

FAREWELL MESSAGE

My dear students, colleagues from the faculty and administration, and everyone else who is and has been directly or indirectly associated with NUJS (including, definitely, the current and former honourable members of the managing bodies of the University), I have immense pleasure in being with you this afternoon on the completion of my term as the head of this upcoming institution. This afternoon, and for quite some time during the last several days, weeks and months, I have been taken over by the feeling of losing and leaving behind the love, affection and respect which you have so abundantly bestowed on me. I hope that in the hustle and bustle of life, from time to time you will connect me to your days at NUJS when I have been around, known or unknown to you. In any case, your smiling faces and good actions will keep coming back to me, giving me light and energy during my fading days. Therefore, let us not celebrate today as a day of parting or good bye but as a day of future creation, weaving together the threads of our stray thoughts and interactions into a beautiful tapestry that will give us the pleasure and satisfaction of having made the best of our time at NUJS.

Five years back, I came to NUJS, not in search of employment or a job or the glamour of office, but in the hope of realizing a dream – a dream which has been somewhat hazy but which had started shaping up in my early days as a student of law. To begin with, the dream was of teaching like some of my best teachers, of writing with simplicity and clarity coupled with novel ideas and arguments as some of the best authors and legal thinkers did, of imbibing the human values of some of my teachers like Professor R.P. Sharma at Meerut, Professor V.N. Shukla at Lucknow, Professor Walter Gellhorn at Columbia and my senior colleague who was like a teacher to me, Professor P.K. Tripathi at Delhi, amongst many others, of making law school a place where humanists and leaders of society, such as Gandhi, Nehru, Prasad, Ambedkar, Patel and Das, are shaped and where human and humanist values are searched, sought, created and advanced in an environment of freedom and liberty. On the sidelines were the consequences that should follow the realization of such a dream, such as the place of legal education and law schools, law students and law teachers in our education system. These sidelines became clearer with visits, interactions and observation abroad. Matters such as employment opportunities, emoluments and earnings were not, and have never been, a part of my dream.

I accepted the responsibility of my office at NUJS in the hope of realizing this hazy dream. Otherwise, at the time of my retirement from the University of Delhi in July 2005, I had decided to serve law by scribing my experiences and encounters with law, supplementing that with whatever further readings I could do and spending the rest of my time working among my village

folks at Jitholi and its surroundings. I had learnt from my own experience and the experiences of my seniors that the creation of model educational institutions in our country was not easy, and that even if at times some institutions appeared to have become models, they disappeared or declined within a short time after the institution builder was gone. But I decided to test once again the veracity of this experience and historical process by accepting a position, which would give me the opportunity to give direction to an upcoming institution. Fortunately, at NUJS, I did not need to create much hardware, of which it had enough to begin with. Therefore, I could concentrate on my dream, which required more of the software than the hardware for its realisation. Pursuant to that, at the very first opportunity to speak publicly to the new entrants of the 2007 batch in the presence of their parents or guardians, as well as my faculty and administrative colleagues and perhaps some of the senior students of the time, I expressed my idea of a university, bearing in mind that I was speaking of a law university, that while its basic functions included imparting knowledge of law and associated subjects, training students in techniques of how and where to find law and imparting skills in the application of law, this was not all that a university was for. Who else will create the knowledge of law and interaction between law and other associated subjects, or tell what law should be found out or rejected and what skills should or should not be used for the application of law, if universities do not do so? Law is a means to an end, and not an end in itself. Therefore, law universities have to first identify the ends and then evolve or suggest the legal means for the realization of those ends. This, in my view, is the primary and foremost responsibility of universities. Without such an exercise in universities, means could be utilized for any purpose including purposes inimical to or destructive of the ends. Therefore, universities must first conceive the kind of society they would like to have on Earth and then develop the means of law, substantive as well as procedural, for the establishment of that kind of society. It is in pursuance of this goal that the knowledge of law, the techniques of finding it and the skills to be used follow. I have often repeated these remarks whenever I got the chance to speak to my colleagues and students at NUJS.

But this is easier said than done. Universities have to create the conditions necessary for performing this task. They have to bring into their fold persons who understand the role of a university and are committed to its realization. Unfortunately, we either do not have many such persons or whoever they are, are kept at a distance from universities. Leaders in the academic and administrative wings of the universities feel insecure in the presence of such persons. In my role as the academic leader of NUJS, I had the responsibility of exposing the falsity of this feeling of insecurity. I believe and I think rightly so, that no one who knows and is committed to the goals of a university can ever cause any harm to it, much less be its enemy. From the very early days of my teaching career, whenever I came in contact with talented students, I always reflected that if she or he could come to academics, the face of law school

could change. I persuaded them and quite a few of them agreed to come into academics and satisfied all the conditions to enter it. But with hardly any exceptions, they found academic heads so indifferent or discouraging that they had to change the very course of their lives. Accordingly, law schools remain what they are, with no or very few faculty members who know what the universities are meant for and what needs to be done in that direction. NUJS gave me the chance to execute what I had always believed in. As the choice was very limited, I could not do all that I wanted to do or should have done, yet I have the satisfaction that NUJS could attract good faculty and created hope in prospective ones for pursuing an academic career. In doing so, at the back of my mind, has always been a statement from Professor Dharma Kumar's obituary of Professor VKRV Rao, the builder of the Delhi School of Economics and several other institutions of international repute. She wrote that among the many other qualities of Professor Rao, the foremost was his fearlessness for good persons and, therefore, he could bring to the Delhi School of Economics anyone who he knew could draw even more attention as a scholar than him. I wish that our leaders at law schools could pick up this lesson. They should realize that academic institutions are for the promotion of learning and not for any personal gains or fame.

At the end of my five years at NUJS, I am returning with the satisfaction that overcoming all our limitations and difficulties you, my students, faculty colleagues and administration, have unconditionally supported my vision of NUJS. You, my faculty colleagues, are engaged in serious and meaningful research and writing, in quality teaching and imparting of skills, through innovation in course curriculum and pedagogy, and in institution building through active and democratic participation. You, my colleagues in the administration including the library, have created favourable conditions and the ambience for everything that is expected or desired at a university. You, the students, are taking your studies seriously and actively working towards the establishment and realization of the vision of NUJS through research, quality publications including journals and yearbooks, outreach programmes such as legal aid services and field studies, participation in legislative and judicial processes, moot courts and mock parliaments, establishment and activation of various societies for academic, cultural, sports and several other activities. You are also planning and exploring the future course of your lives much more imaginatively and creatively, beyond a single course of life set by others. Above all, you – the faculty, the administration and the students – have created a lively environment of freedom, harmony, fraternity, fearlessness and compassion as conditions precedent for original and meaningful creation. I hope you will not only continue to maintain this momentum but will also keep augmenting it with whatever more is required or desired. I also hope that you will discard any practices within the precincts of NUJS including its hostels and any of its extensions which are inimical to its goal of becoming a seat of learning and excellence. I would wish that even beyond the precincts of NUJS, you are distinctly

identified not by any dress code or some other artificial sign but by the human qualities and values that you must be clad in all the time, throughout your lives.

I do not believe that I am indulging in self-praise. All this and more has been noted by independent and neutral observers in India and abroad- that NUJS has acquired a distinct place among law schools as being an upcoming institution of learning. It is obvious from the increasing queries from scholars and institutions of international repute for personal visits and institutional collaborations, which are being successively added to it. Besides several law-centred diploma courses introduced during the course of last one year or more, NUJS has increased the scope for such collaboration by adding a new MPhil degree course in Law, Public Policy and Governance as well as a postgraduate diploma course in Law and Business Management in collaboration with IIM Shillong and a summer course in collaboration with National University of Singapore. Such, and many more, diverse innovations will continue to make NUJS a socially relevant seat of learning and excellence.

While whatever has happened to NUJS during the last five years gives me a sense of satisfaction and pride, I take the least credit for it for the simple reason that I am neither a visionary, nor an educationist, nor an intellectual or administrator or institution-builder. If on minute search I can locate anything worthwhile in me, it is some element of sincerity and commitment towards the role assigned to me. I have never taken any role assigned to me as a decoration for personal glamour or projection or any financial gain. With all my birth-based and self-acquired limitations, I have tried to give my best to whatever work has been assigned to me or has fallen in my share. Otherwise whenever people attribute any qualities to me I am always reminded of that couplet (*doha*) of Kabir melodiously sung by Abida Praveen:

Jo kichhu kiya so tum kiya, mein kichhu kiya nahin.

Jo kahin kichhu mein kiya, tum hi they mujh mahin.

(Whatever is done is done by you, I have done nothing.

Even if I have done anything anywhere, I was guided by you.)

Accordingly, all credit goes to you all for whatever little NUJS has achieved during my stay at it. I shall always remain grateful to you for whatever undeserved credit that you have given to me.

Let me please conclude with the memorable remarks of my teacher at Columbia Law School – Professor Walter Gellhorn – made in his last class of administrative law as Professor, before his elevation as University Professor Emeritus. He said several things, out of which I prominently recollect and repeat two. One, like the principle of *karmaneya va adhikarste* of *The Gita*, he said that all of us in our lives have different sorts of aspirations to become

great and happy, but real happiness comes not from what you do but by how well you do whatever is assigned to you or falls in your share. (Some thinkers find fault with this principle because it is morally neutral and, by its standards, whatever Hitler and his associates did could also be justified). Secondly, Professor Gellhorn referred to Learned Hand's lecture titled 'The Spirit of Liberty'. Learned Hand identified the spirit of liberty as that spirit which is never too sure to be right. Any individual who carries the spirit of liberty in one's heart must remain suspicious of the correctness of one's stand. Anyone who is always too sure to be correct lacks the spirit of liberty and knowingly or unknowingly undermines it. Therefore, if you have faith in and stand for liberty of each and every individual in society, never be too sure that you and you alone are right and all others are wrong. Others may be as right as you think you are. Therefore, always remain open to listening to others and to modifying yourself if you are convinced by what the others say. Those who are not ready to do so are enemies of liberty and Tagore's 'heaven of freedom' on Earth. I hope and wish NUJS turns out human beings saturated in the spirit of liberty who will give their best (consistent with moral values) to whatever role they take up in life or life assigns to them.

With these words, I take your leave, profusely thanking all of you for the unconditional love, affection, respect and cooperation that you have showered on me and also on my wife. I also beg your pardon for any harm or wrong that I have done, knowingly or unknowingly, to any one of you. Finally, I invite you to let me know unhesitatingly at any time of any help or assistance that I can offer you at any point of time.

My best regards and best wishes to all of you.

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