

# 'Lawyers, apt at politics'

ASHISH MEHTA, an eminent Indian lawyer practising in Dubai, describes his idea of justice, in an interview to *India Matters*



## 1 How do you define justice?

Lord Atkinson once said: 'Might is Right. Law is might, justice is right but justice which is natural is mightier than might.'

"It is better that 10 guilty should escape than that one innocent person should suffer," British philosopher John Stuart Mill made this argument over a century ago in a speech before the British Parliament.

It can be very hard to reconcile different definitions of justice. In my opinion, if law is the means then justice is the end. Much less to say that it's the end that defines the means. Doing justice is important; it is equally important that it must be seen that justice is done.

## 2 Why did you choose law as a profession? Why Dubai?

The potential to excel in the practice of law is limitless. There is never a dull moment with the multitude of challenges that are unique to each situation.

As a member of the student's council in school and as an office bearer of the National Students Union of India (NSUI) in my university days, I actively participated in learning about the grievances of my fellow students and resolving their issues. Subsequently, I developed an interest in assisting others to resolve their grievances and started enjoying public dealings since then. I chose law as a profession, as it synchronises with my persona. After

knowledge of the law, the second most important ingredient in the practice of law is interaction with people from different spheres of life. I thoroughly enjoy interacting with people and participating in affairs affecting common people.

Initially, destiny brought me to Dubai. Now I am qualified and licensed to practise law in multiple jurisdictions, including the UAE, India, United Kingdom and Singapore. I remain grateful to the Government of Dubai for granting me a license to practise law.

## 3 How has the teaching of law in India changed in the last two decades? Do our National Law Schools match the top institutions in the world?

During the last two decades the teaching of law in India has changed enormously and this process of change continues today. Previously there were no private universities offering specialised law degree courses. At that time traditional universities had a narrow vision; the primary focus was to prepare students to practise as litigation lawyers. The mindset has changed since those days.

The practice of law has changed, the areas of practice are much wider and, at the same time, the law schools are offering industry-specific courses. To a great extent this change in the teaching of law is due to the demand for change in the

practice of law, which is compelled by the requirements of clients. During the last decade or so the practice of law has evolved globally, hence this change in the teaching of law was necessary to keep up with the changes demanded in what have become the global requirements to practice law in any jurisdiction.

Some of our National Law Schools are at par with top institutions in the world. Most of these law schools in India focus on overall development, with emphasis on developing expertise in legal drafting, mock courts, internship, project reports, arbitration, mediation, personality development and confidence building, dealing with challenges faced by newly-qualified lawyers and counseling, to name just a few.

## 4 What is your advice to any Indian law graduate aiming to practise internationally?

In my opinion, law graduates from leading Indian law schools are at par with law graduates from foreign law schools. However, it is unfortunate that degrees from most Indian law schools are not yet considered at par with the degrees of these foreign law schools. After I was called to the bar, I obtained qualification as a solicitor from the United Kingdom.

My advice to Indian law graduates aiming to practise internationally is to (i) re-qualify from an internationally recognized jurisdiction, such as the

UK, Singapore, Australia or the US; (ii) develop an out of the box approach and develop confidence to keep up with the ever-changing requirements of the clients; (iii) be street smart, disciplined and dedicated, as the practice of law requires discipline and commitment; and (iv) always act in the best interest of clients and practise good *karma*. Success will follow.

## 5 Are there any challenges for an Indian lawyer practising in the UAE?

Indian lawyers do not have the right to plead before courts of any jurisdiction in the UAE; save the courts of the Dubai International Financial Center (DIFC Courts), where expatriate lawyers registered with DIFC Courts are able to practice and plead before DIFC Courts.

Language is another barrier, as all proceedings, filings and submissions are conducted in the Arabic language across the courts of any jurisdiction in the UAE; other than DIFC Courts where all proceedings, filings and submissions are conducted in the English language.

Other than the aforesaid, the UAE provides a level-playing field for all lawyers practising in the UAE regardless of their jurisdiction of qualification, thus providing an equal opportunity to Indian lawyers, who are employed by licensed law firms in the UAE, to excel.

## 6 What are the common legal issues affecting the Indian community in the UAE at large? What are the channels available for facing these legal challenges?

Ignorance of law is no excuse. There are multiple legal issues affecting the Indian community in the UAE.

For example, In India a joint bank account is generally on either or survivor basis. Most new arrivals to the UAE believe that a joint bank account is also on either or survivor basis. Their belief is incorrect. In the unfortunate event of death of any joint account holder, the account in the UAE shall be frozen by the bank where the account is maintained.

The UAE has a zero tolerance policy on drug-related offences and driving under the influence of any mind-altering substance. Dishonour of a cheque by the bank of its issuer is a criminal offence against the signatory of such a cheque.

Until recently non-receipt of salary and severance pay was a common issue. Now, with the introduction of a Wage Protection System, this issue is closely monitored by the UAE Central Bank, making it mandatory for all employers to file salary payment details with the UAE Central Bank on a monthly basis.

Money lending against charging interest is a serious criminal offence; only entities licensed by the UAE central bank are permitted to lend money against charging interest.

## 7 How many pro bono cases have you taken up so far? How do you decide that a case is deserving of a pro bono treatment?

Each week 6 to 10 pro bono matters are taken up. Decision on whether a matter deserves pro bono treatment is taken after understanding the suffering of the person in distress; oral, circumstantial and documented and meeting the aggrieved person.

## 8 Why do so many lawyers turn politicians? Is there a synergy at play?

In my opinion the electoral is better served by lawyers who turn politicians, as their knowledge, understanding and interpretation of the complex laws allow them to better apply the law to resolve the socio-judicial griev-

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ances and other issues affecting the people of India.

Client (people) management! It's an art which is extremely important in the practice of law. Most lawyers are well experienced in this.

Strategy! Client management, case management, finding effective ways to circumvent the laws to protect a client's interest or public dealing requires a good strategy. Experience gained by lawyers in developing good strategies in the practice of law better enables them to play an effective role in politics, as well.

Media! Generally speaking, politicians with a legal background are appointed by political parties to be their face in the media. Again, knowledge of the law and effective use of words greatly helps lawyers in effectively projecting the right image of their political party and getting across the right message to the electorate; and defending their political parties from any allegations from other political parties.

Is there a synergy at play? I respond by quoting: "*Hazaron jawabo se achchi hai Khamoshi meri, Na jaane kitne sawalo ki aabru rakhe.*" (My silence is better than a thousand answers; it keeps intact the honour of innumerable questions).

## 9 Who are your role models in the legal profession?

I prefer to categorise role models into two categories — good lawyers and successful lawyers. There is a distinction between good lawyers and successful lawyers. Generally speaking, not all good lawyers are successful lawyers and, similarly, not all successful lawyers are necessarily good lawyers. My work has always motivated me to excel and inspired me to be a role model for other lawyers.

## 10 Any favourite book or film on lawyers?

When not working, the last thing I want to do is to read a book on lawyers or watch a film on lawyers. I prefer to utilise such time to read some jokes on lawyers.