

*Valedictory address by Hon'ble Mr. Justice Rajesh Bindal, Judge, Punjab and Haryana High Court in National Moot Court Competition at Geeta Institute of Law, Panipat on 30<sup>th</sup> October, 2010*

At the very outset, let me begin by congratulating Geeta Institute of Law for organizing an intellectually stimulating moot court competition. I am told that it is the first such competition organised by a private Law College in the State of Haryana. I had the opportunity to head the Bench for the finals and I found that the performance of the students was even better than some of the lawyers practising at High Court level. Organizing any event, especially one of such magnitude requires immense hard work and input from the faculty and students, alike. Geeta Institute of Law is one of the part of K. R. Education Society, which was founded by late Sh. Khushi Ram around 18 years ago. I understand the college has adopted a participative teaching methodology with a stress on clinical legal education and extra-curricular activities ensuring that its products, namely you dear students, are holistic individuals with strong foundations in law, as is even evident from the positions achieved by the students of this college in University examinations.

It is always a pleasure to attend any such function, which has relation with academic activities and meet budding lawyers before they enter the profession. Today, I will share my brief thoughts with you.

*“Legal profession is good if practiced in the spirit of it; it is damnable fraud and iniquity when its true spirit is supplied by a spirit of mischief-making and money getting.”*

-Danial Webester

Wikipedia defines 'Moot Court' as an extra curricula activity

at many law schools in which participants take part in simulated court proceedings, usually to include drafting briefs and participating in oral argument. The term derives from Anglo Saxon times, when a moot (gmot or emot) was a gathering of prominent men in a locality to discuss matters of local importance. The modern activity differs from a “mock trial”, as moot court usually refers to a simulated appellate court or arbitral case, while a “mock trial” usually refers to a simulated jury trial or bench trial. Moot court does not involve actual testimony by witnesses or the presentation of evidence, but is focused solely on the application of the law to a common set of evidentiary assumptions to which the competitors must be introduced.

Clinical education in the form of moot courts, mock trials and client counselling is a powerful tool in inculcating within you the finer tricks of advocacy. Moot courts serve as a great bridge between law as a science and its practice as an art. They allow the students to think analytically and put forth propositions of law succinctly and intelligibly. The stalwarts of the profession such as Setalvad and Seervai had the unique ability to put forth a point in the shortest of words. The same habit is stressed at moot Courts by confining oral arguments and written submissions to time limits and page-limits respectively. A little less known fact about moot courts is that mooting today continues a tradition which began in England between the 14<sup>th</sup> and 15<sup>th</sup> Century in the Inns of Court and the Inns of Chancery. This was a time when printed material was non-existent or scarce. The teaching methodology at that time was a combination of lectures and oral arguments. When printed material became readily available mooting took a back seat only to be revived again in recent times.

Strangely enough, while in the fields of medical science,

engineering, architecture, accounts and audit and similar other disciplines, the student, conferred with a graduate degree is not only entitled but is also well versed to embark upon practice on professional basis and with confidence immediately after passing out. But so was not the case with law. While a fresh medical graduate could examine a patient, prescribe a medicine and perform a surgery, a young lawyer, though conferred with a degree in law – may be with merit, would fumble while handling his first brief and dealing with his first client. It is only because in our system of teaching law practical experience is not compulsory in all the law colleges. In Canada before a law graduate is permitted to join bar for practice of law after completing his law course, he is required to have practical training and clear test of Bar Association. This keeps a check on the quality of lawyers who enter the Bar. Recently, the Bar Council of India has taken a step in this direction and prescribed a test for entering into the legal profession.

Modern concept of legal education is to learn by bringing about proportionate admixture of reading, observation, participation and practice. No one can learn playing cricket merely by reading a book on cricket. He has to get out on the field, wield a bat and hit a ball. He has also to learn to throw the ball and also to do the fielding. Legal education must have such scholars as students who do not act merely as disciples but start thinking and behaving like a lawyer in the school itself. The purpose of law schools should be to create an environment wherein law is not merely learnt but also researched, criticized and reformed. The training of students should be directed not only towards equipping them to solve the problems of their future clients but also play an active role in society. In other words not only

should students be trained as advocates but also as judges, arbitrators, mediators, leaders and most importantly as guides to the masses.

I would like to tender a word of counsel to my young friends. Law, as a profession, is a very satisfying one. It fulfils your intellectual lust and at the same time provides immense opportunities of earning and elevating your status to the topmost level in the society. However, your motto must be to earn by serving and not to serve by earning. In one of his speeches, Hon'ble Mr. Justice R. C. Lahoti, former Chief Justice of India quoted his father as saying, I quote:

“Having chosen law as a professional career, if in the beginning the entrant does not run after money, the day is not far off when money runs after the professional and the professional does not bother to count the wads earned during the day.”

In whichever field of law you may go, your motto should be “service”. Remember, anyone who approaches a lawyer with a problem is an unfortunate person, a victim of circumstances and at times an outcome of his own folly. He needs to be helped rather than be exploited. If you believe in spiritualism and teachings of Gita, there are two professions – the doctor's and the lawyer's, where you can earn *punya* while earning money and book a seat in heaven too, without going to the temple or performing puja. Here work itself can be worship. If you are honest in your dealings and aim high, there would be no end to achievements. The profession is crowded undoubtedly. But there is always room vacant at the top. The crowd is only at the bottom. Therefore, aim high.

With the advent of globalization and India embracing a free market economy, it is the legal community that shall be called upon to play

an important role in ensuring that the nation does not derail from the constitutional philosophy of equality and social justice. Their education, thus, becomes a matter of great import.

The existence of this global market and globalization cannot be ignored by any law school. Legal educators and legal practitioners will have to work in the context of this rapidly changing environment of political economy, trade and investment. These are critical challenges for the future of the legal profession as a global force for providing structure and process for the complex world of tomorrow.

A few years back, the choice of legal profession was the last one. A student who did not get admission in any other course would opt for Law Course. Now the position has been changed totally. It is amongst the top choices. The competition for admission is tough, but in my opinion, all the Graduates of Law from good institution should not join multi-national companies only for good packets. They should join Bar also so that they contribute towards the development of law. During the course of their study, they should visit courts to see the proceedings and attend Lok Adalat. In this process, they will experience a participating decision-making process.

In the administration of justice the bar constitutes the other side of the coin. With advocacy and knowledge of law at their disposals, lawyers play a fundamental role in assisting courts in meeting the ends of justice. There is a famous saying that 90% of all cases are won by the case themselves, 3% lost due to the actions of the lawyer and the remaining 7% won due to the advocacy of the lawyer. In the administration of justice, it is lawyer who is called upon to translate complex legal provisions into a more

comprehensible form.

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 drg 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 easly a large matter- it is the difference between the lightning bug and the lightning." To understand others and be stood by all, know the big words but, always use the small ones. Do not 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. Do not 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.

In order to prove a useful member of the legal profession, a lawyer has to constantly increase his learning and wisdom and be able to handle all subjects that are entrusted to him. In order to play an eminent role in the legal profession, the practising lawyer will have to identify himself more and more with the current existing modern thought on political, social and economic problems and even sacrifice his personal interest for the benefit of the community at large. Besides obtaining intellectual stature a dignified and great lawyer has to attain moral height as well.

It is said that success in profession career is 50% luck and 50% struggle. How this combination works?

Mahatma Gandhi, the Father of Nation, used to say in his morning prayer, 'O God- Enable me in taking first step in right direction, the rest will follow.'

Before I conclude, I would like to say good luck to all the participants either they go back with prizes or not. There is no need to be disappointed because whether a lawyer wins or loses his case, he always receives his fees normally in advance