

Handwritten signature
ms/2
FPA (19450) Department.

ms SERIES.

G.O. NO. 17/Edn *171*

Dated 23/1/50

[Despatch Abstract.]

*Edn. legal Edn. changes in syllabus -
Papers Recoded.*

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

3
 Memo 56858/W-2 Bm d. 8/9/49

Legal Education - changes in Syllabus.

A copy of a letter of 14.7.49 from Sri. S. Rajagopalan, Advocate, addressed to S. M. (E & L) is forwarded to the D.P.S. It appears to Govt that there is considerable force in the suggestion made by Sri. Rajagopalan in his article entitled "Legal Education" in the Madras Weekly, Vol 61 - Part 26 of Jan - Dec. 1948 issue - page 89. that it is not really necessary to include "Roman Law" and "English Law of Real Property" in the Syllabus for the Law to instruct the students, Law College, Madras course. The D.P.S is requested to place the subject before the next meeting of the Academic Council and forward the University's views in the matter to Govt.

Examiner 9/11/49

7/9/49

2/9/49

1/8/49

To the D.P.S.
 (with enclosure)
 1/10/49
 M. S. S.

Memos 56853A/47 - 3 ^(M) E. J. P. H. A.
Legal Education - changes in Syllabus

Ref: Govt. Memo 56853/47-2 A Edn 8/9/47

The attention of the D.P.D. is invited to the reference cited and he is requested to state the present state of the matter and when a reply may be expected.

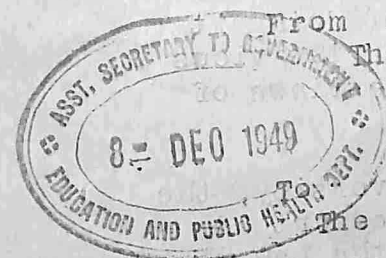
To the D.P.D.

~~W.H.B.~~
~~W.H.B.~~
2/12

M.H.B.
2/12

O.H.B.
3/12/47

EDUCATION DEPARTMENT.



From
The Director of Public Instruction,

M a d r a s.

The Secretary to Government,
Education and Public Health Department,
Fort. St. George, M a d r a s.

R.C. No. 1421 K2/49 dated 5-12-1949.

Sir,

Subject:-

Legal Education- Changes in syllabus.

Ref: Government Memo No. 56853/49-2 Edn. dated 8-9-49.

In enclosing herewith a copy of the letter dated 12-10-49 from the Principal, Law College, Madras, I have the honour to state, that the Principal was requested to place the question before the Law College Council for consideration in the first instance. The Principal has now reported that the Council which met on 21-11-1949 resolved that Roman Laws and English Law of Property should be continued in the syllabus for the Law Degree course and that further consideration of a general revision of the syllabus for the Law Course be deferred till after the receipt of the report of the University Commission.

Yours faithfully,

Phenindhu

for Director of Public Instruction.

A.S./6-12.

Copy of letter No. nil dated 12-10-49 from the Principal Law College, Madras to the Director of Public Instruction, Madras.

Sub: Legal Education- Changes in Syllabus- Government Memo No. 56853/49.2, Education dated 8-9-1949.

Ref: D.P.I's Proceedings Rc.No. 1421.K2/49 dated 20-9-49.

The Principal has been asked to place the subject of deletion of "Roman Law" and "English Law of Property" from the syllabus for the Law Degree Course, before the next meeting of the Academic Council and forward the University's views in the matter to Government. If I am right in supposing that what Government desires is competent advice before coming to a decision, I submit that the procedure suggested is not very suitable. It is not possible to place a matter before the Academic Council and request it to express its opinion. It will have to be done by moving a definite resolution that these subjects be deleted. I take it that it is not the intention of the Government Memorandum that such a resolution should be moved. In fact while the Academic Council is t

I may also point out that apart from the University, the Government have at hand a duly constituted body of expert advisers on matters of legal education; and that is the Law College Council. It consists of the Chief Justice and some other judges, leading lawyers and the Principal and Vice-Principal of the Law College. Its duties as prescribed by G.O. No. 917, dated 21st May 1940 are the following:-

"The Council shall be the governing body of the College and shall have control over its academic affairs. The Council shall have the power to submit to Government through the Director of Public Instruction recommendations relating to the Academic affairs of the College. The council may also be consulted in such matters as the Government or the Director of Public Instruction may desire." I can place the matter before the next meeting of the College council if I am asked to do so.

A.S./6-12.

612

$\frac{1}{6/12/17}$

* * *

The Director of Public Instruction, Madras.

The Secretary to Government, Education and Public
Health Department, Fort St. George, Madras.

Ref: Government Memo. No.56853 A/49-3 Education,
dated 3.12.49 regarding changes in syllabus
for legal education.

300

I invite attention to this office letter

Re.No.1421 K2/49 dated 5th December1949.

for Director of Public Instructic

MB 14.12.

$$\frac{149}{1412}$$

~~CRS~~
12/12

S. Rajagopalan
Advocate.

"Sri Subrahmanya Vilas"
94, KAMAKSHI JOSIER STREET
KUMBAKONAM

14 July. 1949.

56853
Sri Subrahmanya Vilas
94, Kamakshi Josier Street
Kumbakonam
14 July. 1949.
RM/97 (6)

22 JUL 1949
20 JUL 1949
GOVERNMENT
SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
I wish to congratulate you at the outset on the very fresh approach you have been making in regard to any rule to the two main subjects which have come under your charge, namely, Law and Education. I have no doubt whatsoever that before long the reins of your office, some very urgent reforms will have been effectuated.

The system of charging Court fees at present in vogue has resulted in many anomalies and injustices and I am really very gratified to note that you have resolved to effect certain improvements, which will facilitate easy redress for the needy and the poor. May I, in this connection, draw your attention to an article of mine in the "Swatantra" dated 21.6.1947-Vol II, Issue no 19 under the caption "Modern System of Selling Justice"?

Another subject meriting your favourable consideration is the re-modelling of Legal Education. You are eminently in a position to carry out certain much needed reforms. It is to nobody worried himself about it because the Law Minister had nothing to do with Education and the Education Minister had nothing to do with Law. A happy synthesis has been effected by your being assigned the portfolio of Education.

(2)

Legal Education stands in need of drastic reforms in line with the changed political and social conditions. I have may be pardoned for stating that I have given much thought to the question, and an article "Legal Education" prepared by me has been published in Vol 71 of the Madras Law Weekly Page 89, 91 (Vol 71 - Part 26 dated 28th August 48). I have also prepared a draft syllabus for a three-year course. I invite respectfully invite your kind attention to the it. I am not able to send you a copy of both the articles, I do as I do not have a spare copy of either.

Beg to be excused for the trouble given.
I am,

Sir,
Yours Sincerely,
S. Rajagopal

10/10/48

(1)

3

EPH (A)

Please see his minute of Mr. (E.H.) on P. Lants - legal may be requested to put up his Madras Law Weekly - Vol 71 - Part 26 on 28/8/48.

11/8/48 Legal

Legal Dept

Entno 56853
11/8/48
F2
ISSUED TO CHIEF SECRETARY
AUG 1948
50562
EDUCATION AND PUBLIC HEALTH DEPT.

ASSISTANT SECRETARY
9828
3 AUG 1948
LEGAL DEPARTMENT

Please see the note EPH Dept above. The article referred to by Sri S. Rajagopal in his letter at pp 1-2 ante is contained in the (Madras) Law Weekly Vol 61 - Part 26 of Jan-Dec 1948 issue (p 89). The bound volume of 61 Law Weekly of this Dept library is put up. In order whether it may sent to the EPH and.

Legal no. 9828/42-1
4.8.48

10/8/48

4.8.48

EPH

4

C No. 56853 A/49

52853 MMS

Edn and P.H. Dept

Please see the minute of Hll (E+L) on page 1 ante. The books required by the H. M. are placed below.

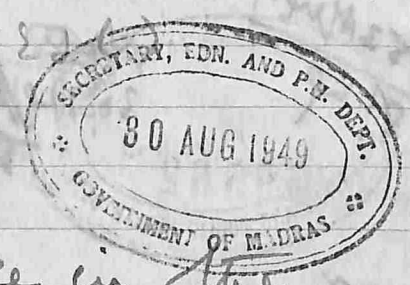
1/8/49

6/8/49

5/8/49

6/8/49

12.7 (E+L)



There is considerable force in the suggestion of Mr. Raja's proposal in his article referred to in his letter in the Law Week. There is no use of studying Roman Law & English. And perhaps now or even before. It was only a superstition. Can we put it to the University so that the Syndicate or Bd. of Studies may consider. Can I make that suggestion as Pro-Chancellor?

KM 30/8

(8)

E+LH(22)

See Section 22 & 24 of the pages 34 & 36 of the 'University Calendar' Vol. I.

Please see the minute of Hll (Edn & Law) on p. 4 ante. The Academic Council is empowered to make regulations regarding courses of study, examinations etc in the University. There seems to be no objection to Hll (Edn), as Pro-Chancellor, addressing the Registrar, Madras University, for placing the above suggestion ~~be at~~ on p. 4 ante before the Academic Council.

RS 31/8/49

31-8-49

1/8/1949 to calendar

18/8/49

22/8/49

Section 18 & 23 on pgs 29 and 34 of the calendar

12-12-49

H.M. (Education) is the Pro-Chancellor of the University of Madras under Section 10 of the University Act. This Section says that "in the absence of the Chancellor or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the functions of the Chancellor." The functions of the Chancellor are those specified in Section 9 of the University Act, viz. presiding over meetings of the Senate, ~~and~~ Convocation, nominations of persons to the various authorities etc.

The Pro-Chancellor is an ex-officio Member of the Senate under Section 14 (a), Class I, of the University Act. But he is not a Member of the Syndicate or the Academic Council. The D.P.I. is an ex-officio Member of the three authorities, namely, Senate, Syndicate and Academic Council.

Chapter XIII of the Laws of the University defines the constitution, powers, ~~and~~ duties, ~~and~~ meetings and

proceedings of the Academic Council. It will be seen from Statutes 5 to 8 of these Laws that only a Member of the Academic Board of the Council can forward a Resolution before a Meeting of the Academic Council or move an amendment to a Resolution. As H.M. (Education) is not a Member of the Academic Council, it would appear that he cannot bring forward the subject mentioned in page 4 before the Academic Council. Either the D.P.I., or the Principal of the Law College, Madras, who is also an ex-officio Member of the Academic Council, can perhaps be asked to take necessary action in the matter.

The file may be circulated to H.M. (E. & L.)

19-48

S

H.M. (E. & L.)

We may ask D.P.I. to bring the subject before the Academic Council

H. N. (E. & L.)

aggr

2/9

A draft memo to the D.P.I. is submitted.

The D.P.I. is not qualified in Law and it will be better if he is asked to instruct the Principal, Law College, (who is also a member of the Academic Council) to place the matter before the Academic Council. The memo has been worded accordingly.

7/9/48 S H. N. (E. & L.)

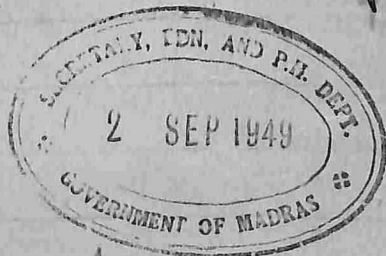
[Issued as Memo No 56853 A / up-2 Edn 8.9.48]
From the D.P.I. No 1421 K 2 / up 5.12.48

Please see the D.P.I.'s reply

P125 7th calendar

1072 on p12 of the calendar

CM 59562 / up



A Section may take back this file 2/9/48

On p 5 of... In the circumstances stated by him at 'x' there it is for orders whether any further action is necessary in the matter.

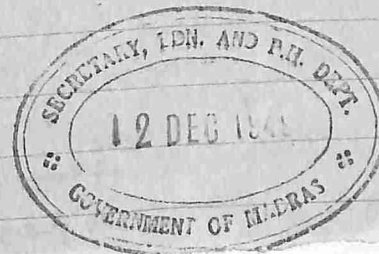
any postpone

Mud 8/12/48
9/12/48

MM 9/12/48
3/10/12
(211)

H. N. (E. & L.)

15/10/48



The results of University Commission has been published. Is it not for
H. N.
10/12

Spl

ESP. H Dept A

Legal dept may be requested to put up the (Madras) Law Weekly Vol 61-part 26 of Jan - Dec 1948 issue for reference of H.M. (Est.) in connection with a file

MKS
28/12

OM
28/12/48

Legal

28/12/48

Encls 58853A/4/4
28/12/48

15-1

Please see the G & P.H. note above. For orders whether the Vol. in question ^{may} be lent to G & P.H. for reference and return.

May be lent

MD
28/12

28/12/48



17358/4/4

Edn and P.H. Dept

Please see H.M. (Est.)'s minute on page 7 ante. The report of the University Commission has been published. An extract of the Commission's recommendations in regard to Degree courses in Law is placed below. The Commission has recommended that Roman Law should find a place in Degree Study. No mention has been made about English Law of Property. The Commission's report has not yet been

begun. The Govt of India forwarded a few copies of the Report to this Govt. May have not indicated the lines on which the Report should be dealt with. This will be done on receipt of a further communication from the Govt of India. In the meanwhile it seems that no particular action need be taken in this file. H.M. (E & L) may see.

5/1/50

OM
6/1/50 3

H.M. (E & L)

(with Law
Books
Vol LXI)
H.M.

Put the
relevant
recommendations
of the Commission
to the
16/1

The University Commission is in favour of retaining Roman Law for the Degree Courses in Law and also considers that some knowledge of English common law and equity is important. (Flag 'Y').

We are awaiting the views of the Govt. of India in respect of the disposal of the Commission's recommendations. If we decide to amend our courses for Law,

this question also of Roman Law and English Law can be considered. It can be referred to the Law College Council ^{which includes} through the Chief Justice for their views.

For the present, no action seems necessary.

All right. But I fail to see anything in pages 257 to 262 of the report which H.M. (E. & L.)

has any connection with this file. Perhaps the pages refer to the Commission's report. H.M. 19/1/50



Please see the order of H.M. CEN 10 on p. 10 ante. In the circumstances, the papers may now be recorded for future reference.

Reference - G.O. No 171 Edn 97 23-1-50
Ms. Recorded

Abstract

Edn - Legal Edn -

Nbr

Changes in
Syllabus - papers
Recorded

19/1/50

OM
20/1/50

58-1-20

171

10/2/20