

Law (Education) (1925) Department.

Ordinary SERIES.

G.O. No. 92

DATED 23.1.1925

[Despatch Abstract.]

Legislative Council Question - Law College

Reorganization Committee -

Report - Dr. Swaminathan's minute

Note Recorded

# BACK PAPERS.

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QUESTION.—No. 1680

for the meeting of the Legislative

Council to be held on the 3rd December

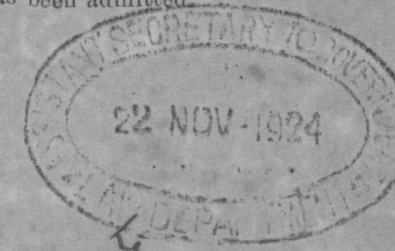
1924.

SUBMITTED that two copies of this Question may be forwarded to the

Law (Education)

Department.

The Question has been admitted



U.O. No. 4037 dated 22/11

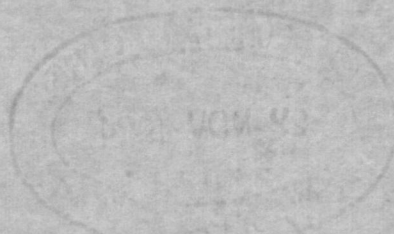
To

The Law (Edn) Department.

0841

admitted 28

(interview) and



also 28

It might probably be better to place Dr. Swaminathan's report on the table.

23.11.24

1.4.25 (P) - (P) - (P)  
This finds a way  
Swaminathan's report

Council Office,  
11-11-24.

3

The report was not signed by Dr. Swaminathan.

Question

The answer to this question may be "No".  
Mr. S. Satyamurti Ayyar:-

THE LAW (EDUCATION) DEPARTMENT

The answer may be "Dr. Swaminathan's report".

1680. Will the hon. the Minister for Education be pleased to state

(a) whether the report of the Law

The report of the Committee with the College Reorganisation Committee was Government Order thereon has been placed on the table signed by Dr. Swaminathan;

(b) whether Dr. Swaminathan sent a dissenting minute or a separate report; separate note and the views of the Law College

(c) the main points in Dr. Swaminathan's Council on the report have not been published; separate report in which he differs from the majority report;

(d) whether the report of the Committee which gives in extenso the report of the Committee was merely approved by the Law College Council or the Council passed any remarks thereon; whether Dr. Swaminathan's separate report is considered.

(e) if so, whether the remarks be placed on the table of the House;

(f) whether the Syndicate or the Academic Council or the Board of Studies in Law or the Faculty of Law had been consulted before the hon. the Minister passed orders on the Report and if not, why not; and the substitution of the

(g) whether the new appointments contemplated will be made by the Law College Council or by the hon. the Minister?

S.R.

Clause (a).

The report was not signed by Dr. Swaminathan.  
The answer to this clause may be 'No'.

Clause (b).

The answer may be "Dr. Swaminathan <sup>sent</sup> his views in a separate report <sup>note on his</sup> ~~and he could not~~ furnish them to the Committee in time."

Clause (c).

The report of the Committee with the Government Order thereon has been placed on the Editors' Table - G.O., No. 1702 Law (Education), dated the 5th November 1924. Dr. Swaminathan's separate note and the views of the Law College Council on the report have not been published. It is for consideration whether the Hon'ble Member's attention may be invited to the G.O., which gives in extenso the report of the committee, a resume being also furnished so far as Dr. Swaminathan's separate report is concerned. If so, the following draft answer is for consideration. -

"G.O., No. 1702 Law (Education), dated the 5th November 1924 containing the report of the Committee in full has been placed on the Editors' Table."

"The central points in Dr. Swaminathan's report were -

- (i) the substitution of the present arrangement for <sup>teaching</sup> ~~teaching~~ in the college by the institution of a number of chairs <sup>the major</sup> ~~on~~ on subjects of legal study, the Professors being appointed for one or two years
- (ii) the appointment of Asstt. Professor under each Professor to teach <sup>the</sup> ~~the~~ subjects.
- (iii) the utilisation of the Library as a

p. 50 p. 1702

5-11-24

copy at E

orig

Removed

p. 14-21

orig. Revised E  
copy at E

It might probabhe  
better to place Dr. Swaminathan's  
report on the table.

CR  
25.11.24

p. 169 E (Revised)

This gives a resume  
of Swaminathan's report

1-DEC 1924

minutes has been put in type and

by a post is submitted below. In

publishing the report, Paragraph (a)

may be inserted and the surrounding

paragraphs renumbered. The other

paragraphs seem unobjectionable

though the last paragraph is not

very necessary.

It may also be omitted

2/3/24

3.12.24

3.12.24

It should be approved as it stands. We have no right to commit anything without his consent. VTR. 4.1.24

#### Report of the Law College Reorganization Committee.

1452 Q.—MR. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether the report of the Law College Reorganization Committee was signed by Dr. Swaminathan;

(b) whether Dr. Swaminathan sent a dissenting minute or a separate report;

(c) the main points in Dr. Swaminathan's separate report in which he differs from the majority report;

(d) whether the report of the Committee was merely approved by the Law College Council or whether the Council passed any remarks thereon;

(e) if so, whether the remarks be placed on the table of the House;

(f) whether the Syndicate or the Academic Council or the Board of Studies in Law or the Faculty of Law had been consulted before the hon. the Minister passed orders on the report and if not, why not; and

(g) whether the new appointments contemplated will be made by the Law College Council or by the hon. the Minister?

A.—(a) No.

(b) A separate note, long after the report of the Committee was communicated to Government.

(c) The "note" containing the views of Dr. Swaminathan is placed on the table.

(d) & (e) Approved by the College Council. No remarks relevant to the issues referred to the Committee.

(f) No. The report does not relate to the functions of any of these bodies.

(g) The attention of the hon. Member is drawn to G.O. No. 1702, Law (Education), dated 5th November 1924, placed on the Editors' Table.

MR. S. SATYAMURTI:—"May I know whether it is open to a Member of a Committee who has not signed the report to send his dissenting minute?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"The report of the Committee was sent to Dr. Swaminathan for signature which he did not sign, but long after it was signed sent a note to the Government."

MR. S. SATYAMURTI:—"May I ask the hon. Minister if that note can be treated as part of the records?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"No."

x separate circulated.

MR. S. SATYAMURTI:—"May I ask the hon. the Minister whether he noticed a statement in that note that Dr. Swaminathan had shown it to three of his colleagues on the Committee? In paragraph 4 of that note he says: 'I have discussed this matter with three of my colleagues and they are in general agreement with me.' Now may I ask him, not to be harping upon the inconsistencies of others, but to answer whether he knows that other Members of the Committee before signing the report consulted Dr. Swaminathan?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"It is patent that other Members have signed the report."

MR. S. SATYAMURTI:—"No use of asking him any more questions."

THE HON. RAO BAHADUR SIR A. P. PATRO:—"Very good."

MR. S. SATYAMURTI:—"May I ask the hon. Minister the reasons as to why the remarks of the College Council may not be placed on the table of this House?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"Because they are not relevant to the question at issue."

MR. S. SATYAMURTI:—"It is a very serious statement to make. However, may I ask whether there is anything in their remarks that the Government disapprove and therefore it is that they do not want to say anything more than they have approved?"

"I have already read the Government Order. It simply gives the Law College Council powers of recommendation. I want to know who is going to be the appointing authority? Is the Minister or the Minister acting with the advice of the Law College Council just as the Governor acting with the advice of the Minister."

THE HON. RAO BAHADUR SIR A. P. PATRO:—"The Council recommends and the Government makes appointments."

MR. S. SATYAMURTI:—"Is the recommendation binding on the Government?"

MR. K. KOTI REDDI:—"May I know if the Government propose to transfer the control of the college from the College Council to the Government?"

RAO BAHADUR C. NATESA MUDALIYAR:—"May I know in the re-organization of the Law College the personnel will continue as it is at present?"

"In the Government Order it is stated that 'the Government accept these suggestions and sanction the institution of special lectures on important subjects of law by leading members of the profession'. May I know what is the criterion of readership?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"The Government Order states that the Law College Council will take into consideration all the qualifications that are required for a Special Professor."

RAO BAHADUR C. NATESA MUDALIYAR:—"Sir, in the Government Order it is stated that 'the assistant lecturers will be nominated by the College Council from among junior legal practitioners who shall not be of more than six years' standing at the bar'. Supposing in the case of an assistant professor he has one month more to complete the requisite qualification, namely, six years' standing, will he or will he not be appointed?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"The question does not arise."

MR. S. SATYAMURTI:—"With reference to the answer given in clause (f) 'that the report does not relate to the functions of any of these bodies', may I ask the hon. the Minister for Education whether the provisions for giving instruction in affiliated colleges is not a matter for the University? Is it not a matter for the University to grant affiliation or refuse affiliation?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"No."

MR. S. SATYAMURTI:—"Has the hon. the Minister read the University Act?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"If the hon. Member for the University reads the Act, then he can satisfy himself with my answer."

MR. S. SATYAMURTI:—"He is wrong."

MR. K. KOTI REDDI:—"May I know whether international law is taught in the Law College? If not, will the Government take such steps to introduce this subject in view of the importance of that subject?"

THE HON. RAO BAHADUR SIR A. P. PATRO:—"It is a matter which the University has to consider in preparing the curricula."

Mr. S. SATYAMURTI :—" It is stated that juniors of six years' standing will be eligible for appointment as assistant professors. Does it mean that more experienced men will not be taken ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The question does not arise."

Mr. S. SATYAMURTI :—" Of course, the Government can decline to answer any question. Now we are dealing with the position of the Law College on the basis of reorganization, and one of the important matters is the new staff. I wish to know whether professors and assistant professors will be recruited from members of the bar who are of six years' standing or less than six years' standing. I am asking why more experienced men at the bar are put at a discount and why men of less than six years' standing only are preferred."

Mr. K. KOTI REDDI :—" May I know if Government want to make legal study interesting whether it is desirable to make the attendance of students at the Law College compulsory ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The Committee has considered that point and they say thus :—" Compulsory attendance for a minimum period during each academic year should be insisted on as at present."

The final form of  
the question and answer  
was as above. The notes  
may be

order 924/23-1-25  
His

Recorded.

True  
22/11/25  
22/11/25

Legislative  
Council.

Question.

Law College  
Reorganisation  
Committee.

Report. Dr.

Swaminathan's  
minutes - notes

Recorded.

Letter from Dr. S. SWAMINATHAN, Bar-at-Law, to the Secretary to Government, Law (Education) Department, dated Madras, the 31st March 1924.

As a member of the Committee appointed by Government in G.O. No. 1276, Law (Education), dated the 11th September 1923, I attended all the meetings of the Committee whenever I was fortunate enough to obtain a notice from the Secretary. On the last occasion when I was summoned to discuss the terms of the Committee's report, I was informed by the President when I went to the Fort that he had postponed the meeting but he could not inform me beforehand as I was not on the telephone. I believe the Committee never met again, but I understand from the Hon'ble the Minister for Education that a report has already been forwarded to the Government, and if I had any opinion regarding the points referred to the Committee he would be glad to receive the same.

2. The Government Order referred to above invites suggestions on the following three points :—

- (1) How to make the legal study in the College at Madras really interesting ;
- (2) What facilities could be provided for research work or specialized study to those who are most competent to take it up ; and
- (3) What suggestions should be made to convert the existing College into a true centre of legal culture and enable the students to pursue the study of law for its own sake.

I have had sufficient time to study the above questions in all their aspects including those specially pointed out in paragraph 2 of the Government Order referred to above and I would make the following suggestions as the first step necessary towards attaining the ideal set forth in the opening paragraph of the Government Order.

3. (i) The Government should make up its mind to spend upon the College the whole of the revenue derived by way of fees from the students. The normal expenditure in any particular year should not fall below the average fee income for the past three years.

(ii) It is not possible in the immediate future to secure for the College a whole-time Principal who, by his knowledge and attainments in the theory and practice of law as a science and an art, could be placed on a footing of equality with a part-time Professor on any particular subject. The question of selection of the Principal, whenever it presents itself, can therefore only be approached from the point of administrative capacity coupled with qualifications entitling him to enter the profession. There are in Madras practising lawyers of real capacity and scholastic attainments, but the past history of the College affords sufficient indications that they are not likely to enter the College as members of the teaching staff so long as the Principal retains in his hands the absolute power to decide on what subjects the members of the teaching staff should lecture during any particular College term. If the office of the Principal falls permanently vacant at any time, it must be a question for consideration whether the office should not be styled by some designation more appropriate to the actual facts, say ' Supervisor of legal studies '.

(iii) The recruitment of the teaching staff should be by invitation to accept the chair of a Professor or Lecturer or an Assistant Professor in any particular subject more or less on the same principle as the professorial chairs in the Arts

Colleges and other professional Colleges are now filled. I would therefore suggest that the College should have chairs on the following subjects (set forth purely as illustrative of what I mean and not by any means exhaustive) :—

- (1) Hindu Law.
- (2) Muhammadan Law.
- (3) Law of Contracts.
- (4) The Law of Torts.
- (5) Law of Property.
- (6) Law of Wills, Trusts and Conveyancing.
- (7) Law of Land Tenures in India.
- (8) Criminal Law and Procedure.
- (9) Evidence, Civil Procedure and Limitation.
- (10) Politics—Constitutional and Administrative Law.
- (11) Law of Municipal Corporations and Company Law.
- (12) Conflict of Laws.

At the time of his appointment, a member of the teaching staff should be appointed to teach a particular subject as Professor or Lecturer, having sole regard to his professional qualifications and special attainment in his chosen subject and apart from all extraneous considerations. The appointment in the first instance should be only for a period of, say, two years, if not shorter, with a condition that the Lecturer would be eligible for re-appointment. A man's qualifications may appear very high when put on paper, but in the course of a fortnight or a month he may demonstrate to all concerned that he is not a useful member of the teaching staff. The Government should therefore retain absolute freedom to cancel an unfortunate appointment at the earliest possible opportunity, while retaining full liberty to continue a really competent Lecturer as long as he would care to remain in service. If, therefore, a period of two years is considered too long, I have no objection to reduce it to one year in the first instance. At present, while the Bar has several members of more than average general attainments, there are very few specialists, and if my suggestion is adopted, there might come into existence in the near future a school of lawyers who, while possessing a fairly workable knowledge of law in general, are specialists in some departments of law.

(iv) Some subjects, say for example, Hindu Law or Law of Property or Law of Contracts, cover so wide a field that a single Professor, especially if he is a practitioner of some reputation and standing, can do no more than stimulate the interest of the students. The Assistant Professors should in the first instance be appointed for one year and put on a class quite apart from Lecturers, to teach small subjects like Muhammadan Law or Constitutional Law or the Law of Land Tenures. These Assistant Professors should be placed directly under the Professor of the department, whom they are meant to assist and they may deliver general lectures on such portions of the subject as are assigned to them by the Professor or hold tutorial classes and conduct periodical examinations under the directions of the Professor who will have general supervision over the work of his own assistants to the extent necessary and will be responsible for the average student receiving sufficient guidance while studying the subject.

(v) A system of legal education to be of real benefit must be so devised that the student is directed where to find his law, and all that the lecturing staff could possibly do would be to impart a stimulus to the students' own industry and acquisitive capacity. The system of dictating notes or converting the contents of a printed book into ill-digested manuscript matter is no longer regarded as an essential part of legal education, but he alone is a good lecturer who will guide his students to spend several hours of hard study in a well equipped library by way of preparing them to listen with profit to the next lecture delivered by the Professor and with a view to seeing that the students have really grasped by their own exertions the principles that are set forth by the authors of text books. Hence, the advantage of study in a library under proper guidance cannot be over-estimated, and I would recommend that the Librarian in a Law College should be a professionally qualified person, possessing, if possible, the same professional qualifications as the Principal, well versed in legal bibliography and able to direct the real legal study of the students. His office may be termed as "Director of Legal Studies" and his position.

in the College should in no way be inferior to that of any Professor. He will be useful when the Principal is on leave. The library of the College must be maintained on a more generous scale and it should be better accommodated and should ordinarily be kept open, say, from 8 a.m. to 10 p.m. (I understand the library of the Medical College is kept open now till 9 p.m.) and there should be sufficient and suitable accommodation there for 200 or 300 young men to pursue each his own studies without interruption. The Director-Librarian should have sufficient assistance by way of Assistant Librarians and attenders. A school of real culture will take a long time to come into existence, but what I picture above is what actually prevails in several of the law schools I have visited and in practice it is capable of easy attainment. Promising young graduates of our University are not likely to command sufficient patience to listen to tutorial classes conducted by young lawyers of the stamp of the present staff. I am sure a good proportion of them will be attracted to the study of Law if they are actually guided by a competent person as to where to find clear expositions of Law by the Master Minds that have built up the system of English Law as it prevails in England and America. The Librarian must be a person having qualifications sufficient to afford guidance to students as to how to trace the historical growth of legal principles through successive stages by suggesting the leading cases in their chronological order which have led to the present state of law on any particular topic.

(vi) If any particular subject, say, Hindu Law or the Law of Land Tenures is so fortunate as to have assigned to it, a particular professor, the next stage in the development of the College would be the institution of Honours courses for the more promising among the students. A person who is attracted by a particular subject and is appointed to a professorial chair on the subject will naturally be influenced not only by the prospect of expounding clearly the fundamental principles, but he is bound to be tempted to explore as a labour of love the by-ways and the more remote corners and in course of time would gather round himself a small band of enthusiastic students. This is the history of research work in almost every branch of learning. I have no doubt the new University will afford sufficient facilities for such research work in Law and we are only waiting for the constitution of the Academic Council with a view to modifying the curricula of legal studies leading to the M.L. as well as the B.L. Degrees. I do not make any special proposals at present, but if my suggestion to have special chairs for each particular subject is accepted, this would be the inevitable result before long.

(vii) Except on Saturdays and other days when the High Court does not work, the ordinary hours for College lectures should be after 1 p.m. to suit the convenience of all concerned. When regard is had to the fact that the heaviest meal of a Hindu is his morning meal, not much need be said to condemn the present practice wherever a departure is readily practicable. No man of any real eminence in the profession would care to accept a professorship or lectureship in the Law College if it were to interfere with the hours of work in the High Court, and a student who has to rush to hear his lectures at 10 a.m. after a hurried meal is not likely to be capable of much intellectual vigour for the greater portion of the day. The lectures in the College must also be so arranged that an exceptionally promising young man is not debarred from qualifying himself for the profession while devoting a portion of his time to earning the means of supporting himself.

(viii) I would only add that if the Government ever feels inclined to take action under section 45 of the Madras Universities Act, 1923, the Madras Law College should be the very first institution to be transferred to the University control and management.

4. I have discussed the points noted above with three of my colleagues on the Committee and they are in general agreement with me. But as Government is already in possession of a report from the Committee, I am anxious not to create any embarrassment by making this appear to have any higher weight than it would be entitled to as the opinion of a single individual member who was waiting all this time for the adoption of a report after free interchange of views at a meeting of all the members.

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192

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ORDER OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT. \_\_\_\_\_

STATEMENT WITH DITTO. \_\_\_\_\_

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