

SURENDRA MALIK

He prepared an access system which facilitates discovery of law

Malik's company is still little-known today, but is an essential building block of India's legal landscape

By MALATHI NAYAK
malathi.n@livemint.com

LUCKNOW

Even as a teenager, Surendra Malik knew that the family legal publishing business was where he would end up.

"My father and uncle built this institution brick by brick," he says. "Interaction with lawyers, barristers, judges, professors suited their temperament. From then on, it was a great inspiration for me to read and learn about the law and that became part of the family culture."

Malik is talking about the Eastern Book Co., which his father and uncle jointly set up in 1942. Today, Malik's company is still little known, at least outside the profession, but is an essential building block of India's legal landscape.

It is thanks to Malik that legal practitioners have easy access to case law in India, dating back to 1950 as well as judgements of the Privy Council, the apex court during British rule. In short, 61-year-old Malik is the person responsible for the rows of tan coloured volumes of Supreme Court cases that invariably line up any self-respecting lawyer or judge's chambers.

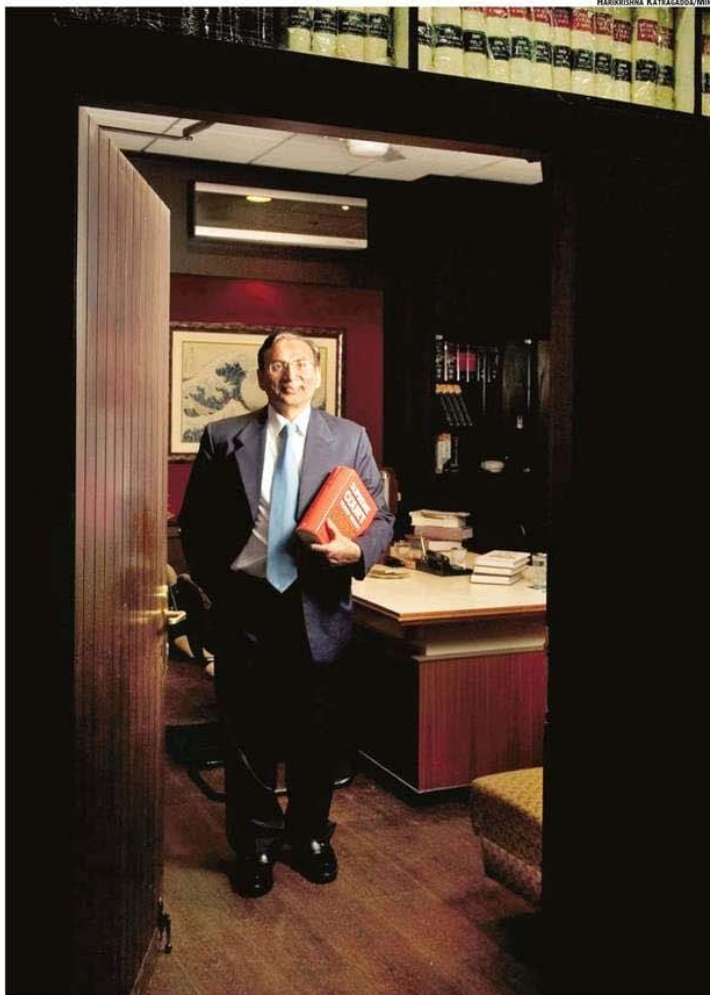
The concept first took root when Malik was doing an undergraduate programme at the Law Faculty of Delhi University. In the three years (1966-69) Malik noticed that neither students nor teachers had access to case law. Instead, the focus was on studying the law as it existed without the advantage of studying how it had been practised.

At the same time, his professors had begun to experiment with teaching law based on actual court judgements, recalls Malik. Soon, he was assisting teachers in preparing study material on case law as there was nothing readily available.

"After three years of analysing Supreme Court judgements, I learnt how to analyse and find the law," notes Malik.

Malik then left for New York to complete his Master's in law from Columbia University.

On this return, he found



Expert insight: Eastern Book Co.'s Surendra Malik. His company offers a set of 264 volumes of the reports of Supreme Court rulings with more than 30,000 judgements from 1969.

lawyers were cyclostyling Supreme Court orders and directions while maintaining personal registers of names and numbers of past cases to aid their legal research.

Quickly passing up an opportunity to join the profession as a practising lawyer, Malik decided to immerse himself in the family business and began compiling and editing books, trademarked as *Supreme Court Cases*.

"There were some publishing houses that were reporting court judgements but they

were a year or two late," explains Malik. At the same time, he discovered that new subjects of study were emerging in law. For instance, when the legislature created numerous laws, following pro-labour measures and land reforms, it led to an addition of new terms in the legal lexicon. Malik says he also realized that there was lack of uniformity in the index system of the journals and the cases were classified in a haphazard manner, making legal research complicated and time consuming.

"I studied other existing systems from other publications like *All India Reporter*, *Income Tax Reporter* and *Madras Law Journal*—they are longstanding journals," he says. "New and modern elements of the law had not come in. I wanted to prepare an access system, which can facilitate the discovery of law."

So, starting in 1971, Malik spent the next 20 years of his life putting together a digest of reports, which contain only the extract of the judgement of each and every Supreme Court

judgement from 1950 through 1971. He classified them alphabetically under different headings—usually non-statutory and statutory topics.

That entailed weeding out typographical and grammatical errors in the original judgements, preparing headnotes and footnotes to simplify research and adding cross references to other journals that have also reported the same case.

It is another matter that it also gave him a bird's eye view of the legal history of a young democracy as it emerged from two centuries of colonial rule. Some of them, as he recalled, were the cases in the 50s and 60s when the Supreme Court laid emphasis on the value of the freedom of the press, the cases during the emergency in 1975 when Indra Gandhi attempted to take on the judiciary and curb the freedom of the press and the mantra of judicial activism that followed a few years later, wherein the judiciary enlarged its jurisdiction and intervened in matters of public interest.

Reminiscing about the India he returned to, he talks of the atmosphere that was rife with political and judicial controversy when Gandhi was in power and "socialism was the main theme."

Landmark judgements, like the one that abolished privy purses and brought about the nationalization of banks, and cases where the Parliament and judiciary were seen fighting for centre stage were all handed down at the time.

Today, Eastern offers a set of 264 volumes of the reports of Supreme Court judgements, with more than 30,000 judgements from 1969. Assisting Malik is a team of 30-40 legal experts and other writers.

From the beginning, Malik kept his interaction with judges and lawyers minimal to ensure he reported the judgements objectively.

He also says he felt the need to consciously maintain disparity between his own views and those of the court. But, in a few instances, Malik did assert his opinion, as most legal writers do, through their manuscripts.

"When I have felt strongly on an issue, I have humbly put forth my view," he says, pointing to labour law and rent control matters where he felt that social justice in favour of labourers and tenants alone sometimes resulted in injustice. "But I am not a critic of the court, I only assist the court."

In early 1995, Eastern converted its journals into electronic form. Malik even acquired a Compaq dealership to

push the concept as most lawyers weren't using computers.

"It was a very exciting time," he recalls. "We went around the market, introducing people to our CD-Roms and teaching them about computers. In the last 10 years lawyers have become aware about computers. This endeavour took computers to the legal fraternity besides simplifying research."

Additional solicitor general of India Gopal Subramaniam has known Malik professionally since he is on the editorial board of the Supreme Court cases as well as personally. "I have known Mr. Malik through my father, even before I joined legal practice," he says, describing Malik as an "indefatigable worker" who carries himself with an unassuming demeanour.

"Mr. Malik has truly mastered the art of reading and reporting judgements. Although the official publication of the

Supreme Court cases is another publication called the *Supreme Court Reporter*, it is the *Supreme Court Cases* that practitioners prefer to use in courts for ready reference."

Eastern's books for law students are also very popular and include the 20th edition *Industrial Laws* by Malik's father, P.L. Malik. The book has been in print for the past 50 years and is one of the oldest legal books in India.

"Our student books are on a no-profit, no-loss" basis, says Malik. "We have to think of students in smaller towns."

These days, Malik's two sons and nephews, all educated in either law or business management, work at Eastern. Sitting in his office, Malik points out photographs of his father and uncle, both of whom worked until they were 80 years old. What about his own retirement plans: "I am not doing a job," he says with a smile.

Sixty in Sixty is a special series that we plan to run through 2007, the 60th anniversary of India's independence. We will introduce you to sixty Indians—both here and abroad—who are not rich or famous. These are people who are making quiet, but important, contributions without seeking headlines, to help make India and, in some cases, the world a better place. We also welcome your suggestions on people whom you think should be profiled in this series. Please send your suggestions by email to interview@livemint.com

www.livemint.com

This is the 59th in our Sixty in Sixty series. The earlier ones are available under the Profiles section of our website.

EMAIL

malathi.n@livemint.com

interview@livemint.com

URL

<http://www.livemint.com>