

KEYNOTE ADDRESS

*Justice Y. K. Sabharwal**

Today, we are all here to celebrate the Golden Jubilee of Indian Law Institute. ILI has created, over the last fifty years of its existence, a niche for itself amongst the premier seats of research and learning in the field of law, not only within this country but also internationally. ILI feels honoured and blessed by the presence of our beloved Prime Minister on the occasion of this important milestone. We could not have asked for anything better than this. The fact that he has joined us today in these celebrations lends a reassurance about the commitment of all stakeholders in the cause espoused by ILI. We are beholden to you, Sir!

We are also privileged to have amongst us almost all the past Presidents of Indian Law Institute whose accomplishments over the years have elevated ILI to its present stature. The encouraging response to our invitations by these illustrious personalities carries an innuendo that ILI can continue to bank upon their involvement in building its future.

The idea of forming a society that could coordinate the task of collation, classification and analysis of law with a view to bring about sound legal reforms, modelled on the pattern of American Law Institute, as originally conceived by Professor L.R. Sivasubramanian, the then Dean of the Faculty of Law of the University of Delhi, germinated into a reality in 1956 with the active aid, participation and guidance provided, amongst others, by Dr. Rajendra Prasad, first President of the Republic of India; Pandit Jawahar Lal Nehru, our first Prime Minister; Hon'ble Mr. Justice S.R. Das, the then Chief Justice of India; renowned legal luminary Dr. K.M. Munshi; Shri M.C. Setalvad, the then Attorney General of India; Shri C.K. Daphtary, the then Solicitor General of India and other leading members of the Bar.

Just as human society is not immutable, laws that govern the affairs of a civil society cannot also be immutable, since the attribute of immutability is retrograde and leads to stagnation. In order to meet the aspirations of a progressive society, laws have to continue adapting themselves to the changing socio-economic order. This Institute was given a purposive direction by inclusion in its charter of specific objects that include cultivation of the science of law so as to promote advanced studies and research, oriented for legal reforms with particular reference to administration of justice, conducive to the social economic and other needs of the people; promoting the clarification, simplification and systematisation of law; promoting the diffusion of the knowledge of law and the improvement of legal education. The prime purpose and agenda set for the Institute was to further the Constitutional objective and utilization of law and its instrumentalities to address the socio-economic aspirations and needs of the people.

In order to shape the Institute into a common platform for all public spirited persons, who may be interested in the advancement of legal learning and research, it was created, even at the outset, as a broad based body in which legal practitioners, members of the judiciary, research scholars and teachers at the Universities and other recognized educational institutions could become members. The idea, as Dr. Rajendra Prasad, the then President, said in his Inaugural Address in 1957, was to have an Institute "which will devote itself to the cultivation of law in a scientific spirit, to its study, to the comparative study of the various branches and aspects of law and also with a view to suggesting reforms not only in the body of the law but also in the procedure and

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in the administration of it”, a body “which works quietly in an atmosphere which is free from the din of courts and also away from the controversy of the legislature”.

Since all activities of ILI are invariably oriented towards legal reforms, it was in the fitness of things that members of the political executive controlling the governance in the country should also join in the think-tank, so that the views of the policy framers of the day could be taken on board in the brainstorming. It is for this reason that Hon'ble Minister of Law & Justice, Hon'ble Home Minister and Hon'ble Minister for Human Resource Development have always evinced keen interest in the affairs of the Institute, in their respective *ex-officio* capacities in the Governing Council. ILI must acknowledge gratitude for their benevolent patronage.

Initially, ILI focused itself on research with particular emphasis on comparative constitutional law, comparative administrative law, private and public international law, commercial law and other allied fields. It set out on its course from its principal seat, out of the infrastructure made available by the Government of India, at a very appropriately chosen prime location virtually under the watchful guardian gaze of the Supreme Court of India, the Judges whereof and the Senior Law officers and Members of the Bar connected whereto were expected to play key roles in providing guidance so that the Institute would redeem its full potential.

Over the last five decades, ILI has made significant contributions to the growth and reform of law in our country. The network of ILI stands widened, courtesy setting up, over last several years, of eleven State units, thereby giving to ILI a true Pan-India status. The Institute can take credit for providing stimuli for research awareness and encouraging legal scholarship. It has matured into a prestigious centre for legal research, liasing with other similar organizations and academic bodies engaged in study of law in India and abroad, through dedicated research scholars and under the able guidance provided by the faculty and resource persons that include members of the judicial and legal fraternity and legal academicians, prioritising the research projects on the bench mark of contemporary relevance and utility.

In this context, it is imperative to recognize the hard work put in and unstinted dedication shown by Senior Members of the Bar in the legal studies and research projects undertaken by ILI in the last five decades. We are fortunate that Mr. B. Sen, one of the founding members of the Institute, the only one surviving now, is amidst us today. It is a matter of privilege to welcome him in this function. The faculty of the Institute has had the benefit of guidance provided by legal luminaries including Professor Mrs. Lotika Sarkar, Mrs. Padma Seth, Mr. Krishnamurty, Mr. Marc Galanter, Professor Murphy, Mr. Von Mehren and so on. Professor A.T. Markose, the first Director left behind a legacy of tireless work of which a large number of research publications will always be living testimony. His successors, which would include Professor M.P. Jain, Professor Upendra Baxi and Mrs. S.K. Verma, carried the torch with the same spirit and zeal. No wonder ILI has been enriched as a boundless source of talent providing faculty for legal education.

A phenomena similar to middle-age-blues occurred in the life of ILI, around the time of completion of 30 years of its existence, when it saw a phase of “qualitative slide back” marked by “deterioration in the standards”, an affliction that was attributable to “crippling financial inadequacies, academic anaemia and lack of adequate administrative supervision”.

Thankfully, the downfall has since been arrested and the Institute brought back from the state of aimlessness and drift. Credit for this must be given to the wide ranging recommendations made by a Committee of three Supreme Court Judges, under the chairmanship of Hon'ble Mr. Justice Venkatchaliah, through its report dated 16th April 1990. The corrective measures, such as restructuring the organization, improving the financial position, revitalizing the research work etc. have been enforced over the period of time. The results are there for us to see.

Indian Law Institute has taken giant strides and has rendered yeomen's service to the law as a branch of knowledge. Its publications, in particular the **Journal of Indian Law Institute** and **Annual Survey of Indian Law** are received and read with reverence and great expectations. The library of ILI has grown by leaps and bounds making it one of the leading law libraries in Asia. The seminars, colloquia, conferences, symposia and other such programmes organized by ILI have invariably witnessed eager and active participation by all stakeholders in the concept of "rule of law" that this country cherishes. The Institute has been providing various training programmes that mould participants into socially conscious lawyers, judges and scholars. The contributions made by ILI in the last half century have earned it the distinction of being designated as a "deemed university", the conferment of which status has added to its responsibilities, expanding its area of work including offering of LL.M. and Ph.D. programmes from the year 2005 onwards.

The achievements of ILI are well known and have to be sustained. Concerted efforts of all has made it possible to bring the Institute back to the good old days when the work culture ordained total commitment to the cause on the part of everyone associated with it. Harmony and discipline amongst members of the staff stands restored. The Institute now functions on the principles of sound professional management. The faculty in the Institute enjoys full autonomy in the matters connected with research projects under the able guidance provided, amongst others, by the senior members of the Governing Council. The financial stringency and lack of adequate space, however, continue to limit the activities, thereby, thwarting the avowed objective to realize the full potential of the Institute. We hope the improvement of infrastructure of ILI would not be hampered on account of financial constraints so that the research activities can be fully revitalized, as, in a developing society, the task of legal reform has to continue unabated.

The Institute hopes to evolve itself as a model centre for improving legal education and research in India for which it is perhaps the best placed body not only on account of involvement of Judges of the apex court, High Courts and leading members of Bar in policy matters but also as a result of its pivotal status. This idea, however, will have to be fine-tuned and a consensus brought about in as much as it concerns autonomous bodies like UGC and Bar Council of India, which have statutory roles to play in the field.

ILI, in the Golden Jubilee Year, continues to discharge its obligation in the area of legal reforms and, in testimony of that role, it has organized, as part of these celebrations, a National Seminar on a topic of contemporary concern and debates, namely "Equity & Equality in a Market Economy". Ever since India also adopted the policy of shift from a Government controlled economy to a regime of market economy where forces of competition play a more dynamic and activist role, the issues of, generally speaking, equity and equality have been constantly raised. These come up in the form of unfair competition, unfair labour contracts, deceptive trade practices, exploitation, inequitable distribution of fruits of economic progress, ineffective criminal justice system, intellectual property rights and protection of weaker sections of the society who do not possess equal bargaining powers and thus crave for policies of social or distributive justice, and so on and so forth. We hope the seminar on the subject, beginning tomorrow, would throw up solutions so that the policy makers can appropriately tailor their response and meet the legitimate expectations of the People of India for Justice. ILI is also planning to organize lecture series and an international seminar during its Golden Jubilee year.

I am confident that with the blessings, patronage, commitment and dedication of you all, ILI will further grow from strength to strength and will prove to be an Institute of excellence. I extend my best wishes for the success of all endeavours undertaken by the Institute.