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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

My Dear young friends,

On the occasion of Independence Day, I extend my warm greetings and good wishes to all members of the legal fraternity and, particularly, to the law students of this country.

The developments of the last few days have caused concern and anguish among a section of the student community. Whenever students feel hurt or aggrieved, their concerns deserve to be heard with patience, sensitivity and respect. If anything connected with the present controversy, any of my words, or letter, has hurt the feelings of our law students, I sincerely regret and apologise for the same. There should be no hesitation in saying so. An expression of regret is not a matter of prestige or ego. It is simply an acknowledgment that the feelings and concerns of our students matter.

Our law students, particularly those studying in the National Law Universities and other leading Centres of Legal Education, are among the most informed and discerning young citizens of the country. They study the Constitution, the Rule of Law, fairness and the importance of hearing all sides before reaching a conclusion. They are fully capable of applying their own independent minds. They do not require anyone to decide for them. Nor should they be subjected to pressure or influence from any quarter. The National Law Universities occupy a very important place in Indian legal education. The conduct and choices of students of our leading Law Universities are naturally noticed across the legal education system and often influence the manner in which students of other Centres of Legal Education view similar issues. The young men and women studying there today will tomorrow become Advocates, Senior Advocates, Teachers, Scholars and Judges. Some among them may one day occupy the highest positions in the legal and judicial system. That is why their decisions carry significance beyond a single event or controversy.

Peaceful disagreement, questioning and protest are important features of a constitutional democracy. Students must always remain free to express their views. At the same time, the legal tradition teaches us something equally important, namely that when further facts or clarifications emerge, every issue should be reconsidered objectively and with an open mind. There is no inconsistency between expressing a genuine grievance and thereafter fairly considering a clarification.

A convocation is also a very special occasion in the life of a graduating student and his or her family. It represents years of hard work and marks an important transition in life. Such a moment cannot easily be recreated. The decision whether to participate must, of course, ultimately remain with the students themselves. No student should be compelled to attend, and no student should feel compelled to abstain. My only appeal is that the decision should be taken independently, after considering the matter in its entirety and according to their own judgment.

The relationship between the Judiciary, the Bar, Universities and law students is much deeper and more enduring than any temporary controversy. Differences may arise and strong views may be expressed, but such differences should ultimately be capable of resolution through dialogue, clarification and mutual respect.

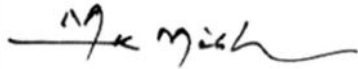
The Bar Council of India regards law students as the future of the legal profession. Their dignity, independence of thought and legitimate concerns must always be respected. At the same time, dialogue, mutual respect and constitutional values are equally important for the health of the profession they are preparing to enter.

I therefore sincerely hope that the present issue will now be considered with fairness and a spirit of reconciliation. The issue should not be allowed to acquire a political or extraneous colour through outside influence. Our law students are mature and discerning enough to examine the facts, consider the clarification offered, and take their own independent decision. Let the students examine the matter themselves. Let every institution respect their independence of thought. Where clarification has been offered, let there also remain enough space for dialogue and moving forward without bitterness. Our students are the future leaders of the Bar, the Bench and legal academia. Their greatest strength will always be their ability to think independently, listen to differing viewpoints and reach conclusions guided by reason, fairness and the Constitution.

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On this Independence Day, that spirit of independent thought, mutual respect and constitutional responsibility is perhaps the most meaningful message we can collectively reaffirm.

I once again wish all law students, teachers, members of the Bar and fellow citizens a very happy Independence Day.



(Manan Kumar Mishra)
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