



## THE SECOND ALL INDIA LAW CONFERENCE

The Indian Law Institute held the Second All-India Law Conference at Patna from April 15th to 17th, 1960. Patna was selected as the venue for the Conference at the invitation of the Patna Law College which was celebrating its Golden Jubilee at the same time.

The Conference was attended by 153 delegates from all parts of India. The delegates included judges, advocates, members of Parliament and State legislatures, educationists and teachers of law. Professor Julius Stone, the Challis Professor of Law, University of Sydney, Professor Sheldon D. Elliott, Director of the Institute of Judicial Administration, New York, and Mr. H.C.L. Merillat, Special Legal Consultant to the Ford Foundation, attended the Conference by special invitation.

Sir Sultan Ahmad, Chairman of the Reception Committee, welcomed the delegates to the Conference which was inaugurated by the Hon'ble Shri B.P. Sinha, Chief Justice of India and presided over by Dr. K.M. Munshi, Executive Chairman of the Indian Law Institute. Shri M.C. Setalvad, Attorney-General of India, addressed the gathering. A report of the activities of the Institute was given by Shri C.B. Agarwala, Secretary of the Institute, and Dr. A.T. Markose, Research Director, introduced the research papers prepared by the research staff of the Institute. Dr. Balbhadraprasad, Vice-Chancellor of the Patna University and Shri V. V. Deshpande, Principal, Patna Law College, thanked the guests.

After the inauguration, the Conference divided itself into four committees: (i) Committee on Administrative Law; (ii) Committee on Constitutional Law; (iii) Committee on Legal Education; (iv) Committee on the First Decade of the Indian Constitution. The Committees had the following papers before them:

(i) COMMITTEE ON ADMINISTRATIVE LAW:

- (a) *Parliamentary Control of Delegated Legislation.*
- (b) *Administrative Procedure relating to the Control of Essential Commodities with special reference to the Essential Commodities Act.*
- (c) *Conciliation Proceedings under the Industrial Dispute Act, 1947.*
- (d) *Disciplinary Proceedings against Government Servants.*



The papers were prepared by the Institute. The Committee was presided over by Shri Justice P.B. Mukharji when the paper on Delegated Legislation was discussed, and by Shri C.B. Agarwala, when the other papers were taken up.

(ii) COMMITTEE ON CONSTITUTIONAL LAW :

- (a) *Freedom of Speech.*
- (b) *Interstate Trade Barriers and Sales Tax Laws of India.*
- (c) *Judicial Review of Administrative Action by Writ Petitions.*
- (d) *Secular State in India and in the United States.*

The papers were prepared by the Institute. The Committee was presided over by Shri N. C. Chatterjee.

(iii) COMMITTEE ON LEGAL EDUCATION :

*Teaching Methods in Legal Education.*

The working paper around which discussion took place was prepared by the Institute. The Committee was presided over by Shri Rama Prasad Mookerjee, Dean of the Faculty of Law, Calcutta University and Retired Judge of the Calcutta High Court.

(iv) COMMITTEE ON THE FIRST DECADE OF THE INDIAN CONSTITUTION :

*Natural Justice and Social Justice before the Supreme Court (1950-'59)*—The Hon'ble Shri Justice B.N. Banerjee, Judge, Calcutta High Court.

*Detournement De Pouvoir in Indian Law*—The Hon'ble Shri Justice V. Ramaswami, Chief Justice, Patna High Court.

*Suggested Amendment to Clause (2) of Article 194*—The Hon'ble Shri Justice R.L. Narasimhan, Chief Justice, Orissa High Court.

*Civil Servants under the Constitution*—Rameshwar Dial, District and Sessions Judge, Ambala.

*Judicial Review by Writs*—Thaikad Subramanya Ayyar, Senior Advocate, Supreme Court.

*Protection of Fundamental Rights in the First Decade of the Constitution*—V.G. Ramachandran, Indian Law Institute.

*The Tenth Anniversary of the Death of Personal Liberty in India*—N.S. Bindra, Advocate, Supreme Court.

*Constitutional Protection of Educational and Cultural Rights in India*—K.K. Koticha, Advocate, Supreme Court.

*Union—States' Tax Powers*—M.C. Kagzi, Faculty of Law, Delhi University.

*Article 368 During the First Decade*—Alladi Kuppaswamy, Advocate, Supreme Court.



*The Right to a Fair Trial*—Vamana Murthy, Advocate, Cuttack.

*Parliamentary Privileges in the First Decade of the Constitution*—K.S. Murthy, Principal, Law College, Cuttack.

*Rights of Government Servants under the Constitution*—N. G. Gandhi, Advocate, Bombay.

*Law and Economic Problems of Society*—Sunil Kanti Ghosh, Advocate, Cuttack.

*Disciplinary Proceedings and Fundamental Rights of the Government Servants*—R.C. Shukla, Vakil, Cawnpore.

*Legislative Control of Delegated Legislation*—R.N. Mathur, Head of Dept., Political Science, S.G.T.B. Khalsa College, Delhi.

*Working of the Financial Committee of the Lok Sabha (1950-'59)*—R.N. Mathur.

*Rule of Law and Right to hold Property*—L.K.S. Ayyar, Advocate, Madras.

The Committee was presided over by Shri M.C. Setalvad, Attorney-General of India.

The Committees reported back to the plenary sessions of the Conference and on the basis of these reports and discussions certain resolutions were adopted by the Conference. The Committee on the First Decade of the Indian Constitution did not come out with any specific recommendations, owing to paucity of time and the diverse nature of the subjects discussed. It, however, deliberated on live constitutional issues with a view to finding out the trend and direction the actual working of the Constitution had revealed and also how much the guaranteed rights had proved meaningful to the individual.

The research activities of the Institute during the last two years have been focussed on some of the basic problems in Administrative Law and Constitutional Law. The details of the projects undertaken by the Institute are given in the introduction to the Research Reports by the Director of Research, Dr. A. T. Markose. Committees (i) and (ii) discussed the research reports and made very useful suggestions.

The final resolutions adopted by the Conference appear in the pages that follow.

Particular mention has to be made here of the very useful work done by Dean Carl B. Spaeth, Stanford University Law School, in the field of reform of Indian Legal Education. At the request of the Institute and the Ford Foundation, Dean Spaeth recently spent four



months in India discussing problems of legal education with interested lawyers, educationists, judges, officials and students all over India. At the conclusion of his visit, he prepared a draft memorandum on Indian Legal Education. The Conference decided that Dean Spaeth's memorandum should be considered by a committee of experts.

The Attorney-General in his very suggestive address called for the increasing co-operation of the young lawyers and the academic lawyer in the research activities of the Institute.

Emphasising the need for integrating law with social sciences, Dr. Munshi said that legal research could not be profitably advanced unless those present at the Conference in their respective spheres decided to treat law "not as an isolated discipline but as a discipline of many disciplines".

The Chief Justice of India pointed out in his inaugural address: "It is essential for the establishment of a social welfare state that our laws should keep pace with a fast changing society. This necessitates a change in the concept of law as also of legal institutions, connected with the aforesaid functions in a democratic society. It is in the process of adaptation to the changing conditions of society that all of us—judges, practising lawyers, teachers of law, legislators and administrators—can play a significant role".

The Indian Law Institute has made a modest contribution towards the realisation of the above objectives by bringing together the leaders of thought mentioned by the learned Chief Justice. The Second Conference at Patna has been a definite step forward from that taken at the first conference at Delhi.