



# RESTORING VALUES

NEWSLETTER OF THE  
FOUNDATION FOR RESTORATION OF NATIONAL VALUES

*"To love the country is not just to love a geographical subcontinent. It is instead to foster a deep fondness and allegiance to its Cultural Values and Heritage. No country, Government, or institution will be able to function with integrity, unless it takes up the Value Inculcation Pursuit with timely concern and attention."*

Swami Bhoomananda Tirtha



*"Leadership is initiating action on something that I deeply care about in a way that inspires others to follow"*

Mahatma Gandhi

## MAY-JUNE 2014

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Source: [valuefoundation.in](http://valuefoundation.in)

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Pictures Source: Google Images

## Servant Leadership

There are various definitions for responsibilities of Leaders. The theme words being leading, guiding, directing, in-charge, commanding, heading, influencing, inspiring, empowering and many more.

None of these roles can be realized merely focusing on the outside; they have to be generated, developed, preserved, and enhanced *from within*. These are qualities of an individual and his/her personality. If broken down further, these are attributes of the mind and intelligence. If these attributes are properly utilized, we will achieve Excellence in Leadership.

By Excellence in Leadership, we imply a Leadership that is in touch with not only the world and its challenges, but also the vast *Inner Resources* of the mind.

We can also christen it as **Enlightened Leadership**<sup>(a)</sup>. It is one of the most important needs in all spheres of society all over the world. It is needed for us to together create a world that works for all:

*A world that is spiritually fulfilling, socially just, thriving, healthy and environmentally sustainable*<sup>(b)</sup>

The concept of an Enlightened Leader, is thousands of years old, perhaps the modern concept of 'Servant leadership' has emerged from there as well. The following are the views of a few great thinkers on what are the attributes of an Enlightened Leadership:

*Lao Tzu (600 B.C.): "The greatest leader forgets himself and attends to the development of others."*

*Chanakya(375 B.C.) in "Arthashastra: The [leader] shall consider as good, not what pleases himself but what pleases his subjects."*

*Jesus of Nazareth (First Century A.D.) "But the greatest among you shall be your servant (Matthew 23:11); The one who is the greatest among you must become like the youngest, and the leader like the servant. (LUKE 22:26)"*

*Robert K. Greenleaf: (1970)"The servant-leader is servant first...It begins with the natural feeling that one wants to serve, to serve first."*

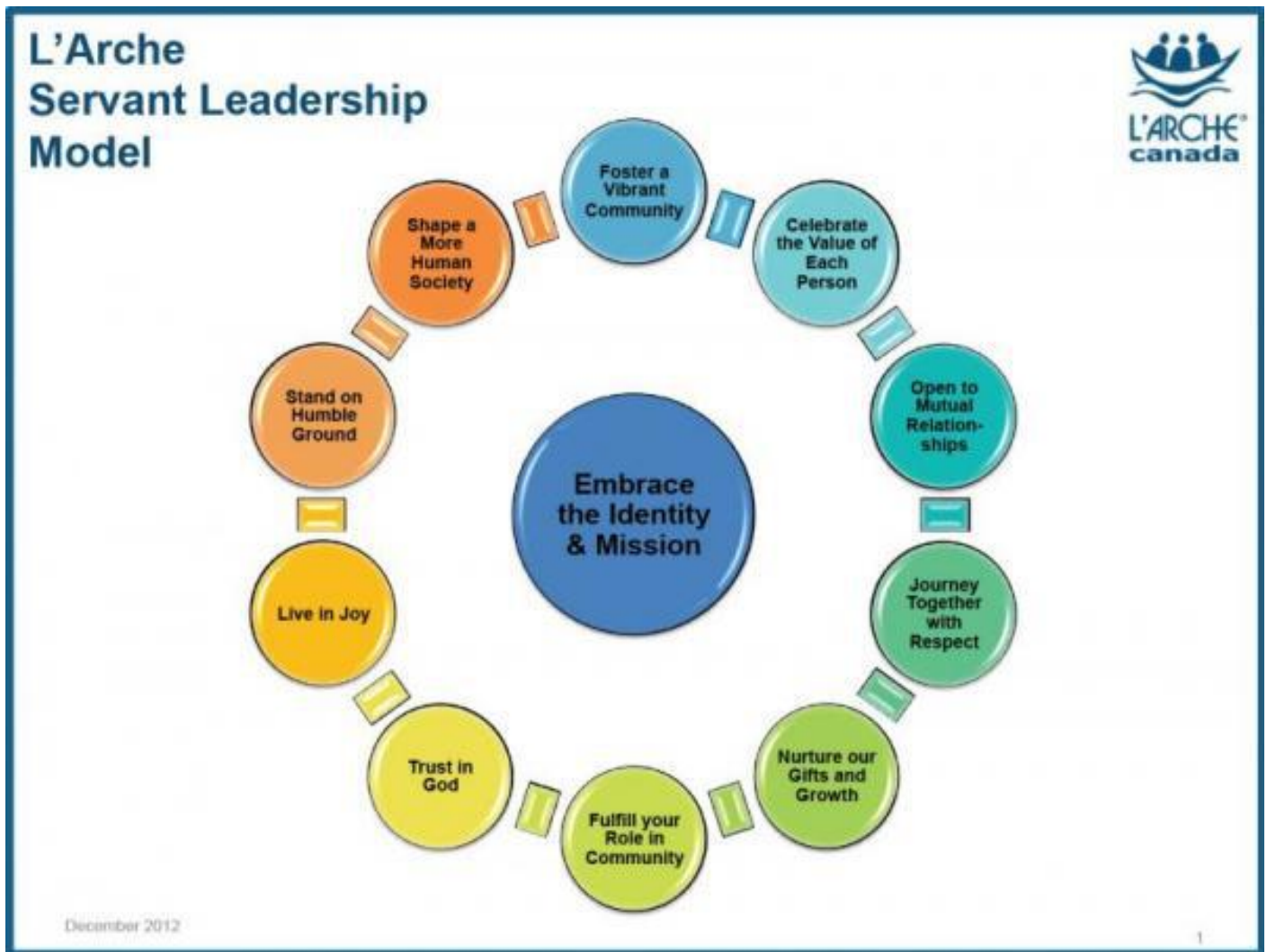
*By 'Excellence in Leadership', we imply a Leadership that is in touch with not only the world and its challenges around, but also the vast Inner Resources of the mind."*

### The Ten Principles of Servant Leadership

*as compiled by Greenleaf<sup>(c)</sup>*

1. Listening - (to self and others)
2. Empathy - (understanding)
3. Healing - (search for wholeness of self and others)
4. Awareness - (of self and of others)
5. Persuasion - (building consensus)
6. Conceptualization - (dreams and of day-to-day operations)
7. Foresight - (intuitive ability to learn from past and see future consequences of actions)
8. Stewardship - (holding institution in trust for the good of society)
9. Commitment to Growth - (personal, professional, spiritual of self and others)
10. Building Community - (benevolent, humane, philanthropic, to benefit others)

In all the ten principles, the role of the self is most pivotal. The self is sort of a nucleus from where all else emanates.



The above Servant Leadership Model shows what qualities of head and heart are required to make a Servant Leader. Today, the class of leaders we have, is not very encouraging. Leaders and decision makers, in most spheres, are operating with attitude of deprivation and mental poverty. Their focus is to grasp and accumulate wealth, resources, power, prestige and all else that builds their false sense of self, ego and esteem. This needs to be replaced with giving, contributing, serving and building a community where each person feels valued and respected.

To enhance the number of servant leaders, we have to start with and work on our own selves first. Wherever we are and whichever domain we are working in, the constant reminder that should influence our thoughts, actions are behaviors is "The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first" <sup>(d)</sup>

This will lead us to a new era of Leadership, that is a crying and a vital need of this period.

(a &b) Enlightened Leadership'© Conceptualised by Swami Bhoomananda Tirtha, Inspiration and Guide, FRNV

(c&d) Robert K. Greenleaf:in 1970, Founded Center for Applied Ethics (now Greenleaf Center for Servant-Leadership).Former CEOs at the Center are Larry Spears and Kent Keith

## Fair Advocacy as a Right

By Kaleeswaram Raj, SOURCE: **The Hindu** <http://www.thehindu.com/opinion>

Access to justice essentially means access to a lawyer. The legal profession has a public character. A lawyer is placed between the state and the citizen; therefore, he performs a democratic, libertarian and emancipatory function. The bar is not a private guild. In a celebrated decision in the United States, Justice Nelson rightly said that there is no other relation of life involving higher trust and confidence than that of an attorney and his client (Stockton v. Ford, 1850).

### Cost of litigation

Though there is a lawyer between the state and the citizen, between the lawyer and the citizen, there is often the real obstacle of exorbitant professional fees which in itself forms the major chunk of the cost of litigation. Litigation in the Supreme Court is often a multi-crore affair. It is so in many of the High Courts as well. This is the irony prevalent in the constitutional courts, irrespective of the country's socialist preamble to the Constitution.

In V.C. Rangadurai (1978), Justice Krishna Iyer bothered about the "elitist" character of the profession and said that "its ethics, in practice, leave much to be desired."

Today, the profession has assumed a corporate character. A recent study demonstrates that the Supreme Court is a court too far away from the common man (Frontline, April 20-May 3, 2013). The alienation is not due to geographical or institutional reasons alone. Lawyering, by and large, has become a big industry. The distinction between the profession and the trade is blurred. The pity, however, is that often it lacks even the fairness of trade.

### Need for standardisation

The proportion between labour and cost is not wholly irrelevant. Corporatism should not annihilate conventional values. Experience, specialisation, value of time and intensity of efforts may be crucial in determining fees. Also, there are general economic criteria like demand and availability, material cost, abandonment of other work, etc. The system of fixing fees based on the "star value" of the lawyer is, however, a dangerous trend for the judiciary as well as for our democracy.

There are state legislations regulating the lawyer's fees in the subordinate courts and even in the High Court in civil and criminal matters. Often, those are framed by the High Court by invoking power under Articles 225 and 227 of the Constitution. The rules regarding fees payable to advocates in Kerala designed by the Kerala High Court after approval by the Governor is a fine example (*Kerala Gazette* dated 22.7.1969).

It is a tragedy that the practice of law in the constitutional courts is not controlled by any law whatsoever. (*Contd. Page 6*)

## NATIONAL VALUES – EXPLAINED

### The riches of the noble are meant for helping and serving the others

*Paropakaaraaya sataam vibhootayah*

This value dictum lays down that the wealth acquired or inherited by the noble, are to be liberally employed for ‘the service of people’, society.

To feel ownership or proprietorship over wealth, and hence to use it blindly for selfish ends alone, is sternly disapproved by our National Values. It degrades the possessor as well as the ones who inherit such wealth. The vicious effects do not stop with the possessor alone!

It is necessary to know that any wealth derived, is, in truth, because of and from the society. Society alone is at the back of any one’s lucrative endeavour, no matter of what kind it is. Any goods or services are verily availed of by the society, by paying the necessary price, charges, fees, etc. It is this response from the society that makes any supplier or producer rich, resourceful. The compensation may be direct or indirect. Nonetheless, it comes from the society alone.

Thus all those possessing wealth, in any measure, owe it, first and last, to the society. No employee and employer can, therefore, ignore their societal indebtedness. The question is whether he has the prudence and sensibility to know this fact.

Being so, if the rich do not employ their riches for the benefit of the society, it will be grave ungratefulness, which is self-destroying. It is a serious ethical default, a crime indeed, and is bound to have its downgrading effect on the possessor of wealth.

Many may be ignorant of this value, but ignorance of law is no excuse for non-compliance or violation. Thus the rich is unquestionably guilty of grave value violation.

The adage “Resources of the rightful people are meant for serving and helping others” has come to be adored in this land for this reason. By employing resources for the service of others, one’s heart and mind beget expansion, gain delight and fulfilment. These are direct and instant rewards, unlike those promised by religion, which are said to favour one after death.

Any value, to be meaningful and relevant, should weld one with the society around, bring expanse to the mind and elevation to the intelligence. Our National Values excel in this mission.



(Contd from Page 4)

### **Classification of lawyers**

Generally speaking, the judiciary in the country also would find it difficult to indicate instances of moral and democratic considerations in choosing the leaders of the bar.

It is time the statutory concept of eminence is radically altered by way of appropriate amendment. According to Section 16(3) of the Advocates Act, the Bar Council of India can restrict senior lawyers in the matter of their practice. In view of this statutory obligation cast on the Bar Council, the levy of excess fees also should be regulated by the Council. I support the suggestion by Nick Robinson that independent boards should oversee the profession in the best interest of the litigants ("Failed by the lawyer," *The Hindu*, July 6, 2013). Chapter II under Part VI of the Bar Council of India Rules deals with "Standards of Professional Conduct and Etiquette." The rules also need appropriate amendment encompassing excessive bills.

### **Negation of equality**

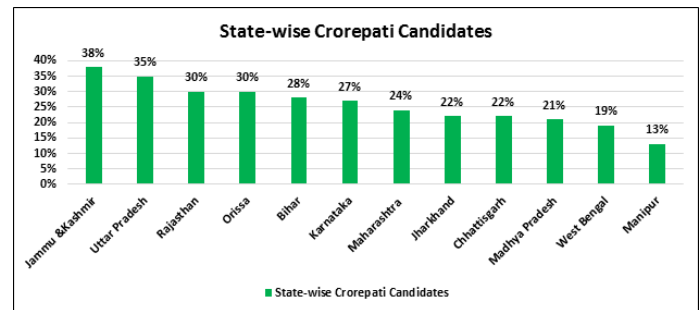
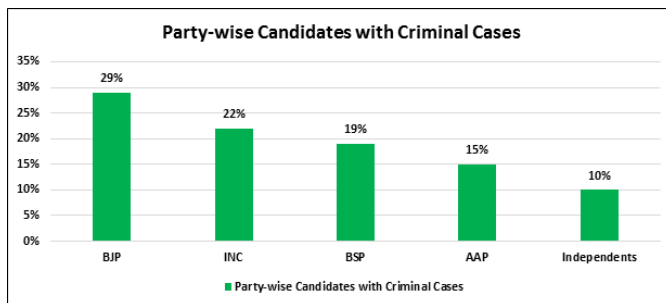
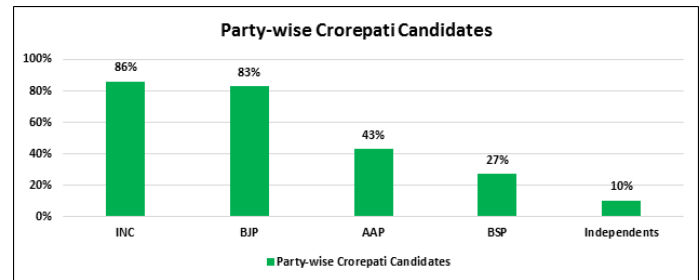
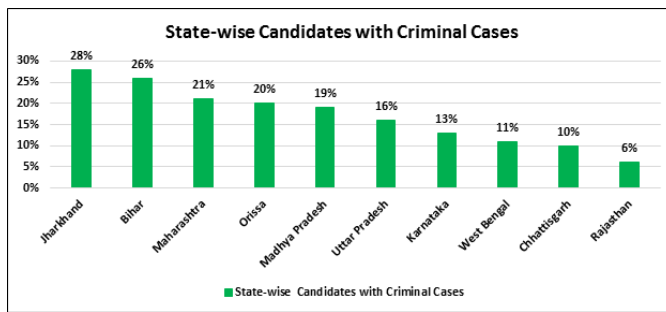
The classification of lawyers envisaged by the Advocates Act has had the effect of sabotaging the fundamental uniformity in the bar. In a Maharashtra case, *M.P. Vashi v. Union of India* (W.P.(C) No.632 of 2011), the levy of exorbitant fees by senior lawyers was the matter in issue. Vashi argued that most of the designated lawyers, by making use of their star value and face value, charge unfair fees. He submitted that a kind of monopoly is being created in the business, detrimental to the interest of the common man at "the other side" who is unable to afford such highly priced lawyers.

The Supreme Court noted, "Professional ethics cannot be contained in a Bar Council rule nor in traditional cant in the books but in new canons of conscience which will command the members of the calling of justice to obey rules or morality and utility." (judgment in *Bar Council of Maharashtra v. M.V. Dabholkar* (1975))

The right to choose among the capable is the touchstone of democracy. Like in any other occupation, a lawyer's job too is quite ordinary and terrestrial. It is high time that the aura surrounding it is removed and the profession demystified. Reformation in the legal profession is a condition precedent for judicial reforms which again is indispensable for democratic reforms. The idolatry within the bar is detrimental to the majority of the members of the profession, who do not have any role in the mischief. It also negates public good. The state should, therefore, interfere with the "legal market" in the country.

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## Criminalization of Politics



- **Candidates with Criminal Cases:** Out of the 3305 candidates analysed, 557 candidates (17%) has declared criminal cases against themselves.
- **Candidates with Serious Criminal Cases:** 328 (10%) candidates have declared serious criminal cases including cases related to murder, rape, robbery etc.
- **Party wise Candidates with Criminal Cases:** 45 (23%) out of 193 candidates fielded by INC, 68 (34%) out of 202 candidates from BJP, 31 (16%) out of 200 fielded by AAP and 38 (18%) out of 207 BSP candidates have declared criminal cases against themselves in their affidavits.
- **Party wise Candidates with Serious Criminal Cases:** 21 (11%) out of 193 candidates fielded by INC, 36 (18%) out of 202 candidates from BJP, 20 (10%) out of 200 fielded by AAP and 22 (11%) out of 207 BSP candidates have declared serious criminal cases against themselves in their affidavits.

### EVENTS AND PROCEEDINGS

#### SC to frame norms on govt adverts eulogizing leaders:

TIMES NEWS NETWORK

New Delhi: ...A bench headed by Justice A K Patnaik had issued notice to the Centre on a **PIL filed by another NGO 'Foundation for Restoration of National Values', which too had questioned the governments' wasteful expenditure on advertisements.** The NGO through senior advocate M N Krishnamani had said it was the duty of the governments to implement social welfare and developmental policy and for that, they need not spend public money on self glorifying advertisements.