Locating the Rule of Law in Asia

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Humanity inhabiting our good earth is, in my view, a single collectivity, having evolved from insects and animals and now dawned as a divine wonder with higher cosmic aspirations. Man is a glorious evolution of creation although much of his genetic ancestry remains as latent genes. Darwin wrote:

It is interesting to contemplate an entangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting about, and with worms crawling through the damp earth, and to reflect that these elaborately constructed forms, so different from each other, and dependent upon each other in so complex a manner, have all been produced by laws acting around us.1

Perhaps, that is why the human species still retains many aspects of barbarity. A lawless and barbaric society makes the amicable human fraternity a victim of discord, dispute and fidgeting insanity. World brotherhood, then becomes a distant dream and human destiny, a tryst with its savage past. As Arthur Young observed: 'God sleeps in the mineral, wakes in the vegetable, walks in the beast and thinks in man.' To think is the hope of a better future. But this cerebral process has to be on benign or salutary, and not sanguinarian lines. We want the earth to be a place where peace and stability prevails and progress beckons humankind to splendour and glory.

Creation has a unitive culture, a biological uniformity and a friendly felicity occupying land and water divided into five continents. Where does man find his home, his culture, his thought-altitude in its moral peak in Asia? Asia is traditionally defined as part of the landmass of Eurasia with the western portion of the latter occupied by Europe, located to the east of the Suez canal, east of the Ural mountains and south of the Caucasus mountains, the Caspian and Black seas. It is bounded on the east by the Pacific Ocean, on the south by the Indian Ocean and on the north by the Arctic Ocean. Given its size and diversity, Asia, a toponym dating back to classical antiquity is more a cultural concept incorporating a number of regions, religions and peoples than a homogenous physical entity. The wealth of Asia differs very widely among and within its regions, due to its vast size and huge range of different cultures, environments, historical ties and government systems.

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The term “Asia” is originally a creation of Western civilization. The peoples of ancient Asia (Chinese, Japanese, Indians, Persians, Arabs etc.) never conceived the idea of Asia, simply because they did not see themselves collectively. In their perspective, they were vastly varied civilizations, contrary to ancient European belief. Usage of the term soon became common in ancient Greece, and subsequently in ancient Rome. Ancient and medieval European maps depict the Asian continent as a “huge amorphous blob” extending eastward. It was presumed in antiquity to end with India. The Greek king, Alexander the Great, believed that he would reach the “end of the world” upon his arrival to the East.

Asia is where we find that humanitylocates its finest cultures and ideological grandeur, natural beauty, moral majesty and spiritual ascent. The world’s highest mountain, the Himalayas; Hindus’ most sacred river, the Ganga; and the largest Ocean, the Pacific is a part of Asia. But the poorest people, primitive in economic environs are also in Asia. We must focus on Asia to regenerate a fresh universe, the most advanced in creation. A broad geographical picture of Asia is perhaps a good temporal beginning of law and life. In my view, the finest man on earth ever born was Lord Buddha, a prince who abandoned his Kingdom seeing the suffering of his subjects, sought peace, truth and happiness for their fellowship. Of him Swami Vivekananda wrote:

The prophets of the world, with this single exception, may be divided into two sets, one set holding that they are incarnations of God come down to earth, and the other holding that they are only the messengers from God; and both draw their impetus for working from outside, however highly spiritual maybe the language they use. But Buddha is the only prophet who said, “I do not care to know your various theories about God. What is the use of discussing all the subtle doctrines about the soul? Do good and be good. And this will take you to freedom and to whatever truth there is.” He was, in the conduct of his life, absolutely without personal motives; and what man worked more than he?

His sublime teachings found numerous disciples and appealed to many men all over the world. He stood for compassion for all creation and against animal sacrifice. For him all religions professed freedom and friendship to co-exist. He was against war. Pity! His disciple emperor Asoka won a war but found the disaster, distress and misery caused by war and going back to his spiritual master, banned war, promoted peace, permitted religious pluralism and the right of everyone to his creed of happiness and development. Of him H. G. Wells wrote:

5. Id.
For eight-and-twenty years Asoka worked sanely for the real needs of men. Amidst the tens of thousands of names of monarchs that crowd the columns of history, their majesties and graciousnesses and serenities and royal highnesses and the like, the name of Asoka shines, and shines almost alone, a star. From the Volga to Japan his name is still honoured. China, Tibet, and even India, though it has left his doctrine, preserve the tradition of his greatness. More living men cherish the memory today than have ever heard the names of Constantine or Charlemagne.  

South Asia is a prominent geographic and demographic part of the earth, and its population rightly regarded the rule of law applicable to the Asia-Pacific regions as vital to the world order. Absent peace and order all over the world, human destiny will be dark and the future will have no prospect of development. Therefore, the Bar Association of India justly considered it important to discuss in a seminar - Law Asia - the implications of embracing global legality, especially now with the West, its industrial and technological focus on development, and the agricultural heritage of Asia-Pacific.  

What is development of humanity? We Asians, on the one hand, are feudal, primitive with land ownership as aristocracy and tenantry and even salary as the class basis of economic structure. The West, on the other hand, clings on its industrial production and profit for the employer and exploitation of the workers as integral to the basic structure of society. This led to the class division and conflict. Karl Marx studied the nature of industrial class conflict and advocated a classless society. Gandhi was against this money-oriented approach and held man as more crucial than money; people as of greater value than profit. This transformation led to multi-national corporations using the state power for industrial expansion while agricultural economy was for agricultural advance. I had inaugurated the Law Asia conference: Man lived in the past on meat and blood, since in those times to be purely vegetarian was a difficult genetic proposition. Killing to survive is part of our animal heritage. And so, cannibalism is no horror and terror and has been the 'cult of survival of the fittest. Homo sapiens in pre-evolutionary days were more brute than man. Our ancestry cannot be written off by a Buddha or Martin Luther King or Gandhi. And yet there is the divinity, implicit in life. Even animals have mothers who give them breast milk, fondle them as kids tenderly. Mother is compassion. Kids of the same mother have, while young, a fraternal feeling. The story of Creation as an integrated evolutionary process with bird and beast as part of a fraternity – these fundamentals are components of humanity's genetic past.  

8. For details of the conference, see http://www.lawasia2010.org (last visited Nov. 30, 2010)
Law in Asia is about a law conditioned by the basic features of Asian societies although they may vary in ideology, colour, creed and language. So viewed, man, as the Asian primitive, is agriculturally poor and industrially backward. Today's world is governed by new Western technology and the disastrous development is moving downhill towards nuclear annihilation where both the East and the West have garnered competent know-how. From feudal to nuclear, or from agricultural to five star locations represents Asia's rapid social march with its implications on social structure and economic organisation. Development has disastrous dimensions in Gandhian terms, and is therefore a thing to be handled with care:

The Gandhian concept of development rejected the idea that it should aim primarily at the creation of material wealth or the satisfaction of insatiable, endlessly multiplied needs. 'In so far as we have made the modern materialistic craze our goal; he wrote, 'so far are we going downhill in the path of progress.'

From cottage and domestic industry to the colossal multinational corporation is the new world order and creating new sociological jurisprudence. Darwin demonstrated them as survival of the fittest; from monkeys to man was the last step. Alas, as G.B. Shaw put it cynically: "Darwin taught us not that all men were monkeys but that some monkeys have no tails now." Darwin himself states that 'man with all noble qualities...still bears in his bodily frame the indelible stamp of his lowly origin.' Humanism is still alien to many humans, who are more barbarian than civil, and more violent than compassionate. So it is still a long struggle to refine the savage in Man, to moralise the goodness in the biped than monster. Such is the DNA of Man that his genes are still barbaric, scrambling and fighting.

Life sprang early in Asia with agriculture as the main source of food. Early life began from the soil. By a miracle of evolution, from insects, birds and beasts carne. So too plants, trees and forests. And Man was the mystery of creation whose divinity dwelt and developed into civilised persons. Thus we find sanity in various parts of the earth. They moved and merged and formed nations and finally various races, cultures and colours and creeds were the products, which we now call humanity. They lived in a collective amity but had conflicts, fought and killed. Those who were superior survived.

This transcontinental social, economic and political transformation transcends countries and evolved into an imperial supremacy. European nations expanded into Asia, Australia, Africa and South America. The global empires shaped families from feudal to nuclear, from national to international, from capitalist to socialist. Meanwhile, Man is more than a body and his mind

asserted itself into technology with profit-oriented corporate culture and theological diversity, divisiveness, pathological competitiveness and fanaticisms. Even the docile Hindu in his divinities developed the doctrine of Advaita as advocated by Adi Sankara.

The rule of law must be dynamic, creative and fertilize the rule of life. Law is social engineering. So the fundamental features of Asian rule of life must be understood realistically if law in Asia is to be articulated. Asia, though vast, is largely indigent. Its poverty is aggravated by its primitive status, through peonage, a condition of social servitude that still exists. While slavery is banned in the Europe and the USA, it hides latently in Asia. Poverty jurisprudence, radical and operational must be an effective tool if Asia is to be truly free. Under feudal social living conditions, absent industry and organised working classes, penury makes life slavery with no angry protest movement militantly battling against the status quo. The iron curtain between human rights and liberties and agrarian ugliness and domestic drudgery of jurists, a functional militancy, is not found in India and pre-revolutionary China. Large collective families are the product of personal laws, especially Hindu joint families.

Land becomes the primary source of aristocracy. Land ownership creates tenants and tillers; too poor and weak to fight back for redistribution of wealth through peasant revolution. Feudalism is static. Industrialism on the contrary creates classes that are better organized and are ready to resist deprivation. The West is industrial. The East is feudal, save Japan and China. India is catching up on industrialization too. The other countries of Asia are static, slow to change and stagnant societies have become a reality. These are the factors which require a forward looking rule of law if Asia is to ensure humane justice to the common man.

Asian communities are mostly governed by family laws. Theology often promotes pathologies and obscurantisms. Landlordism goes with Godism and together promotes temples, churches and mosques. Thus Asian societies tend to support the proprietariat and operate against the proletariat. The rule of law stands for equality, while religiosity often induces a worshipful attitude, obedience and not assertion. So the bourgeois brand of law finds the land owning classes using it against the masses. That is why princes and zamindars rendered India easy for foreign infiltration, imperial authoritarianism and privatization and weaker social justice.

The fundamental pathologies which make Asia a sick society of continental dimension are: (a) the large below the poverty line population, (b) the co-existence of a lordly life contrasted with dismal slum landless destitution, making a mockery of the divinity in everyone and democracy a travesty and

despair and (c) absence of organised class resistance to this terrible tragedy reinforced by family laws, which are designed to create families whose need demands implicit obedience and enforceable justice. This results in servitude, peonage, feudalism, aristocracy, no industry save cottage industries where women are exploited and domestic torture and gender discrimination govern. This status quo is the iron curtain that keeps human rights away from the women and children. Progress is nil if society is static and development is absent and if industrious growth is absent. The advantage of Europe over Asia is its industrial advance where capitalism creates the economic impetus for more production while agrarian culture puts villages to sleep. Women work in the fields, children play on harvested fields and men drink heavily and turn violent.

Capitalism with its focus on profit buries humanism. Development is not of things, but of men. When avarice and wrath conquer morality and justice, progress is downhill. Alcoholism, drug addiction and sexual pleasure gain precedence over values, virtues and fellowship. In these dark ages, priest craft defeats rationalism and makes money. Gods become rich and rivalry in wealth and influence generates competition. Education and public health became investments like in factories to earn profit and power. Theology without morality operates as pathology. In Arabia, wealth and wild sex pleasures make for chaotic penal justice by cutting off limbs. And the Prophet Mohammed arrives, flees from Mecca Madina but returns with fanatic followers. And in India, lunatic casteism divides and oppresses the society. Castes, royal classes and even sacrifice and slavery surface to power till a Vedic vintage, Upanishad ethos create civilization, noble, liberal and humanistic. Adi Sankara with a unitive dynamic doctrine of Advaita in the sublime culture of the modern universe is powerfully summarised in the democratic Preamble to the Indian Constitution spelt out by the Founding Fathers on behalf of “We, the People of India...”

They resolved to create a Republic which was socialist, secular, and democratic and promised to every citizen justice, social, economic and political in their comprehensive semantics. I plead with the nations of Asia and Australasia to make this noble Preamble the constitutional Foundation of the Peoples of the Earth. Great legislation may perhaps be made by the Parliaments of the continents, but law has meaning only if implementation is effective. In this sense, the world over effectiveness does not have the will and the power. This great Conference must produce creatively operative implementation. Paper prescriptions and legislative rhetoric do not make Fiat Justicia a reality where materialism is in the hands of the mafia, the heart of humanity is Cinderella.

Maybe then the societal contradiction that midwives a Jesus and preaches the Kingdom of God, of goodness of all nations is an inalienable part of Law Asia. Humanity and all civilised nations are opposed to terrorism and so we may treat a treaty against terrorism also as a part of Law Asia more so now when terrorism has become global menace and nuclear terrorism a great enemy of humanity.
I do not conceal the pride of India where the splendour of human civilization found its first sublime expression in the Vedas and Upanishads. The most humanist, compassionate, secular and witty of all faiths with profound community and Operational Materialist, Rational, Moral and Spiritual is our Constitutional Socialist, Secular, Democratic one. This superlative synthesis made the Indo-German scholar Max Muller to explain thus:

If we were to look over the whole world to find out the country most richly endowed with all the wealth, power, and beauty that nature can bestow—in some parts a very paradise on earth—I should point to India. If I were asked under what sky the human mind has most fully developed some of its choicest gifts, has most deeply pondered over the greatest problems of life, and has found solutions of some of them which well deserve the attention even of those who have studied Plato and Kant—I should point to India. And if I were to ask myself from what literature we here in Europe, we who have been nurtured almost exclusively on the thoughts of Greeks and Romans, and of one Semitic race, the Jewish, may draw the corrective which is most wanted in order to make our inner life more perfect, more comprehensive, more universal, in fact more truly human a life, not for this life only, but a transfigured and eternal life—again I should point to India. 13

There is no Creation without a Creator. Ex Nihilo Nihil Fit. We, the humanity, survive only in propitious environs. That is the basic law of Creation. Our concern for Man involves a fundamental concern for environment. So to preserve Life, Man, Bird, Beast or all else demands a priority commitment for the articles which are indispensable for existence. The air we breathe, the potable water we drink, the food we eat, the freedoms of speech, association, and movement—these and all else need surroundings congenial for sustaining life. So it is Environmental Law sans which Life is a lost cause gains top concern in our scheme of values. Our world is an interdependent one woven with harmony. We want food to eat and so vegetables, fruits etc., are needed. Rains we require for plants to grow. Forests are not wild irrelevance but vital to invite rainfall; preserve heavenly water, production of pure air. Even minerals and soil become important, if Life is our concern. Life is what God gives and is divine. Divinity is omnipresent. So worship trees, cherish plants deify animals and idolize humanism.

True religion is the manifestation of the divinity already in Man. Obdurate obscurantisms, savage, insane, fanaticism contradict the finer wool and web of high religion. Man, in his meditational supramental cerebrations exceed his little self and merges in the Universal Self we identify with God. So it is that Jesus said, 'The Kingdom of God is within you, devotees.' And Prophet Mohammed rejected the wilderness and chaos of Arab barbarity and preached world brotherhood. How great and transcending all creeds and faith would be

that infinite unitive vision of Creation of Adi Sankara's *Advaita*. Here everyone, everything meets. *Thou art That*. A faint reflection of this unitive glory is the United Nations. Global Jurisprudence is a material manifestation of this sublime philosophy.\(^\text{14}\)

**Humanism** is the highest law. It includes compassion for all living creatures. It is conservation of all matter necessary for sustenance, survival and salvation of Life in its widest commonalty spread. This consummation of our cerebral gift takes us to the roots of well-being of insects to mammoth being on earth. Nay beyond the earth covers every planet, the stars in the sky and the littlest creature in the oceans. This vastness to visualize is itself a riddle wrapped in a mystery- the Inscrutable Absolute. Asia's contribution to Global Jurisprudence is this immense Enigma which is also the root of its thought and culture. If Man is the quintessence of all concerns, his heart is the central focus of feeling. Here is the philosophic exhortation of Vivekananda, the symbol of Youth Power, the soul of all Peace and Order. The idea of Global Law and justice is today getting drowned in a dark heritage of globalisation, liberalisation and privatisation.

High morality, lofty liberalism and selfless public interest must prevail. That is the battle for Asian Jurisprudence for anti-war and non-violence- the Buddha to Gandhi ideology and cultural glory. Asia is not all philosophy, although the West is behind high standards of ethics notwithstanding, Greece of Aristotle, Pedicles, Plato and other torches of Light, the wonders of Thoreau, Ibsen and Spencer. Britain too had produced a Shakespeare, a Lord Coke and Acton, a Burke and the like. The Vedic Seers and Sages worshipped bird and beast and ape and elephant and lion. They could see God in them. Rivers were worshipped. So were trees and flowers like Lotus and rose. Not because we were backward but because they were too advanced for the West to apprehend. But Asia was not all values and elevated thought. It too had barbarians, the *Asuras*, the savages, so much superstition which goes against the finer standards of good conduct. Nor is philosophy without functionalism real salvation or haven.

The Buddha and Vivekananda incarnated to evolve operation confluence of materialism and spirituality. True, religion becomes reactionary, rigid, irrational and rival in discretion, India was ridiculed for worshipping God in plague and small pox. Much of the barbarian cult in theology continues to exist. Therefore, there is so much inhumanity and anti-social justice in industrialism, technology and imperialism. And hell itself has been incarnated in Multi-National Corporations. The grand desideratum we demand is a dynamic harmony woven soft and beautiful, with peace and non-violence, values and a finer code of conduct no prince and pariah, a new comity and courtesy between beggar and billionaire. This is the historic challenge the world faces. The growing

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menace of nuclear power, the pollution and poisoning of air, water, food by
disastrous popularity of all pervasive pathological chemistry. Here is the
relevance of socialist, democratic, brotherly theology where the little man is
the master of sovereign and international law is flowering humanism of global
jurisprudence. It becomes jurisprudence.

Kerala's cultural conscience springs from the inspiration of Adi Sankara's
Advaita which spread throughout India and blossomed on the social philosophy
of Bharat. These marvels of sublime cerebration shaped human earth. Kerala
is India, India is Asia, and Asia illumines the ethos of the earth. Law Asia is
about the world order, cosmic culture, love and compassion. Therefore, we
are one Law that ought to be the dynamic dialectic and a luminous social
engineering assuring a heaven of universal happiness, stability and dharma.

This acme of thought is what Jesus taught and the Cross symbolized. What
Buddha sacrificed is princedom to share suffering of all Creation. The Prophet
preached through the Quran to eradicate functional chaos in society. That is
the quintessence of Law Asia, the divinity and dignity of godism, agnosticism,
atheism and all faiths and creeds. This is where materialism and spiritualism
meet and merge; death and immortality becomes a continuous process and
sovereignty finds supreme sublime singularity. This is where Socrates and
Plato, the Vedas and the Upanishads attain an indivisible integrity. Law Asia is a
social illumination, economic engineering and political democratisation. We,
lawyers are humanist statesmen with professional performance commitment.

Asia is a continent composed of social sovereign States with many
nationalities, cultures, and ideologies. Inevitably their legal systems differ
and Law Asia cannot be uniform but will remain plural. Even so, all modern
member states of the United Nations have some common fundamental
features. The United Nations organisation is an international legal text with a
Security Council as an enforcing agency. Law Asia derives its basic provisions
in conformity with this structure. Many conventions, treaties and texts bind
parties and signatories. They constitute international law and may be regarded
as the nucleus of World Legal Order and the basic structure of Law Asia.
Certain crimes are so hideous that they are bad as war crimes during war and
peace. They must be deemed to be an invisible part of Law Asia too.

So long as humanity is one, so long as our single home planet Earth is
united and the science of Life is the same so long our right to life and cosmic
consciousness and Asian Jurisprudence will remain integral with the conditions
of life of all the continents in a taciturnity of Human Justice, Human Peace
and Common Human Destiny. That is our Tryst with the Future of Human
Fraternity and Divine Trust. Let us never breach our Trust with our succeeding
generations.

http://www.mainstreamweekly.net/article599.html.
The Rule of Law has two facets: (a) prophylactic and forbidding by command and (b) the other by enforcement or operation. The U.N. Declaration, Conventions and the like texts are not self-enforcing. So, municipal laws, for sentencing violation and policing to force obedience, are obligatory. Many directive principles are excellent but are violated freely. Punitive jurisprudence using police powers and prison justice are relevant. Many signatory nations, like India, do not make such laws with tooth and claw. Even prohibition of tobacco, laws enacting child rights, the ban on plastic and other deleterious substances are now idle rhetoric. The rule of law remains a casualty.

A global Commission under the auspices of the UN and the Security Council with command over local police like federal legislation vis-a-vis States, ratified by signatory countries is a creative idea, surrendering pro-tanto sovereign powers, may be experimented with. Such a body must have liberal locus standi to move Supreme and other Courts for mandamus writs like in Article 32 of the Indian constitution; may be a new dimension in the operation of international justice. Absent this branch, all international laws will be the vanishing point of jurisprudence. ¹⁶ This is a pragmatic dimension of law-making since foreign agencies otherwise are an embarrassing presence and it needs to be careful to the national interest and cooperation. The great challenge to radical jurists is to empower the U.N. laws under the world court jurisdiction, not make it comatose. They cannot sleep like an ‘ineffectual angel’ beating its golden wings in vain in the void. Let me quote what Swami Vivekananda once said in a Madras gathering:

Feel, my children feel for the poor, the ignorant, the downtrodden; feel till the heart stops and the brain reels and you think you will go mad. We talk foolishly against material civilization. The grapes are sour... Material civilization, nay even luxury, is necessary to create work for the poor. Bread; I do not believe in a God, who cannot give me bread here, giving me eternal bliss in heaven. Pooh; India is to be raised, the poor are to be fed, education is to be spread, and the evil of priestcraft is to be removed...more bread, more opportunity for everybody....²⁷

I advocate every word of this exhortation. Never in the field of human development will so many of our planet earth owe so much to so few as gathered here who when this Conference ends would shake and shape the rule of law on earth to make man, woman and child everywhere happy in our heaven rich with social and economic justice and a democratic trustee of the lowliest and the lost in terms of politics and powers. Lastly, but most importantly, I again quote the immortal words of Vivekananda by which he describes Buddha as the highest ideal of Karma-Yogi:

¹⁷ Swami Vivekananda, To My Brave Boys (written to Alasinga Perumal from New York on 19th November, 1894).
Let me tell you a few words about one man who actually carried this teaching of Karma-Yogi into practice. That man is Buddha. He is the one man who ever carried this into perfect practice. All the prophets in the world, except Buddha, had external motives to move them to unselfish action....Show me in history one character who has soared so high above all. The whole human race has produced but one such character, such high philosophy, such wide sympathy, yet had the deepest sympathy for the lowest animals, and never put forth any claims for himself. He is the ideal Karma-Yogi, acting entirely without motive, and the history of humanity shows him to have been the greatest man ever born; beyond compare the greatest combination of heart and brain that ever existed, the greatest soul power that has ever been manifested. He is the first great reformer the world has seen.18

Buddhism is now under eclipse, violence, alas, is rampant. The world needs a dynamic new Buddha. Gandhiji is his shadow. We need Gandhis everywhere. The Supreme Court Bar Association expressed its tribute to me in a final resolution when I retired. They observed and I excerpt:

Permit us to remind you that the Bar is the judge of judges and no judge can avoid or escape the verdict of the Bar. We have summoned you this evening to hear our unanimous declaratory verdict. Our verdict is a decree of affection and admiration. Let us also declare, in these proceedings which are sui generic, that we are not only your judges but also your judgment-debtors.

No words of prosaic prose would be adequate to encompass your vitality and versatility- not even if we drew upon and borrowed from the hoarded wealth of a vast vocabulary you are known to possess. We shall therefore crave your indulgence to supplement the record by those profounder feelings, which the language of the lexicon cannot communicate and which are best conveyed by the language of the heart.

In a span of a little over seven years, you have brought distinction to the highest Court of the land. Indeed you did more than that. You opened its doors wider: to the poor, the needy and the indigent. Your crusade for legal aid and law reform, your concern for and commitment to the common people, your dedication to the creed of human rights, and your allegiance to judicial independence and Rule of Law have become quintessential catalysts in our legal process. These humane contributions have endeared you to one and all and will long be cherished and remembered in and out of law reports and in and out of law courts.

Yours has been a restless and rebellious quest for justice. You have dared and defied and you have drawn your sword of thoughts and words when many would have been content to be reticent and complacent. Your ideas have seldom failed to stir and to provoke. Sometimes you may have

gone too far and sometimes you may not have gone far enough, but at all times, there was unfailing courtesy and consideration going hand in hand with a spiritual transulence and equipoise of goodwill, sincerity, compassion and understanding in your judicial and extra-judicial pathways. All that we will remember and cherish for a long-time.

There are many landmark judgments you have handed down which have helped to humanize our legal system, particularly in the field of criminal jurisprudence and jail reforms, and which have helped to resolve critical intricacies of constitutional law, harmonizing its delicate equations, optimizing fundamental rights and extending the frontiers of the accountability of the State and its instrumentalities in their ever-expanding operations. Many of your judgments have given a new dimension and a new direction to law. In many of them, you rode the unruly horse of public policy with exceptional skill, acumen and erudition and brought it to heel on the path of justice and good conscience. In some of them you rode it too hard. But there was always your shining faith in the true role and destiny of law in a developing society, which made you the lyricist, the poet-laureate and the visionary of a socially aware and socially accountable Third World jurisprudence.19

Let me poetise my thoughts in the profound words of Walt Whitman:

I believe a leaf of grass is no less than the journey work of the stars,
And the pismire is equally perfect, and a grain of sand, and the egg of the wren,

And the tree-toad is a chef-d'oeuvre for the highest,
And the running blackberry would adorn the parlors of heaven.20

Gandhi is no longer the father of the Indian nation. He is a cosmic glory, a wonder whose life and teachings are a lesson for the jurisprudence of the world. But what we need is a global jurisprudence, transforming the Mahatma into terms of law which could be enforced world over so that we can secure peace and non-violence whose founding father is Gandhiji. And every professional, whether in education, lawyering, or chartered accountancy, must give statutory shape to the ideas for which the Mahatma was a symbol. Law is not logic, but experience and reality. In this dimension in India, Sri Lanka and China, Gandhi remains an ideal and an inspiration but nowhere near legal realism.

The rule of law must govern mankind as a whole beyond regionalism. In my humble view if our world is to reflect a civilised order and cultural comity, the world order must be socialist and democratic. Pluralism, in the

19. L.M.Singhvi, Chairman, Keynote Address on behalf of Members of the Bar Assembled at Phoolwari Banquet Hall, Pragati Maidan, New Delhi (Nov. 15, 1980).
matter of religions is a product of diversity of faith and creed. If peace is to
dominate and cosmos is free from chaos we must have a creative sublimity in our
values, a transformation of the existing system where justice, social, economic
and political, which can be claimed by every member of humanity. It is this
conviction of mine, this abhorrence of functional anarchy and terrorism that
persuaded me to write this long piece.

Luckily, I was able in a large measure to keep my word in the highest court
of India. The Supreme Court of India was made democratic by converting
it into a Supreme Court for Indians through the innovation of public interest
litigation, a phenomenon which enables every citizen to seek and secure
justice if gross injustice is inflicted on anyone, anywhere. That is why the Bar
Council of India passed a resolution quoted above as I retired from the Bench
to Continue as a social activist in fulfilment of my urge for humanism. I am a
human: I count nothing pertaining to humans alien to me!