

## REPORT OF THE HONORARY SECRETARY OF THE INDIAN LAW INSTITUTE

The Indian Law Institute is now in the third year of its existence.

On September 22, 1956, the Chief Justice of India, several Judges of the Supreme Court, some Ministers of the Government of India and other eminent lawyers met in Delhi and appointed a committee to examine the feasibility of starting an Institute for research in law. The committee was satisfied as to the feasibility of such an institute and the constitution framed by it was approved on November 4, 1956.

The Institute was formed on December 1, 1956 and registered under the Societies Registration Act on December 27, 1956.

The principal objects of the Institute laid down in the constitution are :

- (a) to cultivate the science of law and to promote advanced studies and research in law and its administration;
- (b) to promote the reform of administration of justice and of law and its healthy development suitable to the social, economic and other needs of the people;
- (c) to promote the diffusion of the knowledge of law and its administration and principles on which they are based;
- (d) to promote the improvement of legal education and impart instruction in law and allied fields; and
- (e) to promote the clarification, simplification and systematisation of law.

The Chief Justice of India, as the President of the Institute, appointed the first Governing Council and the Executive Committee under the constitution for a period of two years. The President also nominated Shri Justice N.H. Bhagwati as the Treasurer and Prof. L. R. Sivasubramanian, Dean of the Faculty of Law of the Delhi University as the Secretary of the Institute.

From July 15 to August 16, 1957, the Ford Foundation arranged a Seminar at the Stanford University in California, U.S.A., for considering the nature of the research projects in the Public Law of India. The result of their labour is published in a book entitled 'Public Law Problems in India' edited by Prof. Lawrence F. Ebb.

In October, 1957, the President secured the consent of Dr. K. M. Munshi to act as the Honorary Executive Chairman of the Institute. Dr. Munshi took charge of his office soon after and the Institute commenced its work actively. The formal inauguration of the Institute

took place on December 12, 1957, at the hands of Dr. Rajendra Prasad, President of India, at a largely attended function held at the Central Hall of the Parliament House. This was followed up by a Seminar on Administrative Law from December 14 to 21, 1957.

The appointment of the research staff was then taken up in hand. Dr. A.T. Markose and some members of the staff were appointed in January and February, 1958, and the rest of them were appointed by July, 1958.

During the absence abroad of the Executive Chairman from April 20, 1958, till the end of August, 1958, Shri N.C. Chatterjee, Senior Advocate of the Supreme Court, acted as Executive Chairman from April 20, 1958 to July 7, 1958, and thereafter the undersigned held the charge until the return of Dr. Munshi. Prof. L.R. Sivasubramanian, Secretary of the Institute, having resigned, the President of the Institute appointed the undersigned as the Secretary on September 24, 1958.

### **Regional Centres**

In furtherance of the objects of the Institute, the Executive Chairman, Dr. K.M. Munshi, visited Madras in November, 1958, and formed a Regional Centre with the Chief Justice of Madras as its President. Recently, another Regional Centre has been established at Bombay under the presidentship of the Chief Justice of Bombay. It is gratifying that several members of the Institute have evinced keen interest in forming similar centres at other places.

The term of the nominated Governing Council having expired in December 1958, a new Governing Council was elected by the members of the Institute. A new Executive Committee has also been nominated by the President of the Institute.

The Institute was housed at the Bharatiya Vidya Bhavan, Curzon Road, New Delhi, till July 28, 1958, when it was permitted by the Chief Justice of India to be housed in the new Supreme Court building. Steps are being taken to acquire a plot of land near the Supreme Court building for the Institute.

## **ACTIVITIES OF THE INSTITUTE**

### **Legal Research**

As a result of the recommendations made at the Seminar held in December 1957, the following projects were taken up for research :

1. Administrative Procedure
2. Judicial Review
3. Delegated Legislation

4. Inter-State Movement of Commodities and Persons
5. Fundamental Rights in the Indian Constitution, their scope, operation and trend.

Of the above projects, research in Delegated Legislation is being conducted under the guidance of Shri Justice P.B. Mukharji at Calcutta. The other projects are being conducted at present at the headquarters of the Institute at New Delhi. Dr. A.T. Markose has recently been appointed the Research Director to co-ordinate the projects, with the special charge of the project on administrative Procedure.

It is, however, proposed that the project on Fundamental Rights under the Indian Constitution will be done at Madras under the guidance of Prof. C. H. Alexandrowicz of the Madras University and the project on Delegated Legislation at Lucknow under the guidance of Prof. V. N. Shukla of the Lucknow University.

The Working Papers of the different projects are before the Conference and will be discussed by the different Committees. The Institute has secured the co-operation of the Government of India in conducting research. The Institute is indebted to the Home Minister and the Law Minister of the Government of India who have evinced keen interest in its activities. As a result, several departments of the Government of India have extended their co-operation to the Institute in its work, and the research officers have had the benefit of attending several proceedings and studying the methods adopted. This co-operation, it is hoped, will result in making the research more authentic and consequently more pertinent in the study of Administrative law.

### **Journal of the Institute**

The Institute publishes a quarterly Journal under the title 'Journal of the Indian Law Institute.' The Journal is devoted to the publication of original legal materials, especially in the field of public law, and "attempts to achieve" in the words of the Chief Justice of India, "objectivity and reflect the change in the social fabric". Two numbers of the Journal have already been published.

We are glad to report that the leading foreign legal periodicals have accepted our Journal in exchange.

### **Lectures and other activities**

The Institute has had many distinguished foreign visitors. Many of the prominent delegates to the Congress of the International

Commission of Jurists visited the Institute and evinced very keen interest in its activities. The Japanese Legal Training and Research Centre, the Korean Legal Centre and the Burma Law Institute have expressed their desire to be in close liaison with the Institute and fruitful contacts are being made with these legal centres and similar organizations in South and South-East Asia.

On account of the facilities provided by the Ford Foundation, the Institute has had the benefit of securing experienced foreign law specialists as consultants. Among them are Professor Lawrence F. Ebb. of the Stanford Law School, Professor Clark Byse of the Harvard Law School, Professor Walter Gellhorn of the Columbia University Law School, Professor William G. Rice of the Wisconsin University Law School, Mr. Robert M. Benjamin of the New York Bar, Professor Nathaniel L. Nathanson of the Northwestern University and Professor D.P. Derham of the Melbourne University Law School. Mr. H.C.L. Merillat, as the Resident Consultant of the Ford Foundation, has also been rendering valuable assistance.

The Institute has been subscribing to a large number of Indian and foreign journals.

The following lectures were delivered under the auspices of the Institute :

1. 12th April, 1958—Leonard S. Marks, Washington, D.C.—*Lawyers and Administrative Agencies.*
2. 19th April, 1958—Judge Stephen Chandler, Oklahoma, U.S.A.—*Judiciary in the United States.*
3. 25th April, 1958—Prof. William G. Rice, Wisconsin University Law School—*Inter-State Commerce—India and United States, A Comparative Study.*
4. 10th May, 1958—Mr. D.N. Pritt, Q.C., of the English Bar—*Equality before the Law in respect of Indigent Citizens and Free Legal Aid.*
5. 4th January, 1959—The Rt. Hon. Lord Denning, Lord of Appeal in Ordinary in Great Britain and Northern Ireland—*Legal Institutions in England To-day and To-morrow.*
6. 12th January, 1959—Hon'ble Judge Jiro Matsuda, Presiding Judge, Tokyo High Court, Japan—*Japanese Legal Training and Research Institute.*
7. 16th January, 1959—Mr. Elwyn Jones, Q.C., M.P.—*The Welfare State in Britain.*
8. 4th March, 1959—Professor D.P. Derham, Professor of Law, Melbourne University, Melbourne—*Law of Taxation and the Freedom of Trade and Commerce.*

### Membership

The membership of the Institute is open to all persons who are and have been legal practitioners, members of the Judiciary, teachers of the Universities and other recognised educational institutions.

As on 24th March, 1959, the membership of the Institute stood as follows :

1. Founder Members	..	..	91
2. Corporate „	..	..	8
3. Ordinary „	..	..	116
4. Associate „	..	..	3

The opportunities offered by the Institute to its members include free supply of the Journal and Bulletins and participation in the Seminars and other activities of the Institute.

### Library

The Institute's library, which is being steadily built up at present contains about 3000 volumes. The object is to make the Institute self-sufficient in the matter of primary research materials with particular reference to India. A complete set of U.S. Supreme Court Reports (Lawyer's edition), U.S. Law Digest, U.S. Code Annotated, Federal Supplement, Restatement of Law, Corpus Juris Secundum, and other valuable research materials have been made available from the U.S.A. by the Ford Foundation.

### Finance

On 5th September, 1957, the Government of India sanctioned a grant-in-aid of Rs. 1,00,000/- This was followed by a grant-in-aid from the Ford Foundation on 17th October, 1957. The Ford Foundation made an initial grant of \$ 19,000, equivalent to Rs. 89,300/-, for organizational purposes and a grant of \$ 6,000, equivalent to Rs. 28,262/-, for purchase of books in America. In March, 1958, it made an announcement of a further 5 years' grant commencing from 1958 of \$25,000 equivalent to Rs. 1,17,562/- every year. The first instalment of the grant was received on 15th May, 1958.

The Government of India has sanctioned a further grant of Rs. 1,00,000/- for 1958-59. The income from subscription of members as on 20th March, 1959, was Rs. 27,590. Out of this, a sum of Rs. 25,000, has been earmarked for building purposes.

### ALL INDIA LAW CONFERENCE

We are meeting now in this Conference to discuss the problems relating to the five research projects undertaken by the Institute, Legal

Education in India and the Formation of an Indian Bar Association. Working papers on all these subjects have been prepared to furnish a basis for discussion.

As regards Legal Education, you will have to discuss the valuable recommendations made in the Report of the Law Commission presided over by our distinguished Attorney-General.

Another objective of the Institute is to consider the reformation of the administration of justice. The Institute considers that the creation of an Indian Bar Association, strong and efficient, is a prerequisite to any reform of the administration of justice in this country. As the Law Commission has stated in its report :

“The unified bar of India can be a powerful influence for welding the country together and for combating all sectional, regional and communal trends. It can largely mould public opinion in matters relating to law, legislation and the administration of justice. The impact of the lawyer on public affairs is waning. An All India Bar, organised and striving after true ideals, could restore and even add to the influence that lawyers used to exercise in public affairs. These tasks can, however, be achieved only if the lawyer lives up to the great ideal of his profession, and maintains proper professional standards not only of efficiency but of integrity. Some of our eminent lawyers have helped to frame our great Constitution. It will be for the unified bar of India to help achieve the lofty ideals embodied in its noble preamble. The lawyer of the future will have to think less of advancing himself and his profession and more of service to the common man and his motherland.”

### **Future Work**

The importance of the work which lies ahead of the Institute cannot be exaggerated. India is a Welfare State progressing towards socialistic ideals. With the growth of the welfare activities of the State, laws grow in their variety and complexity. It is essential that there must be machinery for investigating how the administration of these laws affects the lives of the people.

C.B. AGARWALA,  
Hony. Secretary