

[Home \(/\)](#) / [Articles \(/articles\)](#) / Remembering Gandhiji As A Lawyer On...

Remembering Gandhiji As A Lawyer On This Gandhi Jayanti

Ajay J Nandalike

(/)

2 Oct 2017 3:14 PM

Share this



Gandhiji was a trained barrister but could not practice in England as he had to return to India on account of his mother's death. His attempts at establishing practice in Bombay did not take off, apparently because of his psychological failure to cross-examine witnesses. His practice in Rajkot comprised of drafting petitions for litigants. He then went on to practice law in South Africa where simultaneous with his moderate success as a lawyer, his ideas on the freedom, equality and liberty took birth. Gandhiji is the 'Father of our Nation' but his values,

for us lawyers, mean a lot more. He was one of us, probably the best among us, someone whose ideals we can aspire but never reach. On his birth anniversary, I want to emphasise on three attributes of Gandhiji which I feel are relevant to us.

Also Read - Role Of Conciliation In Industrial Disputes (/articles/role-conciliation-in-industrial-disputes-258404?utm_source=internal-artice&utm_medium=also-read)

Resolution Instead Of Litigation

In *My Experiments with Truth*, Gandhiji writes, "I realised the true function of a lawyer was to unite parties riven asunder." In this day and age, where litigations are driving a wedge between families and friends, alternative dispute resolution methods focusing on consensus and partnerships have gained moderate success. Gandhiji was the true proponent of this system inasmuch as he emphasized that it is not the judicial system or the parties who must resolve disputes but lawyers.

Also Read - When The Accident Tells Its Own Story The Law Must Gear Up (/articles/when-the-accident-tells-its-own-story-the-law-must-gear-up-258382?utm_source=internal-artice&utm_medium=also-read)

We often say that we are only the mouthpieces of our clients. Gandhiji wanted us to "unite parties". The term 'unite' has a much strong connotation than just 'resolve' disputes. He wanted us to fight not just for our clients but also with our clients for what is right and what is best for our client and the society as a whole. The society functions well only when we are not divided by disputes. A lawyer becomes a nation builder if he manages to unite rivalling parties. This he must do, in spite of the judicial process available to the parties. Such a challenging task he set for us!

Also Read - Need For Regulatory Oversight In India's Buy Now Pay Later Market (/articles/need-for-regulatory-oversight-in-indias-buy-now-pay-later-market-258349?utm_source=internal-artice&utm_medium=also-read)

Persuasive Techniques

Gandhiji did not find much success in court using his methods of persuasion but he moved an entire nation to give up everything and fight for a vague, amorphous, unknown and unfathomable concept called '*freedom*'. His power of persuasion came from his strong sense of justice and what is right. Mere existence of a law did not dissuade him. He used a strong sense of logic and called upon people to see why the law is wrong. For this, he relied on a higher principle and a concept of justice which made the colonial laws and systems look inferior.

Also Read - Material Adverse Effect: Usage And Considerations (/articles/material-adverse-effect-usage-and-considerations-258230?utm_source=internal-article&utm_medium=also-read)

As lawyers, it means that if we consistently maintain a strong sense of justice, in the long run, it always pays dividends, even if this implies concession to the other side. In order to point out as to why an action or a law is wrong, Gandhiji always evoked a higher principle and truth on which our society ought to rest (in the present times, the constitutional ideals). If we mould our arguments from a sense of justice for the society as a whole, it provides the court a holistic perspective on the law. Thus, any judgment rendered will benefit the society as a whole. As lawyers, if we incorporate this technique in our arsenal, it will not only make us better lawyers but also contribute to building better ideals as a nation. For instance, the judgments rendered by the Supreme Court on triple talaq and right to privacy in the recent past, stand testimony to this.

A Strong Moral Code

Gandhiji's failing as a lawyer came from the strong moral code that he possessed. Once he convinced himself of a truth, his heart would not permit him to deviate from it. He could not cross-examine effectively or argue a man's innocence in such a situation. However, this moral code gave him his greatest strength to fight against an entire nation's thought process (there was no firm concept of self-rule before Gandhiji evolved it) and the prevailing colonial rule. He was convinced in his mind that he was right and no amount of threats, coercion, punishment or persuasion could change that thought.

If we are steeped in our professional and ethical morals, certain arguments or submissions which embarrass the court would automatically cease and one stands with a sense of responsibility and humility before it. Gandhiji's moral code defined our nation and that moral code evolved during his work in South Africa as a lawyer. The system and the moral code that it represents are bigger than us, our clients, the judges and all the other actors. Therefore, as lawyers, we must believe in this moral code so strongly that it becomes a part of our core. We have a higher sense of responsibility towards this nation and must aspire to fulfil it.

Wishing all of you a very happy Gandhi Jayanti. Have a wonderful day!

Ajay J Nandalike is an advocate practicing in the High Court of Karnataka and partner at Pragati Law Chambers, Bengaluru. The views are personal.

Tags

Gandhi Jayanti (<https://www.livelaw.in/tags/gandhi-jayanti>)

Gandhiji (<https://www.livelaw.in/tags/gandhiji>)

Lawyer (<https://www.livelaw.in/tags/lawyer>)

My Experiments with Truth (<https://www.livelaw.in/tags/my-experiments-with-truth>)



(<https://www.whatsapp.com/channel/0029Va4PBvv5EjxsW8MeA63j>)

Similar Posts

(</articles/role-conciliation-in-industrial-disputes-258404>)

Role Of Conciliation In Industrial Disputes

Conciliation is one of the amicable methods of the alternative dispute resolution system (ADR) that helps resolve disputes among the parties without the intervention of the court, hence leading to speedy dispute resolution. This process is quite simple and cost-effective for the disputing parties. Here, parties appoint an independent person,...

When The Accident Tells Its Own Story The Law Must Gear Up

The recent tragedy at Ghatkopar Mumbai is an accident that tells its own story of utter negligence towards human lives. On 13.05.2024 evening, a 120x120-foot hoarding collapsed on a petrol pump at Chheda Nagar in the Ghatkopar area of Mumbai due to gusty winds and unseasonal rains. At least 16 people have been killed in the incident, while 75...

(/articles/when-the-accident-tells-its-own-story-the-law-must-gear-up-258382)

Need For Regulatory Oversight In India's Buy Now Pay Later Market

In the vast tapestry of the world, where dreams and aspirations interweave, there exists a profound imbalance, a poignant disparity that hampers the path to prosperity for millions. For many decades the banking sector has contributed to the Indian economy by promoting financial growth and development, however, India happens to be one of the...

(/articles/need-for-regulatory-oversight-in-indias-buy-now-pay-later-market-258349)

Material Adverse Effect: Usage And Considerations

The collapse of the high-profile merger between Zee TV and Sony's Indian media assets have put the spotlight on “material adverse effect” (MAE) or “material adverse cause” (MAC) clause which is ubiquitously found in the transaction documents pertaining to mergers and acquisitions (M&A). If the newspaper reports are to be believed, Sony...

(/articles/material-adverse-effect-usage-and-considerations-258230)

The Importance Of Kapil Sibal's Win As SCBA President

Sibal's victory assures that the independence of the bar is in capable hands.

(/articles/importance-of-kapil-sibals-win-as-scba-president-supreme-court-bar-association-258145)

The Art Of Deception: A Legal Examination Of Misleading Advertisements

Advertising plays an important role in the contemporary economy as it influences consumption and fashion market trends. Nevertheless, misuse is likely, where misleading advertisements may be viewed as a violation of consumer rights and unfair trade practices. Misleading adverts are materials that carry untruthful, deceptive, or inaccurate...

(/articles/art-deception-legal-examination-misleading-advertisements-257803)

From “Relevant” To “Global” Turnover: Examining The Basis For Penalty Under The Competition (Amendment) Act, 2023

In keeping with the principles outlined in the Competition Act of India, the Competition (Amendment) Act of 2023 marks a significant turning point in the legislative framework of managing market competition. This legislative transformation includes significant modifications to the assessment of penalties, reflecting a global trend that cuts...

(/articles/examining-basis-penalty-competition-amendment-act-2023-257758)

SEBI's Power Of Disgorgement: Analysing The Veeram Securities Order

In January, 2023, Whole Time Member (“WTM”) of the Securities and Exchange Board of India (“SEBI”) passed an order in the matter of Veeram Securities Limited (“Veeram Order”), wherein the noticees were held guilty for executing contra trades in violation of the SEBI (Prohibition of Insider Trading) Regulations, 2015 (“PIT Regulations”). The...

(/articles/sebi-power-disgorgement-analysing-veeram-securities-order-257464)

Navigating Cartel Detection: Assessing Leniency Plus In Indian Competition Law

The Competition (Amendment) Act 2023^[1], enacted after deliberations by the Competition Law Review Committee, aims to bring the competition legal framework in India at par with the expanding global markets. A key amendment under this act is the addition of the 'Leniency Plus' or 'Lesser Penalty Plus' mechanism which enhances the current...

(/articles/navigating-cartel-detection-assessing-leniency-plus-in-indian-competition-law-257329)

Exploring The Role Of Governors: Navigating The Trend Of State Governors Facing Litigation Over Withholding Assent Over A Bill

The Governor is an unelected Head of the State and cannot use his constitutional powers to thwart the normal course of lawmaking by the State. Governors stand as pivotal figures, entrusted with crucial responsibilities that shape the legislative framework. Their role transcends mere ceremonial duties, encompassing significant powers, notably the...

(/articles/governors-federalism-democracy-257277)

Enthusiasm Among Lawyers To Provide Legal Aid Services To The Supreme Court Legal Services Committee (SCLSC)

The legal profession was never intended to be a commercial pursuit or a business endeavor. It was always a service to society. In fact, in the earliest recorded professional work of 'lawyers' in ancient Greece, they were forbidden from accepting any 'fees' for their services. However, over a period of time a regulated profession developed and...

(/articles/enthusiasm-among-lawyers-provide-legal-aid-services-supreme-court-legal-services-committee-256816)

Curse Or Cure? Indian Supreme Court Exercises “Curative Jurisdiction” Setting Aside Arbitral Award

A public-private partnership was entered into between the state-owned Delhi Metro Rail Corporation Limited (the “DMRC”) and the private consortium Delhi Airport Metro Express Pvt. Ltd. (“DAMEPL”) by way of a 2008 Concession Agreement (the “CA”). Under the CA, DAMEPL was granted exclusive rights to implement the project and concession in respect...

(/articles/curse-or-cure-indian-supreme-court-exercises-curative-jurisdiction-setting-aside-arbitral-award-256729)



(https://play.google.com/store/apps/details?id=com.sinergialabs.livelaw&hl=en_IN)

(<https://apps.apple.com/in/app/livelaw/id910652359>)

[Top Stories \(/top-stories\)](/top-stories)

[Law Schools \(/lawschool\)](/lawschool)

[Tax \(/tax-cases\)](/tax-cases)

[Supreme Court \(/supreme-court\)](/supreme-court)

[IBC News \(/ibc-cases\)](/ibc-cases)

[Digests \(/digests\)](/digests)

[High Court \(/high-court\)](/high-court)

[Arbitration \(/arbitration-cases\)](/arbitration-cases)

[Know The Law \(/know-the-law\)](/know-the-law)

[Consumer cases \(/consumer-cases\)](/consumer-cases) [Job Updates \(/job-updates\)](/job-updates) [Environment \(/environment\)](/environment)
[Round Ups \(/round-ups\)](/round-ups) [Book Review \(/book-reviews\)](/book-reviews) [Podcast \(/podcast\)](/podcast)
[International \(/more/international\)](/more/international) [Events Corner \(/events-corner\)](/events-corner) [Videos \(/videos\)](/videos)

Law Schools Corner

[\(/more/law-schools-corner\)](/more/law-schools-corner)



Law Firms

[\(/law-firms\)](/law-firms)



[Who We Are \(/who-we-are\)](/who-we-are) | [Contact Us \(/contact-us\)](/contact-us) | [Advertise with us \(/advertise\)](/advertise) [Careers \(/careers\)](/careers) | [Privacy Policy \(/privacy-statement\)](/privacy-statement) | [T&C \(/terms-and-conditions\)](/terms-and-conditions)



<https://www.facebook.com/livelawindia>



<https://twitter.com/LiveLawIndia>

<https://whatsapp.com/channel/0029Va4PBvv5EjxsW8MeA6>

<https://www.youtube.com/livelawindia>



<https://www.linkedin.com/company/livelawindia>



<https://www.instagram.com/livelawindia> <https://t.me/livelawindia>

2024 © All Rights Reserved @LiveLaw

Powered By Hocalwire (<http://www.hocalwire.com>)