

# THE CENTRE

## FOR APPLIED LEGAL STUDIES

By John Dugard

In 1978 a Centre for Applied Legal Studies was established at the University of the Witwatersrand to promote research into areas of the law affecting the black community and civil rights.

This undertaking departs from traditional legal research in a number of respects. First, it focuses attention on areas of the law of socio-political importance which in the past have been sadly neglected in South Africa. Secondly, it examines the law in operation, rather than in theory. Thirdly, it aims to use the information it collects and the findings it makes to improve the quality of justice in South Africa.

The Centre for Applied Legal Studies has inevitably been compelled to confine its activities to a limited number of subjects. At present its primary concerns are labour law, 'pass laws', homelands citizenship, censorship and certain aspects of consumerism (notably malpractices in burial aid societies). A certain amount of flexibility is, however, maintained as issues arise which cannot be ignored. Thus in 1979 much of the Centre's work has been directed at preparing and presenting argument in a prosecution under the Group Areas Act in which the validity of a proclamation zoning central Johannesburg for exclusive white occupation is being challenged by the defence.

In pursuance of its objects to study the law in operation, the Centre's staff have embarked upon the following activities:

(a) **The observation of court procedures in the commissioners' courts**

Several members of the Centre's staff attended the commissioners' courts in Johannesburg over a three months period and compiled a report on the manner in which blacks are tried in the 'pass courts'. A number of unusual features were observed, stemming mainly from the absence of legal representation and the speed of the proceedings, which were highlighted in a critical study in the **Rand Daily Mail**. Since then some of these features have improved. Moreover, a scheme has now been devised to provide legal representation in certain cases in these courts.

(b) **The collection of materials not readily available to lawyers.**

Most law libraries do not contain decisions of the Press Council and the Publications Appeal Board and unreported judicial decisions. The Centre attempts to collect and publish such materials to assist lawyers and others.

The **Labour Law Bulletin**, a monthly publication containing original articles, unreported judicial

decisions and information about wage regulating measures and industrial agreements, is the first South African publication to deal exclusively with the legal aspects of industrial relations and is designed to assist labour lawyers and trade unionists. The **Bulletin** is complemented by the **Complete Guide to Wage Regulating Measures** which provides easy access to wage regulating measures published in the **Government Gazette**.

Censorship has intensified since the introduction of the Publications Act of 1974, which deprived the ordinary courts of jurisdiction over censorship. The standards of censorship are now to be found in the decisions of the Publications Appeal Board, but these decisions are not published in any official law reports and are consequently inaccessible to most lawyers and writers. In order to remedy this situation, the Centre publishes a **Digest of Decisions of the Publications Appeal Board** which appears in a looseleaf binder and is kept up to date by regular additions.

The Centre also publishes occasional papers. To date it has published a critical examination of the Press Council and a study of the right of a black woman to live with her husband in an urban area will shortly appear.

Obviously it is not possible for the Centre to obtain all unreported decisions of importance to the civil rights lawyer. We would therefore greatly appreciate it if we could be kept informed about, and, possibly, supplied with, decisions of this kind from all parts of the Republic.

While the Centre for Applied Legal Studies is primarily a research unit, it aims to use the information it collects in a positive manner to encourage law reform and an improvement of the administration of justice. This it attempts to do through its publications and by giving assistance to lawyers and others. The Centre also has an important educational component. It encourages law teachers and law students to study areas of the law falling within its concern by providing them with information which is generally not readily accessible.

The Centre is a new venture. The subjects it has selected for study are not 'closed'; nor are the methods it uses for promoting law reform. We would greatly value suggestions and ideas in this regard. Discriminatory and repressive laws remain an ever-present indictment of our legal system and it is incumbent on lawyers and non-lawyers to do all in their power to remedy the position. □