

On the Retirement of Professor B. Sivaramayya

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After an illustrious and inspiring career of successful teaching spanning nearly four decades, Professor B. Sivaramayya bid farewell to active service at the University of Delhi on February 18, 1993.

During this period he has produced a large number of bright and promising law graduates in India as well as abroad. Many of them and some others have also pursued higher studies and research with him at the postgraduate, doctoral or postdoctoral level. Definitely all of them must be carrying a vivid imprint of Professor Sivaramayya's scholarly personality, rigorous teaching, persistent research, all combined with his simplicity, modesty and righteousness. Those who had such a teacher were indeed very fortunate.

I could have very well shared this fortune, had I pursued my studies at the University of Delhi. But that was not to be and, therefore, much later in his distinguished career, I joined him as a very junior colleague. I have, however, been fortunate to be with him in that capacity for nearly 23 years. During these years I had the opportunity of interacting with him in a number of ways. To begin with from 1970 onwards I had the opportunity of teaching family law with him for several years. Apart from his thoroughness in the subject, I marked his amazing concern and passion for maximum class teaching even by holding additional classes over and above the assigned ones. I even remember having once disagreed with him on the desirability of supplementing the initially agreed course content by an additional topic towards the end of the semester and teaching it by holding additional classes. But that was basically due to my own obsession for no deviation from the already announced course and not because of any impropriety in Professor Sivaramayya's suggestion. From then onwards there were many occasions to participate with Professor Sivaramayya either in cooperative teaching of postgraduate classes, or in research and writing projects, seminars and discussions, departmental committees, preparation of course contents and reading materials, etc. At each one of these occasions and opportunities Professor Sivaramayya has impressed me in no uncertain terms about his sincerity of purpose, through preparation, punctuality and regularity and determination to pursue things and to take them to their logical end without compromising any of his superb qualities mentioned above.

Beside the professional interactions, occasionally I also had personal interaction with him. Although apparently he gives the impression of being reserved and to some extent aloof also, he is full of warmth and humour. He enjoys telling professional and other anecdotes. But at the same time he is very sensitive towards the feelings of others and would never say anything that hurts a person either in his presence or even at his back.

Ours is said to be a land of oral traditions where knowledge is transmitted from generation to generation through words of mouth and not of pen. This tradition can be prominently marked among the legal academics who, compared to their counterparts in the West, write very little. Although Professor Sivaramayya is also a product and part of that tradition, he falls within the category of those few who form an exception to that tradition. From the very beginning of his career he has been consistently publishing his writings. Areas of his concern are astonishingly as vast and as diverse as constitutional law, family law, laws relating to women, children and bonded labour, poverty, equality, affirmative action, uniform civil code, property and specific relief and ageing. His style of writing has been simple, lucid and effective. His effectiveness as a writer can be gauged from his being cited by the Supreme Court of India. Some of his writings have influenced formulation of legislative policies of the government as well.

In his writings as much as in his oral presentations Professor Sivaramayya pursues his point of view with conviction and determination. He is plain speaking and straightforward. He expresses his ideas with clarity and courage of conviction. If he is convinced of his point of view he would hold his ground in spite of opposition or disagreement of others. But at the same time he ideally represents Learned Hands' 'Spirit of Liberty' which is to be never too sure to be right. He is always receptive to the views of others and open to change even his deep seated and well formulated views in the face of superior and more convincing views of others. Not many people in our law schools, where ignorance coupled with arrogance dominates, will do that. Let us hope that Professor Sivaramayya's spirit turns more and more of us towards the natural course of Vidya Vinaya Sampanney (learning laden with humility).

We all know of the late origin and limited role of the academic discipline in the common law system which we have received from the United Kingdom. Unlike the civil law system where the academic discipline in law is entrenched in long established tradition and plays the dominant role in the shaping and guiding of the legal system, in the common law that role is played by the practical lawyer or the judge while the academic lawyer remains at the periphery and plays a very marginal role. In some common law countries like the United States academic lawyers have vigorously worked to establish the importance of the role of the academic discipline in the legal system, but in general the practical lawyer continues to dominate the scene. This is much more the case in India where academic discipline in law has never been taken very seriously. Therefore, most of the talented and ambitious lawyers are attracted to practice. A few who either by compulsion or by choice enter the academic discipline do not get adequate intellectual nourishment in the academic circles and encouragement from the legal profession and the legal system. Consequently even the marvellous efforts of

the dedicated ones end up in making a few ripples in the vast ocean of the legal system without in any way influencing the tide. Vast income disparities in the academic and practical profession and lack of adequate or suitable working conditions in the former are other disincentives for the entry and progress in academic legal career. Therefore, a substantial number of academic lawyers are attracted by or compelled to look for other avenues of income. Some of them also give up half way and enter practice while others move to foreign universities where apart from anything else they have at least better working conditions. The ones, like Professor Sivaramayya, who enter academic life by choice and pursue it with exclusive devotion without caring for additional avenues of income or facilities, are indeed the rare species in our law schools. Hardly anyone in the country, however, realises that this species alone is protecting the legal system from total collapse. The legal profession has miserably failed in performing its role of training the practical lawyer and exclusively depends upon the law schools. If law schools also fail, and they are bound to but for persons like Professor Sivaramayya, what would happen to our legal system on which the practical lawyer makes such big claims and survives? Thus those few amongst the academic lawyers who are following the footprints of Professor Sivaramayya are doing an immense service to our legal system and in turn to our society. And whether anybody recognises their debt or not they must continue to pursue their work with total dedication and devotion. In that alone lies some hope, if any, and Professor Sivaramayya is a harbinger of that hope. Our present and future generations must take inspiration from him in the shaping and improving of our legal system and society.

In today's materialistic world there are many serious difficulties in pursuing the path which Professor Sivaramayya has so gracefully tread. But why? We always boast of our traditions of learning being the greatest dharma and the greatest wealth, of the learned being superior even to the king, because the king is respected only in his kingdom while the learned is respected everywhere as well by posterity.

Professor Sivaramayya also personifies The Gita's famous exhortations of Karmanyevadhikaraste and of sticking to one's dharma notwithstanding the superiority of any one else's dharma.

In a common law country where the academics play only a marginal role when compared to their brethren at the bar and the bench it is a sacrifice for a learned man like Professor Sivaramayya to accept the role of a teacher. But he did accept the limited role willingly and played his part with utmost devotion.

This aspect of Professor Sivaramayya's life also reminds me of a living example from the West. Towards the end of his long career as Betts Professor of Law at the Columbia Law School, Professor Walter Gellhorn told one of his last classes, in which I was also fortunate to be present, that on the completion of his clerkship with Justice Brandeis he had the choice of either taking up a teaching position at the Columbia Law School or joining a law firm at the famous Wall Street of New York. When Justice Brandeis asked for his preference, young Gellhorn expressed his desire to join the law firm because of much higher earnings in the law firm with which he could lead an independent life. The great judge told him that if independent life was his goal then he must know that independence does not come from the amount one earns; it comes from how one spends whatever one earns or, in other words, from the kind of life one leads. It changed Gellhorn's preference and he joined the law school. With great contentment ever and sense of pride he told his class that never in life he had ever regretted his decision.

APPENDIX

A glimpse of the Life and Works of Professor Sivaramayya

Professor B. Sivaramayya was born on 19th February 1928 at Behrampur in the State of Orissa. He did his graduation in Science (B.Sc.) from the Benaras Hindu University, Varanasi and the bachelor's and master's degrees in law (B.L. and M.L.) from the Andhra University, Visakhapatnam. Later he also did his LL.M. from the Yale University, USA and D.C.L. from McGill, Canada. After completing his legal education in India he had for a while joined the Andhra Pradesh High Court Bar. But soon he changed his profession and took up teaching at the Faculty of Law, University of Delhi on 1st October 1956. Ever since, until his retirement on 18th February 1993, he has served the University of Delhi with unflinching devotion. In between there have been brief periods of absence either for study or research or for teaching abroad including his deputation from the Government of India at the Ahmadu Bello University Zaria, Nigeria but without any break in his service at the University of Delhi.

Along with his normal teaching and research, he has also been associated with several important projects, programmes and organisations. He has been a member of the task force on social legislation of the Planning Commission, on law of the Committee on the Status of Women, on the Law of Security Interests in Personal Property of the Banking Laws Committee, and on child legislation of the Indian Council of Child Welfare. He had also been a member of the Curriculum Development Committee in Law constituted by the University Grants Commission. Currently he is a member of the Committee of Experts constituted by the National Commission for Women to examine provisions in the existing laws affecting women.

Professor Sivaramayya has also organised and participated in many national and international conferences, seminars and colloquiums. Some of them in which he has been programme-participant are:

1. World Congress on Equality and Freedom held at St. Louis, USA in 1976;
2. The Indo-US Seminar on Ethnicity held in New York in 1979; and
3. The International Conference on Affirmative Action held at Bellagio, Italy in 1982.

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