

## Golden Jubilee Function of the Bar Council of India

Hon'ble The Prime Minister, Distinguishd Chief Justice of India, the Attorney General and Mr. Manan Kumar Misra, Chaiman Bar Council of India, distinguished Ladies and Gentlemen

- I. It is indeed a privilege to participate in the Golden Jubilee Celebrations of the Bar Council of India which is the premier representative body of nearly two million members, of one of the world's largest legal fraternity.
  
- II. As a statutory body established under the Advocates Act in 1961, the Council has played a pivotal role in the regulation and development of the legal profession and legal education in the country. [It has played a pre-eminent role in the establishment of the rules of professional ethics and etiquette. The gracious presence of Hon'ble the Prime Minister, distinguished Chief Justice and the Attorney General here today is a clinching recognition of the important contribution made by the Bar Council of India in the progressive evolution of the Bar.](#)

During the Fifty years of its existence it has several achievements to its credit. The BCI has setup a broad based "Legal Education Committee" comprising of some of our finest legal minds , to suggest ways and means to further improve the quality and reach of legal education to encompass new areas of the law consequent upon the exponential advancement of technology, liberalization and globalization that have defined the transformational challenges of the 21<sup>st</sup> century. As globalization increases the flow of people and information across borders, it inevitably leads to an interchange of knowledge traditions. This process has had important implications for law and its affiliated institutions and practitioners. Indian lawyers must keep pace with the emerging challenges of globalization which require innovative programmes of inter-disciplinary learning, as well as expertise in areas such as comparative law, intellectual property and IT Laws, [regulatory compliances in relation to corporate governance, global legal regime on](#) human rights issues, international trade, finance and investment law, internet and privacy related legal issues and rights and obligations of biological parents etc.

The emergence of a strong multi-lateral legal regime in response to the challenges of globalization necessitates a constant review of domestic laws. An understanding of the complexities of the interface between international and domestic law in relation to enforcement of contractual and sovereign obligations are a constant challenge. There is, therefore, a compelling need to ensure that curriculum content of all law imparting institutions is continuously upgraded. It is also self-evident that legal education is not complete until invested with the moral imperative.

- III. As the principal representative body of lawyers, the Bar Council can be legitimately proud of the enormous contribution made by eminent lawyers in spearheading our freedom movement. The stalwarts of the movement, Mahatma Gandhi, Dadabhai Naoroji, Surendra Nath Banerjee, C. Rajagopalachari, Madan Mohan Malviya, Dr. Rajendra Prasad, Dr. B.R. Ambedkar, Saifuddin Kitchlew, Motilal Nehru, Jawaharlal Nehru, Vallabh Bhai Patel were distinguished legal luminaries. Likewise, Sir Dinshaw Mulla, C.K. Daftary, M.L. Setelvad, H. M. Seervai, Nani Palkhiwala, Kanhaiya Lal Misra and others have done their fraternity and the nation proud.
- IV. Members of the profession have played an invaluable role in the strengthening the functioning of our parliamentary democracy. In the first, second and third Lok Sabha, more than thirty percent of the members of parliament were from the legal profession. Their contributions have enriched parliamentary debates and the laws they helped to enact are a lasting tribute to their wisdom and sagacity. The contribution of lawyers in advancing the cause of human rights, civil liberties and advancement of constitutional democracy can hardly be overstated. As Edmund Burke reminded us: “Lawyers have the capacity to sniff the approach of tyranny in every tainted breeze”. May I take this opportunity to salute their magnificent contribution to the strengthening of the legal and judicial edifice of the Republic.
- V. Of late, however, concerns have been voiced about the falling ethical and professional standards. These concerns cannot be brushed aside and deserve our thoughtful consideration. We must remember that the vocation of

law is not business *after all*. It is a profession imbued with a larger social purpose, with justice as its ultimate end. The nobility attached to the profession is derived from a broader commitment of the legal fraternity to the larger concerns of society, *as is legitimately expected of it*. **The standing of a lawyer in society is premised upon an irrevocable commitment to the justice of the cause, unquestionable intellectual integrity and commitment to the highest standards of ethics and probity. It is necessary to question ourselves whether the profession as we recognize it today stands exiled from its earlier position as custodian of the social conscience.**

**I believe it is incumbent upon us that we stand tall in the call of duty to vindicate justice, undeterred by the currents and tides of the moment that seek to drown the voice of reason and truth and never to refuse a retainer in the service of the goddess of justice.** Clarence Darrow, one of the foremost American trial lawyers, reminds us thus:

*“ when the cry is loudest the defendant needs the lawyer most; when every man has turned against him law provides that he should have a lawyer ...”*

As practitioners of the law we need to present its benign face inspired by a sense of public service and compassion. Lawyers serve society best when they creatively use law to promote substantial justice and progressive change while being ever vigilant against oppressive interpretation and application of laws.

**At a time when established jurisprudential postulates are sought to be eroded, when the fundamental assumptions of democratic governance and accountability are being questioned, and when moderation is sought to be substituted by a movement to the extremes , the pre-eminent role of the legal fraternity in balancing competing equities and securing the gains of liberal democracy anchored in the rule of law is self evident.**

On its part, the UPA Government remains committed to strengthening and enacting laws that will secure the greatest happiness of our people in larger freedom towards the advancement of human rights and dignity of all.

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I know that on this happy occasion, the Bar Council of India would rededicate itself to ensuring that the legal profession sets high standards expected of its members and will continue to engage with its members to provide a helping hand to the disadvantaged. **Indeed, it is the lawyer's function to ensure that the disadvantaged are not deprived of the equalizing force and the protective shelter of the law. We must ask ourselves, whether as officers of courts of Justice we have conducted ourselves in a manner that enhances our dignity and that of the profession. Only by constantly reminding ourselves of the exalted nature of the calling will we be able to vindicate our claim as torch bearers of justice and the rule of law.**

May I close by assuring members of the profession that the UPA Government will continue to strive for the welfare of the legal fraternity, in particular of the younger members, and will proactively implement suggestions received in this regard.

I thank the organizers for inviting me to this function and wish the Bar Council of India all success in achieving its lofty ideals.