



INAUGURAL ADDRESS

By

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Chief Justice of India and President of the Institute

As the President of the Law College Golden Jubilee Celebrations Committee, as also of the Indian Law Institute, it is my pleasant duty to inaugurate this Conference of judges, practising lawyers, law teachers, legislators and administrators. The Patna Law College, whose fifty years of continued existence as an institution imparting legal knowledge is being celebrated, is an institution with which I have been associated for the last more than forty years in different capacities. During the years 1919 to 1922, I was a student of this great Institution. Later, from the year 1926 to 1935, I functioned as one of the part-time law lecturers and in that capacity had occasion to know many students of the College, most of whom were my pupils. Almost all the members of the Judiciary of the State of Bihar, during the years 1930 up to now, have been my pupils or students of this College. Amongst my pupils I count quite a large number of Subordinate Judges, District and Sessions and High Court Judges. That is the privilege of one who has functioned as a law teacher for quite a number of years. I am also very happy to welcome all the guests who have responded to our invitation. We also owe a great debt of gratitude to the authorities of the Indian Law Institute who have made it feasible to hold the Law Conference along with the celebrations of the Golden Jubilee of the College. The Indian Law Institute has been in existence for less than three years but it has started under great auspices. The President of India is the Chief Patron of the Institute, which also counts the Prime Minister, as one of its Patrons. The Attorney-General of India and the Law Minister of India are its ex-officio Vice-Presidents. A distinguished lawyer, jurist and administrator, I mean Dr. K. M. Munshi, has been good enough to undertake the responsibility of guiding the Institute during its formative stage as its Executive Chairman. The Indian Law Institute, under whose auspices this Law Conference is being held, has got as one of its objects, the advancement of legal knowledge by conducting researches in the different branches of law with particular reference to the growing



subjects, like Constitutional Law, Commercial Law, Tax Law, & Labour & Industrial Laws, as also Administrative Law. It has already on its staff quite a number of distinguished law scholars and teachers who have been devoting their undivided attention to coordination of researches on different topics connected with those branches of law. Those topics will form the subject-matter of discussion during the Conference and I hope that the quality of the papers to be read and to be discussed at the Conference will be of a high order.

On a historic occasion like this, you will permit me to dwell upon the great importance that legal education and legal training have acquired in our body politic. Distinguished lawyers in the past have been in the forefront of the struggle for independence of the country and all that is a matter of recent history. Lawyers, jurists and other public men can justly claim to be the natural leaders in a political society which is devoted to the cause of a democratic form of Government. A point not always kept in view and which, therefore, needs to be emphasised, is the extent to which the tone and tenor of society is dependent upon the equipment of men and women who come out of the portals of law colleges. All the three branches of Government, the entire Judiciary, a significant portion of the Legislature and quite a large proportion of the Executive are manned by persons trained in Law. If we do not lose sight of the fact that it is persons trained in law who have mostly to deal with the drafting of laws, the making of law, the administration of law, its interpretation, as also the reform of law, it becomes apparent how vital a role persons trained in law have to play, particularly in a democratic form of Government. The excellence of the performance of the different functions aforesaid by persons trained in law, must, therefore, depend upon the training that they receive in the faculties of law of our universities. It has also been noticed that the quality and intensity of legal training are not uniform in all the different universities of India. In order, therefore, to achieve a reasonable uniformity in standards, it is essential that there should be a coordinating body which should be charged with the function of laying down curricula and insisting upon standards so as to ensure that young men and women who come out of the faculty of law of the different universities have achieved a sufficiently high standard of legal training qualifying them for the different kinds of activities associated with the body politic, which by its very constitution insists upon "*The Rule of Law*". The Rule of Law is the very foundation of the Sovereign Democratic Republic that we have established under



our Constitution. We have, by our Constitution, also emphasised the desirability of the establishment of a social welfare State that is to say, of the attainment of social, economic and cultural conditions which ensure that the citizens of the State live in dignity and fulfil their legitimate aspirations.

It is essential for the establishment of a social welfare State that our laws should keep pace with a fast changing society. This necessitates a change in the concept of law, as also of legal institutions connected with the aforesaid functions in a democratic society. In this process of adaptation to the changing conditions of society all of us—judges, practising lawyers, teachers of law, legislators and administrators—can play a significant role. It is necessary in the complexities of modern society to devise ways and means through the channel of law to reconcile the conflicting claims of the State upon its citizens and of the citizens upon the State ; in other words, we have, through wise and well thought out legislation and administration of law, to maintain a balance between State control and individual freedom. It is by no means an easy task. It has, therefore, rightly been said that “*eternal vigilance is the price of liberty*”. We are assembling now at this Conference in a spirit of dedication to the common cause of maintaining that balance. We can build up a sound State structure on the solid foundation of a society, the constituent elements of which realise their full responsibility to the State on the one hand and to the individual on the other.

We are indeed very fortunate in having made a Constitution which has successfully emerged out of the many vicissitudes that we have passed through during the last ten years and more in circumstances of great stress and strain on the different wings of the Government. Our Constitution has stood the test so far. In the face of great difficulties we have steered our ship of State under the wise guidance of our legislators, administrators and judges. Let us hope that whatever deficiencies are disclosed in the working of the Constitution shall be removed by wise coordination of the activities of the different branches of the Government under the guidance of well-trained lawyers, judges and administrators who shall all be guided by the common objective of upholding the Constitution and thus firmly establishing the reign of law.

In order to throw up young men and women of the right and adequate calibre, it is essential that the legal training that we impart in the different institutions of the country where law is taught should be well designed to meet the growing needs of the community. Let



us hope that the disturbing elements of the recent past will have been successfully eliminated and our growing generation of lawyers and jurists will all strive to maintain higher and still higher standards of public life and private endeavour aimed at promoting the common welfare of the State as a whole. I suppose one of the main questions to be discussed at the Conference will be how best to reform our system of legal education, so as to serve the growing and the changing needs of the community.

Only a few weeks ago the President of India inaugurated the All-India Bar Association and the Prime Minister and others blessed the Institution and wished it to grow on right lines so as to serve the best interests of the country as a whole. Legislation to create an organisation to control the legal profession as a whole in India is on the anvil of the present session of Parliament. Thus, legal education of the right and adequate quality imparted at the University, supplemented by legal training on sound lines under the auspices of the Bar Councils and the establishment of proper convention and ethics of the profession under the direction of the All-India Bar Association, combined with further and more intense studies in different branches of law under the auspices of the Indian Law Institute—all these different institutions working in close co-operation and coordination—bid fair to lay the foundations of a very efficient, independent and fearless Bar, which is the training ground for Judges, Administrators, Legislators and others on whom falls the main burden of maintaining the Rule of law.

Our Republican Constitution has now completed ten years of existence. Most of us have seen its actual working. Some of us have been closely associated with its working and each one of us who have been thus associated have made our respective contributions to the growth of a body of case-law, interpreting the basic instrument of our body politic. I think this is the appropriate forum which should take stock of things as they are, with a view to finding out our shortcomings and the ways and means to remedy them. The deliberations of the Conference, I am sure, will offer useful points of criticism on different aspects of the working of the Constitution. I hope the lawyers, the jurists, the law teachers and others who have assembled here will come to helpful conclusions on the different topics that are to be discussed.

Research in law in a coordinated and properly integrated way is new to our country. The necessity for such research work in different branches of law cannot be over-estimated. Such research



work has done a lot in other countries. The glowing example of the American Law Institute in the matter of research in different branches of law and in advancing the cause of administration of justice by making a thorough restatement of the law can be cited in support of the wish that our Indian Law Institute also will, in due course and in the fullness of time, show such substantial results. This Conference will have before it the reports of some of the activities of the Institute.

Once more I extend to you all a very warm welcome and convey to you all our most grateful thanks for having made time to come here to extend your cooperation and help.
