

## REPORT OF THE FIRST HABIBULLAH BADSHA MEMORIAL LECTURE

The Tamil Nadu National Law School (TNNLS), Tiruchirappalli, under the aegis of Constitutional Law Society, conducted the first Habibullah Badsha Memorial Lecture on 7<sup>th</sup> April, 2018 at its campus with the key note address delivered by Senior Advocate Mr. Arvind P. Datar, presided over by the Hon'ble Chief Justice of Madras High Court and Chancellor of Tamil Nadu National Law School Justice Ms. Indira Banerjee. The memorial lecture witnessed the participation of Justice T.S. Sivagnanam, Additional Advocate General Mr. C. Manishankhar and other senior advocates of the Madras High Court, the children of Mr. Habibullah Badsha, judicial officers, officers of the State Administration, and bureaucrats of Tiruchirappalli district as well as the faculties and students of TNNLS.

The memorial lecture started with the welcome speech given by Mr. Pritam Dey, Faculty advisor of Constitutional Law Society, TNNLS and the inaugural address was given by the Hon'ble Vice-Chancellor Prof. (Dr.) Kamala Sankaran who highlighted the achievements and growth of TNNLS and its commitment to quality legal education. She also highlighted the institution being selected for the Unnat Bharat Abhiyan scheme which would enable it to widen its outreach programme in and around TNNLS.

Following the Vice-Chancellor's address, Mr. Abdul Jabbar Suhail, son of Mr. Habibullah Badsha spoke on the legacy of his father, while adding that dedication and commitment to the profession would help one reach greater heights. He also highlighted his father's stint as the Public Prosecutor during the time of Emergency, where he fought for the those wrongly accused at the Court ferociously without any fear. He also recounted how he was offered judgeship at the Madras High Court at the age of 37 and at the Supreme Court in the 1980s which he denied. He also spoke on his steadfast devotion to his profession and commitment to the needs of the poor and his altruist nature of supporting legal clinics. The way he articulated the reminiscence of his father instilled in the students a sense of awe and inspiration.

The Additional Advocate General, Mr. C. Manishankhar then talked about his days as a junior to Mr. Habibullah Badsha and he highlighted his commitment to constitutional ideals not only in his profession but also in his interaction with the juniors.

The Presidential Address was delivered by the Hon'ble Chief Justice of Madras High Court, Justice Ms. Indira Banerjee who praised the legacy of Mr. Habibullah Badsha despite not being able to meet in person. She also praised TNNLS for its high standard of legal education and urged the students and the lawyers to be committed to the independence of judiciary, wherever and in whichever position we were. She also appealed to devote some time for the underprivileged sections of the society who do not have the means to access justice.

Highlighting the honour and respect earned by Mr. Habibullah Badsha and recounting his earlier days in Tiruchirappalli where he was enrolled as a part-time lecturer, Mr. Arvind P. Datar, key note speaker for the lecture memorial, spoke on the need for balancing the right to privacy and state surveillance. He explained the history of privacy through a discussion on

the important case laws that contributed to the jurisprudence of privacy in India. He also expounded on the development of privacy in the United States and how the dissenting opinions of the earlier cases later became the majority opinion both in U.S. and in India. He also explained how the state of Tamil Nadu contributed to the development of privacy in India through three cases; i) Auto Shankar case; ii) Mr. X v. Hospital Z case; and iii) Selvi v State of Karnataka. He then explained his position in the Aadhaar case and the arguments and counter-arguments presented before the Supreme Court. He also explained why compulsory requirement of Aadhaar for social security schemes was against its very “voluntariness” and compared with the Social Security Number which were mandatory in the U.S. He finally gave insights into the recent Cambridge Analytica scandal and how data and metadata could be used to create an entire profile of a person, thus not only being able to physically track them but also predict their behavior.

He finally stressed on the need to have a goal and work towards that goal in order for a successful career. He also noted that, it is only in the practice of law that, with hard work and dedication to the profession, there would be no failure. An open house discussion was allowed later where students enquired on the intricacies of the debate between Aadhaar and right to privacy.

Finally, the winners of the 1<sup>st</sup> Habibullah Badsha Essay Competition, 2018 were felicitated by the dignitaries which was succeeded with the vote of thanks.

