



Himachal Pradesh National Law University, Shimla (India)



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**ADDRESS OF HON'BLE JUSTICE SHRI RANJAN GOGOI  
ON THE OCCASION OF SECOND ORIENTATION PROGRAMME, HPNLU  
SHIMLA**

(Inaugural Address of the Hon'ble Justice Shri Ranjan Gagoi, Supreme Court of India on the Occasion of Second Orientation Programme at the Himachal Pradesh National Law University, Shimla, 21 July, 2017).

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## **Address of Hon'ble Justice Shri Ranjan Gogoi\* on the Occasion of Second Orientation Programme, HPNLU Shimla**

It is a matter of immense happiness for me to be able to address you on your Orientation Programme. I extend my heartiest congratulations to you for having chosen this prestigious institution as your training ground where you will spend some of the most crucial formative years of life. This will be your home for the next five years, and I assure you, it is here that you will spend some of the best years of your life!

I, also, want to take this opportunity to congratulate to the students that have secured admission in the LL.M. and Ph.D. courses in the University. Although, today, you may be less in number, but this occasion is yours just as much as it is others'.

I do not know why each one of you chose to study the letter of law, but what I do know is, that you indeed have taken the first step towards nation building, knowingly or unknowingly. I can understand, if your decision is driven by, in some cases, your parents' ambitions; in some cases by an unadulterated desire to serve the society by championing its cause; in some cases by the sheer allure of this field; or, in some cases by John Grisham's legal thrillers or the popular legal drama 'Suits'.<sup>1</sup> However much varied these driving forces may have been, but they all culminate into only one undisputed conclusion: you have chosen to undertake the most complete education, the study of law. And, for having chosen to be the students of law, I commend you all, not only for making the right choice, but also for making the righteous choice. I will elucidate on it.

I say, it's the 'right choice' because the legal profession, in our nation, has evolved at a rapid pace. With the advent of National Law Schools, just like yours, there has been a paradigm shift in the dynamics. This profession has become more competitive, more aggressive, more rewarding than it once was. There has been a profound transformation in how lawyers are perceived to be today. It is one of the most lucrative vocations. This shift has thrown open the gateway to opportunities so many and so multifaceted that one is very likely to feel spoilt for choice. The rapidly growing economy of our country, the revolution in our F.D.I. policies, and pro-development reforms have been seen to be

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\* Inaugural Address of the Hon'ble Justice Shri Ranjan Gogoi, Supreme Court of India on the Occasion of Second Orientation Programme at the Himachal Pradesh National Law University, Shimla, 21 July, 2017.

<sup>1</sup> *Suits* is a popular American legal drama television series. It is about an elite law firm in New York City. The show is currently running in its 7<sup>th</sup> season, and has a wide fan following.

as welcome signs by outsiders. Consequentially, an exponential rise the requirement for legal services, has been witnessed. To put it succinctly, there has not been a more opportune time to be a lawyer. (I will elaborate on this aspect in a while.)

I also say, that, in wanting to be lawyer, you have made the 'righteous choice', because you have elected to associate yourself with nobility, and goodness. Legal profession, in our country, is considered to be a very honourable and an elite line of work. It is an institution committed to public justice.

I will be able to make a more compelling case before you with the help of an anecdote that I feel the urge to share with you all. You will find it very amusing. I understand that the majority of you may not have visited the courts of law yet. However, when you do visit the courts, I request you to make an observation. It is mandatory for Advocates appearing in the Courts to wear black robes. These robes, when you will notice, have attached at the back, a small pocket, also called as a 'money bag'. It is believed, that in the olden days, the barristers would not solicit a particular fee from the client they represented. A client could anonymously drop in the money bag any fee that was suitable for him to pay. This way, the quantum of fee paid would never impinge upon the quality of service the barrister rendered. His service would remain uncompromised irrespective of what he received as a fee for it. Till date, these robes retain these money bags, although, nowadays they look much different from what they once did, but the symbolism has been retained. I would like to believe, that the intent was to ensure that access to Justice must not elude any one, rich or poor. And, you, my beloved students, are in service of this great cause. This makes you extraordinary.

The contribution of lawyers to our country has been, and continues to be, immense and immeasurable. The prime architect of our Constitution, Shri. Bhim Rao Ambedkar; the father of our nation, Mahatma Gandhi; our first Prime Minister, Pt. Jawahar Lal Nehru, have all been lawyers. Lawyers are warriors in their own right. They may be without the sword, but their weaponry consists of learning, their merit, their speech.

And, today, you have elected to join the forces. I beseech you all to remind yourselves every day, that as lawyers-in-making, you will be responsible to guard and perpetuate the cause of Justice. Without brave lawyers at vanguard, even the most charitable legislations would remain to be dead letters, and unserviceable instruments. You, my young friends, have to reinvigorate these dead letters. It is often said, that law is just an instrument to secure justice, and as lawyers, it will be your foremost duty to translate law into justice and this learning for all of you will begin here, in these precincts, and on this blessed land, right here.

I have had the opportunity to peruse your curriculum. I observed that in addition to teaching the routine subjects like the Indian Penal Code, Civil and Criminal Procedural Code, Personal Laws, the University has curated and included in your curriculum subjects like 'Court and Docket Management'; 'Victimology and Correctional Institutions'; 'Energy Laws'; and 'Air and Space Law'.

Subjects like energy laws, 'air and space law' are 'novel' areas of law. They deal with bespoke situations and require specialised understanding. Back in the day, when I was

a student at the prestigious Faculty of Law, University of Delhi, where Shri Raina has served as the Dean earlier, our education was more traditional in nature, and followed the long-established norm. But, with an ever-evolving society being the new order, man is reaching the Moon, and beyond; disputes are now going beyond the domain of the land, and reaching the deep waters, and the deep space. Thus, these novel areas of law have taken the centre-stage. Many times, in the court rooms, issues revolving around these areas of law crop up and demand our deliberation. In such times, one is reminded of these very true words:-

“Strange, how much you have got to know; before you know, how little you know.”

These are uncharted territories, and we need lawyers that can comprehend, interpret, analyse, debate on such complex, intricate novel areas of law. It is remarkable and it is very reassuring for me to see that your University intends to equip you with tools of today and of future day and age! I recommend that you make the most of these classes, and make the most of the “edge” that you have over others. Carve a niche for yourselves. A good lawyer, they say, has to be the Jack of all trades, but, you be a better lawyer. Be the Jack of all trades, and also be the Master of at least one of these specialist areas.

Once a lawyer, but always a learner. An efficient lawyer stays vigilant and stays intrigued at all times. One must stay abreast on everything. The key is to never be obsolete. Thus, I urge you to read about the latest developments and emerging areas of law. Devote your time to national and international law reviews, law journals. Dedicate yourself to reading, learning, and writing. Try and inculcate this three-pronged approach, while you are here in the academy as you will have an unbridled access to all the resources and an enviable trove of books, treatises, journals. Exhaust these resources to the fullest.

I would also insist that during the next five years, you participate in as many extra-curricular and co-curricular activities, as you can. Some of these activities will be Moot Court Competitions, Parliamentary Debates, Trial Advocacy Competitions. Some within the country, some outside of it. Do not eschew these as ‘extras’. These are some of those exercises that will teach you how to translate law into practice. Put your education into tangible use, while you are still here. These exercises will arm you with important lessons on how to be spontaneous? How to think on the feet? And, how to mould an adverse point of law into an amicable one? These are soft skills, but in a lawyer’s life, these are the most elementary and the most essential ones.

In this regard, there is another aspect that, I understand, should be a part of today’s discourse. Conventionally, while a lawyer has been envisaged to be a person, clad in black and white, running from one court room to another, engaging in steadfast litigious activities like arguing, examining the witnesses, drafting and undertaking exercises relating to ring-fenced areas like crimes, family law etc., but in the backdrop of advanced economic reforms in the country, as I mentioned earlier, there has been a swift surge in corporate advocacy and transactional practice. Most of the biggest law firms in our

country are offering legal services in sectors like: Capital Markets and Securities Law, Competition Law, Mergers and Acquisitions, Investments, Project Finance etc. Needless to say, corporate law firms and corporate lawyers have very promising and very profitable prospects. In fact, elite foreign law firms from across the world have evinced a rather keen interest to begin their operations in India. If, and when such proposal receives assent from all corners, lawyers that can specialise in these areas, will become even more coveted entities. Some of you will naturally be inclined to venture into these sectors. I can assure you, the pastures are very green.

However, those of you who aim to adorn the black robe, a mark of respect and merit, and aim to enter the courts as practising advocates, for you, the opportunities are countless and limitless. Doubtlessly, the long gestation period before one can establish his/her independent practice, does appear to be an impediment and can be discouraging to an extent, but, perseverance and sustained patience will fetch you mirth! I can assure you, and my personal experience in the courts, not as a Judge, but as an advocate, is a testament to this assertion that the excitement before, and the contentment after, a challenging debate in the court, are unparalleled emotions! In fact, this noble profession is in need of young blood like you. I will encourage that you enter the practice of law and utilise your legal education to get the voices of the disquieted heard.

So, courts or corporate? I will leave it up to you to decide. As I said before, one is very likely to feel spoilt for choice.

However, there is a province, whereto, I do intend to redirect your attention. It is too well known that the state of affairs of our judicial system is a rather distressing one for all stakeholders: you and I, both, being one of them. Although, I could present the pendency figures to put my point across better, but, I don't desire to dampen your spirits. Suffice it would be to say, that they are concerning and alarming.

Be it a civil suit, or a criminal proceeding, it lives a life so long that it outlasts the subject himself! Those cases are not unheard of where the agitation has to be inherited and carried on by second, or even the third generation representatives-in-interest of the principal suitor. Speedy disposal of cases has started to appear and feel illusory. In fact, the various well-meaning amendments that have been made with the intention to ease the business of court, administrating justice, to make the process less sluggish and more swift (*swifter*), have not yielded either. Although, the apparatus is in place, but unfortunately, it has not helped much.

One wonders as to why disputes still stay alive unreasonably long, despite the process having been simpler and expeditious.<sup>2</sup> Simple partition suits have been languishing for

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<sup>2</sup> Civil Procedure Code 1908 (Act No. 5 of 1908), Order 17, Rule 1, (as amended in 2002), provides that, adjournments in civil suits ought not to be granted more than three times.

The evidences (chief examination and cross examination) have been allowed to be recorded on affidavit. *Id.* Order 18, Rule 4(1). Examination-in-chief of a witness shall be on affidavit, and can be outsourced to a Commissioner. *Id.* Order 18, Rule 4(2). (Re-examination, and cross-examination of a witness in attendance, whose examination-in-chief on affidavit has been furnished, shall be taken by a Court or Commissioner appointed by the court).

decades in our courts. The case of under trials portrays another miserable picture. The lesser said, the better it is. Fights worthy and deserving of being carried out in the courts, have been discouraged and were not taken to the courts and thus, in effect, the cause of Justice retreated. The aggrieved remains deprived, investors quail, courts continue to be overtaxed, and in effect, we all lose. Why should it happen?

I apologise, if I have sounded dismal, but, my prime motivation behind this exercise is simple. You are young visionaries, and lawyers-in-making; it is you who will inherit the legacy of our great luminaries, and naturally, you will also have a duty, a responsibility incumbent upon your shoulders, to find answers to these impediments.

Yes! You, indeed, will become lawyers serving across the spectrum, but that should not be all. Hundreds of lawyers are churned out every year that join this profession. Lawyers are adequate, but, what we need are reformists, revolutionaries. In you, and in your little ways, it is expected, that you become innovative, out-of-the-box, result-oriented thinkers. It is expected of you: young and bright minds, that you cultivate the ability to offer solutions to the problems afflicting the system.

During your tenure here, in addition to your academic obligations, in my earnest belief, you should debate, deliberate and discuss the possibility of improvements, transformations that could remediate the prevalent circumstances. After all, in the times to come, it is you who will lead the way; it is you that will be the creator and the consumer both, of the justice administration system of this country.

And, as stakeholders, there is another vital obligation that you ought to discharge. The general perception about advocates across the time spectrum has been of distrust. It is an oft-used jibe at lawyers that, *'they all hate lawyers, until they need one'*. There is an apparent deficit in the public trust in lawyers' profession, but, the fact of the matter is that lawyers are social engineers. They, as professionals or otherwise, have rendered yeoman's service to the society. It is a respectable profession, but, more often than not, is not seen in a good light, as unethical and dishonest practices at the hands of a few, come to the fore, every now and then. In my understanding, youngsters like you can go a long way in being the messengers of goodwill, and addressing this ambivalence about lawyers. Communication and interaction with the disadvantaged groups could be a wise starting point. During your tenure here, you could undertake assignments as Para-Legal Volunteers for the State/District Legal Services Authority, or, be a part of the Legal Aid Centre in your college, or you could (associate) yourself with the justice administration system, in some other capacity that you deem fit.

The intention is to let the masses know that advocacy has been, is, and will continue to be as noble and charitable as it has been envisaged in our country, because, after five years of scholarship here, some of you will enter the practice of law, while some of you would go on to become judicial officers. Some of you will become academicians, and some of you will venture into the corporate sector. Whichever medium you may choose at the end of your course, you will be the guardians of justice, and nation builders, in your own right, in one guise or another. You will be responsible for rendering the Justice-administration system of our nation more robust, more equipped, more efficient

and more utilitarian. And, while this may seem and sound like a mighty and a daunting responsibility, but, I assure you, the training and the preparation that you will undergo here will bring the best out of you. You will exit here with iron-shoulders. The lessons you learn here, I assure you, will never betray you. They will continue to be your guiding stars. So, never fear. Take that giant leap.

In testing times, if you feel restless, bewildered or dejected, do not feel that you have been thrown asunder. Seek light, and turn to the motto of your University - '*Yogah Karmasu Kaushlam*' (Skill in Action is *Yogah*). Keep treading the path ahead of you, keep excelling at the task at hand, without worrying about the fruit it may bear, or the failure that may ensue. The outcome will, without a doubt, be beneficial.<sup>3</sup>

In conclusion, I would part, however, with an excerpt from the book '*Walden*', written by American poet Henry David Thoreau. Thoreau had signed off with the following very wise piece of advice for his readers, and I quote:

"If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them."

I reiterate his words today. I say this to all of you young aspirants present here: your castles have found the foundation under them, and if some of you have not built these castles that I speak of, then go ahead, build magnificent and glorious ones. This is our promise to you; there is enough land, enough expanse whereon your castles can stand tall, strong and safe! In having found our industrious constructors, our diligent builders, our meticulous architects, in you all, we couldn't have been happier, and prouder.

With these hopes and prayers, I, once again, convey my best wishes to you all, and I wish you immense luck for all your future endeavours, and this new journey, that you are embarking on, together.

I also convey my most heartfelt gratitude to Shri Raina, and the Organising Committee for reckoning me to be one of their own and inviting me be a part of these celebrations today. I feel sad that in spite of best efforts, I could not personally come for the occasion.

Thank you.

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<sup>3</sup> Verse 50, Chapter 2, The Bhagvada Gita.

"Yogah Karmasu Kaushlam" (*Yogah* results in perfect action).

What is *Yogah*? *Yogah* is equanimity/evenness/equilibrium during the performance of action/during various conditions.

(Lord Krsna tells Arjuna that if one maintains equanimity of mind at all times, one's actions acquire perfection (*Yoga Karmasu Kaushlam*) since they are performed without any desire for success, or without any fears of failure. Therefore, there is no need worry about the result.