

Address by Hon'ble Mr. Justice D.K.Jain, Chief Justice, Punjab and Haryana High Court at the All India Moot Court Competition, 2006, organized by Army Institute of Law, Mohali.

My Lord, Hon'ble Mr. Justice Y.K.Sabharwal, Chief Justice of India; my esteemed colleagues; Maj.Gen. S K Sinha, Chairman, Army Law Institute; Principal, faculty and staff of the Institute, Mr J.D.R.Malhotra, other dignitaries on the dais, young students of law, friends from the Media, ladies and gentlemen. I feel immensely privileged and honoured to preside over this function to be inaugurated by Hon'ble the Chief Justice of India, the paterfamilias of the legal fraternity. The presence of the budding lawyers is simply electrifying. As a student of law, I am thrilled to be a part of this exercise, the Moot Court Competition, meant to sharpen the skills of all those pursuing legal education.

Since the Vedic times, dispensation of justice has been considered a sacred 'Dharma'. Such dispenser of Justice, the King or any of his nominee, used to be one considered infallible- the integrity personified. The Regulation Act, 1772 recognized for the first time the legal profession in India. Thereafter, it was codified in Bengal Regulation-VII of 1793, prescribing the scales of fee to be charged by the Vakils. It was further modified by the Legal Practitioners Act, 1846 as a subject to regulate both the Vakils and Barristers. The Legal Practitioners Act, 1853 and 1879 made suitable

amendments. The Bar Council Act, 1926 was passed to unify the Bar in India and to give legal profession measured autonomy in its affairs wherein the State Bar Councils and the High Courts were authorised to regulate the admission and the conduct of the Advocates practicing in the Courts. Rule of law became fundamental doctrine for governance of country with the adoption of the Constitution in the post independence era. Consequently, arose the need to streamline the legal education in the country and finally, the Advocates Act, 1961 replaced the pre-existing laws and gave autonomy to the Bar Council of India and the Bar Councils of the States. Under the Act, one of the many functions of the Bar Council of India is to promote legal education and lay down standards of such education in consultation with the Universities, imparting such education, and the Bar Councils of the States. It is also required to maintain high standards in legal profession and discipline the Advocates.

India is the second largest country after the USA having Advocates on the rolls of Bar Council. There are more than 500 law colleges affiliated to various universities granting degrees in Law, churning thousands of law graduates every year. I am sorry to say that the mushrooming of law colleges/schools lacking in the required infrastructure has put quality legal education in the back seat. The thrust there is primarily on classroom lectures, text books, law journals and the library in bulk. There is a huge gap between "Law in

Action" and "Law in Books". The student in law is neither prepared nor even made to think rationally as an Advocate. Resultantly, when he comes half-baked into practice after enrolment, he finds himself completely at a loss affecting all concerned in the administration of justice.

One of the most appropriate and novel methods of imparting legal education is the concept of Clinical legal education. Like an Engineer or a Doctor, a lawyer too needs to get practical training in order to serve the society to the best of his capacity and capability. Moot Courts today have become an integral part of legal education. They bridge the gap between theory and practice of law and enable the prospective entrants to the Bar to equip themselves with the basic requirement of the Court Craft & Court Culture. Knowledge without practical learning is fire without light, .Such competitions prune the natural abilities of the budding lawyers, like natural plants. Ed Howe stated very aptly: "A theory is no more like fact than a photograph is like a person". Practice makes one perfect and with lawyers it is most likely to make them rich as well.

Dear Students, the Moot Court competition, therefore, is a unique opportunity to learn under supervision to enable you to think and act like a lawyer. It would help you to understand the legal profession and the lawyering process more effectively and to get acquainted with the art of

researching on a given problem and imbibe the ability to master the facts, skills of drafting and arguing the case by application of law.

Young friends, I congratulate you all for having chosen a promising career and shall be glad to share a few practical tips which may go a long way while you enter the portals of Court.

1. The first and the foremost: never cease to be a student. We, the lawyers as well as the Judges, are eternal students of law. A degree in law merely gives one a platform to stand on and begin the journey.

2. Law is never static, it is rather an ever changing, vast and complex subject Always keep abreast of the latest legal position. Master the facts and do your home work meticulously.

3. Language is the dress of thoughts and words are the most powerful drug used by mankind. Have a good vocabulary and use it well and carefully. Mark Twain emphatically stated, "The difference between the almost right word and the right word is realiy a large matter- it is the difference between the lightning bug and the lightning". To understand others and be understood by all, know the big words but, always use the small ones. Don't get carried away by the sound of your own voice.

4. Be brief. Brevity, as Shakespeare said, is the soul of wit. Let your argument be short, comprehending much in few words.

5. Be punctual. A lawyer who is available to the court and to his client is a great asset.

6. Be sincere and never ever change your sincerities. It is difficult but not impossible to conduct strictly honest business.

7. An Advocate is the officer of the court and must make an endeavor to maintain the dignity of the Court. To assist in the case of justice without ever creating any obstruction therein should be your primary duty.

8. Never be afraid of the competitors out there. Competition brings out the best in people. Don't let initial failures intimidate you. Fight a good fight and never be in an undue haste. Be patient. Remember, there is always room at the top.

9. The road to success is always under construction. There are no short cuts, if you want to reach the Promised Land, you must go through the wilderness. Resolve to take fate by the throat and shake a living out of her. But, none of the secrets of success shall work unless you do. If you have talent and work hard and long, anything in the world can be yours.

10. Dedication to profession, hard work, assiduity, integrity, candidness with the client combined with pleasing manners, fluency of language, ready wit, court room tactics, patience, confidence and decent boldness make a successful lawyer.

11. Last but not the least my elderly advice to all who are ready to take the big plunge is "Adhere to

truth and uphold Dharma. Perform duty without aspiring for material gains and leave the result to God".

Let your career be crowned with well-merited success. Thank you for your patience.

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