

ōTat Tvam Asiō. That thou art.

A human being is considered to be a reservoir of immense possibilities. Every one of us has a dormant divine self, inbuilt. The education sheds light on the divine self. As Swami Vivekananda said; ōEducation is the manifestation of perfection already in manō. We have that seed of perfection in us; being the finest creature of the Lord, but we need to educate our soul, so as to be a true human being and be up to the expectation of the Lord to be a compassionate soul.

Now unlike an engine or a machine, which is known by its parts and limited attributes going by the specifications, a man is built up of outward and inward expressions and existence. But the law of the inner self manifest itself in the outwardly existence. There is an inter-relation between the law of inner self and the law of your outward self. But it is the law of the inner self which governs, regulates and grooms and refines your outward existence. Unlike the machine again; the values of life, intellectual, moral, ethical, be it compassion, tolerance, harmony, understanding, these are the attributes or characteristics of a human being which distinguishes a human being from a machine. I will dwell on the machine and human interactions later on as I go ahead, but the basic difference is that and that is why, though today a machine is or has almost replaced a human being, at least in the field of Justicing, it is the human being which is the entity, which is entrusted to undertake the job, not the machine as such. Because justice requires application of the principles of equity and good conscience. The question remains whether at this stage of technological advancement, a machine can be expected to have in itself, the element of discretion and good conscience. The question remains to be answered. One day the answer will be in the affirmative.

Now Swami Vivekananda again said, education is not storing of information alone. Today at our disposal on a tap of a key, the world of information would be available to us. Is this availability of the world of information synonymous to education? According to the Saint it is not. Education is a process which permits and facilitates collection of those information, transformation of those information into ideas in life, to make up your character, to make up your conduct. That's education. Not a storage. Otherwise a library or a computer can be said to be educated. It is not. It depends how you take the ideas that you gather in the form of information and draw inspiration therefrom in your life and practice it in real life. That is education. Krishna Iyer said, that education is a process which brings about literacy of the soul, so much so to engender a compassionate culture in a human being. That's education. So therefore, education is a process of evolution by which a person with the divine self in him, gets perfected in conduct, approach, acts, deeds, thoughts. All of us know that education is

conceived of to be formal and structured and the process starts at schools. When we come to this world, we are a white Canvas. A baby born; the first thing it knows is to recognize his or her mother. She is your mother. Then he or she is introduced to the father and then the process of introduction continues. In the formative years of 03 to 04 years basic knowledge of of who is who, that's all and nothing else. He goes to the school. Again in the school he has to encounter the behavioural conduct of his peers, teachers, staff and anyone who meets him. There is no formal education of law there. But it is soon, he or she is told what is right, what is wrong, what is selfishness, what is sacrifice, what is carelessness, what is thoughtfulness, so on and so forth. I imagine of one incident when I was in school. I was moving in a queue when we have to queue up to go the classroom after the prayers are made, the boy in my front, as a mischievous trick, he pulled the plastic water bottle that was being carried by a boy of his age in his front. The bottle fell, hardly four five years, and the whole water got spilled. The boy cried. As usual, as expected, the teacher came, reprimanded. Of course at that age there was no corporal punishments but reprimanded. This is very wrong that you have done. We will punish you. Kneel down. That's a lesson learnt. No law involved. This is how, see, with the passing years in the school though the education is structured and formal, we learnt, but no law involved. We learnt from the behavioural conduct that we experience all around and on the basis of the experience that we gain, we acquire an identity, an authenticity of our own. Now depending on the extent of the lesson that we learn, we give values and weightage to what is right, to what is wrong, what is carelessness, what is thoughtlessness and we proceed to the higher academics of learning. We carry these experiences with us, and ultimately if we choose law, we land up in the portals of judicial service and for that matter Judicial Academy for refresher trainings.

Judicial Academy therefore is a place where we come as a process of shift, from a formal educational format to a little bit informal form or format as the case may be. But here again dominantly, the training is structured as well. Here in Judicial Academy, I will come straight to the topic, the essence of it. In Judicial Academy what is taught is to understand the human behaviour and the rule of law. These are venues to explore the human psyche. Why? Because as we proceed, we would find that dealing with law nowadays means dealing with human conduct. Law alone without human psychology, human conduct, human behaviour, human exchanges, human interplays, human creativity, human mind, is no study of law at all. It was said by one Italian jurist that one who knows law only, does not know law at all. Such is the interdisciplinary mix of learning of law today and in a way as you all understand, law has replaced philosophy by its umbrella of knowledge of human life. It's so comprehensive. It takes in its fold all disciplines of life, all disciplines of study. Otherwise it is not possible to

judge a human conduct. Therefore Judicial Academy is a place where, you have a chance to get initiative to the deeper reserves of a human mind to know under what circumstances a human mind works, in what directions and dimensions. It is therefore a seat of pursuit of one's spirit and thought. It helps you to relate the legal and judicial problems to the problems of life, to have a deeper understanding of your work and beyond work. It helps the process of growth of individual we know as we have been told, unlike many of your counterparts in different ways of life, a judge cannot have two personalities. Your conduct inside the court has to match with your conduct outside the Court 24 x 7. There is no compromise on that. I often shudder on the personal note, that if I am judge today, whatever level it may be, may be at the level of a Munsif, law has empowered him or her to judge a fellow brethren, who is also a human being, a creature of the Lord. From where you get this authority to judge a fellow brethren, a fellow human being! Is it not because of the recognition of your some extraordinary qualities which have been recognized. Look at the confidence reposed on us to do Justice, something which should be within the divine laws, the Power of the Lord, the Maker. We have been given that power, we have taken a vow. In that context is it possible for us to think of any compromise with the duties that is expected of the office? Answer is an obvious no. Therefore Judicial Academy, I would emphasize is a place, where you need to know yourself vis a vis the brethren of yours so as to equip yourself to judge them fairly, justly and without any kind of malice, favour and ill will.

I would again quote Swami Vivekananda. I am little fond of the saint. Philosophical and very deep thinking philosopher among others. He used to say, to know thyself, talk to yourself at least once in a day, otherwise you may miss the opportunity of speaking to one of the best persons in this world. How revelling! I need not emphasize on the importance of legal education as has been enumerated by the Law Commission in various reports. It's not necessary. Not very necessary at all.

Now we come to the work that we do as a judicial officer or as a court. Now Judicial Process, we know from our experience, involves a deep scrutiny of the transactional process that is laid before us in the form of pleadings to unravel the legal truth. We need to find out the legal truth. There would be two versions. If it is the prosecution, defence has its own version, which is not consistent one with that of the prosecution. In a civil suit, the plaintiffs and defendants would differ. So there are two versions of the same transaction before you. You have to examine it, you have to scrutinize it, and find out the legal truth to render Justice, an evenly balanced one. Judicial Academy teaches you the methods of undertaking that analysis. Now you find that by the time you attend the Judicial Academy, there is a

change in the paradigm of approach. You enter into an arena which is governed by law. Law has to be applied for the purpose of this transactional analysis, apart from the facts which is the correct decision. Now we know every law has a philosophy, has a vision, has a background and some objectives to fulfil. If you ask me, without going into the very intricate and complicated definitions of law, to my understanding, law is a Code of human conduct. Simple as it is and it is expected, the laws which comprise the Code has to be complied with, abided by, so as to ensure an orderly society. As simple as that as I can understand. If that is law then the understanding of law has to be, whether it caters to the need of the society or not, and if so, how on its application a particular transaction can be viewed to reach the accomplishment which is desired. So this approach, this learning, takes you from your phase of studying law to a phase of application of law. When you study law, you are interested or you are concerned only with, if it is penal law; the offence, the punishments. If you read the Civil law, civil wrong and the remedies you are not concerned either with the offender or the wrong doer. That is when you study law. But when you are in the portals of Judicial service and you are asked to apply law and you come to the Judicial Academy for training, you need to know the wrongdoer as well. You need to know the offender as well, otherwise your approach is incomplete. This takes you again, as a consequence; when you're trying to know the offender, when you are trying to know the wrongdoer, into other exciting areas of law, not really connected with law, but supplementing the application of law, a very exciting area, multidisciplinary studies. For example, you see when you examine a suit, you very often find that you have not confined yourself to the transaction that has been presented before you by the pleaded facts. As it is two versions are inconsistent. Then you apply your judicial intuition, learning and experience to find what really might have been the transaction. Who is at fault, who is not, and in doing so, you also examine, as to whether the litigation is bonafide. If not; impose costs. You also examine whether this is a litigation which can be permanently solved by amicable settlement. Why not resort to the alternative dispute redressal system. Look at the variety of dimension of your mind. You depart therefore in the process of adjudication, from the transactional course given to you by the parties. If it is a case of breach of contract, there may be considerations, which would examine the communication gap between the parties. Whether they were deliberate or not. There may be considerations of just equivalent, by way of compensation. There may be considerations of restitution. In a criminal case there may be considerations of reconciliation, restoration. You remember in criminal case, see earlier; in the primitive years, to prevent crime the philosophy of sentence was eye for eye. Lex talionis, Eye for eye. Total retaliation by equal measure if not more. Well we have moved away from that philosophy. We claim to be more civilized in the matter of sentencing now a days. I need not tell you the five theories of sentencing, but as

it appears now, the shift is towards a blend of preventive, reformatory and restorative. We have been moving away from deterrence and retributive. Just look at the approach and this approach has to be the hilt of a judicial mind, trained in law and conversant with the attended facts and circumstances, the change in the outlook, the change in the perspective, the demand of the society, all these are relevant considerations. So Judicial Academy therefore keeps you abreast with these developments so as to groom your mind adequately to respond to the collective cry of the society, collective need, collective aspirations, necessitated by the change in demands of time.

The next limb is the global link in law with the international circuit.

I will cut short and come to the last phase.

I mean I was just trying to tell you that Judicial Academy establishes a link between domestic law and the international law. This is very important because of the globalized outlook. The globalized regime of law. Now today you're experiencing a few phenomenons. Today we are at the verge as it is told; a fourth industrial revolution. The key features are; Money laundering, Narcotics, Trafficking, Terrorism, Corruption and these areas have roots in international networks and the corresponding disciplines criss-cross each other. So that if today a district court is supposed to deal with any of these issues you have to have a knowledge in international transport, banking, communication networks, Cyber crimes so on and so forth. At some point of time the Ether used to be the exclusive preserves of the prince and princess, demons, fairies and angels. Its no longer so. We have intruded for self gain. Whatever it is. That's a part of development may be, but ether is also a heaven of offenders. Now for this exposures the Judicial Academy also is seat so as to equip you with the international law developments which has an impact on domestic justicing.

I cannot part without sharing this. I was telling that we are at the verge of fourth industrial revolution. Bio-engineering now a days, even a placenta is stored, a stem cell can be taken for the purpose of curing many incurable diseases of the child. Robotics, you can create robots which sensor systems which can read your thoughts not necessary to tap a key. Artificial intelligence. If you wish to have a cup of tea may be in your chamber, you create a robot. It can sense your brain wave. You need not have to tell the robot that I need a cup of tea. It would be produced. Data analytics. Now in coming years we would be experiencing 3D printing and silent brain to brain communication, which would alter the way and speed of exchange of ideas. Already we are experiencing conversion of ideas into products, start-apps. Converting lifespan of human beings and products. Changing the boundaries between living

and non-living. If you can create a robot which can act and cater to your needs even without a command, what is the difference between a human being and a robot and that way are we not endangering ourselves? In a way yes and we are creating our own nemesis.

But that's the way things are developing. Now we encounter today identity fraud and theft. Stakes are being made by the embryos, not even seen the light of the world. Staking claims in matrimonial disputes. One starkling disposal. I was startled. Professional claimings capital investments in tax regime saying that my body is a plant or a machinery and I am entitled to the benefit of depreciation. That's where we are today. And therefore its time that we have to imagine Justice, and if we imagine justice we have to equip ourselves with these developments. We cannot lag behind and if you lag behind in imagination, justice lags behind, that is what I want to convey.

There is one branch of law which of course has not yet taken roots in form our legislation in India. Neuro law. Neuro law is a branch of study of law, based on the Neuro science and this discipline of law is Neuro criminology. It deals with the link between the brain and the external stimuli. You have heard of brain death. Now suppose a person who is brain dead, hypothetically commits an offence. The immediate defence is well he was brain dead. May be at the point of time there was a brain wave, commit the offence. He did it. But there was a time gap between the impulse, brain death and the commission of the offence. Can he be guilty of mens rea. That issue may come. Neuro science is being applied in US for the purpose of mapping a judge, mapping the jurors. To know how this man is, who this man is, what are his attributes just to predict the trajectory of his thought process, so much so that when a lawyer stands to address jurors he knows the introduction of all the jurors. What is the thinking of the case, how is he going to behave, what would be his questions, what is the predictive analysis of his thought process and what is he going to conclude. That much he knows. The whole thing is X-rayed. Can we be unmindful of this development of law. I ask myself the need for Continual legal education. Suppose today you are asked to decide a case of electricity. Violation of Electricity Act. You need to know electric engineering. Irrigation water process. You need to know the science of flow of water. Need to decide criminality in tax prosecution. You need to know what business management is. Without that you are no where. That is how the law is developing. Suppose an environmental issue, water pollution. What is biological oxygen demand, what is chemical oxygen demand, what is dissolve stakes solids. What is it, in brief what is the meaning.

I would conclude with the mathematical language in the international law regime today. The international language today is mathematics. Not English or any other language. It's pure

mathematics. The option is algorithm. There is a formula we used to know in school. $(a+b)^2 = a^2 + b^2 + 2ab$. Am I right on the reproduction? So that was the formula. The formula here is different. The combination is also different. They load the factors with different inputs and the action follows. You have a printer. Colour option; black and white, tap it, the algorithm in the printer works. You get a colour. That is why today we can establish ground to space contact. That is algorithm. www.google.com that's an address. You type it, you need not write, the algorithm works, it goes to that address. So it the short hand. It is the international short hand of language today. You have to be conversant with that. Electronic tools will have to be applied for the purpose of this. There are various methods of imparting education which for shortage of time, I will not be able to discuss with you and share with you.

But one thing I tell you while parting with this. Whatever be the methods, whatever be the exposure that you have to under take, remember one thing I would say, let no negativity at any point of time creep your mind. The office to which you belong, is one which admits of no compromise. Society has a great expectation from us. Be alive to those responsibilities. There is no place for complacency. No amount of justification that, well the infrastructure is inadequate, work force is inadequate, we are over burdened with work, no justification at all. I agree that the higher authorities need to adopt an attitude pat and patriot and they must look after this aspect as well. Remember that even today, with so many grievances and complains against Judiciary, delay, cost, quality of Justice, uncertainty of Justice as was mentioned by the Honourable Governor, the faith is still in Judiciary. Faith is still in the rule of law. Why! Because it is the last resort of the people in general. Therefore we cannot in any manner compromise with the duties that is cast on us. I would therefore implore, that you need to be responsive, sensitive and accountable to the system so much so that this institution cannot be undermined in anyway. We need to stand united. You must act for the discipline, credibility, unity and integrity of the institution. We cannot afford to lose any of these factors. You must be the change which you want to see. And from my side you have the best of my wishes and I would assure you that whenever it is necessary and how so ever it is possible, I will do my bit to see that this end is met.

Thank you very much.