

Dr. Justice D Y Chandrachud

Judge, Supreme Court of India

1. Hon'ble Shri Arvind Kejriwal, Chief Minister, Govt of NCT of Delhi, Hon'ble Chief Justice Satish Chandra Sharma, High Court of Delhi & Chancellor of NLU Delhi, Professor Srikrishna Deva Rao, Vice Chancellor of NLU Delhi, esteemed guests, distinguished faculty members, graduating students, and their families and friends.
2. I express my gratitude to NLU Delhi for inviting me to speak at today's Convocation. I would like to congratulate the graduates of the batch of 2022 as well as their parents and well-wishers. As you draw the curtains on your journey of half a decade through law school today, I want you to take a moment, look around you, and grasp it all in. You will see your teachers, friends, and fellow batchmates. These relationships are your greatest takeaway from these five-years of law-school. You're bound by the shared experience of a time that will not come again. Your batchmates will be your friends for the rest of your lives. These relationships that you have built in law school will remain a solid foundation for your upcoming professional life.
3. Convocations are a bittersweet feeling. As you collectively stand at the threshold of what we on the outside call the 'real world', you will be filled with anticipation, and maybe a little dread about what the future holds for you. And I personally feel that some amount of anticipation is necessary. I still

anticipate every night before Court, and to quote Corinne Cooper, “when that edge of anticipation is gone, I suppose I’ll know that it’s time to retire”.¹

4. Graduating from one of the country’s premier law schools, you will have to strike an uneasy balance between the ambitions you have for yourself, and what the ‘real world’ expects of you. In your quest to achieve this balance, don’t let yourself be defined by such ambitions or expectations. Lawyers are trained to divorce evidence from ideology, reason from rhetoric, and principles from party lines.² Your journey as a professional should only be defined by the ‘good’ that you are willing to do in this world. In today’s world, which needs lawyers more than ever, this ability is no less than a superpower, and in the words of Sam from the Lord of the Rings, “There’s some good in this world. And it’s worth fighting for”. My purpose today is to guide you in navigating the questions that many of you might be asking yourself as you graduate with a load of ambitions and expectations on your shoulders.

5. During your academic studies, you would have encountered the law through the black letters of your books and case materials. However, when you enter the legal profession, you realize that law throbs with human interest, for law’s concern is the quotidian affairs of people. Laws breathe life in our minds and expects us to behave in a civilized manner with respect to everyone, be it humans or animals. Law is a communal enterprise based on order and procedure. It binds us together in mutual interest, mutual welfare, and

¹ Corinne Cooper, Letter to a Young Law Student, Tulsa Law Journal

² Harvard Commencement (2019): Address of Dean John F. Manning

mutual happiness. However, laws can only do so much until all of us are willing to participate in its endeavor. A law is not an anti-dote to prevalent social mores; rather it is a means to forge a new future based on the ideals enshrined in our Constitution.

6. Law in itself cannot solve the myriad human problems. Law is merely a set of facilitative tools to render justice. The general notion that is often ascribed to my role as a judge of the Supreme Court is that I deliver 'justice'. However, as students of law, all of you are also capable of rendering justice in your own small, but significant way. For all the young graduates here, it is incumbent upon you to endeavor to leave the law a little better than you found it to be. The theoretical underpinning of my suggestion is grounded in the fundamental idea of justice - which is essentially the constant and perpetual purpose of rendering each person their due in light of the social circumstances.³

7. We live in a society governed by rule of law. Rule of law, if understood and implemented properly, is a defence against oppressive structures such as patriarchy, casteism, and ableism. It is an aspirational goal, which is beyond you and me as individuals, but towards which all of us have our parts to play. However, we must understand that rule of law does not depend merely on the Constitution or legislations. It largely depends upon the political culture and habits of citizens, especially young legal professionals like you. In a

³ Roscoe Pound, The Need of a Sociological Jurisprudence, Annual Reports A.B.A 607, 612 (1907)

sense, all of you are the guardians of our constitutional and democratic traditions.

8. Now, I know some of you will branch out to be corporate lawyers, some will litigate, some will take up academia and still, there will be some who might branch out of law altogether. Whatever the trajectory of your career arc may be, embrace the change that comes your way, and never feel the need to be locked into a particular path, just because you started out with it. But irrespective of whether you are into litigation, law firms or any other discourses, the real challenge that you will face on a daily basis is the duty to make choices that will not necessarily be one between right and wrong, but rather between right and right or wrong and wrong. It is possible for right and power to be at odds with one another. Power that commands its legitimacy of being right because it is in accordance with law. Under such circumstances, it is no more a moral choice, rather an ethical choice to make. I exhort you to make such choices keeping in mind whether it promotes the goals of justice in that particular sphere.

9. You must strive to make the legal profession more inclusive and accessible when you become a part of it. This is one way to further the goals of justice. If you are working in a corporate law firm, you must strive for a milieu that reasonably accommodates every individual irrespective of the individual differences. If you are a practicing lawyer, you have a professional responsibility to work for expanding access to justice beyond those who have financial or social advantages. If you aspire to join the judiciary, it is necessary that you place substantive justice as the foremost goal of

adjudication. As a policy-maker, you can devise policies to socially and politically empower the marginalized.

10. I know that the legal field, especially litigation, can sometimes be daunting for many who do not belong to the established cliques. It is also the unfortunate reality of our legal profession that many aspiring and deserving professionals have to stay away from litigation because of the low pay the profession offers.

11. During my days as a law student at the Faculty of Law, Delhi University, one of my friends asked me about my plans after passing out from law school.⁴ I replied that I was going to practice law. When my friend heard this, he unsarcastically suggested that I should use my connections to get a gas agency or a petroleum outlet because that was the only way I was going to make money as a lawyer. Fortunately, I never had to go to that trouble to earn a decent income. But that situation, which was true of India in the 1980s is no longer true today. Today, young graduates like you have many other avenues to make your mark, may it be the corporate legal sector, legal policy think tanks, social activism, or even journalism.

12. As part of legal profession, there may arise occasions when you will harbor self-doubts. You will question your choices and curse your fate for choosing law as career instead of engineering or medicine. You might also feel envious when you see your friends from other professional backgrounds

⁴ 'Need to draw young lawyers to litigation, says Justice Chandrachud', (BQ Prime, 16 December 2017) <https://www.bqprime.com/law-and-policy/2017/12/16/need-to-draw-young-lawyers-to-litigation-says-justice-chandrachud>

enjoying a more lavish lifestyle than yours, while you sit in your office glued to your laptops doing due diligence or drafting complaints. You will often meet people who will constantly judge you on your failures and successes. However, it is always up to you to hold the candle in your steady hands that would light the world.

13. In times of self-doubt, I am often reminded of Theodore Roosevelt's uplifting words⁵:

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

14. Do not be intimidated by failures, or cowed down by defeats. That is part and parcel of being a legal professional. Every day is an opportunity to learn

⁵The Man in the Arena' <<https://www.theodorerooseveltcenter.org/Learn-About-TR/TR-Encyclopedia/Culture-and-Society/Man-in-the-Arena.aspx>>

and develop. I am aware that sometimes the legal fraternity may seem unwelcoming and formalistic, especially to those who do not have any prior legal connections. Women lawyers may especially find it challenging to work in a male dominated profession, which more often than not fails to accommodate their concerns and opinions.

15. I would particularly like to mention the story of a girl who was born in a small town in Kerala. The eldest of eight siblings, her father, a government servant, motivated her to pursue law. When she enrolled to study law at the Government Law College, Trivandrum, she was one of five girl students in her class. Being a Muslim woman, she was an outlier in many ways when she started practicing law in male dominated court premises. And mind you, this was in the year 1950. Later she joined the judicial services and was appointed as a munsiff in the Kerala Subordinate Judicial Services in 1958. By her sheer grit, determination, and hard-work, she rose through the ranks to become the first female judge to be appointed to the Supreme Court of India. I believe many of you might have guessed her name by now. Justice M Fathima Beevi was a pioneer in her own right who opened a closed door for women in the judiciary.⁶ Yes, the legal profession might seem daunting and challenging, but the barriers are not high in front of your towering grit and dedication.

16. My next advice to you is to think beyond the postulates of law. Law operates in pre-existing gender and societal codes, often contributing to the

⁶ 'I opened a closed door ' Fathima Beevi, India's 1st woman judge in SC who remains an enigma' <<https://theprint.in/pageturner/excerpt/i-opened-a-closed-door-fathima-beevi-indias-1st-woman-judge-in-sc-who-remains-an-enigma/862301/>>

construction of gendered identities. As legal professionals, you should use deconstructive techniques to critique the existing legal philosophies and expose the ideological thinking that forms the substratum of law.

17. I would like to particularly advise you to incorporate feminist thinking in the way you deal with law. When I was a junior judge at the Bombay High Court, I used to sit with (Retd) Justice Ranjana Desai.⁷ During that time, we heard diverse criminal appeals. Initially I viewed the matters, where women were often subjected to worst crimes and violations, from a very straight-jacketed perspective. But sitting with a colleague who had more diverse exposure to realities of gender gave me the necessary feminist perspective. Of course, I believe that all of us, including myself, have a lot to learn in terms of how we perceive law and apply the social experiences. The point that I want to emphasize here is that you must strive to engage with people from different backgrounds and experiences: such conversations will expose you to diverse thoughts and social realities. In the process, it will make you more humane and kinder towards others.

18. Kindness is the foundation for justice. As Leo Tolstoy said, the kinder and more thoughtful a person is, the more kindness he or she can find in other people. Kindness helps us develop empathy. Empathy plays an important role in developing moral judgment and reasoning by sensitizing us to issues related to principles of justice and fairness.⁸ It also enables us to appreciate

⁷ 'To be really a feminist is to do what the Constitution requires you to do: Justice DY Chandrachud' <<https://theleaflet.in/to-be-really-a-feminist-is-to-do-what-the-constitution-requires-you-to-do-justice-dy-chandrachud/>>

⁸ Martin L Hoffman, Empathy and Moral Development: Implications for Caring and Justice (2007)

the human meanings of a given legal situation. Empathy allows us to find the hidden layers under a law, and unearth its discriminatory impact on the lives of people, especially those most vulnerable and marginalized in our society.

19. In **Patan Jamal Vali v. State of Andhra Pradesh**⁹, the Supreme Court used the theory of intersectionality to understand the violence and discrimination faced by a blind scheduled caste woman. It was held that when the identity of a woman intersects with her caste, class, religion, disability and sexual orientation, she may face violence and discrimination due to two or more grounds. In **Neil Aurelio Nunes v. Union of India**¹⁰, the Supreme Court deconstructed the notion of “merit” to observe that scores in an exam are not the sole determinant of excellence or capability. Rather, it was held that merit should be envisioned as a social good that advances equality.

20. I mentioned the above two judgements because they challenged the conventionality of law in pursuit of substantive justice. The Court viewed the plight of the victims from an empathetic lens to uncover the social reality hidden beneath the layers of law. I would also like to point out that the judicial thought in the two judgments was largely generated by academicians and lawyers. In this light, my next advice to all of you is to nurture the habit of reading and expressing yourself through different mediums such as social media, blogs, newspapers, or academic journals. This will not only help you

⁹ 2021 SCC OnLine SC 343

¹⁰ (2022) 4 SCC 1

develop and structure legal arguments, but also propagate novel ideas about law.

21. One thing where most of you, as young law graduates, are better than most of us, the not-so-young senior advocates and judges, is your capacity to care. The principle of caring entails that we must always consider others in our thoughts and actions. This obviously does not mean that we do not care for others in our daily lives, but the technicality and the dry nature of the profession makes us more methodical, more pedantic, whether we accept it or not. You are comparatively untouched by the dryness, and have the empathy and care in you, which I sincerely hope you nurture and protect.

22. I know that the academic curriculums today may not allow you to have passions, hobbies or interests apart from the law. But, in the 'real world' you would be remiss if you were satisfied with being an expert in the law alone. At its heart, a law school imbibes within you the desire to learn. Use that ability to acquire knowledge much beyond the law, in every field of human activity. That is my next advice to you. Always take out time for yourself because the legal profession is unsparing at its worst. A good hobby will keep you motivated and energized for your day-to-day work.

23. As I conclude, my hope is that you refrain from perpetuating the traditional formalistic approaches to law. Instead, you should strive to adopt a legal approach that puts at its center the quotidian lives of people, who struggle on a daily basis to make their ends meet and take care of their family. That is the true redemption of justice.

24. I would like to conclude by referring to a poem by Israeli poet Yehuda Amichai. In the poem 'Tourists', Amichai addresses the experiences of people who have either been living in Jerusalem or visiting it as a tourist. In the poem, when a tourist guide points to a Roman arch in Jerusalem, Amichai writes¹¹:

"I said to myself: redemption will come only if their guide tells them,

"You see that arch from the Roman period? It's not important: but next to it, left and down a bit, there sits a man who's bought fruit and vegetables for his family."

25. I would like to thank the Vice-Chancellor for inviting me to speak on this momentous occasion. I wish all the graduating students all the best for their future endeavors.

¹¹ http://famouspoetsandpoems.com/poets/yehuda_amichai/poems/52.html