seven Sins’ to be eschewed, identified by M.K. Gandhi, are: “Wealth without work; Pleasure without conscience; Knowledge without character; Commerce without morality; Science without humanity; Religion without sacrifice; and Politics without principles.”<sup>17</sup>

These values must be cherished, lifelong.

## IX

Public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society. ‘Justice must not merely be done but must also be seen to be done’ is a basic tenet. These are not empty words for mere embellishment of a speech on such occasions. This is practical advice meant to guide as the lodestar in the practice of the profession that you now join. No more enacted legislation is required to regulate your behaviour as lawyers and judges.

---

<sup>15</sup> GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* (1972).

<sup>16</sup> Commons Committee on Standards in Public Life, *First Report of the Commons Committee on Standards in Public Life* available at [http://www.public-standards.org.uk/Library/OurWork/First7Reports\\_ProgressReview.pdf](http://www.public-standards.org.uk/Library/OurWork/First7Reports_ProgressReview.pdf) (Last visited on February 20, 2009).

<sup>17</sup> *Supra* note 4.

The guidelines for future conduct form a part of our rich cultural heritage, which every citizen is bound to value and pursue as a fundamental duty under article 51A(f) of the Constitution. Traditions and conventions have been the source to regulate judicial behaviour, and the observance by it is the basis for its credibility and respect for the judiciary in the public eye.

You are now charged with the duty to preserve it. The great end of life is not mere knowledge but action. You now enter that phase of your life, equipped with the wealth of knowledge you have acquired here. Try to make your alma mater proud of you.

Remember: “It does not matter what you were at school; it matters what you are at the school reunion”. Also remember: “I shall pass through this world but once. If, therefore, there be any kindness I can show or any good thing I can do, let me do it now; let me not defer it or neglect it, for I shall not pass this way again”.<sup>18</sup>

Do not fail yourself, or your alma mater, and above all the nation.

God bless you!

---

<sup>18</sup> Stephen Grellet, as quoted in FRED R. SHAPIRO, *THE YALE BOOK OF QUOTATIONS* (2006).

