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TODAY AT 4.40 PM

Senior Adv Fali S Nariman's Lecture

On

"Becoming An

Event begins.
#Lecture #SeniorAdvocateFaliSNariman

Sr. Adv Nariman: My wife and I both love Kerala. For me speaking to students in Kerala is always a great pleasure.

Sr. Adv Nariman: Once you become an advocate, you become a student of law for life. Becoming an advocate is both a responsibility and a badge of honour.
#SrAdvFaliSNariman

Sr.Adv Nariman: The law in India will always remain English in origin. You must know English well. It is not an effort to make you anglicised but to make you established.

Sr. Adv Nariman referring to the words of Justice Frankfuter of US Supreme Court: Stuff your mind with much good reading.

Nariman: Keep yourself informed. Keep yourself abreast with Supreme Court and High Court judgements especially your own High Court.
#FaliSNariman

Nariman: Also remember that Parkinson's law appears to the profession of law. The more you are engaged in work, the sharper will be your intellect. Only sky will be the limit. Work here is not necessarily paid work.

Nariman: If it is necessary for you to survive, take the stipend. But do not depend on it.

Nariman: Although in a Court of law only relevant facts are to be stated, we must remember the less known Section 165 of the Evidence Act.
A judge at a trial is expected to explore all avenues available to him in order to discover the truth.

Nariman: After you have read your brief, take time to reflect on it. You must give your subconscious mind to soak in the case.

Nariman: As a lawyer, never cite an overruled case. It is unethical. There used to be a Solicitor in Bombay HC who used to cite overruled cases when the going got tough. But the consequences for you would be disastrous.

Nariman: In Court it is always better to understate your case rather than overstate it. Never tell the judge "Ohh I have never heard the case". Never say "Your Lordships will bear with me".

Nariman: In the Supreme Court, Chief Justice AN Ray once horrified with the expression when I used it. He had stated "what do you think we have been doing till now?".

Nariman: You have to be serious minded in the Court at the beginning of your career. Do not indulge in what they say pleasantries. Remember to laugh heartily to the jokes of the judges even the corny ones.
#FaliNariman

Nariman: It is no discredit to admit that you are mistaken.

Nariman: Never address a Court below its station. For instance a Magistrate has to be addressed as Your Honour, but a HC judge must be addressed as Your Lordship. Omission to follow this can be disastrous.

Nariman: Some judges are more sensitive than others. While arguing, you must be careful.

Nariman: Do not criticise the judge before whom you have appeared in the bar room. Ask yourself if the judge might not be right, consult a senior lawyer. If you must say something against the judge, say it in a court of appeal, in an open court. Otherwise hold your peace.

Nariman: Do not jump to conclusions about the judge. Never assume that the judge is against you. Often judges poses questions seemingly against you only to bring out the best in you.

Nariman: Never talk to the media about the case in which you are appearing. It is unfair to the judge who cannot retaliate.
#FaliNariman

Nariman: When time for arguments is preset, do not argue with the judge because that is the discipline of the law.

Nariman: In the US Supreme Court an ominous bright light comes up when your time is up.

Nariman: AK Sen a great advocate of his times, I had the privilege of appearing with him in the landmark constitutional case Golaknath. He had a great memory.
It is important for an advocate to have an outstanding memory. You have to cultivate it.

Nariman: Another great advocate was Nani Palkhivala. He is hardly remembered today, it is high time we remember him. He had argued the Golaknath, Kesavananda Bharati and Minerva Mills cases. My son Justice Rohinton Faliman had assisted Nani Palkhivala in the Minerva Mills case.

Nariman: Need for being proficient in English is very important. The draft Constitution was prepared in English. The concepts of equality, justice, liberty are all in English. If you are keen to be an Advocate in India and establish yourself you have to know English well.

Nariman: To lose your temper at a judge is losing half the battle in Court. If you have a temper and get upset at what the judge says, control your temper. If your temper is uncontrollable, find some excuse to get angry at your junior sitting next to you.

Nariman: This is one of the tricks of the trade, the judge will come to the rescue of your junior because he will think that you are u necessarily losing your temper at a young man who is trying to assist you.
#FaliSNariman

Nariman: Remember the expression tricks of the trade is not a disparaging remark. It is a mark of appreciation for a person steeped in the fine art of advocacy which afterall is the art of gently persuading the judge to your point of view.

Nariman: It is an illusion to think that great cases are won or lost because of the inherent strength of witness. Advocacy plays a vital role simply because the judge is also human like the advocate. The only difference is he or she is trained to control emotions better.

Question posed to Sr. Adv Nariman: Which is the best form of advocacy, the affable Nani Palkhivala or the aggressive Ram Jethmalani one?
Nariman: Remember Ram Jethmalani's advocacy was a class by itself. Both were outstanding

Nariman: Don't think that Ram Jethmalani was aggressive to every judge. He knew his judge. He knew when to be aggressive to a judge who was aggressive to him. But otherwise he was extraordinarily polite. He was also a politician, that helps.

Question: Should there be a time limit for arguments in Courts?
Nariman: Absolutely. We all object to time but just see the backlog of cases in our Courts. It is because we Advocates take so much of time in arguing cases. When we could take much less time.

Nariman: I have always felt references in Court that is when a great judge or an advocate dies, there is a reference in Court. The Court stands for 2 mins. I have always recollected in those 2 mins, what are the arguments you can shove in those 2 mins.

Nariman: When an advocate speaks, he has to think about what he is going to say and say it precisely and with brevity. I have always noticed, the man who speaks less generally wins.
#FaliNariman

Question: What is your view on the online courts and hybrid courts?
Nariman: If conditions are good and if health conditions resolve, we must of course have physical courts.

Nariman: Even this lecture for instance that I would deliver to hundred, two hundred students is far better received, much more fun to have interactions with students than to speak through a medium that is totally adverse to any form of receptivity.

Nariman: The young people are suffering a lot in Supreme Court at least I know, the senior advocates are alright. The younger advocates find it very difficult. But of course we have to weigh the two, that is paramount.

Nariman: You have to begin at the beginning. Begin at the trial Court, cross examine witnesses, ask the wrong questions and get the right answer or the wrong answer. All this goes into your makeup as a lawyer.
#FaliSNariman

Question: What is the one advice you would give to a first generational lawyer?
Nariman: If you have no work, do not gossip in the library. Sit in Court and watch proceedings. You will be able to imbibe much more in your early stages to know what not to do than to know what to do

Lecture ends.
#FaliNariman