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Editorial

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EDITORIAL

This 1988 volume of NLSIU Journal was initially dedicated to the memory of late Subroto Roy Choudhry one of the famous jurists India has produced. But unfortunately even with the extended time, many contributors are yet to send their articles, which they have agreed to. Unfortunately that delayed the journal so much so that the planned volume has to be kept in abeyance at present and could be dedicated in one of the forthcoming volumes. The 1998 volume is closely followed by the 1999 volume which is also in the print.

In this volume, one of the notable contributions is by Hon'ble, Justice Michael Kirby who is the founder of the joint partnership of India -Australia in the field of politics and legal relations. The development of Australia especially in the field of technology is quite remarkable. Even in Y2K compliance, Australia is one country, which has been rated as the best prepared along with UK and US where India is designated as a moderately prepared country. Australia is one country where all legal information services are available in a public web site free of charges (austlii). The web site has been created and maintained by a group of University professors and technical experts from Sydney University of Technology and New South Wales University. Professor Graham Greenleaf is in charge of the whole creation and maintenance of the web site. We, in India, have also web sites devoted to Law, but they only contain statutory Law. SSC Online is available but with a charge. The plethora of case laws pronounced by the High courts is not yet available.

In furtherance of Justice Kirby's desire to conceptualize a good relation between Australia- India, in this segment of technology, NLSIU can have a good deal of cooperation. NLSIU has benefited by the visiting professors like Justice Michael Kirby. We have other good friends like Professor Ben Boer visiting Law School to participate in the workshops run by CEERA. In such cooperation, lots have been done and lots have yet to be done.

Dr.Singhvi delivered the 1998 memorial lecture and had many things to say about the judicial activism viz.-a -viz. judicial obligations in context of human rights. Human rights is an area where judges in India play a very positive role in jealously guarding the individual's right against any violation. Dr.Singhvi himself has contributed not only in the area of administration, but also in the area of diplomacy. All British Diplomats and Scholars most respectfully remember his period of holding the office of High Commissioner in London. As a prominent Jurist, Mr.L.N.Singhvi's opinion is always considered as a silver line in Indian Jurisprudence. The N.D.Krishna Rao Memorial Lecture from that point of view is a noteworthy contribution, which will be remembered by jurists and judges.

The World is now going through the Seattle round in WTO as per the original schedule. The Seattle round has to talk to review the situation on the treaty on

Agriculture and treaty on Services. Among the trade related services, 'legal services' is a distinct focal point of discussion because of the nexus with intellectual property protection.

In a paper, Prof. N.L.Mitra has critically examined the present legal position in India and the challenges ahead in the event that the profession has to be opened in another five years time. The paper indicates the position India should take in the Seattle round. India has advantages in some service sector and disadvantages in some sectors, which can be independently talked about. Legal services are related to the investment policy and Investment legal regime. India presently does not have a complete range of legal professionals to handle the many complexities and interest related activities. Lawyers do not have proper academic, technical, legal expertise to handle infrastructure contract, patent specifications, drafting and handling of WTO matters. Especially when a country is faced with 'dumping' as well as issues in matters relating to money capital and commodity markets. Naturally a lot of care has to be taken on the development of legal service in order to become competitive.

Vikram Raghavan has surveyed a chain of current judgements and tries to establish that there is a need for a proper legal regime. Several writers have written commentaries on the role of the President and the Role of President in constitutional functioning, SEBI role in insider trading, application of international Law in Municipal bodies etc.

I am sure this copy of the journal should be of great help for the policy makers and the legal researchers in the country.

Dr. N.L. Mitra