

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE
AT THE FOUNDATION STONE LAYING CEREMONY
OF THE CONTINUING LEGAL EDUCATION
CENTRE FOR ADVOCATES
ON 16TH JANUARY, 2016 AT KOCHI.**

Ladies and gentlemen,

I am happy to learn that the State Bar Council of Kerala, in association with M.K. Nambyar Memorial Trust, has established the first Continuing Legal Education Centre for Advocates in Kochi. Today I am here at the foundation stone laying ceremony of this Education Center.

Legal fraternity, as we can proudly proclaim, represents the traditionally respected section of the society. In a democratic polity, the role of this profession has always been very vital. It is the watchdog of democracy and ever vigilant in the matters concerning rule of law as enshrined and guaranteed by the Constitution.

The eminent lawyers used their legal knowledge to save many nationalists and revolutionaries from the clutches of the British. The father of Nation, Mahatma Gandhi, our first Prime Minister Pt. Jawharlal Nehru, our first President and the Chairman of the Constituent Assembly, Dr. Rajendra Prasad, the First Governor General, Shri C. Rajgopalachary, and the Chairman of the Drafting Committee of the Constituent Assembly Dr. B.R. Ambedkar were also eminent lawyers. The Indian Bar had a role in the Independence movement that can hardly be overstated – that the

tallest leaders of the movement across the political spectrum were lawyers is ample proof. Perhaps it is the understanding of law and its relation to society that prompted the founding fathers to devote the energy required to evolve our Constitution of unprecedented magnitude in both scope and length.

Members of legal profession have played an invaluable role in preservation and upholding the democratic principles. In first, second and third Lok Sabha, more than 30% Members of Parliament were from legal profession. Last few decades have produced lawyers of great eminence, nationally and internationally such as Sh. Palkhiwala, Dr. Seervai, Sh. Kanhaiya Lal Misra and Sh. Setalvad to name a few. There are many legal luminaries in many States even now.

We all know that the Legal profession is monopolistic in character and this monopoly itself inheres certain high traditions, which its members are expected to upkeep and uphold. An Advocate is an integral part for the administration of justice. From the ancient times, the legal obligation of the Advocates to conduct the case of a poor litigant without reward, when so required by the Court, has been recognized not only in our country but also in other Countries.

It is well known fact that in order to be a successful lawyer, a person must continue to learn and enhance his legal knowledge. Every day new laws are coming into force, new decisions of higher courts are being pronounced. Apart from this, new challenges are emerging day to day. Thus continuing legal education is must for Advocates.

In the 21st century, there is move towards globalization. The world has become small. Now boundaries of nations have become insignificant in the professions, trade and business. You all are aware that with the changes made by our Government in respect of “Doing easy Business” a large number of foreign investors would attract towards India and invest funds in many sectors, may it be Information Technology, insurance, banking infrastructure, and even in retail sectors too. It is all because we have created a better environment and made our laws and policies investment friendly. These trans- boundary economic activities give rise to litigation also.

I must share with all of you that a new legislation namely, the Commercial Courts, Commercial Division and Commercial Appellate Division in High Courts Act 2015 has been enacted recently. The Act provide for establishment of Commercial Courts at the District level, Commercial Division and Commercial Appellate Division in High Courts for adjudication of ‘commercial disputes’ of high value of Rs one crore or more. Provisions of the Code of Civil Procedure, 1908 have also been amended by this Act so that time bound dispute resolution mechanism may be adhered to in disposal of such commercial cases.

Apart from this, we have also enacted the Arbitration and Conciliation (Amendment) Act, 2015 by which the Arbitration Act of 1996 has been amended. The amendments in the Arbitration law will help in making India as a hub of International Arbitration. In the light of these developments, perhaps there is a need to tune our Advocates Act with the changes taking place across the world.

It is common knowledge that globalization is transforming virtually every sector of world's economy and India is no exception. As globalization increases the flow of people and information across borders, it inevitably leads to interchange of knowledge traditions. This process has important implications for law and its affiliated institutions and practitioners. Therefore, Indian lawyers must keep pace with emerging trends of globalization and require innovate programmes of inter-disciplinary legal learning, as well as expertise in areas such as comparative law, intellectual property, corporate governance, human rights, international trade and investment and alternative dispute resolution.

The scope of legal services and profession in context of free trade and liberalized economy is important. In the past decades international trade in legal services has grown as a result of the internationalization of the economy. Increasingly, lawyers are faced with transactions involving multiple jurisdictions and are required to provide services and advice in more than one jurisdiction. The demand for lawyers to be involved in foreign jurisdictions often comes from the corporate, who do business across the borders and choose to rely on the services of professionals who are already familiar with the business and can guarantee high quality services. Some countries also favour international trade in legal services, as the establishment of foreign lawyers is seen as a catalyst for foreign investment.

Vast changes are taking place in the field of science & technology. With the advancement of technology, role of paper-based documents is slowly decreasing and instead documents in the

electronic forms are more and more in use. In view of the enactment of Information Technology Act and consequential changes made in the Evidence Act, these documents in the electronic forms are no doubt admissible in the court, however, the genuineness and correctness of these electronic documents requires different kind of examination.

With the advancement of technology, form of money transactions, whether in the daily household activities or in business, is also changing. Payment through plastic money, is now more popular instead of cash. Online transactions are becoming popular. However, at the same time, cases of frauds and cheating in these transactions are also coming into light. Handling of these kinds of cases requires understanding, knowledge and experience of the technology involved in such transactions. Therefore, our lawyers need to be better equipped with such knowledge.

Further, recently some other new kinds of cases are reaching in courts for adjudication. Concept of surrogate motherhood, internet related issues are also coming in light. The rights and obligations of biological parents vis a vis surrogate mother, the custody of child in such cases are the issues emerging in the present time.

The world is now becoming small. People are residing in different parts of the world at different point of time. Commercial and other activities between the citizens of two or more countries are on the rise. It leads to a situation in which we find that in court cases, across the world, some or other parties of a court case are residing out of the country where the case is instituted. Service of summons or other judicial process over such person had been a matter of

concern. Same is the case where one or other witness is residing or available out of the country where case is pending.

All these changes in society and challenges being faced by our lawyer friends make a strong case for Continuing Legal Education. I wish that this Center for Continuing Legal Education would become a milestone in improving the quality legal service.

Thank you.