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New Homes For Old Law Books

—Asif Khan

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LONDON — Two law firms in Sydney, Australia, recently began sending legal books they no longer need as gifts to the Solomon Islands and Tuvalu, two Commonwealth developing nations in the South Pacific.

This follows a suggestion from the Commonwealth Secretariat which is concerned at the millions of pounds worth of law books thrown away by lawyers and libraries in developed Commonwealth countries each year while lawyers in many developing countries have to make do with very old editions or, in some cases, without any major works at all.

The books and periodicals are discarded as new editions are bought to replace them. This wastage is compounded by publishers who pulp unsold copies.

Some of these books — Halsbury's Laws of England and Erskine May's Parliamentary Practice, for example — are expensive and beyond the reach of lawyers in many Commonwealth developing countries.

Many cannot afford to keep buying the latest editions with the same regularity as lawyers in the more affluent Commonwealth members: Australia, Britain, Canada and New Zealand.

Legal books and journals published in any part of the Commonwealth are of interest to lawyers in other member countries because they share a common legal tradition as well as language — English.

Their legal systems are based on precedent, and it is becoming more difficult for them to keep up to date. Many have statute laws based on those of

developed Commonwealth countries, and can make good use of books superseded in those countries.

Both Halsbury's Laws of England and May's Parliamentary Practice are of use to lawyers in many parts of the Commonwealth.

Halsbury is one of the few books that cover all aspects of the common law, while May's Parliamentary Practice deals with parliaments in a way relevant to most Commonwealth countries, including Britain, where it is published.

The Secretariat has been much encouraged by the "100 per cent response" from Australia. It has been promised that the example set by the Sydney firms will soon be followed by others in Australia and also those in Britain, Canada and New Zealand.

"What we are trying to do", says Neroni Slade, assistant director of the Legal Division, "is to set up direct links between donors and recipients. Such links, once established, can lead to co-operation in other areas."

Mr. Slade, 42, previously Attorney-General of Western Samoa in the South Pacific, added: "It's a shame that millions of pounds worth of legal material ends up in the rubbish bin each year. Something must be done to salvage it for the benefit of lawyers who need it."

He estimates that more than £600,000 worth of old copies are discarded whenever a new edition of Halsbury appears.

The Secretariat took the matter a step further this month (Editors: February) when it organised a meeting in London

to discuss ways of co-ordinating schemes under which discarded books will be collected for distribution, free of charge, in Commonwealth developing countries.

Government legal departments as well as private law firms and individual lawyers will benefit under the proposed scheme.

Perhaps appropriately the meeting was held in the room which once housed Queen Mary's library at Marlborough House, London headquarters of the Secretariat.

The meeting considered ways and means of collecting books for despatch to countries where they would be greatly welcome.

Many developing countries suffer from an acute shortage of legal publications, the meeting was told.

Jeremy Pope, the 45-year-old New Zealander who heads the Secretariat's Legal Division which organised the meeting, related an anecdote from the 1983 Commonwealth Law Ministers Meeting in Colombo, Sri Lanka, to illustrate this point.

A group of senior law officers in Colombo with their Ministers, were having a between-sessions chat when the conversation turned to legal books.

The Attorney-General of the Solomon Islands vied for the title of having the smallest collection in the Commonwealth — just 37 books, and said he did not even have a library.

But, recalled Mr. Pope, his claim was immediately disputed by his counterpart from Botswana in southern Africa who said there were several others who were even worse

off.

The situation is in marked contrast to that in developed Commonwealth countries where an individual lawyer or law firm alone can have many more volumes than several developing countries put together.

Lack of money is the main constraint which lawyers face. Sometimes, even where money is available, acute foreign exchange shortages may not allow books to be bought.

Britain is the major supplier of legal literature to many Commonwealth countries, few of which have locally-published material.

Some efforts are already underway to help alleviate the problem. But these are all scattered. The new Commonwealth initiative is designed to co-ordinate and complement those efforts.

The London meeting agreed that a well-organised system was needed whereby early interest created among both donors and recipients could be sustained on a long-term basis.

"Otherwise initial enthusiasm could easily unleash a flood of material only to be followed by a return to the present drought".

The aim is to build a network of contacts involving law societies, publishers and legal libraries as well as individual lawyers.

Preliminary work will identify prospective sources of legal publications and the main needs in developing countries.

Among those represented at the meeting was the London-based Ranfurly Library which has collected and distributed nearly 11 million English books

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free of charge, in more than 100 countries. It was established in 1954 by Lady Ranfurly, wife of the Earl of Ranfurly, a former Governor-General of The Bahamas.

The library, which has close links with many Commonwealth countries, welcomed the initiative and promised positive support for it.

Others present included representatives of law libraries, book publishers, the Bar Association, the Law Society and the recently-formed Commonwealth Lawyers' Association, all of which supported the initiative.

The meeting will be reconvened in April or May when it is expected to take the final decision on the format of the new scheme. If all goes well, the first consignments of books should be on their way before the end of 1984. — Commonwealth Feature