



## Enhancing people's access to law

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"GNORANCE of law is no defence" is a celebrated maxim in legal jurisprudence and reckoned to be one of the most cardinal principles in criminal administration of justice. Implications of this maxim are not

and legal provisions, at least some basics of these, cannot be overemphasised. Is this most suitable word? May be you could think of an alternative. Getting access to laws is to be seen as a right of the public and state cannot ignore its duty to facilitate the accrual of this right. But unfortunately

wills, conveyances and contracts. They used to ornament the simplest legal transactions with mountains of legal jargon, just to make things exceedingly lengthy keeping in mind that fees were to be paid by the number of lines. Somehow, somehow that culture perpetuated. Today it is more of a

Whenever we talk about simplifying legal texts to make things understandable to non-lawyers, we must cherish the name Napoleon Bonaparte. He headed the drafting committee vested with the responsibility to bring into life the 'Code civil des François' or 'French Civil Code', which supplied the necessary impetus for people codifications of laws of other civil law countries. Napoleon had no academic background in law but was gifted with acute sensitivity and exceptional prudence. During the process he was quite successful in putting a leash on the prospect of debates on merely technical issues reaching a hairsplitting level, and thus was able to keep things down-to-earth. Being constantly kept on toes, the draftsman always had to ask himself whether the words he had chosen would withstand the quires of Napoleon, who was very determined to make a code comprehensible to even a layperson. French Civil Code still is celebrated for its unique clarity and lucidity.

Another important aspect of access to law is the people's involvement in the justice system. Is there any better idea than to create an ownership feeling among the citizens about the system through which their disputes are to be resolved? But how can it be

priate answer fitting their newly emerged radically democratic society. President Andrew Jackson spearheaded the mission as a result of which almost all states enacted laws requiring that judges got to be elected directly by people or indirectly by people's representatives for a specified period of time. Even today a clear majority of states hold on to this ideology. Yet more striking move in 'deprofessionalising' was the introduction of statutes whereby every citizen, irrespective of his/her educational background, was entitled to practice law. And there is no point in liberalising the profession keeping all its unnecessary technicalities and formalities intact. So, necessary reforms were brought in. Both substantive and procedural laws were simplified accordingly. But at a subsequent point of time legal professionals realised that their best interest would be best served by means of 're-professionalisation' of lawyering and were able to establish the rule providing reservation of the profession only for law degree-holders. Such was the persistence of the professional organisations of lawyers that it also ensured: professional competence plays a greater part in the selection of judges. Obviously, monopolisation of profession is exclusively in the interest of that bunch of people who are in a position to yield the fruits of such monopoly.

More popularly known form of involving members of mass people in disposal of disputes is the Jury system. The tradition of jury trial still goes strong in the United States with all its attributes. England still remained heavily reliant on jury system at different tiers of its court system.

Documented history suggests that greater access to law and people's involvement with justice administration brought no disaster to human race. People's confidence in law and justice requires the development of a sense of belonging among them. Otherwise law and justice will continue to remain within the exclusive domain of a small but highly privileged group of individuals. Are we ready to respond to the call of dispelling that monopoly?

The author is an Advocate, Member of Dhaka Bar Association.

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