



SOUTH ASIAN COLLOQUIUM ON ETHICS FOR JUDICIAL PROFESSION

Lloyd Law College, Greater Noida

Bar Council of Kerala M K Nambyar Academy for Continuing Legal Education, Kochi, in association with Lloyd Law College, Greater Noida organised the South Asian Colloquium on *Ethics for Judicial Professions* in conjunction with Third Prof. N R Madhava Menon SAARCLAW Mooting Competition and Law Student's Conference 2017-18. The Colloquium was held on 17th and 18th Feb. 2018. The colloquium was divided into two sessions, the first 'Code of Conduct for Lawyers: Teaching, Training and Enforcement' and second session was on 'Conduct for Judges: Teaching, Training and Enforcement.'

The Welcome Address of the Inaugural Session was given by Padma Shree Prof. N R Madhava Menon, Hon. Director MKN Academy for Continuing Legal Education, Kochi and the Presidential Address was given by Justice T S Thakur, Former Chief Justice of India. Mr. KK Venugopal, Attorney General of India, gave the Inaugural Address and Justice Mohan Peiris, Former Chief Justice of Sri Lanka gave the Keynote Address. The program ended with the Vote of Thanks by Mr. R. Vekatramanai, Senior Advocate, Supreme Court of India.

After a welcome by Mr. Manohar Thairani, President, Lloyd Group of Institutions, Padma Shree Prof. N R Madhava Menon welcomed the dignitaries. He started his address by Soli Sorabjee's quotation, which talks about ethics for lawyers for professional competence, and further mentioned that the need for such a colloquium is much required today as there are reports of lawyers shouting at a constitutional bench, there have been enquiries against the high court judges, and the independence of the judiciary has been questioned. He said that the time has come when the judiciary is to be protected from the lawyers and judges too. He questioned that are the law teachers responsible for this, are we, teachers, ethical ourselves, and can the ethics be taught.

The ethics and guidelines, he said, are in the books, but when lawyers are deviating from the rulebooks then it becomes questionable. He enquired if judges and lawyers separate.

What changes should be brought be pedagogy, are the trainers being training properly, are the methods of teaching right, and is law a noble profession still or there a new mindset that lawyering is business: these were the few questions he raised and said would be answered in the coming sessions. He quoted R. Ramchandran ‘Ethics is not about philosophy, it is about making choices.’ Further quoted SP Gupta who said that when in doubt, one must conclude with what is against him/her.

Putting the above questions to the speakers of the day and to those of the two sessions he added that the colloquium is a small step towards regaining the glory of the legal profession.

Justice T S Thakur gave the Presidential Address. He began the address by saying the subject is contemporary but has been a persistent challenge. He said that it is disheartening that when one talks about breaches of lawyers it is not only of those who are lonely and less fortunate but are those too who are economically well to do. He asserted that the problem lies with the agency which would enforce, he said he had never seen a lawyer disqualified, reforms are required but not considered. He said that in India there are 60,000 law graduates each year but also informed of those group of lawyers who were ‘masquerading’ in Lucknow without law degrees. Justice Thakur said, ‘A citadel always crumbles from within.’ He added that who joins the profession should also be considered, the reforms within the institution should also be considered, and the bar is the mother of the bench, and people should be elevated only after proper training and teaching reforms.

To the presidential address, Prof. Menon said that signs of the judiciary crumbling from within are already visible. He put the question forward that can we come to know of how many lawyers we need each year, and how can we move ahead with enforcement.

Justice Mohan Peiris, Former Chief Justice of Sri Lanka gave the Keynote Address. He said that question of ethical standards of the bar and the understanding of the lawyers is to be considered. And further added, are we imparting the necessary fundamentals as teachers to future lawyers. He said that we need to impart beyond law and teach what is happening outside adding judiciary cannot be plagued by decadence. He said that the strength of the judiciary stands from public confidence. Adding, not many judges use the strength of the state they have behind them. Quoting Socrates who gave the four things which judges should hold, to hear courteously, to answer wisely, to consider soberly and decide impartially, he added that it has been 70 and 71 years of Sri Lanka’s and India’s independence respectively

but there have been no reforms. The law supports, he said, but political reforms but it works fairly and justly, presently the reforms are under attack from the judiciary. He alleged that unbridled powers in the judiciary has the potential for challenging democracy. He also added that the judiciary should protect the independence of the judges.

Prof. Menon added to Justice Peiris's speech that accountability of the lawyers is to be considered and there have been lawyers who remain anonymous like Daya Krishnan who was the prosecutor of Nirbhaya's case but never faced the camera and never charged any fees.

Mr. K K Venugopal, Attorney General of India, in the Inaugral Address said that the legal profession is always considered honourable and noble. We need to ask ourselves if we are honourable lawyers. Quoting the 1991 report of Japan, he said that the profession is a malaise, and is fiercely competent business and so are lawyers and lawyering in Delhi, they are considered a threatful community.

In the lawyers' community, he said, there is a vast gulf between the lower court lawyers and the high court lawyers. The high court lawyers charge upto 20 lakh a day and informing of Prof. Menon's month long survey in Tamil Nadu, Mr. Venugopal said that there lower court lawyers were earning just around Rs. 2,000 per month and depended on the income from the agricultural land. Though he said that the picture is not all grim and dark, there are some lawyers who are doing very good work, PILs are making a lot of difference in the lives of a poor and illiterate.

Prof. Menon in his concluding remarks of Mr. Venugopal's address agreed to him and said that the two sessions of the colloquium would look into these issues. The Inauguration of the Colloquium ended with the Vote of Thanks by Mr. R. Vemkatramani.