

LEGAL STUDIES AND LAWYERS

Thousands of Philosophers, Jurists, Kings, writers and even the Comedians in their own way and style tried to define the term "Justice". Someone called it blind and someone as a mistress of muscle man. We too quite often believe in phrase "JISKI LAATHI USKI BHAINS". These phrases are out come of frustration that may be because of various subjective reasons but being a vigilant human being and being a part of ever developing social system we have to make all efforts to touch the truth while examining the term "Justice".

The 19th Century British Prime Minister Benjamin Disraeli said "justice is truth in action", according to Joseph Joubert "justice is the right of weaker" and in its continuation U.S. Attorney General Ramse Clark said "a right is not what someone gives you, it is what no one can take from you". Broadly, the justice, therefore, is an action to maintain ever lasting, ever cherished perpetual truth. Justice is for that no one shall suffer wrong and the public good be served.

The fundamental endeavor of every society is to acquire justice and for that law is a weapon, a

means, an equipment to bring the justice in action. Law is the carrier of justice, not only for human being but for entire living world. The Rule of Law in a social system is "peace for all and order for all". I have intentionally not used the term "State", but "Society or its social system" because the State may have its subjective considerations, may that be oriented to the ruler or the ruling class but the society at large is always objective that need peace to live and order for its promotion. The law, therefore, should always be for common people and for common interest. "Justice Wilson O Douglas" rightly said that common sense often makes a good law and the good of the people is supreme law. The anxiety of the society from the times immemorial is to ensure justice, and to ensure justice, there should be a good law. A good law cannot be legislated without having a good political system for governance. A good system of governance need a good legal system and a big contingent of legally vigilant political social activists and experts of law; those are the lawyers. These mechanics of justice are required to be provided through an updated legal education system, the aim and object of the legal education, therefore, should be to provide a force of experts of law to ensure justice by good governance under a Rule of Law.

Quite often, it is said that the lawyers specially the advocates are too subjective and their

main concern is to earn money, hence they are having no positive role in justice delivery system and also in promotion of legal education. As a satire a good number of people commonly compare a lawyer with a whore or use to say that a lawyer with a briefcase can steal more than a 100 men with guns. I never accept such statement. There may be certain ills in the legal profession but the profession in general is vanguard to ensure justice and also enriching the legal education system. The lawyers, from the day formal legal education came into existence are playing a vital role in its expansion. In our country the Bar Council of India is playing a great role in reforming legal education. In exercise of its rule making powers under the Advocates Act, 1961 the Bar Council of India has made Part-IV, that deal with the standards of legal education and recognition of degrees in law for admission as an Advocate. The Bar Council of India made laudable efforts by introducing two schemes of law courses leading to LL.B. five years course and three years course. The National Law School Bangalore, a premier institution in legal education was established by the Bar Council of India to meet the need of law and lawyers to represent the nation in new global system.

Beside the role of Bar Council of India the lawyers as an individual are having a great role in legal education. The lawyers are meeting the people in

tyranny, understanding their predicaments, applying the law and agitating their cause before the courts of law to ensure justice. A medical practitioner is treating an individual suffering from the individual ills but a lawyer is treating the tyranny of an individual that is an out come of social ills. A lawyer, therefore, have a wonderful role to play in clinical methods of law teaching. The clinical law teaching revolves around the students' participation on legal projects and a lawyer undertakes a new task, a new project with new brief, as such his experience and understanding as a living link in process of demand and supply of justice is highly useful in preparing a law student to meet the challenges of today and forthcoming era. The lawyers being experts in court craftsmanship and also being having a deep knowledge of law are working as excellent teachers in traditional class room teaching. Most of the law colleges not only in India but around the globe are utilizing their services as law teachers.

we may have good law teachers, we may have services of excellent lawyers but, if, not having a well equipped law school then it shall be too difficult to acquire knowledge of law even from the great teachers. Teaching of law need deep observation, comparative study and analytical approach that can be obtained by habit of regular and voracious reading of legal problem, their solutions in the form of

judgments and the comments thereon by the experts. An ordinary law school may provide you a law degree, a good law school may teach you to think like a lawyer but an updated law school teach a young student just to think and that makes potentially great lawyer. An updated law school means a school equipped with a latest technology to impart knowledge of law by all means that provide education for knowledge and learning and not for earning. As a matter of fact earning is a byproduct or an off shoot of learning.

The most important aspect of legal teaching is application of law in particular, peculiar and specific facts of the problem in hand. A big number of lawyers who are champion of facts fail to give a legal shape to the case due to less acquaintance with law. To over come this problem the only solution is hard work, concentration on issue and a deep legal acumen. A problem shall remain problem till it does not acquire the shape of a legal preposition. The pleading plays a most vital role in giving legal shape to a problem. A legal preposition should always be very specific and to the point. This can be done only by transparent, precise and well founded pleadings. The most attractive part of advocacy is advancement of arguments before the Court or the empire, as the case may be, and the framing argument is dependent to pleadings. A lawyer can be assertive only if, his argument is founded on law. A law student, therefore,

must learn how to be assertive with preciseness. Regular and intense dialog with lawyers is most useful to learn this art, that is why the apprenticeship while undergoing law studies is introduced in law courses.

The system of justice is meant to provide peace and order to society, a lawyer, therefore, is always required to be committed to the social cause. Sometimes the term "committed" is treated as commitment with some political party but as a matter of fact commitment is required to be with the philosophy committed to society and that is a biggest virtue with a person connected to the affairs of law. The society and its social order is ever-developing, hence a law student should always be open to analyse relevance and rational of law as the law is in habit to change its nature, complexion and effect to suit with development of the society.

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