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A study on the role of lawyers in India's freedom struggle and towards nation building

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Abstract

While we talk about Law as a profession, it is undoubtedly a vast area with innumerable persons contributing to it across the globe. It is also one of the most challenging professions for it encompasses tough thinking, analysing, reasoning, contemplating as a part of the process or for rendering advisory services, rule or policy making or simply when it comes to representing a client and arguing on behalf in a court of law. As per a report in the United States News' List for the year 2016, the profession of a lawyer has been seen standing at the rank of 16 among the top 100 best paying jobs and the same stood at 71st rank across the world. Again, it not just the same being group as higher earning that makes it more attractive, the pride of the profession of law also entails the dynamic aspect of the job which is often reflected due to the emergence of several influential leaders of the world from the law background. Starting from the former President of USA, Barack Obama, Russia's President Vladimir Putin, Chinese Premier Li Keqiang, former US President Bill Clinton, former President of Russia, Dmitri Medvedev, managing director of International Monetary Fund (IMF), Christine Lagarde who are the contemporary world leaders worth mentioning to Karl Marx, Mahatma Gandhi and Nelson Mandela are the ones who had earned their highest degree in law and are the seasoned lawyers among others who passed their whole life in pursuit of emancipation of the human beings. Former President of Cuba, Fidel Castro and Former Prime Minister of Singapore, Lee Kuan Yew were also the law practitioners.

The current paper is subdivided into various chapters which deals with the concept and development of legal profession, jurisprudential aspect, the role of lawyers in the Indian National Freedom Struggle Movement and their contribution towards nation building.

Keywords: Advisory; Influential leaders; Law; National Freedom Struggle; Practitioners.

1. Introduction to legal profession – the concept

The characteristics and features vital to defining a profession have been enumerated by Herbert M. Kritzer although not exhaustive and includes-

- Possession of esoteric but useful knowledge and skills, based on specialized training or education".
- An orientation toward service in the interest of an identifiable client.
- Autonomy of action, with regard both to the specific action (i.e., the professional is in control of the relationship with the client) and to the definition and enforcement of standards of professional behaviour.
- The existence of one or more organisations to serve the internal and external needs of the profession

The term profession rather professionalism when seen conjoined with the legal profession makes it more of a normative concept that provides an ideal that lawyers should strive to meet, and is idealized as a self-directed calling, informed by the spirit of a public service.

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The definition of legal profession is defined by Kritzer as- *“an autonomous nature of job oriented towards public service on the basis of specialised knowledge, skills and systematised through organisations”*. Through his definition, he has tried to differentiate the character of legal profession to the brokers wherein he laid emphasis on the point that the latter when hired acts as an intermediary and is motivated by such person’s personal interest rather than moral however in case of the former i.e., the legal profession advisory services are rendered to client and is also driven by morality more than pecuniary interests.

2. Jurisprudence as to legal profession

The different schools of law have laid down different interpretations on the legal profession jurisprudence. While we look at the natural law school, it classes the legal profession to be one based on reason and that virtuous men are the one who are entrusted with the role of rendering legal services and dispense with justice keeping in mind the intrinsic human values and that of morality. Aristotle's while talking of law as a profession focuses on ethos and values that is replicated in these modern days in the form of ethics of judges, lawyers and other professional communities.

Thereafter, for the positivist school of thinking, the theory of legal profession is bound by the concept of law of the sovereign. The professionals according to this school of thought must act as the deputed responsible authorities of the sovereign to enforce the commands that are articulated as the law of the land. Lawyers and judges need to work towards translating the letters and spirits of the law into deeds and into action. Maintaining consistency as per the positivistic ideology, in the entire legal system, should be the motto of legal profession. Where although Dworkin has let no space for discretion by the legal professionals especially the judges, Hart, however, thought that there are some open textures where minimum content of natural law can be applicable in the profession of law.

Thereafter, the historical school of ideology entails the thought of legal profession being a part of the tradition implying the popular will or consciousness of the people i.e., the *volksgeist* theory. This school classes law as a language and the lawyers and the legal professionals as the folk lyricists needing to understand people's folklore and nurture the custom, tradition and refer to those elements in order to enhance and enrich the legal content.

The Socialist school of legal thinking on the other hand, describes the legal profession as a part of super-structure which is functioning to maintain the base of the society, i.e., the economic system. Lawyers, judges and all other legal professionals are the means towards the end of serving the interests of the ruling class. In a communist State, however, there is no need of special legal professional when law itself withers away. It is only the judges as the legal professional are the lawmakers in the realist school of thought. The role of legal professionals other than the judges were not given priority but what judges deduced from particular cases by empirical evaluation came to be defined as law.

Lastly, the American realist, Karl Llewellyn argued in the favour of legal profession unlike any other realistic school jurist and philosophers. He felt that fewer other law professions were also equally in need as an institution. According to him, such "law jobs" are of universal nature and, therefore, necessary in most types of social organisation. Llewellyn categorises five other law related works viz.,

- Disposition of trouble cases,
- Preventive channelling of conduct and expectations in areas of potential conflict,
- Allocation and exercise of authority or jurisdiction within society (arranging the say and its saying),
- Directive and incentive through the organisation of society (whither of the net totality) and
- Law as technology to enhance skill of official craftsmen of law.

While we look at the sociological ideology, where law is defined as social institution, the legal profession is given utmost priority as social engineering. The legal professionals are the engineers who design and prepare and architect the society, balancing the interests of private, public and society and various ingredients are properly placed to make a strong social institution with social cohesion and harmony. The public interest litigation and legal professional's responsibility towards society are the outcomes of this school

3. Role of lawyers in the Indian national freedom struggle

The practice and work of the Indian National (freedom) Movement gained momentum with the selfless guidance and statesmanship of the legal professionals and it impacted towards reaching far beyond immediate political consequences. The movement that began in 1857 as a sepoy mutiny took the shape of a nationwide struggle for Independence from

the British Raj. It incorporated various national and regional campaigns, agitations and efforts of both non-violent and militant philosophies.

3.1. The beginning of the Indian National Congress

The new era of the Indian National Movement in India took shape with the formation of the Indian National Congress in the year 1885 consequent to the first war towards independence in the year 1857. The era was under the leadership of the many significant moderate leaders which included within others Dadabhai Naoroji and Surendra Nath Bannerjee while Madan Mohan Malviya and Motilal Nehru most of whom were also lawyers by profession. Their ideology was based on the system of constitutionalism and took active steps and efforts debating and passing numerous resolutions on subjects like civil rights or opportunities in government which were submitted to the Viceroy's government and occasionally to the British Parliament.

Subsequently, in the year 1905 the Bengal was announced to be partitioned by the Britishers over communal lines. The Congress as well as the nationalist leaders greatly opposed the same boycotting British goods and adopting swadeshi policies which in turn was aimed at promoting the Indigenous goods. This created a faction in the Congress and brought to light the underlying forces of antagonism that was prevalent in the Indian National Congress due to the opposite ideologies of Moderates and emerging group of the extremists.

3.2. The extremists – Lal, Bal, Pal

The extremists include among others lawyers like Bal Gangadhar Tilak who gave the Indian National Congress a new direction. A new radical phase of thoughts and ideologies were introduced to the organisation by infusing new ideas and methods of opposing the imperialist rule and advocated stronger actions like the boycott of foreign goods and the policy of swadeshi (self-reliance). He felt that the British Raj was not beneficial and were draining for the country. The very idea of swaraj i.e., of complete independence was for the first time introduced by Bal Gangadhar Tilak in the year 1907 advocated through his words "*Swaraj is my birth-right and I shall have it*".

Subsequently, post the Bengal Partition, Bal Gangadhar Tilak emerged as a significant extremist leader who propagated the ideas of swaraj, swadeshi and boycott of the foreign products in the 1906 session. Thereafter, post the split in the INC in the year 1907, the British began cracking down on extremist leaders. Bal Gangadhar Tilak was imprisoned and deported to Mandalay for six years during which period he wrote two books, Gita Rahasya and the Arctic Home in the Vedas. He was released in the year 1914 and started the home rule league in 1916, which inspired the youth to fight against the foreign occupation of the country. Sir Valentine Chirol rightly described him as one of the most dangerous pioneers of disaffection and the father of Indian unrest.

Other eminent lawyers who supported the extremist ideology were C. Rajagopalachari and Lala Lajpat Rai. He formed the extremist faction of the congress along with Tilak and Bipin Chandra Pal, the trio was popularly called Lal, Bal, Pal. Later, Lajpat Rai presided over the first session of the All-India Trade Union Congress in the year 1920. He also went to Geneva to attend the 8th International Labour Conference in 1926 as a representative of Indian labourers. His journals Bande Mataram and People, contained his inspiring speeches to end oppression by the foreign rulers.

3.3. Fighting the British in court

With the partition of Bengal came a cycle of repression and violence in parts of the country and then followed by the Alipore Bomb Case which came to be known as the most famous controversy of that time. Many revolutionaries including Aurobindo Ghosh were suspected to have been engaged in illegal activities and sedition and were subsequently, arrested. It was during this time that an eminent lawyer Mr. C R Das brilliantly handled the case and got Aurobindo Ghosh and many others acquitted. He was brought to the limelight professionally as well as politically through the case and came to be known as Deshbandhu. CR Das, used his legal knowledge to save many other nationalists and revolutionaries from the clutches of the British. He was also the defence counsel in the Dacca Conspiracy Case (1910-11) and was famed for his handling of both civil and criminal law.

Meanwhile, in 1909, the British Government announced certain reforms in the structure of Government in India, known as Morley-Minto Reforms. But these reforms came as a disappointment as they did not mark any advance towards the establishment of a representative Government. The provision of special representation of the Muslims was seen as a threat to the Hindu-Muslim unity on which the strength of the National Movement rested. Thus, these reforms were vehemently opposed by all the nationalists. The disgust with the reforms announced in 1909 led to the intensification of the struggle for Swaraj. While, on one side, the extremists waged a virtual war against the British, on the other side, the revolutionaries stepped up their violent activities. There was a widespread unrest in the country. To add to the

already growing discontent among the people, Rowlatt Act was passed in 1919, which empowered the Government to put people in jail without trial. This caused widespread indignation, led to massive demonstration and hartals.

Another Lawyer cum nationalist was Saifuddin Kitchlew, who was one of the leaders who protested against this Rowlatt Act of 1919. Kitchlew was also a founding leader of the Naujawan Bharat Sabha (Indian Youth Congress), where hundreds of thousands of students and young Indians rallied towards nationalist causes. He was also among the principal founders of Jamia Millia Islamia

This was the time when Mahatma Gandhi actively entered the mainstream Indian politics. He was also a lawyer by profession, had then recently returned from South Africa, where he had carried out a successful Satyagraha against the racial discrimination and for civil liberties of the people. Meanwhile, Gandhi had made his mark in India already by his success in Champaran and Kheda Satyagraha. He led, organized protests and strikes against the landlords who, with the guidance of the British government, signed an agreement granting the poor farmers of the region more compensation and control over farming, and cancellation of revenue hikes and its collection until the famine ended. In Kheda, Sardar Patel, another lawyer by profession, represented the farmers in negotiations with the British, who suspended revenue collection and released all the prisoners. Subsequently, the peasants of Borsad, Kheda and Bardoli were organised by Sardar Patel towards the non-violent civil disobedience against oppressive policies that were imposed by the British Raj.

Also, Rajendra Prasad, an eminent lawyer and the first President of India, was also involved with Mahatma Gandhi in the Champaran movement. Bhulabhai Desai, another lawyer and a politician, represented the farmers of Gujarat in the inquiry by the British Government following the Bardoli Satyagraha in 1928. Bhulabhai impressively represented the farmers' case, and his contributions were important to the eventual success of the national struggle.

Thus, it is evident that most of the lawyers during the fight for independence, *"gave their time freely, at the cost of their own legal practice, to the defense of scores of helpless victims of Martial Law implemented by the British, who had been condemned to the gallows or sentenced to long terms of imprisonment. There was a shift in ideology as well, from moderate to a more radical one."*

3.4. The era of mass movements

Subsequently, in December 1921, Mahatma Gandhi was invested with executive authority on behalf of the Indian National Congress. Under his leadership, the Congress was reorganized with a new constitution, with the goal of Swaraj. Through the organisation/institution Gandhi expanded his non-violence platform to include even the swadeshi policy, the boycott of foreign-made goods, especially British goods. He also advocated that khadi cloth would be worn by all Indians instead of those British-made. This was a strategy to inculcate discipline and dedication to weed out the unwilling and ambitious, and to include women in the movement at a time when many thought that such activities were not respectable activities for women.

Besides, boycotting British products, Gandhi also urged the people of India to boycott British educational institutions and law courts, to resign from government employment, and to forsake British titles and honours. Non-cooperation Movement also saw the involvement of Jawaharlal Nehru who plunged himself into the Indian freedom struggle during this time. A lawyer, Nehru had spent his time touring the nation and spreading Gandhian ideas and making himself acquainted with the problems of the common people. Rajagopalachari, Lala Lajpat Rai, Madan Mohan Malviya, Motilal Nehru, CR Das and Sardar Patel were other lawyers who gave their full contribution to the non-cooperation movement. They also extended their support towards Gandhi's controversial suspension of resistance in wake of the Chauri Chaura incident.

Thereafter, with the suspension of the Non-Cooperation Movement, lawyers like CR Das and Motilal Nehru endeavoured to give a new orientation to Indian politics through his Council-Entry programme, i.e., *"Non-Cooperation from within the Councils"*. They were met with vehement opposition from Gandhi and the "No-changers". Thereafter, CR Das, Motilal Nehru, the Ali brothers, Ajmal Khan, V. J. Patel, Pratap Guha Roy and others organised the Swarajya Party within the Congress. It was initially known as the Congress-Swaraj-Khilafat Party. Through the efforts of the Swarajists, Maulana Azad was elected President of the Congress Special Session at Delhi, where the programme of Council-Entry was approved. The programme was later confirmed at the Cocanada Session.

The Swarajya Party was the largest Party in the Central Legislative Assembly as well as in some of the Provincial Legislatures. From 1925 onwards it was recognised by the Congress as its political wing. After the Simon Commission and the violence in its aftermath, an All-Parties Conference was convened by Dr. Ansari, the Congress President, and a

committee, including Tej Bahadur Sapru, an eminent lawyer and headed by Motilal Nehru, was appointed to determine the principles of a constitution for free India. The report of the Committee – the Nehru Report as it came to be called – attempted a solution of the communal problem which unfortunately failed to receive the support of a vocal section of Muslim opinion led by the Aga Khan and Jinnah.

The Nehru Report, representing as it did the highest common denominator among a number of heterogeneous Parties was based on the assumption that the new Indian Constitution would be based on Dominion Status. Calcutta Congress (December 1928) over which Motilal presided was the scene of a head-on clash between those who were prepared to accept Dominion Status and those who would have nothing short of complete independence. A split was averted by a via media proposed by Gandhi-ji, according to which if Britain did not concede Dominion Status within a year, the Congress was to demand complete independence and to fight for it, if necessary, by launching civil disobedience. Gandhi had not only moderated the views of younger men like Subhash Chandra Bose and Jawaharlal Nehru, who sought a demand for immediate independence, but also reduced his own call to a one year wait, instead of two. The British did not respond. Mahatma Gandhi led the Civil Disobedience Movement that was launched in the Congress Session of December 1929. The aim of this movement was a complete disobedience of the orders of the British Government. On 31 December 1929, the flag of India was unfurled in Lahore session of the Congress and 26 January 1930 was celebrated as India's Independence Day by the Indian National Congress.

The President of the historic Lahore session, Jawahar Lal Nehru was prompt to use the platform in order to declare Purna Swaraj or Complete Independence. The monumental Lahore Congress introduced the Civil Disobedience Movement.

This was followed by Gandhiji launching his famous Salt Satyagraha and the Dandi march in Gujarat. During the same time, revolutionaries Bhagat Singh, Sukhdev and Rajguru were arrested on the charges of throwing a bomb in the Central Assembly Hall. Asaf Ali, a freedom fighter and a prominent lawyer, defended the revolutionaries but they were hanged on March 23, 1931. The government, represented by Lord Edward Irwin, decided to negotiate with Gandhi after the civil disobedience movement. The Gandhi-Irwin Pact was signed in March 1931. The British Government agreed to free all political prisoners, in return for the suspension of the civil disobedience movement.

After the signing of the Gandhi-Irwin Pact, Patel was elected Congress president for its 1931 session in Karachi, here the Congress ratified the pact, committed itself to the defence of fundamental rights and human freedoms, and a vision of a secular nation, minimum wage and the abolition of untouchability and serfdom. Patel used his position as Congress president in organising the return of confiscated lands to farmers in Gujarat.

3.5. Round table conferences

As a result of the pact, Gandhi was invited to attend the Round Table Conference in London as the sole representative of the INC. The conference was a disappointment to Gandhi and the nationalists, because it focused on the Indian princes and Indian minorities rather than on a transfer of power.

In 1932, another round table conference was organized and Ambedkar, an eminent lawyer and a Dalit leader was invited to attend the same. Ambedkar had been working for the social upliftment of the Dalits and lower caste people and was opposed to the Hindu idea of casteism and social discrimination. Through his campaigning, the government granted untouchables separate electorates under the new constitution. In protest Gandhi began a fast-unto-death while imprisoned in the Yerwada Central Jail of Pune in 1932 against the separate electorate for untouchables only. Ambedkar agreed under massive coercion from the supporters of Gandhi for an agreement, which saw Gandhi end his fast, while dropping the demand for separate electorates that was promised through the British Communal Award prior to Ambedkar's meeting with Gandhi. This was the start of a new campaign by Gandhi to improve the lives of the untouchables, whom he named Harijans, the children of God. On 8 May 1933, Gandhi began a 21-day fast of self-purification to help the Harijan movement.

3.6. Second World War and the Quit India Movement

When Nazi Germany invaded Poland in 1939, it started World War II. Gandhi advised taking use of the situation to expel the British Raj by all means possible, while Subhash Chandra Bose vowed to extend his support to the British in the war in exchange for freedom. As a result, there was a fiction between the two, and Bose left INC. Leaders like Gobind Bhallabh Pant, a lawyer by trade, served as the deciding factor in disputes between them.

Gandhi went on to say that India could not participate in a war that was purportedly being fought for democratic freedom when India itself was not granted that freedom. Gandhi started the "Quit India Movement" and a widespread

civil disobedience movement in August 1942. However, after the movement, there was widespread violence against government buildings, telegraph offices, railroad stations, and other symbols and institutions of colonial control. The government blamed Gandhi for the widespread acts of sabotage and held him accountable. To put an end to the movement, the police and troops were deployed, all the key leaders were detained, and the Congress was declared illegal.

In the meantime, Netaji Subhash Chandra Bose, who evaded capture by the British in Calcutta, travelled to foreign countries like Japan and formed the Indian National Army (INA) in an effort to overthrow the British from India. However, this effort was only partially successful because Japan lost the World War, and Netaji was killed in an air crash.

The Congress established a defence team made up of 17 attorneys, including Bhulabhai Desai, when three captured Indian National Army (INA) officers, Shahnawaz Khan, Prem Kumar Sahgal, and Gurbaksh Singh Dhillon, were tried for treason. At the Red Fort, the court-martial hearing got under way in October 1945. The defence's top attorney was Bhulabhai. Afsal Ali eventually became the INA defence team's convenor as well. They were represented by Kailash Nath Katju, a well-known attorney who had previously represented the defendants in the Meerut Conspiracy Case at the Allahabad High Court in 1933. The successful release of all three officers was a major accomplishment for the Indian attorneys.

3.7. Cabinet Mission and Partition

The Labour Party, led by Prime Minister Clement Richard Attlee, took office in Britain after the Second World War. The Labour Party supported India's independence, and in March 1946, a Cabinet Mission was dispatched to India with the recommendation that an interim government be formed and that a Constituent Assembly be called with representatives chosen by the provincial legislatures and state nominations. As the INC's president at the time, Jawaharlal Nehru was an obvious option to lead the temporary government that was established. In the years that followed the Non-Cooperation movement, Jawaharlal Nehru had a rapid rise inside the Indian National Congress (INC).

In July 1946, a Constituent Assembly was established to draught the Indian Constitution, and Dr. Rajendra Prasad was chosen to serve as its head. Ambedkar accepted an invitation to become the country's first minister of law from the newly elected Congress-led administration. Ambedkar was also chosen to lead the Constitution Drafting Committee, which was tasked by the Assembly with creating a new constitution for India. For his drafting effort, Ambedkar received high accolades from his coworkers and spectators of the time.

While pushing for a separate state for Pakistan, the Muslim League declined to take part in the Constituent Assembly's discussions. The Viceroy of India, Lord Mountbatten, proposed a plan to divide India into Pakistan, and the Indian authorities were forced to accept the partition because the Muslim League was adamant about it.

Gandhi generally opposed partition because it contradicted his vision of religious unity. He engaged in extensive dialogue with Muslim and Hindu community leaders, working to calm tensions in both northern India and Bengal. Gandhi's arrival in Delhi proved to be an important intervention in putting an end to the rioting; he even visited Muslim areas to restore Muslim faith. On January 12, 1948, he began his final fast-unto-death in Delhi, demanding an end to all communal violence, the restoration of Muslims' homes, and the payment of 550 million rupees to Pakistan. It was expected that Pakistan's unrest and uncertainty would fuel their hostility toward India and cause bloodshed to spill over the borders. He also feared that Muslims and Hindus would rekindle their animosity, which would lead to an all-out civil war. Gandhi refused to give in after passionate arguments with his long-time colleagues, and the government changed its policy and paid Pakistan as a result. He received assurances from leaders of the Hindu, Muslim, and Sikh communities, notably the Rashtriya Swayamsevak Sangh and Hindu Mahasabha, that they would reject violence and advocate for peace. Muslim leaders opposed partition as well, including Kitchlew, who referred to it as a blatant "*surrender of nationalism for communalism*".

To counter the growing Muslim separatist movement led by Muhammad Ali Jinnah, Vallabhbhai Patel was among the first Congressmen to support the division of India. Patel represented India in the Partition Council after Gandhi and Congress approved the Cabinet plan. There, he oversaw the separation of public assets and chose the Indian council of ministers alongside Nehru. Later, Patel took the initiative in organising aid and emergency supplies, setting up camps for refugees, and making peace-promoting trips to the border regions with Pakistani authorities. Patel publicly admonished officials against bias and carelessness.

The Constituent Assembly finally approved the Indian Constitution on November 26, 1949. Dr. Rajendra Prasad was chosen to serve as India's first president on January 26, 1950, the day the Constitution went into effect. After Lord Mount

Batten, C. Rajagopalachari was appointed as the first Indian Governor General in 1948. The highest civilian honour bestowed by the Indian government, the Bharat Ratna, was given to both Prasad and Rajaji.

Along with Jawaharlal Nehru and Sardar Patel, C. Rajagopalachari was a member of the triumvirate that ruled India from 1948 to 1950. The Indian civil services, state leaders, and rank-and-file Congressmen all had a high regard for Patel notwithstanding Prime Minister Nehru's enormous popularity with the general populace. Patel was a key figure in the Indian Constituent Assembly and played a significant role in establishing the country's constitution. Patel had a significant role in the selection of Dr. B.R. Ambedkar as the head of the drafting committee and the participation of leaders from a wide range of political perspectives in the constitution-writing process.

During the partition, Patel served as India's first Home Minister and Deputy Prime Minister and oversaw attempts to re-establish peace throughout the country while organising aid for refugees in Delhi and Punjab. Patel assumed leadership of the effort to unite India from its 565 semi-autonomous princely states and colonial provinces from the British era. Patel's leadership made it possible for nearly every princely state to join by using direct diplomacy supported by the possibility (and use) of military action. He is remembered as the "Patron Saint" of India's government servants and is hailed as the "Iron Man" of India for developing contemporary all-India services. Another early supporter of private property and free enterprise in India was Patel. Thus, the saga of Indian freedom came to an end as India woke up to freedom in the midnight of 14th August, 1947. The contribution of the lawyers and jurists in this struggle for liberty, equality, justice and truth however remains unparalleled.

4. Role of lawyers in nation building

"Lawyers are the foot soldiers of our Constitution."

- RENNARD STRICKLAND & FRANK T. READ, *The Lawyer Myth*

The very fundamental foundation of building a nation is dependent amongst others over good governance backed by the rule of law. In a developing nation, learning of law to practice as a principle of morality, in the ultimate eventuality, converts the nation to a developed one. Lawyers, from time immemorial, with the accuracy and diligence, have splendidly carved out a separate place for themselves. They constitute the subtle nerves of the spine of the nation, because their role is not only vital but also sacrosanct. While discussing about the role of lawyers in building of a nation, it would be highly inappropriate to ignore the historical contribution of the lawyers as a class. For that it is necessary to understand the essential nobility of the profession and to get support from the past, to discern and analyze how the predecessors in interest of the profession conducted themselves in the field of law, literature, culture and greatly played the pivotal and seminal role in the freedom movement. Speaking about the role of lawyers, Lord Denning had expressed the view in the following words: "As an advocate he (a barrister) is a minister of justice equally with the judge." The lawyer, as a class, has an obligation to see that the rule of law is maintained. A lawyer is a better upholder of law on all occasions, in all circumstances and at all times. It would not be out of place to state that a lawyer is a '*man for all seasons*'.

The role played by the eminent advocates in the freedom struggle of our country; have shown constant endeavours of the lawyers cum nationalists to project their glory in the field of law, rationality and propagation of modernism with the aid of creative craftsmanship. While we delved into the past we also find that in the pre-independent India, there also existed other eminent lawyers who plunged into the freedom struggle viz., Motilal Nehru, Shard Chandra Bose, Chitranan Das, Gopinath Bardoloi, Gopabandhu Das, Bhulabhai Desai, Mahadev Haribhai Desai, Durgabhai Deshmukh, Dr. Mukund Ramrao Jaikar, Bal Gangadhar Tilak, Lala Lajpat Rai, Madan Mohan Malviya, Ganesh Vasudev Mavalankar, Mazrhor Haque, Firoze Shah Mehta, Dr. Shyam Prasad Mookharji, Kanaiyalal Manoklal Munshi, Acharya Narendra Dev, Sardar Vallabhbhai Jhaverbhai Patel, and many others like Vithalbhai Patel, Dr. Rajendra Prasad, Chakarvarty Rajagopalchari, Dr. Bhimsen Sachr, Kitchalew Saifuddin, S. Satyamurthy, Purshottamdas Tandon and Asif Ali.

While talking about this brand of lawyers, it is worth noting that Bhulabhai Desai had played a main role in the *INA Trial* [British Indian trial by court-martial of a number of officers of the Indian National Army (INA)] where his main contention was that a member of the subject country has the right to wage war for securing freedom. Sir Alladi Krishna Swami Aiyer, a lawyer, was also a freedom fighter. He was the acknowledged leader of the Madras Bar. After independence, he became a member of the Drafting Committee of the Indian Constitution. Dr. B. R. Ambedkar started practice at Bombay in 1924 and at the same time, started his career as a social worker, writer, politician and socialist. His image as a jurist gained wide recognition, and he emerged as a leader of the depressed class. He was the Chairman of the Drafting Committee which framed the Constitution of India. At this juncture, I think it appropriate to narrate an incident how a person fighting his own case became a successful and astute lawyer. Shri. Ved Vyasa was appearing in a case which was a dispute between him and the AIR Ltd. before Sir Douglas Young, the Chief Justice of Lahore High Court.

The Learned Chief Justice remarked: “Why don’t you become a lawyer?” Ved Vyasa took the advice and became a lawyer. As it happened, he successfully practiced Company Law and Taxation, and was regarded as one of the best lawyers on Company Law in the country.

Another great lawyer in the post-independent was Vishvanath Shashtri, who was at one time was a leading practitioner in the Supreme Court. He was an authority in Taxation Law and remembered Privy Council judgments on his fingertips. He was a straightforward individual, and his workplace actually lacked a chair and a fan. He used to take the train, for which he had a monthly pass, to get to the Supreme Court from his home in Nizamuddin. He gave the Madras University everything he had. Motilal Sheetalvad, India's first attorney general, deserves special attention. He was a lawyer with remarkable integrity who practised with great clarity and precision. He undoubtedly played a crucial part in the development and interpretation of constitutional requirements. He was straightforward and had excellent forensic abilities. To paraphrase Meharchand Mahajan, a prominent Chief Justice of India: “*Sheetalvad was a jurist of international reputation and used to say quite often that no welfare State can flourish and effectively function unless there is an administration of justice and sine qua non for the same is the closest cooperation between the Bar and the Bench.*” His contribution to the law is immense as invincible from various interpretations of the constitutional provisions by the Apex Court while he as the Attorney General argued the matters.

Another illustrious lawyer who became a household name in India is Nanabhoy Palkhivala. Palkhivala studied in the chamber of Sir Jamshedji Kanga. He had started without any ladder but his incomparable energy, phenomenal brilliance, profound analytical skill and unsurpassable humility took him to great heights. He became an expert in Constitutional and Taxation Law. He was an advocate *par excellence* with profound oratory skill and magnetic touch of memorization of speech. It has been said that he single handedly did the work *Kanga and Palkhivala Commentary on Indian Income Tax Act*. He argued with tremendous skill and conviction in such cases which can never be forgotten. One which is compelled to recall is the *Nationalization* case, *Privy Purse* case and *Keshavnanda Bharti*. In *Keshavnand Bharti* case, Palkhivala advanced the theory of Basic Structure of the Constitution which included guarantee of the basic human rights to all of its citizens to ensure justice, liberty and equality. He also identified various other facets, namely, supremacy of the Constitution, sovereignty of India, secular character of the State, federal structure, balance between the Legislature, the Executive, and the Judiciary, and over all the power of the judicial review. Praising him H. R. Khanna, J. in his *Neither Roses Nor Thorns* has stated thus: “The height of eloquence to which Palkhivala reached on that day had seldom been challenged and never been surpassed in the history of the Supreme Court.”

While talking about eminent lawyers, one can never forget the contribution of H. M. Seervai. His *Treatise on the Indian Constitution* has become the hallmark of his glory; judges from the western world have profusely borrowed the principle from his conceptions, and law in many countries has developed on the bedrock of his book. Nothing can be a better description, a better encomium. Also, C. K. Daphtary who later became the Attorney General of India was an excellent speaker, and had the ability to drive home complicated matters by which the controversy appeared to be quite easy. The following are the key tenets how law profession impacts nation building;

4.1. Law as a necessary catalyst for nation building

Lawyers play a pivotal role towards nation building and one of its key reasons is that law professionals particularly lawyers are stalwarts of the law itself. Law is the essence of every society every nation without which no country or nation can survive in an organised manner. These are framed and formulated in order to regulate the many segments viz., the economic sector, agricultural sector, educational sector, religious sector, the polity of a nation and all other sectors. It is only with the existence of good and functional laws that all sectors constituting a state will thrive effectively and when these sectors are proactive, then a nation is bound to be solidly built.

4.2. Lawyers as vicarious carriers of the role of law for nation building

As we already know that law is the necessary instrument towards nation building, it would be unjust to call the lawyers any less than custodians of the laws. The lawyers are said to understand the laws better and can sue for change when these laws are not religiously followed by public office holders and thus effectively assist in building a compliant nation. Lawyers, thus, act as watchdogs in the decision-making process.

4.3. Lawyers as potential law makers and not just court room advocates

Lawyers cover an expansive coast and that a life of a lawyer is not solely constricted to the court room. A lawyer’s occupation and preoccupation goes beyond mere advocacy role that he plays. A lawyer is a potential law maker. It is believed, though arguable that lawyers if given the opportunity will make better laws for nation building. This is because they understand the import and purport of legislation. Obvious loopholes that are easily detectable to a lawyer may not

be spotted by someone who is not armed with the canons of interpretation. Therefore, as law makers, lawyers can build our nation.

4.4. Lawyers as class room teachers in university community

The university is one place where a nation's strength and future is built. Great scholars, exceptional leaders, mighty men of God, great entrepreneurs and innovative scientists are moulded in the university. Consequently, all the occupants of the seats in the three arms of government, pass through the school environment as a necessary stage in self-development. As a positive corollary, well-trained and educated people puts the nation in the right direction for nation building. Lawyers play the role of educating young minds to achieve their dreams and become future agents of change in the country.

The following are the key foundations quoting the former Chief Justice of India Deepak Misra sir, that the younger generation can make their motto

- Anyone who enters into the profession must have the sacrosanct feeling that he has entered inside a temple, and the purpose is to serve the cause of justice.
- He should harbor the conviction that nothing can lay a foundation stone for success other than hard work.
- He must believe that he can succeed, and then alone he can pave the path of success.
- He should concretize the confidence, step by step, with humility and respect destroying all conceptions of fear.
- He should avoid any kind of envy, as envy destroys the basic marrows of the human soul, and when soul is lost no action can ever be good or just.
- He must believe in purshartha as the pure philosophers of India have always said 'The purshartha meets and joins hands with bhagya.' The saying 'Bhagyam phalti sarvatra nach vidya nacha parusham' should be regarded as partial truth. It is because karma and bhagya go hand-in-hand to have tryst one day.
- He must not be worried of losing battles, but must prepare himself to fight the war as winning the war is the embodiment of greatness. Small battles do not matter in life.
- He must conceive of big things in life as the Vedic seers have said one becomes what one wants to be. It has been so said in Bible.
- He must develop the sense of introspection to analyze and find out his weaknesses. Justification of weakness is no excuse.
- Acceptance of one's own limitation is a step towards achievement of nobility. Demosthenes, one of world's greatest orators was unable to speak. To train himself to speak he put pebbles in his mouth near the sea shore, and shouted raising his voice so that he could address a large gathering. This means no effort goes futile.
- He must interpret what troubles him, and would train him to be adept and competent, not to run away from any difficult situation; and embolden him to face the problem with an immense sense of responsibility and rationality. He must be an inspired being and inspiration must come from research.
- He must remember life kicks every moment, and asks one to live. However to live does not mean to exist, but to live with a purpose, and the purpose here is to learn and only learn.
- There must be respect for seniors as the elementary principle behind this concept is that 'today you respect so that you will command the same tomorrow without any effort.' Let it be noted 'today' is inherent in 'tomorrow' which is encapsulated in 'today'.
- Presentableness in outer form is not a small thing to be left out. One may not be ostentatious but there should be aristocracy in simplicity. A lawyer has to be an aristocrat in his thought, and should be yearning for learning.
- He must thrive for rule of law and have compassion for the poor so that liberty lives in human souls, and does not become a mere part of a statue.
- He should abandon fixity of notion, and be progressive in outlook.
- He should sanguinely believe that judiciary is an institution of serviceability, and he, being an officer of the court is an unshakeable pillar of it.
- He must develop a sense of humour so that he can accept things of life as the life of a lawyer is full of events.
- A lawyer must get the idea embedded in his heart that 'one may be destroyed but can never be defeated.' He must fight for Lokdharma as well as Rajdharma till his death.
- A lawyer must have patience, perseverance, politeness, punctuality, passion for knowledge, and must develop the Newtonian Complex every moment.

5. Conclusion

People typically see a lawyer as someone who represents another person's freedom in court every day when they hear the word "lawyer" used in a sentence. This is sometimes true, however there are many distinct kinds of lawyers, each with their own set of obligations. Whatever kind of lawyer someone may be, they ultimately play a very significant part in the lives of others. Therefore, when it comes to their profession, lawyers have a variety of obligations. Given that they are a social engineer with intellectual disabilities and a voice for others in society, their work is even more crucial.

Lives of people are not only affected by standing in court and proving if one is innocent and guilty. They are affected even when a company takes over another, there is change in the banking rules or even there is increase in gas prices. One might not know but lawyers are not just confined to courtrooms but extended to the high-profile business meetings of these Multinational Companies to the merchant selling his business to another. As their transactions are governed by law and a corporate lawyer is the one who helps them in solving out the legal paradoxes and allow them to do their business freely.

According to popular perception, a lawyer will eat up your time, ensnare you in the legal system, and use all of your remaining resources in place of offering you a remedy. But let me ask them this: You are allowed to express your views and say whatever you want to say because our constitution permits it. That constitution was written by a large group of attorneys under the direction of Dr. B.R. Ambedkar. When the Bhopal Gas tragedy occurred, someone helped the public get legal aid and a redress. In order to ensure that those responsible for the accused's deaths would be held accountable, Justice Bhagwati created the idea of "Absolute Liability." In 'Nirbhaya' case it was the lawyers who demanded for speedy justice and asked the court if not 'Justice Delayed is Justice Denied' to that innocent girl who was battling for life and death.

The job of a lawyer is difficult and demanding. The job of a lawyer involves much more than just showing up in court and vehemently advocating for the client; there are several background tasks and obligations that are part of this line of work, especially those that are done for the benefit of the nation rather than the individual. A lawyer's contribution is not measured by mathematical formulae, yet future generations will nonetheless feel the effects of it.

Compliance with ethical standards

Disclosure of conflict of interest


No conflict of interest to be disclosed.

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Authors short biography

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