

# **CONVOCATION ADDRESS 2022**

**By the Chief Guest**

**SHRI. NANDAN NILEKANI**

**Chairman and Co-founder, Infosys and  
Chairman, EkStep Foundation**

Hon'ble Justice Mr Uday Umesh Lalit, Chief Justice of India and the Chancellor of the National Law School of India University,

Hon'ble Judges of the Supreme Court of India,

Hon'ble Chief Justices of the High Courts,

Hon'ble Judges of the High Courts,

Hon'ble Minister for Law & Justice,

Hon'ble Minister for Higher Education,

Hon'ble Chairman, Bar Council of India,

Hon'ble Vice Chancellor of the National Law School of India University,

Hon'ble members of the General Council, Executive Council, Academic Council and the Finance Committee of the National Law School of India University,

Distinguished guests, dear teachers, parents, and graduates and students of the pre-eminent law school in the country:

My acquaintance with this institution and its graduates began almost from the very first batch. Rahul Matthan of the batch of 1994 has been a person I've turned to for many a legal issue, particularly around technology and privacy;

Deepika Mogilishetty of the batch of 1997 has worked with me over the last 13 years; Samuel Mani of the batch of 1998 was a senior Infosys lawyer while I served as the CEO; MS Srikar, also of the batch of 1998, was my Private Secretary when I joined the Government in 2009, and my trusted advisor and guide as I navigated the intricate corridors of sarkaar; and more recently, Arghya Sengupta at Vidhi, of the batch of 2008, Gautam John of the batch of 2002 who leads our philanthropic work and Sachin Malhan, also of the batch of 2002, who co-leads Agami. From them, I've followed the stories and broad arc of the growth of this institution. So when Sudhir invited me to be your convocation speaker, I felt some sense of familiarity to soften the nervousness of standing before you and the legal luminaries in attendance, and sharing something of *meaning*.

As I usually do, I turned to your history to better understand this institution. There I learned that when Padma Bhushan NR Madhava Menon founded this institution in 1986 - and inspired a new generation of NLUs - he aimed to create 'social engineers'. The term fascinated me because he could easily have left it at 'better lawyers' given that classic legal education needed a big overhaul. But he went further and conceived of social *engineers* - the second word being one that I am somewhat familiar with.

What did this term mean - this social engineer? Not easy to say four decades down the line, so let me use the Golden Rule of Statutory Interpretation. . . . a phrase you are no doubt familiar with... and say that an 'engineer' is someone who can design and build better structures and systems. And by extension, a *social* engineer is one who can design and build better *social* structures and systems. To think that this man,

in the mid-1980s, was conceiving a law school devoted not to creating able legal representatives and deal-makers within existing systems, important as they are, but to those who can instigate or create better systems made me appreciate his vision all the more. My tenuous act of interpreting this mission has some anecdotal support. At a public event in 2013, Menon identified Nupur Sinha of the batch of 1994, Executive Director and Founding Member of the Centre for Social Justice and Indian Institute of Paralegal Studies in Ahmedabad, and who really ‘engineered’ the concept of paralegals in grassroots justice systems, as his model graduate.

## **Part 1**

Today that mission - of the institution and its graduates - is more important than ever.

The structures and systems that we depend on, are, for the most part, wholly inadequate for the needs of today. This is not to suggest that they never were, though some fall in that category, but that the world has changed so much and so fast that new approaches are sorely needed.

Today we can’t imagine going to a bank branch and filling up forms in triplicate to get a small loan. On your phone, you can permit your bank to share salary information with a loan provider and avail of a reasonable-sized loan in minutes. Every month, you respond to the request for the EMI payment on your payment app, and that’s how it’s done. UPI processed over 6 billion transactions worth over Rs 10 trillion in August of this year.

Neither can we imagine waiting till 8pm for a story to break on a major news channel or the next morning's newspaper edition. The cycle of news is now seconds, not hours. News is made across several different platforms by millions of creators. The media outlet Lallantop puts out video news snippets on their Youtube channel. Their bio says, '*We talk about both Adele and Guddi the squirrel. We also review the latest releases of Netflix and watch Punjabi movies*'. They have nearly 23 million subscribers.

So it's not just the reinvention of structures and systems inside Government that we are talking about but industry and civil society as well. The age of innovation is upon us - and we must recognise that this is not just an opportunity but a responsibility. The lack of effective systems and structures affects the poor and marginalised *the most* and widens the opportunity gap. If we do not rise to the occasion, the eventual price will be paid by all of society. The economist Karthik Muralidharan used this analogy recently that I like - imagine a plane; many of us in the upper and middle classes might be in the first or business class, with the poor and marginalised in the economy class. Still, it's one plane we're all in, and if it goes down, it takes everyone with it.

So how does one go about 'social engineering'? How does one actually design and build better approaches and systems and ensure their uptake in society? I'm afraid there is no proven script, and often those you think should know, do not. Yes, many books give you some piece of it, but in my experience, no formal education prepares you for the thing itself. Only by walking the path and failing a few times can you learn.

I should know.

In the 2014 General Elections, I stood for election for the Bangalore South Lok Sabha seat. I had had a successful career at Infosys from 1981 to 2009, and then topped it with a productive stint in the Government at the rank of Cabinet Minister from 2009 to 2014. The fact that I had succeeded in two very different worlds - industry and government - had imbued me with hubris! Surely I could master this too. I lost the election. It was quite a blow to my self-confidence because it is such an extremely visible public rejection at scale! Suddenly everything I had done before was flipped on its head. The headline of the Financial Express the next day began - “Nandan Nilekani loses unique identity.....” Seriously.

In retrospect, I dodged a bullet! I licked my wounds and thought more deeply about what I *did* know - the effective use of technology at scale, building effective coalitions, and playing the long game.

## **Part 2**

There have been many learnings in these numerous journeys. Still, the ones I’ve grown to respect the most are the ‘HOW TOS’ - the nitty-gritty of making a new idea stick, the art of taking people along, engaging and motivating people far more brilliant than myself, creating common ground for often competing perspectives, and the personal resilience to endure the inevitable ups and downs of making an idea become a reality.

Let me share a bit of a time-tested approach that has worked for me - I begin with making a good mental picture of what the end state could look like, and map the path from where it is to where it should be. Along with the early collaborators, I publish a white paper or strategy document so that the end goal is public and other enthusiasts out there can get involved. You never know where a great collaborator could come from! We try to create a positive coalition for change that is constantly bringing in new people and viewpoints. We create a compelling narrative of the change, as to why it is good, required, and urgent. Finally, things will change, we will make mistakes, and what determines what we do with our mistakes is the quality of leadership, so we surround ourselves with good leaders and partners who are dedicated to the mission, and *empower* them to lead themselves and each other in an environment of creativity and collaboration.

In 2015, I co-founded EkStep Foundation with Shankar Maruwada and Rohini, my wife - arguably also a political act. Ekstep aimed to leverage technology to improve literacy and numeracy for 200 million children in India. Initially, we thought of creating game-based learning experiences focused on teaching basic concepts of literacy and numeracy. Games playable on even the most affordable mobile phones to maximize their reach and accessibility. We thought of building these solutions. After several false starts, we realised that what was required was not the few great solutions we could build - but a *digital infrastructure* that could support many solutions by many others. This infrastructure would have to be flexible enough to deal with the diversity of language, culture, and content, and empower different stakeholders to repurpose it in their work. This

was a big shift for us, but it was possible because of the approach that I detailed above.

As I reflect on it further, possibly the most profound learning through my journeys is this - whatever new approaches, systems and structures we seek to make, the fabric of new ideas *must enable citizens' agency*. By 'agency' I mean a sense of control and power over one's life and an ability to not just have your voice heard but shape your realities and your future. We are a society still stepping out of colonisation - of mind, body and heart. We brace ourselves to receive something - from our employers, government, and society. We hope it will be good, but often it is bad. Most times, we are not connected to our power to do something, shape something, or even say something. For the young, this is toxic because this is how they are made, and a society that does not empower them to *act* gradually disillusions them. So all our new ideas must give people agency - agency makes ideas stick & grow. It is the most irreversible element of an idea.

We need this form of social engineering - this new leadership with the agency at its heart - to advance our law and justice systems urgently. We need better *formal* systems, i.e. courts, prisons, police and legal aid, but also better *informal* systems where 9 out of 10 legal issues reside. We must go even further and design the new future systems - of business, government and society - to create minimal friction, design for diversity, and prevent issues from arising in the first place. Systems must be designed *for* trust and not the absence of it.

### Part 3

Two years ago, when the first wave of Covid was raging, I shared a virtual stage with then Niti Aayog CEO Mr Amitabh Kant, the Legal Affairs Secretary Mr. Mendiratta and some senior judges of the Supreme Court including Hon'ble Justice Chandrachud. This was a gathering organised by Niti Aayog and Agami. There we spoke about how India could be a pioneer in Online Dispute Resolution, i.e., resolving disputes through technology and ADR processes. In their own way, everyone pledged to back this movement and its main drivers - businesses, ODR providers, the government, and legal services authorities. Today, just two years down the line, over 16 million disputes have been onboarded through ODR systems. Creative collaborations between private ODR providers and the Legal Services Authorities have resulted in over a dozen online lok adalats. Over 100 companies and 40 government departments are using ODR. An example I came across recently was the use of ODR by the non-profit Aajeevika Bureau to resolve nearly 3000 Covid-time wage disputes between migrant labour and their contractors.

ODR is a great example of social engineering for new approaches but with agency at its heart. To conceive it as merely the digitisation of ADR is to miss the shift entirely. After all - Who is assisting the resolution of the disputes? Thousands of newly trained mediators. Who is ensuring that the parties are taken care of through the process? Thousands of young case managers, most of them law students. Who is *really* choosing this better path and resolving the matter? The disputants themselves.



George Westerman from MIT said - *When digital transformation is done right, it's like a caterpillar turning into a butterfly, but when done wrong, all you have is a really fast caterpillar.* I'll adapt it to say, "*When digital transformation is done to give agency to all the actors, it is like a caterpillar turning into a butterfly, but when done just to automate a process, you'll get a fast caterpillar.*"

We can *and should* imagine fundamentally new processes with citizens at the centre and bring technology, community and human ingenuity to unleash a new era of the rule of law and meaningful access to justice.

An era -

- Where 250 million migrant workers feel secure in new jobs and homes, and have the knowledge and networks to get help if needed
- Where anyone with the skills and inclination to resolve disputes can learn the craft and reduce litigation from whichever part of the country they are in
- Where our institutions enter communities to meet people where they are - give them justice, and, most importantly,
- Where our young people feel empowered to create justice solutions and improve the systems that govern their lives.

So here we are in 2022. I'm speaking to a generation more likely than not to see, possibly through AI-augmented vision, the turn of the century. Can we take Madhava Menon's idea of the 'social engineer' and expand it somewhat? Because

Menon still meant it as social engineering *through the practice of the law*, and I see no reason to restrict it to that. Can we not just build better systems but *wholly new* systems and structures - whether in government, society or business? As the graduates of India's premier law school, can you begin journeys that will culminate in hundreds of new approaches that make a billion flowers bloom? Can this prestigious institution, the National Law School of India University, become a centre of excellence that can bring together all the actors - the judiciary, the bar councils, samaaj, sarkar, and bazaar - to do the research and *thoughtworks* to imagine some of these new systems and structures and empower all the innovators out there?

#### **Part 4**

You have a legacy of bold innovation. Role models have walked in these corridors. In 2014, the late Shamnad Basheer, of the batch of 1999, won the Infosys Prize. He imagined that people from all walks of society should be a part of the justice system, and he engineered a path to it through his venture IDIA. By ensuring that young people from the Adivasi communities, from marginalized caste and class groups as well as persons with disabilities, entered and thrived in law school, he sowed the seeds for true social engineering. He died too young, but his work will make a million flowers bloom down the road. There are many other such role models around you.

You can begin the journey of social innovation or leadership from *wherever* you find yourself after law school - in industry, academia, at the bar, or in civil society. The key

I have found it is not to become a subject of the system. Systems have a way of swallowing the individuality of people. Slowly you speak its language, assume its fiction to be a reality, and become invested in its perpetuation. Your creativity and sense of ‘*why not*’ get lost. But by keeping the company of growth-minded people, following the stories of changemakers, and most of all, *just doing it* even at the risk of failure, you will bring your full potential to life. How you show up can change the world.

We are often asked to be changemakers for society or our nation - I may be guilty of doing the same thing. But really, we must do it for *ourselves*. Because I have consistently seen that those of us who make this choice and *show up - bringing empathy, helping to solve problems around them, and developing their leadership* - have more creative and fulfilling lives. By facing our fears and living with purpose we find our power.

## **Closing**

Today, a lot of news can distract and distress you. News, social media and sometimes even our friends assail us with a case for hopelessness. A lot of it pertains to our laws and experience of justice. But I have learned that the quiet yet urgent building of a better future is an excellent antidote to drowning in the problems of the present.

Every day, I meet young people like you with bold dreams and ambitions. I am awestruck by their audacity and vision for change. Someone wants to restore the original ecology of the Nilgiris biosphere, another to enable lakhs of Indian workers to get access to global jobs, and another to simplify

business for a million kirana stores. In the midst of these remarkable people, with their ideas and energy, I know I have found my community.

I hope that you can find yours. I wish you all the very best.