REPORT OF THE COMMITTEE APPOINTED BY GOVERNMENT FOR MAKING THE SUGGESTIONS FOR THE IMPROVEMENT OF THE GOVERNMENT LAW SCHOOL, BOMBAY, 1916, WITH THE MINUTES OF DISSENT AND APPENDICES A AND B OF THE REPORT.

No. 18 of 1916-17.

Office of the Government Law School Committee,
Bombay, 8th July 1916.

To

The SECRETARY to GOVERNMENT,
Educational Department,
Bombay.

In accordance with the instructions contained in Government Resolution No. 1311 of the 26th of April 1915, we the undersigned have the honour to report that we have considered the recommendations made by Sir Alfred Hopkinson referred to in the Resolution as also the Report on the Government Law School made by the Committee appointed by the University of Bombay in 1912 for the inspection of Colleges, together with the remarks of the Principal thereon. We have also considered the specific questions raised in the Resolution with reference to the reorganisation of the school and other questions which appeared to us to arise out of them, together with an estimate of the financial effect of the recommendations below made by us.

2. Our Committee held four meetings in the University buildings for the purpose of their deliberations. At the first meeting held in July 1915 the Committee framed nine questions, including those set out in paragraph 2 of the Government Resolution; and it was decided to refer those questions to fifty-six gentlemen, both in and outside this Presidency, whom they thought it advisable to consult. The written opinions of those gentlemen form Appendix A to this report.

3. The questions on which opinions were invited are—

(1) Whether it is desirable that the Government Law School should be made a full-time institution.

(2) If so, where it should be located, what its staff should be, and on what terms that staff should be engaged.

(3) If, on the other hand, you are of opinion that a full-time Law College is not required, would you advise that the Principal should be a full-time officer, so that he might be present in the School Library? If so, what, in your opinion, should his salary be, and what conditions should be attached to the appointment?

(4) If you think that the proposal contained in No. 3 above is not desirable, would you advise instead that a number of Tutors in addition to the existing professorial staff of the School should be appointed to assist the students by conducting a small number of classes, attendance at which should be compulsory?

(5) Is it, in your opinion, desirable that students attending the Law School should be required to attend the Courts under the direction of either their Professors or Tutors?

(6) Whether, in your opinion, the present syllabus of studies for the first and the second examination for the degree of Bachelor of Laws of the University of Bombay calls for any change, and, if so, what change would you suggest; and whether you think that it is desirable to introduce into the syllabus a course on the outlines of Constitutional Law?

(7) Is a two years' course for the degree of LL.B. sufficient and satisfactory or should it be extended; and, if so, to what period?

(8) Whether it is desirable that a maximum number should be fixed for the students in the School in future, leaving it open to other institutions affiliated to and recognized by the University under Government sanction to supply additional facilities for legal education.

(9) Any other suggestions or proposals for the reform of the Law School and the efficiency of legal education which you may have to make.

4. Copies of the opinions received by the Committee from the gentlemen consulted were sent, as each opinion arrived to the members of the Committee; and after all the opinions had been collected the Chairman prepared a synopsis, giving the opinions *pro* and *con* on each of the questions.

The synopsis was printed at the Government Central Press; and a copy of the printed synopsis was furnished to each member of the Committee in December 1915.

With those materials before it, the Committee held its subsequent meetings in the University Buildings in January and March 1915. The printed synopsis forms Appendix B to this report.

5. Before formulating our recommendations on each of the questions raised as above, it may be useful to recount briefly the stages through which the Government Law School has passed ever since its institution in 1856 and how it has developed into its present form. Its origin is due to the foundation of a Professorship of Jurisprudence in the Elphinstone College in the name of Sir Erskine Perry, who was Chief Justice of the High Court of Bombay for several years till 1852, and who had been also President of the Board which administered the educational affairs in this Presidency before the Department of Education was established with the Director as its head. The Professorship was founded by means of a subscription raised by the inhabitants of Bombay in November 1852, on the eve of Sir Erskine's departure, to commemorate his services to the cause of education in this Presidency. The Law Class so formed was in 1856 formed into a separate School and a Professor in addition to the Perry Professor was appointed by Government to lecture on law to evening classes at the School. For ten years, *i. e.*, till 1868, the School had only two Professors including the Perry Professor. The number was increased to three in 1868 and that arrangement lasted till 1898. Complaints were constantly heard in those years that the lectures in the School were, generally speaking, of no material use to the students; that the students attended the evening classes as a matter of form merely to keep the terms required by the University before they could appear for the examination for the degree of Bachelor of Laws; that students showed little interest in the lectures; that the School existed, practically for the convenience of lawyers who could not find sufficient work at the Bar; and that Government made a profit out of the receipts from its fees. These complaints became so constant and public that the University appointed a Committee in 1888 to suggest reforms. That Committee, consisting of some well-known lawyers of the time, *viz.*, Mr. Justice Farran, the Honourable Mr. K. T. Telang, and Mr. James Jardine, recommended the strengthening of the Professoriate of the School. Another Committee of the University consisting of the Honourable Mr. Latham, the Honourable Mr. Telang, Rao Saheb V. N. Mandlik, and Mr. Hart, all lawyers of repute in about the same year recommended the appointment of one of the Professors as Principal of the Government Law School. Accordingly in 1889 the Government of Bombay submitted to the Government of India a scheme for the improvement of the School and among other things for sanction to the appointment of a full-time Principal on a salary of Rs. 800 a month. The Government of India refused its sanction on the ground that it was very doubtful whether a Principal on the terms proposed would be available. The Government of Bombay did not press its scheme further until in 1891 another scheme was adopted resulting in the formation of a Library for the School and the appointment in 1895 of one of the three Professors as Principal of the School. Those measures, however, did not remove materially the complaints about the unsatisfactory character of the School.

6. Some members of the legal profession applied in 1897 to the University for permission to establish a Law College affiliated to the University. The application was forwarded to Government who, before disposing of it, appointed a Committee, with the Honourable Mr. Edward Giles, the then Director of Public Instruction, as Chairman, and some representative lawyers as members to report on the conditions and working of the Government Law

School and make recommendations for its improvement. That Committee submitted its report on the 31st of May 1898 and on the assumption that the School must be self-supporting and that any proposal, involving State aid would, however desirable, be impracticable, recommended in addition to some other proposals of a minor character: (1) that all income derived from the fees and endowment should be devoted to the purposes of the School; (2) that the staff should consist of a Principal and five Professors and the number of lectures should be increased and should be on all the subjects forming the curricula for the University examinations in law; (3) that examinations should be held in the School at stated periods; (4) that the Perry Professor should devote at least one hour a week in addition to his two lectures to tutorial work among such of the students as would be willing to avail themselves of his assistance and that he should be assisted by an Assistant Lecturer who should also be a Librarian; (5) that the appointment of the Principal and Professors should be for a fixed period, three years for the Principal and two for each of the Professors, all being eligible for reappointment at the expiration of their terms of office; (6) and that there should be a Board of visitors to maintain a general supervision over the School.

7. Most of the recommendations of the School were adopted by Government and the School has since then been supervised by a Board of visitors, presided over by the Honourable the Chief Justice. The complaints, however, have not ceased that the lectures to the evening classes are more or less lacking in interest; that the students attend merely as a matter of form to fill terms as required by the University, and that the School is wanting in the proper *esprit de corps* calculated to create a legal atmosphere among the students. But in our opinion the School as it is now is a great improvement on the state of things that existed before 1899. The time, however, has, we think, come when another step forward should be taken to improve the School and render it more efficient.

8. The first question is whether it is desirable that the Government Law School should be made a full-time institution. We are of opinion that it is not desirable to convert the Law School into a full-time institution in the sense that students of law should be required to attend the School all through the day. As will be observed from the written opinions received from Madras, they are divided on the question as to whether the experiment of a full-time Law College, begun in 1899, has been an improvement on the older system of lectures to evening classes. The Principal of the College, indeed, testifies that there has been a decided improvement; and the opinions of some of the lawyers of Madras consulted coincide with that view. But, on the other hand, some other well known lawyers of Madras, such as Sir Subramanya Iyer, the Honourable Sir Sivaswami Iyer, and the Honourable Mr. Justice K. Shreenivas Iyengar, are of the contrary opinion. In Calcutta the University Law College is not a full-time institution. Apart, however, from the question whether the full-time Law College at Madras has resulted in the improvement of legal education in that Presidency, we are of opinion, that, having due regard to the class of students for whom the Law School is intended, and the requirements of legal education in their case, it will not only serve no useful purpose to convert the institution into a full-time School, and compel the students to attend the classes for several hours daily but it may even prove detrimental to the soundness of that education. The students who attend the School are graduates in Arts or Science who have already acquired general culture. Their case stands distinctly on a different footing from that of students preparing themselves for the examinations in Medicine or Engineering. These latter stand in need of systematic training in classes like ordinary school or college boys, whereas graduates in Arts, studying for the degree of Bachelor of Laws, do not require regular and continuous instruction in law in classes for four or five hours a day, but only competent guidance by means of a few well prepared lectures every week. The lectures should aim at expounding the principles of law and their application to facts, to evoke thought, and enable the students to rely on their own resources and methods. The students should be encouraged to look up for themselves a point of law, follow it out and trace its develop-

ment and to apply the principle arising out of the points to concrete cases by means of a careful study of decided cases. However attractive the idea of a full-time Law School may appear in theory and on paper, in practice it is sure to degenerate more or less into an institution for coaching and cram, leaving little or no time to the student to cultivate the legal habit of mind and the power of initiation and resourcefulness essential to a lawyer. It is nearly sixty years since the Government Law School with its system of evening classes came into existence; and the lawyers it has turned out, whether as Judges, Advocates, or pleaders have, upon the whole, given satisfaction. The work of the subordinate judiciary, which is recruited mainly from the Bachelors of Laws, has been on several occasions commended both by the Judicial Committee of the Privy Council and the High Court. These Bachelors of Laws acquired their knowledge by self-preparation under the guidance of lectures in the evening classes at the Law School. A full-time School subjecting a student to the pressure of continuous study for four or five hours a day in classes will leave little time and opportunity for that self-preparation which is after all for him the best training for the practice of law.

9. On the second question we are of opinion that, whether the Government Law School is converted into a full-time institution or not, it is desirable as soon as practicable to locate it in a building of its own, as near as possible to the University and to the High Court. The defect of the Law School as it now is, is not that instruction is given for an hour or so daily in classes held in the evening, but that, having no building of its own, with a well-equipped library and other essential conditions of a legal atmosphere, the Law School fails to create and foster an *esprit de corps* among its students by affording them opportunities for the cultivation of mutual sympathy and the creation of healthy traditions among the Professors and pupils.

10. Having regard, however, to the financial situation, we think that there is no early prospect of securing an independent building for the Law School and our recommendation on that head will have to be regarded as one which can only be borne in mind by Government till effect can be given to it when the financial conditions are favourable. But whatever may be done now or in the near future with reference to the idea of a separate building for the School, the need of a hostel for its students, especially those who come from the Mofussil and live in Bombay for their legal education, is more urgent. From enquiries made we have learnt that many of these students find it hard to secure suitable accommodation by way of board and lodging in Bombay and are compelled in these days of increasing rent to live amidst surroundings which are both physically aud morally unhealthy. We strongly recommend, therefore, that Government should hire a place for a hostel for the students of the School, and that those residing in the hostel should be charged reasonable rent for the accommodation provided. Such a hostel would prove self-supporting. It would also be popular among the students and would go far to create an *esprit de corps* among them, especially if the hostel were placed in charge of a Superintendent and under the general control as to management, discipline, etc., of the Principal. We would remind Government that the hiring of a building is recommended only as a temporary measure and that as soon as practicable Government should carry out their purpose of erecting a hostel building for the Law School.

11. As our opinion is that the School should not be made a full-time institution, we do not think it necessary to suggest, on the assumption of a full-time School, what its staff should be.

12. On the third question we recommend that there should be two full-time Professors on the staff of the School, one of whom should be both Principal and Professor. One of the defects of the present arrangement is that the students secure no certain guidance and advice in the study of law beyond that obtained for an hour in the evening classes by means of lectures from the Principal and Professors. The School has a Library, which is fairly well stocked with the latest editions of such law books as a student has to study or read and also with the law reports, both Indian and English. The Library is located in a room on the ground floor of the Elphinstone College

building and the average daily attendance at it between the hours of 11 A.M. and 5-30 A.M. is one hundred. But during that period the students are left to themselves and are without any guidance from their Professors. The Professors are resorted to occasionally by the students for the solution of their doubts and difficulties at the close of the lectures but that is an inconvenient time for the Professors to help individual students.

Whether the students can resort to the Professors at any other hour has depended hitherto on the will of the Professors. Mr. Justice Davar, in the opinion which he has furnished to the Committee, states that during the period he was a Professor of Law at the School, students used to go to him at his chambers for explanations. Mr. Sanders-Slater, who was a Professor of Law some years ago, informs us that he used to attend the Library of the School twice a week and students of all classes consulted him then; other Professors, however, declined to follow his example. In our opinion the students should have ready at hand one of the Professors who can explain their difficulties and guide them when they are making use of the Library. This object can best be attained by having on the staff two full-time Professors, one of whom should be also the Principal of the School. The Principal and the other Professor should divide the hours of attendance at the Library equally between them. Both these officers should be rigidly prohibited from practice in the Court but may be allowed chamber-practice so long as it does not interfere with their duties at and in connection with the School.

13. We recommend that the Principal as a full-time officer on the conditions mentioned above should start with a salary of Rs. 1,200 a month, rising to Rs. 1,600 by a yearly increment of Rs. 50. The Professor as a full-time officer should start with a salary of Rs. 750 a month, rising to Rs. 1,000 by a yearly increment of Rs. 50. In the case of either, the service should be pensionable, and subject as to leave, etc. to the same conditions as those applicable to members of the Imperial Service of the Educational Department.

14. In making these recommendations we have been influenced by the fact that at present the income from the Law School leaves to Government a surplus of about Rs. 2,000 a month as profit.

15. If, as proposed by us, a full-time Principal and a full-time Professor be appointed, it follows necessarily that each of them would have to be provided with a room near enough to the Library to enable him to be of held to the students daily attending it.

16. Having regard to our recommendations on the *third* question, we do not think it necessary to consider the fourth question.

17. On the fifth question we are of opinion that it is neither desirable nor practicable that students attending the Law School should be required to attend the Courts under the direction of their Professor. In the first place it is not possible to find accommodation for such a purpose in any of the Courts; and secondly, there would be no material advantage gained by the students from such attendance, because they would have to hear cases argued without knowing the facts and pleadings, and it would be difficult for them to follow the arguments at that stage of their pupilage. Most of the cases in the Courts turn on questions of fact, and it is only at rare intervals that any interesting and important question of law is discussed in the Courts. It would, in our opinion, be sheer waste of time for the students to attend at the Courts, even assuming that such a large number of them as would have to be taken to the Courts could be accommodated. The experiment was tried and abandoned at Madras and it has not since then been renewed.

18. On the sixth question we do not think that any change is called for in the present syllabus of studies for the first and the second examination for the degree of Bachelor of Laws of the University except that it is desirable to introduce into the syllabus of the first examination a course on the outlines of Constitutional Law. It was only recently that the University prescribed after careful deliberation the syllabus now in force for each of the two exami-

nations in law; sufficient time has not elapsed to justify any substantial modifications in it. The subject of Constitutional Law is, however, so important that its outlines can be safely added to the subject of General Jurisprudence which is already included in the syllabus of the first examination. The addition, in our opinion, will not prove burdensome to the students, because the principles of General Jurisprudence form an easy gradation to the outlines of Constitutional Law.

19. On the seventh question we are of opinion that a two years' course for the degree of Bachelor of Laws should be sufficient. That question also was settled only a few years ago by the University when it prescribed the present syllabus, and it is undesirable to make any change within so short a time after the recent settlement. The preponderance of the opinions of the lawyers we have consulted is opposed to any extension of the two years' course and no evidence is forthcoming to warrant an opinion to the contrary.

20. Dealing with the eighth question as to whether it is desirable that a maximum number should be fixed for the students in the School in future, leaving it open to other institutions affiliated to and recognized by the University under Government sanction to supply additional facilities for legal education, we desire to point out that the time is not yet when Schools or Colleges for the study of law can be allowed to be started in any place in the Presidency outside Bombay with due regard to the sound requirements and efficiency of legal education in this Presidency. As observed by Mr. Donald, lately a Judge of the Small Causes Court of Bombay, for some years to come the teaching of law can best be done only in Bombay where all the best facilities for that teaching exist, such as the highest Courts, and a more healthy atmosphere of law and public opinion than is found in other towns in the Presidency. Bombay alone affords opportunity for studying the law in its mercantile aspects, besides that it introduces the student into an atmosphere of general culture and enlightened public opinion which are necessary and important in the development of a high standard of professional honour and etiquette. The aim of the Government and the University should be to develop and strengthen the Government Law School. It follows from these considerations that there should be no limit fixed to the maximum number of students admitted into the Government Law School. Should the classes become unwieldy, they should be subdivided on the Principal's recommendation.

21. The last question relates to other suggestions or proposals for the reform of the law school and the efficiency of legal education. On page 10 of Appendix B will be found the various proposals on this head made by the gentlemen consulted by us. Some of those proposals turn upon matters of detail with regard to the disciplinary character and mode of instruction in the School and may be left to be dealt with by the Principal and the Professors in the exercise of their disciplinary powers.

22. The proposal that before Bachelors of Laws are allowed to practise, they should be required to read for one year with a High Court or a District Court Pleader is one on which we do not think it necessary to offer any opinion, because that is a matter which does not affect the reform of the Law School and is entirely within the competence of the Honourable the Chief Justice and Judges of the High Court.

23. Some of the gentlemen consulted advise that no one should be appointed a Professor at the School who has not a certain standing, say, of five or ten years' at the Bar. In theory that proposal may appear sound. But in practice it may be found inconvenient sometimes to make appointments to the Professorships upon a rigid rule of that kind. It is certainly desirable that a Professor should have a certain standing at the Bar but it is not desirable to fix any exact number of years.

24. The classes should be held not as at present only in the evening but also according to convenience in the morning. That has been the practice both at Calcutta and Madras, and we see no reason why it should not be so in Bombay.

25. We recommend that every professor except the two full-time officers should be appointed, in the first instance, on probation for one year; if he prove efficient during that period, his subsequent appointment should be for two years, and he should be eligible for reappointment every two years so long as he continues efficient.

26. We desire also to point out the necessity of removing the disability imposed on the professors of the school by a practice which has prevailed in the University according to which none of them, while holding office as Professor in the school, is appointed an Examiner at the Law Examinations of the University. No such rule obtains in the case of the University with reference to Professors in the Arts or other colleges affiliated to it. We think that the disability in question is unnecessary and founded on no sound reason. It is for the University to remove the particular disability here pointed out and we recommend that, whenever it is practicable, at least one of the Examiners, at each of the two examinations in law, *viz.*, the first and the second Examination for the degree of Bachelor of Laws, should be a Professor of the School, including in that term the Principal also.

27. Another recommendation we have to make for an improvement in the Law School so as to enable the students to be more attentive to the lectures in the classes than they have been and to take to the study of law seriously is a regular system of terminal examinations. At present there are examinations held but they are not obligatory on all the students. Only those present themselves at them who desire to compete for the prizes and scholarships awarded at the school; and their number is small as compared with the total number on the roll in each class. In our opinion, every term should end with an examination in each class on all the subjects on which lectures have been delivered during the term; and no student should be sent up by the School for a University examination unless he has done well at the terminal examinations and satisfied the School authorities that he has studied his law seriously.

28. Another equally efficacious method for compelling serious attention to the study of law and to the lectures at the school is for each Professor to exact written exercises from the students. This method was recommended to the Professors of the Government Law School in 1857 by the late Mr. E. I. Howard, himself a lawyer, who was then Director of Public Instruction in the Presidency of Bombay. He wrote in his report to Government for the year 1857-58:—

"As regards the present classes I recommend the Professors to require from their pupils frequent written exercises such as analysis of legal arguments, report of cases in the Presidency Courts of Justice, and answers to legal questions involving the application of law to facts, and to make the public criticism of such compositions in the lecture room a part of their teaching."

In those days, when the classes of the School were not unwieldy as they are now, it was much easier and more convenient for a Professor to exact frequent written exercises from his pupils. But the object of such frequent exercises can be equally gained in the case of the present classes, however unwieldy they be, if a Professor will daily select even two or three of the pupils in his class and exact written exercises from them and subject them to the process recommended by Mr. Howard. The Professor, if he adopts that method, will have but two or three exercises to examine and criticise in the class; the examination will be no burden to him; and no student will be tempted to be inattentive through imagining that he will not be subjected to this test.

29. In paragraph 5 of the Resolution of Government appointing this Committee, we were desired to request the Collector of Bombay and the Executive Engineer, Presidency District, to furnish any information which we might require for the purposes of our report. The only question on which we could have required information from them was that of a separate site or building for the location of the school. In view of the fact, however, that there is no immediate prospect of erecting such a building, we have not deemed it necessary to consult either of the said officers.

30. Having made our recommendations as above, we now proceed to give an estimate of the financial effect thereof :—

31. The present resources of the school consist of :—

(1) The Perry Professor endowment of Rs. 53,700, which produces Rs. 1,879-8-0 per annum by way of interest.

(2) The receipts from fees. The fee taken from each student of the School is Rs. 90 for the two University terms of first LL.B.; and Rs. 100 for the two University terms of the second LL.B.

(3) The receipts from the subscription of the Library of the School.

32. Taking the receipts of the last three years ending March 1915 as a basis on which an estimate of the fee receipts may be calculated, the figures are :—

Year.	No. of students on 31st March.	Fees.
		Rs.
1912-13	470	43,230
1913-14	509	45,925
1914-15	461	46,440
Total ...		135,595

Average of three years: Rs. 45,198-5-4.

33. The receipts from the Library for the past three years are :—

Year.	Receipts.
	Rs.
1912-13	89
1913-14	126
1914-15	116
Total ...	331

Average of three years : Rs. 110-5-4.

34. The present annual expenditure on the school is as follows :—

	Rs.	a.	p.
Principal	5,400	0	0
Five Professors	24,000	0	0
Head clerk and librarian (with allowance) ...	662	6	0
Assistant clerk (with allowance) ...	432	0	0
Three peons	462	0	0
Scholarships and prizes	1,500	0	0
Library	860	0	0
Electric light	250	0	0
Furniture and sundry expenses	640	0	0
Service stamps	20	0	0
Total ...	34,226	6	0

35. If to the fee receipts of Rs. 45,198-5-4 (the average of the past three years) be added the annual income of Rs. 1,879-8-0 from the Perry Professor endowment and Rs. 110-5-4 (the average of the library subscription) the total is Rs. 47,188-2-8, which may be taken as the estimated annual income of the school.

36. Taking that amount as the basis for the purposes of our recommendations, the figures for our scheme would be :—

	Rs.	
One full-time Principal on Rs. 1,200 a month rising by annual increments of Rs. 50 to Rs. 1,600;	23,400	1st year.
	24,600	2nd ,,
	25,800	3rd ,,
	27,000	4th ,,
	28,200	5th ,,
	29,400	6th ,,
and		
One full-time Professor on Rs. 750 a month rising by annual increments of Rs. 50 to Rs. 1,000.	30,000	7th ,,
	30,600	8th ,,
	31,200	9th ,,

The present expenditure excluding the pay of the Principal and one Professor being Rs. 24,026-6-0.

	Rs.	
Total Expenditure	47,427	1st year.
	48,627	2nd ,,
	49,827	3rd ,,
	51,027	4th ,,
	52,227	5th ,,
	53,427	6th ,,
	54,027	7th ,,
	54,627	8th ,,
	55,227	9th ,,

37. We have no reason to suppose that the receipts from the fees will decrease; on the other hand, the figures of the past warrant the anticipation that they will increase, and if the School be strengthened in the way recommended by us, its popularity will grow, and it may be expected to prove as has hitherto been the case more than self-supporting. Government have hitherto made a profit out of the School, and it has, therefore, a moral claim on Government justifying the increased expenditure necessary to give effect to our recommendations.

Committee's recommendations summarised.

38. We will now summarise our recommendations :—

(1) The school should continue to be carried on as at present in evening classes and it is not desirable to convert the Government Law School into a full-time institution in the sense of students of law being required to attend the School for a number of hours during the day.

(2) While it may be desirable to have a separate building for the School and while such building should be as near to the University and the High Court as possible, on account of the financial situation, there appears to be no immediate prospect of such a building being found or erected.

(3) The want of a hostel for the students of the School is more pressing than that of a separate building for the School itself and Government should hire a building for the purposes of a hostel.

(4) There should be two full-time Professors, one of whom should be also the Principal. These should, besides lecturing to the evening classes, divide between themselves the hours of the Law Library of the School and be by turns available to the students attending the Library for guidance in their studies.

The full-time Principal should begin with a salary of Rs. 1,200 a month rising to Rs. 1,600 by yearly increments of Rs. 50. The full-time Professor should start with a monthly salary of Rs. 750 a month rising to Rs. 1,000 by yearly increments of Rs. 50. The services of both these officers should be pensionable and subject to the rules and regulations as to leave, etc., applying to the Imperial Service of the Educational Department. Each of them should be provided with an office room near enough to the Library of the School.

(5) No change is called for in the syllabus of the studies for either of the University examinations in Law except that the outlines of Constitutional Law should be added to the paper on General Jurisprudence in the First Examination for the degree of Bachelor of Laws.

(6) A two years' course as at present for the degree of Bachelor of Laws is sufficient.

(7) It is not desirable to fix a limit to the maximum number of students admitted into the School.

(8) Though as a rule no lawyer should be appointed Professor unless he has some standing at the Bar, no definite length of standing need be prescribed; merit alone should be the sole test for the appointment.

(9) Every Professor should at the start be appointed on probation for one year and on the expiration of that period be eligible for reappointment.

(10) At least one of the three examiners at either of the law examinations of the University should be a Professor of Law of the Government Law School.

(11) There should be terminal examinations at the School and no student should be sent up for the University examinations who has not passed the terminal examinations.

(12) The Professors should make it a point to exact frequent written exercises from the students, such as analysis of legal arguments, reports of cases and answers to legal questions involving the application of law to facts and make the public criticism of such compositions in the lecture room a part of their teaching.

We have the honour to be,

Sir,

Your most obedient servants,

N. G. CHANDAVARKAR.
*W. H. SHARP.
*D. MACKICHAN.
D. F. MULLA (subject to minute of dissent).
M. R. JARDINE (subject to minute of dissent).
C. H. SETALVAD (subject to minute of dissent).
†MIRZA A. A. KHAN.
†G. S. RAO.

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* See subjoined note.

† Signed subject to minute of dissent.

Minutes of Dissent.

We do not agree with recommendations 4, 5, 11 and 12 of the Report.

2. The Committee consulted 54 highly qualified gentlemen among other matters on the following:—

> "*Question 3.*—If you are of opinion that a full-time Law College is not required, would you advise that the Principal should be a full-time officer, so that he might be present in the School Library?"

Those who answered this question gave a negative reply to it. The Report does not exactly define the duties of the proposed full-time Principal and the full-time Professor. If they are only to solve the superficial difficulties of the students, the extra heavy expenditure involved in the proposal is in our opinion not justified. If they are to elucidate certain points which the students may not have followed in their lectures that duty is already being performed by the teaching staff of the Law School and the proposal is unnecessary. It is now a well-established practice in the Law School for the Principal and Professors to devote a part of their time to this work at the end of each lecture. Where the hour is found to be inconvenient the lecturers are always willing to see their students by special appointment. The full-time men are not likely to be specialists in every branch of the Law. Outside their own subjects the help they can give will be of little value. If every student of the Law School is to have the right of asking the full-time officers to coach him up in his subjects as he may desire, it will be impossible for the two men to cope with the demands of about 550 to 600 students. The students will lose much valuable time in waiting for their turns and some may have to go away disappointed every day. They will cease to care for the lectures and their habit of self-reliance will be much impaired. No Law or Arts' College with which we are acquainted has adopted the system here recommended. We are convinced that the introduction of such an innovation will be of no practical advantage to the students of the Law School. The financial aspect of the proposal too is against its adoption. If the Law School is to remain a financially self-supporting Institution upon which the Report counts the fees now paid by the students (*viz.*, Rs. 100 in the second year and Rs. 90 in the first year) will have to be increased to meet the yearly deficits under the proposed scheme. The majority of the students are so poor that any such increase will be acutely felt by them. We do not share in the optimistic forecast of the Report that if the changes recommended therein are adopted more students of the Presidency in the future will wish to become lawyers. Should even that be so the increase in the numbers unless it be substantial enough will not ease the financial situation. The present classes of 200, 200 and 150 are as large as the available class-rooms can accommodate. Any appreciable increase in the number of students will necessitate a further sub-division of the classes. The extra income derived from such a source will nearly always be absorbed in the extra expenses the sub-divisions will involve.

3. We are of opinion that the present text books in Jurisprudence and in Mercantile Law at the First LL. B. should be revised by the University.

4. We are not in favour of introducing compulsory Terminal Examinations into the Government Law School. The Law students are all of them Graduates of the University and there is no need to subject them to this test. Even the Arts' Colleges have not adopted such a course with their M. A. students who are permitted by them to appear for the University Examination without first going through a College Examination. Such a measure if adopted will interfere with the continuity of the lectures. The University Law Examinations are held twice in the year at the end of each of the two Law School terms. Under the University Regulations the "forms" are sent up by the Law School long before the term is over. The

Terminal Examination must therefore be held about the middle of each term. It will be difficult to get the students to take as much interest in the lectures after this Examination as before it. Those who fail in the Terminal Examination will have no more incentive to work during the remainder of the term. The report does not make it clear as to what is to be done with the students who either do not sit for the Terminal Examination or fail to pass it, apart from refusing them permission to appear for the following University Examination. Are such students to continue attending the Law School until they pass a Terminal Examination even though they may have kept the requisite number of terms? If that be so it will entail much hardship particularly upon those students who do not ordinarily reside in Bombay. If no such condition is imposed the measure will prove futile. To avoid the inconvenience of such an Examination many students will probably make up their minds to appear for the University Examination six months after completing the requisite number of terms in the Law School. They will thus become inattentive to the lectures and the old abuse which the present system was devised by the University to remedy will be revived.

5. We are of opinion that the method of teaching recommended in the Report should not be introduced into the Law School. The Professors may be trusted to perform their duty to the best of their ability and it is not desirable to impose any particular method upon them. As far as we are aware the late Mr. Howard's recommendation has never been acted upon in the Law School. Whatever its desirability may have been in 1857-58 it is highly unsuited to the present condition of the Law School. It will lead to much wasting of the students' time by the Professors. It will become difficult to maintain discipline while the written exercises are read out and criticised in the Class. In the limited time of one hour per day for the lectures it will be impossible to finish the course prescribed by the University.

6. We recommend the following changes for improving the Law School:—

(*a*) Government should provide the Principal with a room as near the Law School Library as practicable and require him to be accessible there to the students during office hours on one day in the week in term time.

(*b*) A competent lawyer should be appointed Librarian with the duty of keeping the Library well-stocked with the latest publications.

(*c*) A University Graduate capable of drafting letters in good English should be employed as Head Clerk.

(*d*) The present number and scale of Prizes and Scholarships should be revised so as to attract a larger number of students to compete for them than is the case at present.

(*e*) A larger amount than what is now spent should be devoted for purchasing new books for the Library.

(*f*) The classes should be sub-divided as far as practicable so as not to exceed 150 in any of them.

C. H. SETALWAD.

G. S. RAO.

MIRZA A. A. KHAN.

I agree with the Honourable Mr. Setalwad, Mr. Rao and Mr. Khan that no Terminal Examinations are necessary at all. The students of the Government Law School are all Graduates of the Bombay University, and it is absolutely useless to hold School examinations.

D. F. MULLA.

I agree with paragraphs 4 and 5 of the minute of dissent of Messrs. Setalwad, Rao and Mirza A. A. Khan.

M. R. JARDINE.

While I sympathize with the principle underlying the recommendations for Terminal examinations and written exercises, I am afraid that there are many practical difficulties in the way in the actual conditions of the Bombay Law School.

W. H. SHARP.

The recommendation (4) with reference to a full-time Principal and Professor appears to me to render recommendations (11) and (12) unnecessary. Details regarding the conduct of the classes may be left to the discretion of the Principal. The proposal that a full-time Principal should be appointed is made for the purpose of securing a more complete and efficient system of instruction. It may be safely left to him to devise such means as he may think necessary for the attainment of this end, and if by means of regular examinations and exercises or by any other means the students of the Law School as a body are encouraged to make use of their attendance at lectures as an aid to real study and not simply as a matter of form necessary to the keeping of terms. This end will be in great measure attained.

D. MACKICHAN.

APPENDIX A.

PAMMAL HOUSE,
VEPERY, MADRAS, N. C.,
12th July 1915.

Dear Sir Narayan Chandavarkar,

The question of the reorganization of the course of study in law recently attracted the attention of the Madras University. I had something to do with the settlement ultimately arrived at. I shall therefore gladly place my views before your Committee.

1. I was myself a Professor in the Madras Law College for over 5 years. My impression is that students are not likely to be benefited by requiring them to study continuously for a number of hours during the day. What they require is careful direction as to how they should approach a subject and not regular class teaching. In Madras the system of day tuition was tried and was found unsuitable. An hour under a professor who is in touch with the profession and who has a recognised status among lawyers will be more advantageous to Law students than the explanation of sections and chapters by one who has no practical experience of pleading.

2. This leads me to the consideration of the second difficulty. A full-time lecturer of law will ordinarily be one who is not among the rising men of the bar; he undoubtedly will not obtain the respect and attention of the students. It is of the utmost importance that graduates should be placed under men for whom they entertain regard.

3. The other consideration about students finding it difficult to attend throughout the day may not be as real as the two others mentioned by me. Still, in this country, having regard to the poverty of the people and to the changes that have already been introduced in the arts courses which have lengthened considerably the period of study, it is not desirable to deprive students of the benefit they derive from employment elsewhere.

4. At the same time, I think the time has come when the curriculum of studies should be revised. Notwithstanding some unpopularity, I and a few others found it necessary to recommend a three years' course in Madras. We had to increase the number of subjects.

5. It is of the utmost importance that the curricula of study in the three Universities should be of the same character. There should be reciprocity by way of allowing those that pass the Law examination in one University to practise in the courts of the other provinces. To this end, the course of study should, as far as possible, conform to what obtains in the sister Universities.

Yours sincerely,
(Sd.) T. V. SESHAGIRI AIYAR.

MYLAPORE,
Madras, 8th July 1915.

Dear Sir Chandavarkar,

Your letter of the 2nd instant came to hand duly.

I am opposed to making the Law College a full-time institution, and I arrive at this conclusion having regard to what has been the result in this City by the adoption of a course similar to that under contemplation in Bombay. I believe that legal education has suffered by the step taken here. The chief cause is the comparatively inferior capacity of the professors employed as full-time workers. The lectures and tuition given by these full-time men are not such as to inspire the students with a love of legal study. Lectures by capable men enjoying a good practice at the bar for even an hour used to do more for students than five times the dull drilling which they now get at the hands of the present class of tutors and professors. The present day students are not inferior to their predecessors but under present conditions they are treated as incapable of being lawyers except under a pressure which leaves to them little real time and opportunity for thought and self-preparation.

Hoping this will find you in the enjoyment of sound health,

Yours sincerely,
(Sd.) S. SUBRAMANIA AIYAR.

"BOMBAY HOUSE,"
Ootacamund, 9th July 1915.

Dear Sir Narayan,

I am in receipt of your letter of the 2nd instant *in re* the reorganization of the Government Law School, Bombay. I had to consider the question of the reorganization of the Madras Law College in 1912, and, although my proposals have not been carried out, I think they are

sound and will be more or less applicable to Bombay in view of the presumable similarity of conditions. The question whether the College should be made a full-time institution or not, and what the hours of work should be, will depend upon the method of recruitment proposed for the College staff. For two reasons, I think it essential that the staff should be recruited from among practising lawyers. No amount of salary that may reasonably be expected to be paid will ever induce the most promising lawyers to give up their court work and prospects in the profession and devote themselves to full-time work in the College. In the next place, the practising lawyer has much more vivid ideas on the subject and a better grasp of its difficulties than the mere chamber lawyer. Taking it then as desirable to recruit the staff from among practising lawyers, it follows that they must be allowed full liberty of private practice. The hours of work, therefore, must not interfere with the court work of the professors, lecturers or tutors. They should be ordinarily between 5-30 and 7-30 in the evening, except on Saturdays when, if the High Court does not sit, they may be asked to work in the mornings between 8 and 10. These were the hours of work when I was an Assistant Professor in the Madras Law College several years ago. I cannot say that the change which has been since introduced has been attended with any beneficial results. It is possible also that some professors may find time between 10 and 11 in the mornings, but it is not likely that this will be welcomed by any practising lawyer.

If it is possible to provide a salary of not less than Rs. 1,000 rising to Rs. 1,500, probably you may be able to get a full-time man for the Principalship. The hours of work of the Principal may be sometime between 11 a.m. and 5 p.m., the intervals between the Principal's classes and the other Professors' evening classes being employed by the students in reading in the library. Having regard to the number of subjects to be studied and the desirability of inducing the students to enlarge their range of reading beyond the text books prescribed, it will be well to compel the students to devote themselves wholly to their studies during the day. From the point of view of sound legal education, the system of allowing the students to engage themselves in other occupations during the day and oblige them to attend only one hour in the evening must be condemned. In my time, we had only one hour's instruction in the evenings about four times in the week, but I had no other occupation and I devoted myself to my books the whole day. The majority, however, of the students in my time attended the Law Classes for the purpose of securing a certificate of attendance with the idea of going up for the examination at their leisure. The Professors and Assistant Professors should not be required to give more than 4 or 5 hours a week, but the full-time Principal may be asked to put in at least 10 or 12 hours' work. To put it shortly, the College should be a full-time affair so far as the students are concerned, but not as regards the members of the staff other than the Principal. If you want my opinion upon any other points, I shall be glad to write to you again.

I remain,
Yours sincerely,
(Sd.) SIVASWAMI AIYER.

To—Sir Narayan Chandavarkar, Kt.,
Chairman, Government Law School Committee, Bombay.

DEVONSHIRE HOUSE, MYLAPORE,
Madras, 11th July 1915.

Dear Sir Narayan Chandavarkar,

Your kind circular letter of the 2nd July 1915 was put into my hands only just now, as I have been wandering in several places between Kodaikanal and Madras during the last 10 days. It is now 35 years since I heard lectures in the Madras Law School which was then conducted as a small appurtenant to the Presidency Arts College. It was not a full-timed institution and the classes met in the evening for one hour daily. There was no Principal separately for the law classes and there was only one Professor, a Barrister. Lectures were mostly farces and the students were left to study for themselves. At least 15 minutes of the one hour lecture period was taken up in calling the attendance register. There were, however, annual examinations during the two years' course, but nobody cared for the results except those who got a scholarship as the result of the first examination. Many of the students got their livelihood as teachers in the Arts Schools in Madras and appeared for the Law examinations whenever they could. All these have now been changed, and in my opinion for the better. I am strongly of opinion that Barristers and Pleaders who are appointed professors and Principals ought to confine themselves to chamber practice, that the Government Law College should be a full-timed institution, that nobody ought to be allowed to bring the teaching profession into disrepute by using it as a mere stepping-stone while their goal is the profession of law and that the services of well trained lawyers for the post of Principal and to recruit the professorial staff of the school can be secured (as it is being fairly secured now in Madras) even if it is made a full-timed institution, as there are lawyers of a certain temperament who prefer teaching to

practice and are not, on that account, less fit to teach law. Their failure to get into good practice and their comparative preference for the duties of teaching are due more to a over-sensitiveness and reservedness than to lack of ability and learning as lawyers.

A person in full practice cannot be expected to (and did not as a matter of fact in Madras) ordinarily bring an unwearied mind, at the fag end of a busy day, to the responsible work of instructing youth in the difficult subject of law. One friend of mine in good practice (he is now a Judge), who conscientiously worked very hard to do his duty as professor, was obliged to give up his professorship after two years owing to the serious breakdown of his health.

It is, no doubt, an hardship on poor graduates in arts to spend two or three more years (after taking their degree in arts) in attending full-timed institutions in order to get a degree in law. I do not think that that hardship can afford sufficient excuse for keeping up patently inefficient institutions for the study of the law. There have also been cases to my knowledge where poor graduates ruined their constitutions permanently and died early deaths owing to the strain to which they subjected themselves by working as schoolmasters while they were also studying law.

Yours sincerely,
(Sd.) S. SADASHIV AIYAR.

No. 671.

OFFICE OF THE LAW COLLEGE,
STATION MADRAS,
Date, 20th July 1915.

From—Arthur Davies, Esq., M.A., Barrister-at-Law,
Principal, Law College, Madras;

To—The Chairman, Government Law School Committee, Bombay.

Sir,

With reference to your letter No. 2 of 1915-16, dated 2nd July 1915, I have the honour to state that I could not reply to your letter earlier, as I was awaiting the sanction of Government to an alteration in the regulations of the University raising the period of the B.L. course to one of three years. This has now been obtained and a copy of the regulations is enclosed for your information.

2. Even now changes in the College Rules are under consideration, but I may, in anticipation of the form which I have little doubt they will assume, answer your queries as follows:—

(*a*) The Madras Law College is a full-time institution.

(*b*) The Principal is not allowed to practise, but is allowed to take chamber work, while the Professors and the Assistant Professors are allowed to practise.

(*c*) It is very difficult—in fact almost impossible—for graduates who desire to study law at the same time to pursue any other employment, but there is no general complaint from them on this account. Those who are employed in some service or other either take leave or resign their appointments with a view to study law.

(*d*) We have been a full-time institution for a number of years now, although most of the lecturers have been at liberty to practise, and in my opinion the system has worked far more satisfactorily than any system of evening classes possibly could.

3. I am sending for your information by separate packet a copy of the College Calendar for 1914-15. The new Calendar for 1915-16 is under preparation and a copy of this will also be sent to you as soon as it is ready.

I have the honour, etc.,
(Sd.) ARTHUR DAVIES,
Principal.

Madras, 19th July 1915.

Dear Sir Chandavarkar,

I am in receipt of your kind letter of the 2nd instant.

I am decidedly in favour of a full-time institution working on the same lines as the Arts Colleges with full-time professors, if it is intended to impart sound legal education to students. The system referred to in paragraph 2 of your letter was in vogue in Madras when I was a student of the Law College and, speaking from my own personal experience, I can say that very little law was learnt *in the Law College* in those days. We had to depend on our own efforts outside College to master the subjects prescribed for the B.L. degree.

My own opinion is that, unless a student is prepared to devote his full time to the study of law, it is not possible for him to acquire anything more than a superficial knowledge within the short period that is now prescribed for the law course. (It is 2 years now after passing the B.A., and will be shortly raised to 3 years.) After a day's work in Court it is difficult to expect law professors to do much in the College. Men at the top of the profession will not accept the appointment, and I doubt very much if the professors now appointed on the scale of pay now fixed are "well-trained lawyers" who have any reputation as jurists.

We in the Madras Presidency have given up the system which is now in vogue in Bombay, as the evils far outweighed any possible advantages, and I think that a full-time college run on the lines of the Arts Colleges is the best means of imparting sound legal education. As regards the professors, I think we can get really good professors who will be prepared to devote their whole time to College work on a pay ranging from Rs. 1,000 to Rs. 1,500 and that an able Principal can be secured on a pay of Rs. 2,000 a month. A successful practitioner will not necessarily make a sound jurist or professor, and I would have rather men who will devote their life to legal study and research as professors.

Yours sincerely,

(Sd.) KUMAR SHASTRI.

HIGH COURT OF JUDICATURE,
Madras, 20th July 1915.

Dear Sir Narayan Chandavarkar,

Your letter No. 13 of 1915-16, dated 2nd July, reached me only a couple of days ago.

2. With reference to making the Law School at Bombay a full-timed institution, I think, speaking from our experience in Madras, the suggestion deserves support. I am not in a position to say whether "the number of graduates who have to maintain themselves by some employment while pursuing legal studies with a view to follow law ultimately as their profession" is proportionately so great as to make it necessary to adopt in their interest a less efficient basis for the Law School as a whole. I should not feel competent to express an opinion on this point without having more detailed information derived from the actual attendance in the Law School, Bombay; but in any case it seems to me that it would be easier and more satisfactory to exempt such graduates from attendance in the Law School rather than to lessen the general efficiency of the school by adopting arrangements for its management more suited to their interest than to that of the rest of the students.

3. With reference to the fear that it might be "difficult to secure the services of well trained lawyers for the Principalship and professorial staff of the school" if it be "made a full-timed institution,"—the fear would no doubt be justified if the salaries of the Principal and Professors are not enhanced. If however the salaries are sufficiently raised it seems to me—and I believe that the experience of Madras supports this opinion—that there would be no difficulty in getting very capable Principals and Professors on the terms that they are to devote their entire time to the Law School.

4. The advantages of having a full-timed institution seem to me to be very great. As it is, the hours of lecture are, it is acknowledged on all hands, extremely unsuited for intellectual work. The professors cannot be expected to look upon the Law School in its present arrangement as the main concern of their life. They look upon their work in connection with it now as an adjunct to their practice. Similar feelings are present in the minds of the students who are now justified in thinking that attendance at the Law School is a minor episode during the years that they are supposed to devote to the study of law. If professors are required to devote their entire attention to the work of the Law School, there might be some chance of attracting such of the barristers and pleaders as would like to devote themselves to the scientific study and teaching of law. It seems to me to be quite possible in this way to get and partly to create a very efficient staff for the Law School.

5. Under the present system of teaching followed in the Bombay Law School, the total number of lectures that can be delivered during the term are far too few for a satisfactory treatment of the University course. Very few students attend more lectures than are necessary for obtaining permission to attend the University examination. They therefore hear only a portion of the lectures, which themselves deal with only a portion of some of the subjects prescribed by the University. It seems to me to be anomalous to make attendance at lectures compulsory, but to stop the compulsion at a stage when the attendance is futile.

6. Some time after my arrival in Madras, in the beginning of 1913, I wrote, at the request of His Excellency Lord Sydenham, a letter to the Chief Justice of Bombay containing some detailed suggestions with reference to the work of the Bombay Law School. I refer to these suggestions in connection with the final paragraph of your letter. I have no doubt that my

letter will be available for the consideration of the members of the Committee of which you are the President, should they desire to see it. I am communicating with the Principal of the Law College in Madras so that he may send such papers as are available and as might be of use to you.

Yours sincerely,
(Sd.) F. B. TYABJI

To—Sir Narayan Chandavarkar,
Office of the Government Law School Committee, Bombay.

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37 & 38, VAKILS' CHAMBERS,
Madras, July 25th, 1915.

Dear Sir,

From the experience of the constitution and the working of the Law College at Madras, it has been found that if it is to be worked as a full-time institution there is no chance of getting the best men at the Bar to be Professors or Lecturers. About 20 years ago, when (as in Bombay now) the Law classes were held for an hour or two in the evening daily, it was possible to secure the very best legal talent available in Madras for the delivery of lectures and the holding of classes. Men like Sir V. Bashyam Aiyangar and Mr. V. Krishnaswami Aiyar were connected with the institution and it was possible for the students to obtain stimulating instruction from the Leaders of the Bar. At present, in Madras, it is only the failures at the Bar and the men who have no other chances in life that are appointed as Professors and Lecturers and the students are not profited by this arrangement. There is another aspect of the question which has also to be considered. The general run of graduates in our country is desperately poor, and the only way in which they can continue their post-graduate studies whether in law or in other departments is by attending classes whilst supporting themselves by the income derived from private tuition or from an appointment in a Government office. I am strongly of opinion that if we prohibit graduates from accepting appointments whilst undergoing the law course, or what comes to the same thing, make the institution a full-time one, the number of persons who can avail themselves of the advantages of a legal training will be greatly affected, and I, for one, do not feel with those who look upon the increase of lawyers as an unmitigated curse. I would suggest the appointment of a few highly paid permanent professors who will take up, what may be called, the routine work of teaching and the holding of moot-courts and the like. Combined with this, the present system of inviting distinguished members of the Bar to lecture on specified subjects or aspects of them should be continued.

Yours truly,
(Sd.) C. P. RAMASWAMI AIYAR.

To—Sir Narayan Chandavarkar,
Chairman, Government Law School Committee. Bombay.

57, ESPLANADE ROAD, FORT,
Bombay, 4th August 1915.

To—Sir Narayan Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

I beg to acknowledge the receipt of your letter of the 17th July last, and to express my opinion on the points referred to therein.

(1) I do not consider it desirable that the Government Law School should be made a full-time institution.

(2) It should be located in the Fort. The staff should consist of about six Professors, all of whom should as far as possible be practising lawyers. Each Professor should deliver six lectures every week. The salary of every Professor should be Rs. 400 a month. In addition to this there should be at least two tutors to help the students in their studies during the day in Small Classes to be held by them. The attendance at these classes need not be compulsory.

(3) I do not think that the Principal should be a full-time officer.

(4) Please see answer to question 2.

(5) I think students should be asked to attend in the course of the last year of their study, say half a dozen cases severally in the High Court, S. C. Court and Police Courts, and submit short reports of them to the Professors stating the questions of law involved in them. I think the selected candidates for the Indian Civil Service are required to do some such thing.

(6) I do not see any change is wanted in the syllabus of studies for the 1st and the 2nd LL.B. examination, but I would introduce the study of Constitutional Law at the second examination.

(7) I think a two years' course is quite sufficient but there should be two lectures every day, each for one hour. These may be delivered either in the morning or in the evening.

(8) Yes, I certainly think so ; other institutions should be encouraged as much as possible though this may be done under the sanction of the University.

(9) Each Professor should be asked to give to each of the students of his Class a printed syllabus of his lectures. This would give the students some help and at the same time show what work the Professor has done. This is done at the Inns of Court and was done here also by Principal Mulla and some other Professors. The Professors should be appointed for a fixed period and should be eligible for reappointment. This would allow of indifferent Professors being eliminated and useful ones being retained.

Yours faithfully,
(Sd.) R. D. SETHNA.

No. 1523.

HIS MAJESTY'S HIGH COURT OF JUDICATURE,
APPELLATE SIDE,
Bombay, 2nd August 1915.

From—F. W. Allison, Esq.,
Registrar, High Court, Appellate Side, Bombay ;

To—The Chairman, Government Law School Committee, Bombay.

Sir,

With reference to your letter No. 1, dated the 2nd July 1915, requesting that the Hon'ble the Chief Justice and Judges may be pleased to favour the Committee appointed to consider the question of the reorganization of the Government Law School, Bombay, with their suggestions on any or all of the points mentioned therein, I am directed by their Lordships to forward the accompanying copies of the Minutes recorded by the Hon'ble Messrs. Justices Davar and Shah. I am to add that the Hon'ble the Chief Justice agrees with the Minuting Judges on point No. 5, and that the Hon'ble Mr. Justice Batchelor agrees with the Minute of the Hon'ble Mr. Justice Shah.

I have the honour, etc.,
(Sd.) F. W. ALLISON,
Registrar.

Minute recorded by the Hon'ble Mr. Justice Shah.

I think it will be convenient to deal with the points placed in Sir N. G. Chandavarkar's letter in their order.

(1) I do not consider it desirable that the Government Law School should be made a full-time institution. In my opinion the object of the School should be—as it has been hitherto—to initiate and guide students in the study of law and not to coach them up for any examination. That object can be achieved by continuing the present system of requiring students to attend the School for an hour every day and of leaving them ample opportunity to study law in the school library and outside. Under the University Regulations it is only graduates who are admitted in the School, and I do not think that any more assistance from Professors than what can be given to them under the existing system is really needed.

(2) If, however, a full-time institution is thought desirable I think that there should be a separate building for it, and it should be located as near the University Buildings as possible. In that case there should be a permanent staff consisting of a Principal and Professors. Members of the permanent staff should not be at liberty to practise. This would involve a substantial increase in the salaries of the Professors, and I am not sure that financially it will be an acceptable scheme.

(3) If, however, the School is not to be converted into a full-time institution, I consider it unnecessary to have a full-time Principal. Such an officer will have to be paid about Rs. 1,000 to Rs. 1,500 per mensem, if we are to have a decent man without liberty to practise. This will only mean that there will be a serious difficulty in increasing the number of Professors, without any substantial benefit to the School.

(4) I do not think that it will serve any useful purpose to have Tutors in addition to the Professors. Our Professors are not overpaid, and to have Tutors on lower salaries will not mean any increased efficiency.

(5) I am not sure that it will be possible to accommodate such a large number of students in our Court-houses, but apart from this consideration I do not think that students at that stage would be able to derive any substantial benefit from attendance in the Courts.

(6) The syllabus has been revised by the University fairly recently; and I do not think that any change is needed. If, however, any revision of the curriculum is to be undertaken, I would suggest that there may be a paper on the International and Constitutional Law at the second LL.B. examination.

(7) I think that a two years' course for the degree of LL.B. after graduation is sufficient, and should not be extended.

(8) I think that no maximum should be fixed. If you once fix the maximum and limit the number of admissions, you limit the income and render the desired improvement of the School financially more difficult. Besides it would necessitate the recognition of other institutions for the study of Law. Personally I would not object to other institutions being recognised for the purpose, provided there is a real need for it. But I would not suggest the adoption of a course which would create such a need.

(9) In the first place I would strongly recommend that the number of classes and Professors should be increased. At present the classes are huge and unwieldy. Subject to any modification that the figures relating to the number of students on the rolls during the last five or ten years might suggest, I would have three classes for the First LL.B. and two for the Second LL.B. course, and ten instead of six Professors at the rate of two Professors per class. A class should not ordinarily have more than one hundred students, and it is not unreasonable to allow two Professors per class of hundred students—as it would mean an expense of about Rs. 7,500 out of an income of Rs. 9,000 to Rs. 10,000 per year per class. It should be made possible for the Principal to create an additional class in case of an unexpected increase in the number of students during any year, and to have the assistance of an extra Professor or two provisionally during that year.

As regards the efficiency of legal education, it must largely depend upon the Professors and to a certain extent upon the examiners at the University Examinations, and whatever may be necessary to secure the best men available should be done.

Lastly, in my opinion, every effort should be made to discourage the study of manuals and to encourage the study of standard works on different subjects amongst students.

8th July 1915.

I just like to add a brief statement of the reasons for my opinion on point No. 7.

(*a*) The age limit prescribed for the Vakils' Examination is 22 years. According to the University Rules the minimum age for Matriculation is 16; add to it the four years at the College for graduation and two years for the LL.B. after graduation. Thus no student appearing for the LL.B. can be less than 22 years old. I do not see any reason why any higher minimum limit should be insisted upon in the case of LL.B. students.

(*b*) A student, who does not take up any employment and who devotes his time solely to the study of law after graduation, is generally able to finish his LL.B. course in two years without any difficulty, and, in my opinion, would be and ought to be able to finish his course in two years, even if a subject or two were added to the existing curriculum.

26th July 1915.

Minute recorded by the Hon'ble Mr. Justice Davar.

Except on one point (7) I am in complete accord with the Minute of Brother Shah.

(1) In my opinion it would be most undesirable to convert the Government Law School into a full-time institution. The bulk of graduates who are students of the Law School are as a rule poor boys and after passing their B.A. they secure some service or work during the day whereby they earn something towards their maintanance and if they are compelled to attend for the whole day many of them would probably abandon their legal studies. Besides this consideration it seems to me that there is no necessity to multiply the hours of their tuition in the Law School. I would suggest that the present system of evening lectures by well-selected Professors be continued but that certain modifications should be introduced so as to make the Professors' lectures more useful. I would suggest that no class should have more than at the most 50 or 60 students and if there are more students in one class it should be split up into classes of fifty or sixty students. The lectures should be so arranged that each student of the Law School should have the benefit of *five* lectures at least a week during Term time. This would probably necessitate an increase in the number of Professors. This should be done.

I would further suggest that the practice of allowing all students who have attended a certain number of lectures to appear at the University examination should be modified. Only such students as satisfy their Professors that they have attentively followed their lectures and profited by them should be allowed to appear at the University examination and for this purpose all Professors should be asked to hold Preliminary Examinations.

(2) In view of what I have said above it is unnecessary to say anything on this head.

(3) and (4) Neither a full-time Principal nor Tutors are in my opinion necessary. The students would make no use of them. The practice as it prevailed in my time, when I was connected with the Law School, was for Professors after the lectures to invite students to go to them and ask them to explain anything that they found difficult to follow in their lectures, and the students always availed themselves of this proferred help.

(5) Attending Law Courts at that stage of their tutelage would be of no advantage to the students and they should not be asked to do so.

(6) I have no change to suggest on this head.

(7) I think the course ought to be extended to one of three years. The number of subjects a candidate for the LL.B. examination has to master is large and I am of opinion that a two years' course is not sufficient.

(8) The Law School should be so constituted that it should be able to take in *all* students that apply for admission and there should be no limit which would lead to exclusion of students applying for admission.

12th July 1915,
Monday.

THE MADRAS HIGH COURT VAKILS' ASSOCIATION.

(ESTABLISHED: 1889; INCORPORATED UNDER ACT XXI OF 1860: 1908.)

HIGH COURT BUILDINGS,
Madras, 4th August 1915.

From—M. R. Ry. V. V. Srinivasa Aiyangar Avl.,
Honorary Secretary, The Madras High Court Vakils' Association, Madras;

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

I have the honour to acknowledge the receipt of your letter No. 6 of 1915-16, dated 2nd July 1915. The delay in replying to it has been due to the fact that our Courts were closed for the long vacation and your letter which appears to have been delivered at the office of our Association during the holidays appears to have been mislaid by the clerk of the Association and was brought to me only 2 or 3 days back.

The system of legal education that you speak of as at present in vogue at Bombay appears to be exactly the same as the system of legal education that was in vogue in Madras many years ago.

There was a time when there were only two lectures in the week for an hour each on two evenings or one evening and one morning. Gradually the number of lectures was increased. But even this was found unsatisfactory and thereupon it was that the Law College was established as a day College. The apprehension that you refer to that if the Law College should hold day classes it may prevent from having the course of legal education and its results and advantages the graduates who have to maintain themselves only by employments while pursuing legal studies was exactly the kind of apprehension that was also entertained and given expression to at the time when it was proposed to make the Law College a regular College with day classes. But so far as I am aware it does not appear to have caused much hardship at any rate in that direction till now. It has been found by experience that graduates of distinction, who wish to pursue their studies in law in the Law College, have somehow been able to maintain themselves during the years they were required to attend the College. There can be no doubt that in a few cases it might work as a hardship, but while on the one hand there is this disadvantage, it cannot be denied that there has been a great improvement in legal education by the Law College being made a day College. I feel sure that the Law graduates who come out of the Law College today are much better equipped and prepared for practice in the profession than the Law graduates of 15 years ago or earlier.

Till now, however, the course of studies in the Law College was only of a two years' course: one year for the F. L. Examination and another year for the B. L. Degree examination. Recently the Madras University has extended the course and made it a three years' course including in the curriculum Civil Procedure and Criminal Procedure and certain Acts which were not till now prescribed for the examination.

There has been a hue and cry raised against the extension of the course from two to three years. But the Government of Madras recently accorded its approval to the resolution of the Senate extending the period. It is possible that when the course of studies was limited to two years the students without means of supporting themselves were able somehow to manage through the course and that the extension of the course will probably prevent a somewhat large number of young men from going through the law course in future. This is no doubt a distinct disadvantage especially in a country where a large majority of the intelligent population is poor. But at the same time it may be borne in mind that the crowding of the profession with young men of little or no experience of the world and without any means of livelihood, except the precarious income from the practice, has not been altogether an unmixed good and it is believed in some quarters that that has been responsible to a very large extent for a high professional and moral standard not being always maintained in the profession everywhere.

It may also be remembered that other learned professions like Engineering and Medicine, for which there are separate professional Colleges or regular Colleges with day classes and also outdoor work, involves courses of studies extending over five years. Though it may be contended that Law as a subject of study is not so difficult or complicated or technical as to require such a long course of study as either Engineering or Medicine, still it cannot be denied that as a professional study it is certainly equally important and is becoming more increasingly necessary for the community.

A high standard of professional training could not possibly be attained without instruction in a regular College with day classes and courses of study under qualified professors.

It may also be added that in days when the legal instruction was confined to two lectures a week these lectures were looked upon by students merely as a necessary evil for enabling them to obtain the required attendance certificate and the legal studies themselves were looked upon merely as a sort of second interest in life. It cannot be gainsaid that earnestness and devotion to studies have perceptibly increased after the establishment of the Law College with day classes.

I must also add that there is however a great deal of difference of opinion with regard to the question whether it is necessary that the Law College course should be one of three years or only of two years. The general public opinion as also the opinion in the profession seems to be in favour of the two years' course. But most of the Indian Members of the Senate also voted solidly in favour of making the course one of three years.

Our experience therefore in Madras is distinctly in favour of regular College with day classes. The number of years for the course of study would of course largely depend upon the number of subjects required to be learned. I may also state that there has been another examination which the graduates in Law who wish to be enrolled as practising Vakils have been required to pass namely what has been known as Apprentices Examination which has been till now in the two Procedure Codes and the rules framed for the High Court and for the different Courts under its jurisdiction. It is not known whether this examination would be retained in any form after the re-inclusion of the Procedures in the B.L. Degree examination.

As regards the other difficulty referred to by you in the matter of securing the services of well-trained lawyers for the Principalship and professorial staff of the College, I feel myself at liberty at once to state that it is true that there has been a great deterioration in the quality of men that are now recruited for the teaching staff of the Law College. There is no doubt that when the classes were held only in the evenings very eminent lawyers accepted these professorships more as a piece of honor and duty than as a source of income. There is also no doubt that after the College became a regular College with day classes the leading men at the Bar have refused to accept any places in the College. Perhaps after all in practice it may not be found necessary that the teachers in the Law College should be eminent advocates and it may be possible to secure the services of fairly capable men provided the remuneration is not low.

The difficulty has further, so far at least as Madras is concerned, been attempted to be solved in a manner by enabling the lawyers in the profession who take up professorships to hold their lectures between 10 and 11 in the forenoon and sometimes also between 2 and 3 p.m. But I must state that in that sort of arrangement there has always been a tendency on the part of the Professors to begin their lectures later and to stop the lecture a few minutes earlier than the prescribed time. Though it is at present widely felt that the kind of men now appointed to professorships and assistant professorship in the Law College do not come up to a high standard yet it is felt that it is largely due firstly to the places not being made sufficiently attractive by reason of the salary, and secondly to lack of system in the recruitment. My own personal opinion is in favour of some appointments in the College being thrown open to the Members of the Subordinate Judicial Service; such as Sub-Judges and District Munsiffs who would always highly appreciate a change to the Metropolis for a few years in the course of their long service and it is possible that the places might be made attractive to the best of the number by a personal or metropolitan allowance being made to them. They will be glad to take up work without any apprehension of losing their place in the grade of office. For my part I really believe that Munsiffs of the 2nd and 3rd grades drawing Rs. 250 or Rs. 300

a month would be glad to take up the Assistant Professorships in the College and may even be expected to do very well as it would only be a few years after they have left practice in the Bar. I happen to know personally that several members of the Bar who perhaps do not earn every month as much income as may be offered to them for Assistant Professorships or even Professorships in the Law College do not accept the places for the simple reason that they hope in course of time to earn more and they rightly and reasonably think that the giving up of the profession would be disadvantageous; and so it comes about that it is only persons who are not able to earn sufficient amount in the profession for maintaining themselves that are generally found to accept Assistant Professorships and it is only those who have dispaired of rising in the profession that are found to accept Professorships. In either case it cannot be said that the right man is appointed to the place. If however the Assistant Professorships are included in Subordinate Judicial Service and co-ordinated to the various grades of Munsiffs and transfers from one to the other are authorized and allowed I believe that it will be possible to secure the services of a very efficient body of teachers. I also think that the Professorships may be co-ordinated to the Sub-Judges and transfers from one to the other may also be authorized and allowed.

In the suggestion I have made the difficulty would be overcome of the unwillingness on the part of most practitioners to accept appointments in the Law College for the reason that there is no scope for promotion. Such a system will have the inestimable advantage of making service in the Law College very popular and attractive and would have the certain effect of drawing to itself the best both in the profession and in the service.

As regards legal studies themselves, I am afraid that any opinion I may express will not be found useful for the reason that I have not perused the syllabus of studies in the Law School of Bombay and any criticism that I can give at present of the course of legal studies in Madras would be found perhaps not necessary.

I request to be excused for the delay in acknowledging the receipt of your letter and in replying thereto.

I have, etc.,
(Sd.) V. V. SRINIVASA AIYANGAR.

HIGH COURT,
Bombay, 31st July 1915.

To—The Chairman,
Government Law School Committee.

Dear Sir,

In reply to your letter No. 26 of 1915-16, dated the 17th July, I set out hereinafter my replies to the questions propounded in paragraph 2 of the said letter.

2. A letter in similar terms to the above letter was addressed to the Secretary of the Bar Association, Bombay, and as I fill that position that letter was handed to me, and I send this reply to both the above letters.

3. I will now endeavour to reply to the best of my ability to the questions propounded in the above letters:—

(1) *Whether it is desirable that the Government Law School should be made a full-time institution?* If the Government Law School is to serve the double purpose of imparting a knowledge of law and of training students to become fit to practise as Advocates, Solicitors or Pleaders, then in my opinion however desirable it might be to make it a full-time institution the expense of providing really competent professors or tutors would be so heavy that it would not compensate for the disadvantages of a non full-time institution as at present.

(2) *If so, where it should be located, what its staff should be and on what terms that staff should be engaged?* To continue my reply to the 1st question a consideration of this 2nd question is involved. In my opinion if the expense of a whole-time institution is contemplated that institution should be located in Bombay and if possible accommodated in the Elphinstone College buildings which are very conveniently situated as regards the High Court. The staff should consist of a Principal, a Vice-Principal, a Secretary and a sufficient staff of professor-tutors; by sufficient I mean that there should be at least one tutor to 75 pupils. The Principal should also be a professor-tutor and in order to attract a practical lawyer and not a mere Theorist the pay and more particularly the pension should be adequate. I would suggest a sum of Rs. 1,750 per mensem as pay and a pension of Rs. 700 a month after twenty-five years' service. As regards the Vice-Principal who would also be a tutor-professor I would suggest a salary of Rs. 1,500 a month and a pension of Rs. 650 a month after twenty-five years' service. As regards the tutor-professors I would suggest a salary of Rs. 1,400 a month and a pension of Rs. 650 per

month after twenty five-years' serivce. As regards the Secretary his duties could be allotted to one of the tutors at an increase of salary or also a non-professional Secretary at a smaller salary could be employed.

(3) With regard to the third question if a full-time institution is not possible owing to expense I think the appointment of a full-time Principal would have decided advantages as the law students would then have a permanent official whom they could consult at regular hours and who could devote himself to the work. To attract a man who could not only teach law but give valuable assistance as to *practical* work a good pay and *pension* is essential. I would suggest a salary of Rs. 2,000 and a pension of Rs. 750 per mensem after twenty-five years' service.

This official, in addition to lecturing, should be accessible to law students five days a week from 11 a.m. till 7 p.m. and should also be responsible for the efficiency of the work done by the other professors and the ordinary office routine connected with the Law School.

(4) As I think the proposal contained in (3) is desirable I would only add that the Principal should be given a sufficient staff of professors to deal with the number of students adequately.

(5) I think it is in the highest degree desirable that all students who intend to take up law as a profession should be made to attend the Courts and by Courts I mean not only High Court but Small Cause Courts and Police Courts, but the difficulty is to carry out in practice what is a desirable idea. Unless the professors are whole-time men it is obviously impossible for them to make any adequate arrangement for the personal supervision of students attending the Courts. On the other hand full-time professors would find it exceedingly difficult to conduct, say a class of even five pupils with any advantage to them, *i. e.*, the pupils in the Courts at Bombay, owing to the limited space in the Courts and the difficulty of following intelligently what is going on in the High Court from the galleries provided therein. The system that prevails in England of students, who intend to follow the legal profession seriously, reading in Barrister's chambers, cannot be satisfactorily followed in Bombay because Barristers here have not the sers of chambers which are available in England and they cannot therefore accommodate pupils.

But if arrangements could be made to accommodate a small number of students in the Courts, then if they are taken there by a competent tutor or professor who could explain outside what was going on inside the Courts I think a compulsory attendance at the Courts would be most desirable.

(6) With regard to the syllabus I would suggest the removal of Roman Law from the course of study for the LL.B. degree and the substitution of either a course of Constitutional Law or a course of lectures on the practical side of Law, *i. e.*, how to conduct a case, how to get up a brief and to give a pupil a practical training in the various stages through which an action goes and the various interlocutory applications that are usually made before judgment is finally pronounced. For instance I have noticed in a fairly long experience as examiner that it is quite exceptional for any candidate to tackle a single problem like this " On the above facts draft a short plaint ; " or " On the above facts draft a short form of mortgage." Whenever candidates are asked to turn their theory into practice they almost invariably fail and it is simply from want of training and practical help.

(7) I think the degree of LL.B. should be a three years' course like the honours degree at Cambridge having regard to the subjects which the candidate is expected to take up.

(8) In my opinion it is very desirable that a maximum number should be fixed for students at the Law School. Under the present system it is no uncommon thing to find a professor in charge of a class of 200 students and over and judging by the appalling noise I heard, while lecturing, providing from the neighbouring classrooms I feel convinced that a class of this size is quite beyond the powers of the average lecturer to deal with. Even when the class was a well-behaved one the students were so crowded together that sensible note-taking was impossible and the lecturer felt that eighty per cent. of his audience were gaining nothing whatever from his address.

(9) I am not at all clear as to what the Committee mean as regards tutors for the Law students. If the institution is to be a whole-time staff then I think the professors should be tutors as well and each professor should have from 50 to 75 students definitely assigned to him and he should be responsible for their legal education and he should be directed to report to the Principal whenever he considers any pupil is not taking proper advantage of the course of study. I think each such tutor should hold Terminal Examinations to test progress and failure to pass should except in exceptional cases debar a student from taking his degree until such extra period has elapsed as may be thought necessary beyond the ordinary period for taking a degree in Law.

If a non full-time staff is decided upon I think the appointment of a full-time Principal to act as tutor to a limited number of students assisted as far as possible by non full-time professors would be sufficient to ensure a greater efficiency among the students than obtains under the present system.

Yours faithfully,

(Sd.) W. L. WELDON.

HIGH COURT,
Bombay, 10th August 1915.

To—The Chairman,
Government Law School Committee.

Dear Sir,

With reference to your circular letter dated the 10th ultimo, I have the honour to state as follows.

Having regard to the conditions prevailing in Bombay, *viz.*, that majority of the Law students are employed during office hours, I think it is undesirable that the Government Law School should be made a full-time institution. I am in favour of having either the Principal or one of the other Law Professors a full-time officer. In my opinion he should be paid Rs. 1,000 rising to Rs. 1,500 a month. He should not be allowed to practise and should be available to the students at any time and act as if he were a coach. I am not in favour of having tutors if the Law School is not to be a full-time institution. I think it would be useless to compel Law students to attend Law Courts. They would not be able to follow anything and they will have plenty of opportunities to sit in Court and watch the proceeding to learn, when they are qualified. Besides this would be impracticable if the Law School is not to be a full-time institution. I think present syllabus should not be disturbed. Sufficient trial has not been given. I consider study of Constitutional Law and History very desirable. In my opinion two years' course is sufficient and satisfactory. I am against fixing any maximum. We should leave it to the students themselves to consider whether the profession is crowded or not. I consider it a duty of Government to provide facilities for legal education.

Yours faithfully,
(Sd.) A. M. A. KAJIJI.

58A, CUMBALLA HILL,
Bombay, 9th August 1915.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

With reference to your letter No. 33 of 1915-16 inviting my opinion on the points mentioned therein, I herewith beg to submit the same for the consideration of your Committee.

(1) It is quite undesirable that the Government Law School should be made a full-time institution. In my opinion it should be a morning school from 8 to 11 a.m., with three lectures daily. Under this arrangement the students and the Professors would be fresh for their work and it would leave the Professors free for Court work and the students for independent studies. The Professors will only serve as sign-posts at important points and the students will have time for their studies for detailed mastery of the course. No one with any practice or expectation of practice would be a professor if he had to attend during Court hours.

(2) (*a*) The location should be as at present in the vicinity of the High Court.

(*b*) The staff should consist of a Principal and three Professors each teaching two of the total eight subjects.

(*c*) The Principal should be appointed for five years rising from Rs. 400 to Rs. 600 and the Professors should be appointed for three years rising from Rs. 300 to Rs. 400.

(3) I do not think it desirable that the Principal should be a full-time officer.

(4) No.

(5) No.

(6) No, except that Anson's Contract, Mulla's Hindu Law, and some hand books on Common Law and Equity Leading Cases like Indermaur and Brett be mentioned among the books recommended.

(7) No change necessary.

(8) No.

(9) The Professor for Procedure should be an Attorney of the High Court as from the nature of his work he is more fully conversant with the subject than others. It would also be desirable to give him the Equity Group. It comprises subjects which he has had to know thoroughly for his examination and with which he has much to do in practice.

The principles of law rather than the details of its provisions should be imparted in the lectures and illustrated by leading cases.

Scholarships may be awarded to some of the top students.

Yours faithfully,
(Sd.) KAVASJI B. SETHNA,
Vakil, High Court.

HIGH COURT,
Bombay, 9th August 1915.

To—Sir Narayan G. Chandavarkar, Kt.,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

In reply to your letter No. 25 of 1915-16 of the 17th ultimo, I beg to state herewith my opinion on the question of the reorganization of the Government Law School, which should henceforth be called College, Bombay.

1. It is desirable that the Government Law College should be made a whole-time institution, and I have reason to believe that the change would be welcomed by the students.

But if the present system is continued, in my opinion the lectures should be delivered in the morning between the hours of 8 and 11 a.m., as I am told that they are at present in Calcutta, so that the students may attend them with a fresh mind and with full attention, which they are unable to do at present.

2. The Law College should be located in the new buildings to be built for the University near the Rajabai Tower, or in any other convenient place near or at least not too far from the University.

The Professors should be eight in number, so that each Professor may devote himself to the complete mastery of the subject or subjects he teaches, and avoid such anamolies as that a Professor ignorant of the Latin language and the genius of the Latin race should venture to lecture on Roman Law.

They should be, if Counsel, of not less than 5 years' standing, and if Pleaders, of not less than 8 years' standing, with salaries from Rs. 600 or Rs. 700 rising to Rs. 1,000 a month with an additional Rs. 200 a month for the Principal. But the Professors should not be prevented from attending Courts of Law as they have to teach a practical art, which has constantly and continuously to be studied from its ablest practitioners.

3. I am of opinion that with a morning or evening Law College the Principal should not be a whole-time officer, as his being so would at once mark him out as of an inferior calibre to the Professors who are his subordinates and as one not so well acquainted with practice.

4. In Bombay we are not used to two orders of teachers, Professors and Tutors, and I am afraid it may be injurious to the discipline of the Law College, but the course proposed is worth trying as an experiment.

5. It would be very beneficial to the students to attend the Law Courts in small batches of 10 or 15, under the direction of their Professors. I vividly remember how Doctor Blake Odgers used to take us to the Law Courts in London and with what perfect courtesy the Judges and Masters treated us there, and how beneficial it was to us both intellectually and morally.

6. I would recommend the following change in the syllabus of studies for the first and second LL.B. in order to bring the books recommended more in harmony with the principles prevailing in England, that is to say, to recommend few books and only those which deal clearly with principles. *Non Multa sed Multum* I would recommend for papers 1 and 2 the following books :—

(1) Hunter's Introduction to Roman Law.

(2) Sir Henry Maine's Ancient Law.

(3) Holland's Jurisprudence.

(4) Salmond's Jurisprudence.

(5) One book on the Outlines of the Constitutional Law, by the Oxford School of Historic Jurists, though how the Professor is to teach Constitutional Law without the student knowing Constitutional History is more than I can say.

For papers 3 and 4 we would recommend :—

(6) The Negotiable Instruments Act, 1881.

(7) The Indian Contract Act, 1872.

(8) Ratanlal and Dhirajlal's Law of Torts.

(9) The Indian Penal Code, 1860.

(10) The Code of Criminal Procedure, 1898.

For the 2nd LL.B. we would recommend the following :—

(1) The Transfer of Property Act, 1882.

(2) The Indian Trusts Act, 1882.

(3) Smith's Principles of Equity. I prefer this book to Snell's as it gives prominence to the cases which establish principles, and also includes as much as the students now study of White and Tudor's Leading Cases.

(4) The Specific Relief Act.

(5) The Indian Succession Act, 1865.
(6) The Indian Probate and Administration Act, 1881.
(7) The Indian Registration Act, 1887, Part III.
(8) The Indian Limitation Act, 1877.
(9) The Indian Evidence Act, 1872.
(10) The Code of Civil Procedure, 1908.
(11) Mulla's Principles of Mahomedan Law.
(12) Mayne's or Ghose's Hindu Law.
(13) Hindu Wills Act, 1870.

7. In my opinion a two years' course for the degree of LL.B. is sufficient for the students.

8. It is desirable for the reason mentioned in reply to question (9) that a maximum number should be fixed for the students in the Law College, provided and only provided other institutions are affiliated and recognised by the University under Government sanction.

9. Each class should not contain more than 40 students and on no account more than 55 students, because it is essential that the Professor, if he is to exercise any real intellectual or moral influence over them, should know his pupils individually by name, and in my opinion supported by that of Sir Alfred Hopkinson he can never do that when the classes number 200 or more.

I remain, etc.,
(Sd.) R. K. TARACHAND.

To—The Chairman,
Government Law School Committee, Bombay.

Dear Sir,

On the points specified in your letter dated the 17th July 1915, I beg to submit my opinion as follows :—

Point 7th.—The present two years' course is not sufficient nor satisfactory. The course should be of three years after B.A., if the present state of things is to continue hereafter.

Points 5th and 6th.—The object of the institution ought to be to prepare men in law matters who would in course of time take delight in prosecuting law studies, raise the dignity of the legal professions, and would be a real guide to the public and assistance to the Courts. To achieve this purpose, in addition to the present syllabus (which may require slight modification here and there), there ought to be practical training and the methods of teaching ought to be improved. The Committee in consultation with the Professors after their appointment should settle about the ways and methods of teaching.

Point 1st.—Having regard to the calibre of the generality of the present law graduates the place and the time where and when law lectures are given to them, I am of the opinion that there ought to be a full-time Government Law College.

Point 2nd.—It should be located in Bombay, and, if possible, not at a very far distance from the High Court. Its staff should be of four Professors, one of them being the Principal. The average time each Professor should be required to devote for giving lectures and to impart legal training to students should be two hours a day. During office hours (11-30 to 4-30) the Professors must be in the College. The Professors should be High Court Vakils or Barristers of tried ability and long and varied experience. The pay of each Professor must be not less than Rs. 750 a month. There ought to be a very wise selection of Professors and they ought to be permanent. There ought to be mutual binding. The Government Law College must be an institution for the benefit of the students and not merely a means of patronage. It also ought to be a means for Professors to become specialists in particular branches of law. I am of opinion that four Professors of ability and experience on a good salary will be able to manage the institution and there will be no need of other Professors or tutors.

Point 8th.—I do not think it desirable to fix a maximum numbe. for the students in the College. There should be only one College in Bombay where only you can hope to secure good professorial staff. From other considerations also, it is desirable to locate the College in Bombay only.

Point 9th.—Having regard to the calibre of the present Law graduates and the way in which litigation is started and conducted I feel there ought to be a vast improvement in the course and in the methods of imparting legal training. The present state of the legal profession necessitates real and substantial restrictions upon the way to the field of profession, and, if possible, the final examination may be suspended for a certain number of years. Legal profession is not now anywise remunerative. The number of lawyers in the field is already large and there

are constant additions. Litigation has considerably diminished. Laws of Registration, Limitation, Transfer of Property and the laws relating to land tenures have settled all estates, and in the mofussil, one very rarely finds substantial litigation. There are already good many touts, and pleaders have been resorting to bad means to secure cases. The earnings are hardly worth the trouble and expense to be taken and made in acquiring efficient legal knowledge. These facts must be borne in mind in considering the question of putting additional burden upon the students. But at the same time I feel there ought to be some checks, and making the College a full-time institution will serve as check. It is inexpedient and difficult, too, to express plainly and fully my views in connection with the points for opinion and, if desired, I am willing to discuss these points at a personal interview.

I may also state that in case the Government Law School (College) be made a full-time institution and permanent Professors are to be appointed on the salary proposed by me I may think of accepting one of the posts of Professors.

Yours faithfully,
(Sd.) G. K. DANDEKAR,
Huzur Tapasni Kamdar,
Baroda State.

12th August 1915.

Bombay, 12th August 1915.

From—Frank Oliveira, Esq.;

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

With reference to your No. 19, dated 17th July last, soliciting my opinion on the questions formulated therein, I have the honour to reply thereto as follows:—

1. I am not of opinion that the Government Law Class should be a full-time institution for the following reasons:—

(*a*) It would necessitate great expense on the part of Government.

(*b*) It would involve great inconvenience to a large number of mofussil students, especially those with modest means, who in order to supplement their slender resources have recourse to teaching or take up some other occupation.

(*c*) It would encourage cramming because many more lectures would be given covering subjects in detail and students would then be tempted to rely more on their notes rather than read and study the text books for themselves.

I think that the lectures should not be too numerous but just sufficient to guide the students in their reading. Students should be encouraged to read extensively and to think out matters for themselves. Giving ready out matter would only encourage cram in the students.

2. Should the Committee however resolve to have a full-time institution, it should be situated near the High Court and in the vicinity of the large libraries of the City. The staff should consist of one Principal with a salary of Rs. 800 rising to Rs. 1,200 and three Professors each with a salary of Rs. 600 rising to Rs. 800. The rules regarding pension, leave, vacations, etc., should be the same as the Covenanted Members of the Educational Department.

3. Though I am not of opinion that a full-time institution is necessary, I am strongly inclined to the view that students should have guidance during the course of their studies and for this purpose they must have one to whom they could go for advice and assistance in their difficulties. Hence I think that the Principal should be a full-time officer whom the students could meet and consult in the Library during the usual office hours. The salary, etc., should be the same as the Principal referred to in (2).

4. My opinion is in the negative.

5. Students in the last year course might be encouraged to attend the Courts but should not be compelled to do so. The benefits derived would be out of proportion to the time lost thereby, not to speak of the inconvenience and disturbance caused to the Courts themselves by having a large number of students parading in and out of Courts (9).

6. The first examination in law should include works like Ilbert on the Government of India, Lee Warner's Protected Princes of India, Outlines of English Constitutional Law and History. The Indian Council Acts might be added if possible. No change in the syllabus of the second examination seems to me necessary.

7. I am in favour of extending the course for the degree of LL.B. to three years. The first examination to be a year after the B.A. or B.Sc. and the second to be two years after the the first. The law course should be independent of the Arts and Science courses. I think it is not desirable that students in the Arts Colleges should be allowed to take certain subjects

in Law as optional. The time spent in the Arts College should be devoted by the students in perfecting their knowledge of the English language and acquiring a greater mastery over it than is at present noticeable in the average graduate.

8. It is not desirable to limit the number of students in the Law School even if other institutions are affiliated and recognised by the University under Government control. Students should be free to join which institution they like. It might spell great hardship to able young men, if such a restriction were made, that they should be kept away for no fault of theirs from an institution which they believe to be the most efficient and which might suit their purposes best for various other reasons.

9. Before LL.B.'s are granted Sanads and are allowed to practise they should be required to read for one year at least with High Court Pleaders for practising in the High Court and with District Court Pleaders for practising in the Districts, such pleaders to be of five years' standing or more. If this course were adopted it would furnish an answer to query (5). The time thus spent would give an opportunity to young lawyers to gain some little knowledge of the world and an insight into human nature which qualifications in my opinion are essential to make a successful legal practitioner.

Some system should also be devised for creating a sort of fellow-feeling among the Members of the Bar and of instituting a high sense of honour and duty by bringing the students in contact with Judges, Barristers, Advocates and Magistrates at social gatherings which ought to serve the purpose of Dinners at the Inns of Courts in England.

Yours faithfully,
(Sd.) FRANK OLIVEIRA.

109, MEDOW STREET, FORT,
Bombay, August 9th, 1915.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

With reference to your letter No. 49 of the 10th July last, I have the honour to state my views as follows:—

1. I am in favour of the Law School being made a full-time institution.

I think a knowledge of the principles of Justice and Equity and of the laws of the land is necessary not only for those who want to practise in Courts or serve in the Judicial Department but it is necessary for every one who wants to be a useful citizen and also for business men. It improves the mind to a degree which no other study does. This reasoning applies particularly to this country where people on account of various influences have been kept superstitious, credulous and narrow-minded.

The Law School should therefore exist not only to manufacture law practitioners but to give facilities to everybody to improve himself by taking the benefit of it. Even to manufacture good lawyers, a full-time institution will be better fitted than classes where stray evening lectures may be given.

The objections which may be conceived against the Law School being made a whole-time institution may be (1) from the point of view of the student, (2) from the point of view of the Professors and (3) on the score of cost.

Students who come from the mofussil may complain that, if they have to stay in Bombay longer than now, it will be a hardship to them, and students who are engaged during the day time to earn a living may complain that they will be debarred from satisfying their ambition to be lawyers. These complaints mean that keeping the terms is considered more important than the lectures and they assume that there will be no other facilities for learning law and that none but graduates or undergraduates studying at Arts Colleges can attend the lectures at the Law School. I think the Law School should be opened to everybody whether he has passed a University examination or not, that is, to those who wish to go up for the High Court Pleaders' examination and even to others who do not wish to go up for any examination. I also suggest that it should not be necessary for one who wants to go up for the LL.B. to have passed the B.A. It may be urged against this suggestion that a thorough knowledge of English must be insisted on before a student is allowed to appear for the LL.B. This assumes that every B.A. has a knowledge of the English language while everyone who has not passed that examination have a poor knowledge of that language.

To make the scheme complete, it should not be made compulsory for students appearing for the LL.B. examination that they should have kept all the terms at the Law School, if they have kept certain terms in any other College.

The second objection means that only successful practitioners can be good Professors or that the Professorships will not attract learned persons who have ambitions in practice I think there are very successful practitioners who would not have made good Professors, and there are many who, though wanting in some of the requirements of a successful practitioner are able lawyers to whom the study of law is an interest in itself and who can make very good Professors.

As regards the third objection the increase in the cost of a whole-time institution will be comparatively small and when the benefits of the whole-time institution are considered they will be obtained at a comparatively very small price. Moreover, if the Professors are as I think they will be at liberty to do other work they will very likely be engaged by the different Colleges for their lectures and the Law School need not pay very high salaries. They will do the work for the love of it and can supplement their income by research work and writing useful books.

A full-time Law School will improve the capacity and efficiency of the Professors.

A full-time institution is also likely to create a fellow feeling and an *esprit de corps* and to instil a high sense of honour and duty among the students and generally to give Law its important place in the affairs of the body politic.

2. It should be located near the High Court and the University. Its staff should be of specialists for every co-ordinate group of subjects and in time to come for every subject. The engagement should be permanent with benefits of pensions and leave and furlough rules. The salaries may range from Rs. 150 to Rs. 500. The Principal should not be allowed to take other engagements and should be paid a higher salary rising from Rs. 500 to Rs. 1,000.

3 & 4. I do not approve of these proposals.

5. I do not think that any such attendance is necessary or that for attendance in Court any direction is necessary.

6. I think the subjects for the eight papers of the two LL.B.'s are well arranged. I would add the study of Constitutional Law of England and India.

7. As I have stated above no compulsory attendance should be required. But if it is required I think a two years' course is sufficient.

8. There should be no limit as regards the number of students and at the same time the affiliated colleges should be allowed to teach law, and other institutions which may teach law should be recognized if they satisfy certain conditions.

9. I think the first LL.B. should be abolished and the students should be allowed to appear in any one or more papers at any time and in any order they like. This will ensure a better study of the different branches of Law and will create efficient specialists.

Yours faithfully,
(Sd.) K. R. DAFTARI.

MAZGAON POLICE COURT,
Bombay, 3rd August 1915.

Dear Sir,

I have the honour to acknowledge receipt of your letter No. 20 of 1915-16, dated 17th July, and to reply as follows :—

1. I am of opinion that the Government Law School should be designated " Government Law College ". The staff should consist of the Principal, two Professors and two Assistant Professors. Each Professor should be required to give three lectures a day. The lectures should be delivered between 10 a.m. and 5 p.m. The Professors may be at liberty to do professional work in Courts. Regarding vacation, holidays, leave and pension they should be placed on a par with the covenanted Members of the Educational Department. The salary of the Assistant Professors should be Rs. 350 rising to Rs. 500 by annual increments of Rs. 50 ; that of the Professors should be Rs. 500 rising to Rs. 800 by annual increments of Rs. 75 ; that of the Principal should be Rs. 800 rising to Rs. 1,000 by annual increment of Rs. 50 This will make the College practically a full-time institution.

2. The College should be located in the neighbourhood of the High Court. Messrs Treacher and Co.'s premises which, I understand, are for sale in the market should be acquired for the purpose or the Old General Post Office building be adapted to the requirements of the College.

3. It is very desirable that the students should familiarize themselves with the procedure of the Courts and the methods of eminent Advocates and Pleaders. They should, therefore, be encouraged to attend the High Court and arrangements should be made to enable them to attend with advantage. But this should be only for the LL.B. students in the final year and they need not be accompanied by the Professors.

4. If a practically full-time institution be established with the proposed staff, there would be no necessity to fix the maximum number of students admissible; but it is absolutely necessary that the number of students at any lecture should not exceed one hundred. Whether a full-time College be established or not, I am of opinion that affiliation of Law Colleges should be encouraged provided an efficient staff is maintained and fees are the same as the Government Law College.

5. I am emphatically of opinion that the present system should be condemned; but if it be continued I do not think the appointment of a full-time Principal would be any improvement. The benefit of his assistance in the Law Library is rather problematical. Besides provision for such assistance is uncalled for. The appointment of Tutors to assist the Professors is open to the same objection as the present system.

6. The present LL.B. curriculum should be modified. The period should be extended from two to four years and divided into two periods of two years each. The first examination should be held at the end of two years and the second examination two years after the passing of the first examination. The syllabus of studies for the first examination should be the same as that prescribed for the Law Tripos of the University of Cambridge plus English, Indian Councils Acts, Ilbert on the Government of India and Lee Warner's Protected Princes of India. No change is required for the syllabus for the second examination.

7. It may be said that four years is too long a course. But I would modify the rule that restricts admission to B.A.'s only. I would admit all who have passed the Intermediate Examination. The only justification for insisting that the Law students should be B.A.'s appears to me that such students have a better command over the English language and can express themselves more accurately. But it is very doubtful that improvement takes place after the Intermediate examination having regard to the English course prescribed for the B.A. examination. Moreover, with the spread of English speaking there does not exist the same necessity now as it did twenty years ago. But I have added English to the syllabus of studies for the first LL.B. examination. There should be one paper only in composition. The object is to enable the students to speak and write correctly so as to convey his meaning clearly. If this be done the objection as to the length of the course disappears. The first LL.B. examination then becomes practically assimilated with the B.A. course making Law as optional subject. As Sir Lawrence Jenkins observed, the study of law has a literary value of its own and it is therefore unnecessary to have three papers in English in the B.A. examination; the course prescribed for the first LL.B. examination fully justifies the bestowal of the B.A. degree.

8. I think the B.A. degree should be conferred upon candidates who pass the first LL.B. examination; and the LL.B. degree upon those who pass the second LL.B. examination. In Cambridge no degree is conferred on passing the first examination but both B.A. and LL.B. are conferred on passing both the examinations.

9. I should like to devise some means to develop an *esprit de corps* among lawyers and infuse a high sense of honour and duty. I think much can be done by bringing Judges, Advocates, Professors and students together. What is done by Dinners in the Inns of Court may be achieved by social gatherings in Bombay.

10. I should like to recommend that all LL.B.'s desirous of practising in the High Court, Appellate Side, should be required to read for a year at least with a pleader practising in the High Court, Appellate Side, for five years at least. Similarly LL.B.'s desirous of practising in the District Courts should be required to read with the District Pleader of five years' standing for one year.

11. I believe I have answered all the questions contained in your letter, though not in the order in which they have been put. I shall therefore proceed to do so.

(1) Yes. See paragraph 1.

(2) As to location and staff, see paragraphs 1 and 2.

(3) No. See paragraph 5.

(4) No. See paragraph 5.

(5) Yes. See paragraph 3.

(6) Yes. See paragraphs 6, 7 and 8.

(7) No. It should be extended to four years. See paragraphs 6, 7 and 8.

(8) No. See paragraph 4.

(9) See paragraphs 9 and 10.

Yours faithfully,

(Sd.) G. H. R. KHAIRAZ,

Fourth Presidency Magistrate, Bombay.

To—Sir Narayan G. Chandavarkar, Kt.,

Chairman, Government Law School Committee, Bombay.

HIGH COURT,
Bombay, 9th August 1915.

To—The Chairman,
Government Law School Committee, Bombay.

Dear Sir,

In acknowledging receipt of your letter No. 28 of 1915-16, dated 17th July 1915, and in submitting as desired my opinion upon the points therein set out, I must preface my remarks by stating that I have very considerable diffidence in offering any opinion on matters affecting the Government Law School, as although I was connected with it as Government Professor of Law from 1889 to 1895, and was the instrument of obtaining for it its first—and I believe its only—*pied-à-terre*, namely its library, Government has never seen fit, since the date of my resignation of my professorship, to invite my assistance in any formulation of schemes for the improvement of the School, and I am consequently in the dark as to what has been done in that direction for the last twenty years. As, however, the points in paragraph 2 of your letter permit of consideration independently of any acquaintance with the present constitution of the Government Law School, I venture to submit the following remarks for the consideration of your Committee.

2. (1) I am of opinion that it is not desirable that the Government Law School should be made a full-time institution—that is to say, an institution which requires the attendance of its Professors and students at lectures daily during ordinary office hours during its terms. The remarks below, with reference to point (3), apply equally to the Principal and to the Professors. With regard to the students, I think that while a student's reading should be carefully directed into suitable channels by means of lectures, individual and concentrated study of the matter read is of the highest importance. Therefore considerably more time should be devoted to private reading and study than to attendance at lectures. It is also to be remembered that many law students are engaged in practical legal work for a portion of their time which work they would have to give up if the Governement Law School were made a full-time institution.

(2) See remarks in (1).

(3) I think that the Principal should not be a full-time officer. As such, he would, *ex hypothesi*, be debarred from practice, and I think that the Principal of a Law School, the *raison d'être* of which is the training of practical lawyers, should himself be a practical and a practising lawyer. It will always, in my opinion, be possible to obtain the services in Bombay of Barristers who have gained distinction in the schools, and are quite competent, and have time on their hands, to undertake the duties of Principal or of Professor of Law in the Government Law School, but who would not accept such an appointment if it involved the sacrifice of professional prospects at the Bar. I think, therefore, that the appointment of a full-time Principal would be very prejudicial to the School, as the most capable men would not accept the appointment. A practising barrister, who has leisure to prepare and deliver his lectures, would also be able to spare some time for attendance in the library.

(4) With reference to this point, I find from the Civil List that there are a Principal and five other Professors of Law on the present establishment of the Government Law School. When I was Government Professor of Law, there were only one other besides myself, and the Perry Professor of Jurisprudence. After I had obtained a habitat for the Law School library, and a place where the students could sit and read the books, I made it a practice to attend the library two evenings each week, and placed myself at the disposal of any students who wished to consult me. I found that the students largely availed themselves of the opportunity of help, and not only those of the classes who attended my lectures. I therefore invited my colleagues to adopt the same practice—one of them flatly refused to do anything of the sort, whether the other acted on my suggestion or not, I cannot say, for there was no Principal in those days, and I could do no more than make the suggestion. I mention this as it appears to me that with a staff of six Professors, an arrangement could easily be made for at least one Professor to attend the Library, say five evenings a week, to assist the students in their reading; and this arrangement would have the effect of bringing all the Professors (assuming that they took Library duty in turns) into contact with all the students who are sufficiently in earnest in their studies to make use of the Library, and would go far to create an *esprit de corps* in the School. To this already too long note upon this point, I shall only add that in my opinion the addition of a number of Tutors to conduct small classes at which attendance would be compulsory would tend to do away with the responsibility of the Professors.

(5) I do not consider it either desirable or practicable for students of the Law School to attend the Courts under the direction of their Professors or Tutors. The Court rooms in the High Court are not suitable for the accommodation of students, who could at most get standing room, and I imagine that the learned Judges would not welcome the arrival of bodies of students in charge of their Professors. If they did attend, and could hear anything of the proceedings, they would, in my opinion, get far more entertainment than instruction. I would also submit that their presence in the Small Cause Courts or Police Courts should be confined to the irreducible minimum.

(6) & (7) Upon these points I do not feel competent to offer any opinion—it is so long since I took any part in University affairs that I do not know what the present syllabus of studies for the LL.B. comprises and consequently what period the course for that degree should occupy.

(8) It would be a very difficult matter to fix a workable maximum number for the students in the School. I do not know if it is the case now, but when I was connected with the School I found that a comparatively small number, in proportion to the number joining in any given year, completed the entire course; and if after a certain number had been taken on the books each year, all later applications for admission to the School were rejected, considerable contraction of the senior classes would probably result. This, I think, would be undesirable.

(9) I have no further suggestions or proposals to offer, and submit the above remarks, for the length of which I apologise with the utmost diffidence.

I am, dear Sir,
Yours faithfully,
(Sd.) J. SANDERS SLATER.

HIGH COURT,
Bombay, 16th August 1915.

Dear Sir,

I am in receipt of your letter No. 39 of the 17th ultimo, and I beg to state my opinion as follows on some of the points referred to therein, on which I think I may usefully speak.

2. I am opposed to the proposal of a full-time College on the following grounds, namely :—

(*a*) The students are graduates and as such those who presumably have attained a degree of training which would enable them, under proper guidance, to work for themselves and would render superfluous any coaching up in details. The present system is, therefore, quite sufficient for their requirements. The Law School ought not to be converted into a Coaching Class. This would be a step backwards and would leave very little scope or incentive for the students to work independently.

(*b*) Full-time Colleges in other Presidencies have not met with any success, and their example ought to serve as a sufficient warning to us against introducing the system in this Presidency.

(*c*) It would have the effect of driving out from the field many capable and intelligent students, who, for want of means, are unable to pursue their legal studies without at the same time earning their livelihood by serving in schools, offices, or as managing or articled clerk to Solicitors, etc.

(*d*) It would not be possible to get the services of any practitioners of experience or standing as Professors. It is pre-eminently necessary in the best interests of legal education in this Presidency that only those should be appointed as Professors, who are in actual and constant practice and are fully conversant with the subjects they are to teach, so that they may be able to command due respect and attention from their students.

3. For the purpose of facilitating the work of students and particularly of those who attend the Library of the Law School a tutor or chief librarian may be appointed on a smaller salary—say Rs. 200 or 250—for attending the Library between 11 a. m. and 5 p. m., when he may be consulted by such of the students as may desire to do so. A full-time Principal is not necessary for this. Moreover, his assistance would not be availed of so readily and without constraint on the part of the students as that of a tutor with whom the students would more freely mix and discuss their difficulties.

4. Attendance at the Library or at the Law Courts should not be made compulsory.

5. An elementary course of constitutional Law may usefully be added to the syllabus, if it can be conveniently accommodated in the two years' course, as I strongly disapprove of the proposal to increase the period to three years or more.

6. It is not necessary to fix any maximum number of students for instruction in the Law School. The Visiting Committee, if it finds that any particular class has grown unwieldy, may suggest that the class may be split up into two or more sub-divisions, and more Professors may be appointed if necessary. Government ought not to refuse admission in the School, on the ground that the maximum capacity is reached. It ought to be able to adapt itself to the growing requirements—particularly as this would not involve it in any financial loss. The Law School is, at the lowest, a self-supporting institution.

7. At the same time, every facility should be given for starting and affiliating other similar institutions here and in the mofussil, which may tend to relieve the congestion from the Central Institution.

Yours faithfully,
(Sd.) MANUBHAI NANABHAI.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Bombay, 16th August 1915.

To—The Chairman,
Government Law School Committee.

Dear Sir,

In reply to your letter dated the 17th July 1915, I have to state as regards the different queries as follows :—

(1) I do not think it desirable that the Government Law School should be made a full-time institution. The students attending that School have already received a collegiate instruction which presumably has instilled into them the habit and the ability of studying by themselves. They no doubt cannot have become independent of guidance and the present arrangements in the Law School are quite sufficient to afford it to them. A Professor—presuming that he deserves the name—can give within the time he now devotes to the School sufficient lead to the students in their studies and I suppose he will never refuse to give help in explaining difficulties if any student requires it outside that time. A full-time institution however would in many ways prevent a large number of deserving and capable students who are generally poor from keeping terms and qualifying themselves for appearing at the LL.B. examinations. Moreover, it would be difficult to secure the services of full-time competent Professors except at very heavy cost.

(2) The foregoing answer makes it unnecessary for me to make any remark about this.

(3) This proposal too is in my opinion not necessary. If the full-time Principal is to be present for the full time in the Library it would be necessary to make it compulsory upon students to be all the time there. Otherwise the Principal will have to remain there on the bare chance of any student turning up haphazard to ask his assistance. The proposal would thus either impose upon the students a full-time attendance or would entail the burden of a heavily paid lawyer whose presence in the Library would not confer adequate benefit upon anybody except himself.

(4) I am opposed to this proposal. It would bring into existence a practically full-time College with the disadvantage of incompetent teachers. Unless the pay of the post is sufficiently remunerative a competent lawyer whether you call him a Tutor or a Professor cannot become available.

(5) This involves a proposal which is neither desirable nor practicable.

(6) As regards the syllabus taking into consideration all matters I think no changes should be made in it. The burden is already sufficiently heavy.

(7) I would not extend the period of two years.

(8) There should be no maximum number fixed for admission to the School. But I think it desirable at the same time to facilitate the opening of other qualifying schools, so that congestion may be relieved.

(9) I would suggest that the present number of Professors is too small considering the number of students attending the various classes. That number should be increased.

I would moreover suggest that no lawyer should be appointed a Professor unless he has practised in the real sense of the word as a lawyer for not less than five years.

Yours faithfully,
(Sd.) DAJI ABAJI KHARE.

GIRGAON,
Bombay, 17th August 1915.

To—Sir Narayan Ganesh Chandavarkar, Kt.,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

In acknowledging with thanks your circular letter No. 43 of 1915-16, dated 17th July 1915, I have the honour to say in regard to the sub-questions in paragraph 2 of your letter as follows:—

1. Having regard to the conditions prevailing at present as regards students studying for the LL.B. examination, I do not think it would be advisable to make the Government Law School a full-time institution; because I think that a majority of students have to earn their livelihood during the day time, and it is only with difficulty that they can attend in time at the Government Law Institution. This, however, is a matter of information, and I suggest that such information may be called for as regards the existing state of things in the Government Law School for this year, namely, how many of the students at present studying in the institution are engaged anywhere, and how many are staying in Bombay exclusively for their study. I think an average of a year or two would be of much use in determining this question.

2 & 3. I think the College should have an independent building of its own with a very well furnished and supplied Library. I think the students studying for a Law Examination must always be feeling the want of someone at hand to whom they can refer their difficulties at the moment they arose, so that while they are full with ideas involved in a particular question they would be enabled to get over those points which appear as stumbling blocks. My suggestion, therefore, is that in any case the Principal should be a full-time Principal with a decent salary, *e.g.*, beginning with Rs. 1,000 and rising to Rs. 1,500 by annual increment of Rs. 50 or 100 and the service should be pensionable. In addition to a Principal, I should suggest that two or three fellowships should be attached to the Institution, so that graduates who pass with some distinction, or graduates who pass their Law Examination and have a desire to proceed further for the LL.M. examination, may have a decent allowance for the continuance of their study, and may in turn be of help to the students studying in the Government Law School Library. My suggestion is that, while the Principal appointed on the terms suggested above will have the general supervision over the Institution and the Library, each one of the fellows should be required to be present in the Library by turn, so that at any time some officer may be available for students for referring their difficulties and getting them solved.

4 & 5. I don't think this would be practicable.

Instead of this, my suggestion is that the regulations prevailing before, namely, of allowing affiliation of Law Schools in places outside Bombay, should be revived with the addition that these institutions may be affiliated for the full law course.

This will encourage development in the study of Law, and will also introduce a healthy tone of competition leading, in the end, to efficiency of the Law Institutions in general in the Presidency.

6 & 7. The present syllabus of studies for the three examinations in law requires modification. I should suggest the following courses for the three examinations in law:—

1. First LL.B.

As at present there should be 4 papers, but the text books of Roman Law should be modified. Instead of Hunter, there should be either the big book of Roman Law by the same author, or the Institutes of Justinian, together with Ortolon's History of Roman Law or Mackenzie's Roman Law with Mayne's Ancient Law. In the subject of Jurisprudence I would add some book taking a critical view of the doctrines of Austin and Bentham, *e.g.*, Clerke's book on Austin. I should also suggest that a few chapters from the two volumes of Bryce's Studies may be prescribed each year with the First Chapter every year.

2. Second LL.B.

At the second LL.B. examination, I don't think any change is necessary.

3. LL.M.

At the LL.M. examination, a substantial change is necessary. For our Regulations as they stand at present, divide the examination into four distinct groups covering four different subjects.

It is, however, disappointing to see that a candidate who selects either of the branches Nos. 2, 3 or 4 will be entirely without the knowledge of the basic principle of our laws. I think a Master of Laws of our University must have the knowledge of the principles of law and Law-making. With that end in view, I should suggest the following modifications in the present curriculum, namely :—

There should be six papers for this examination. Two of these should be compulsory and common for all the branches, *viz.*, papers Nos. 1 and 2 on the subject of the Roman Law and Jurisprudence. The two papers should cover a course which will require the student to study the Roman Law and some text-book of Ancient Law, together with some book on the history of the development of Roman Law from its commencement. It should also have books on Jurisprudence including Private and Public International Laws and Constitutional Laws and Constitutional History, also legislation and Law-making. With these two common and compulsory papers a candidate may choose as his special subject either a further course in branch No. 1 or either branches Nos. 2, 3 or 4. This will remove the anomaly at present existing in the case of a Master of Laws of our University, who is without the knowledge of the principles upon which the law is based.

9. I would suggest that the appointment of professors should be from among men who will not be of less than 10 years' standing after their qualification as legal practitioners, and also that if the institution is made a whole-time institution, then the Professors should be paid higher salaries, as for example, not less than Rs. 800 per month. But there should be a condition strictly attached to this post, that the Professor should devote himself entirely to his work as a Professor, though he will not be prevented from practising (as for example, if he has a case on a day on which he has no work in the Institution, or if he has any case for opinion

or drafting or of a like nature). In short, the fact that he is a Professor at the Institution should not prevent him from accepting professional works which do not interfere with or prejudice his duties as a Professor.

Yours faithfully,
(Sd.) J. R. GHARPURE.

113, ESPLANADE ROAD, FORT,
Bombay, 18th August 1915.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Sir,

I beg to acknowledge receipt of your No. 46 dated 17th July last.

I am of opinion that the Government Law School should be abolished as it serves no useful purpose and to my mind the time spent there by the students is simply wasted.

I think what the law students require is practical knowledge and that can be profitably given to them by providing that every candidate for the LL.B. examination should produce a certificate of his having served as an apprentice under an Advocate, Attorney or Pleader of not less than five years' standing and as to his having attended at the Presidency Magistrate's Court, the Small Causes Court and the Original Side of the High Court for six months each.

Yours faithfully,
(Sd.) DINSHAW J. VAKIL.

HIGH COURT,
Bombay, 16th August 1915.

To—The Chairman,
Government Law School Committee.

Dear Sir,

With reference to your No. 23 of 1915-16, I have the honour to submit the following suggestions:—

1. I think a full-time institution would be a good thing but I do not think it is essential, at the same time I think something should be done to prevent students who have no intention of adopting the law as a profession from entering for the examination. At present anyone can sit for the examination who has attended a given number of lectures and I know that a very large proportion of those who do attend do not even trouble to listen to a word that is said, and I have known cases where from the position in which they have intentionally placed themselves it was impossible for them to hear the lecture. The Law Course should therefore be made one which does more than occupy a man's spare time.

2. I know of no suitable place.

3. I think that the Principal should be a full-time officer and that the other Professors be chosen from Barristers or Pleaders of a certain standing who should be allowed to practise. I would suggest that lectures were from 9 to 11 a.m. and from 5 to 7 p.m. I do not think it would be reasonable to expect the Principal to be forever in attendance in the School Library though he might attend at stated times. If a full-time officer I should suggest Rs. 800 to 1,000 per month.

4. No.

5. Very desirable but quite impracticable, see the accommodation in our Courts.

6. I would suggest the addition of a course of—
   (*a*) Constitutional Law.
   (*b*) International Law.
   (*c*) More attention to Mercantile Law.

7. Sufficient.

8. There is no doubt that the present classes are too overcrowded chiefly by students who have no desire to adopt the Law as a profession. If a full-time school was instituted this difficulty would be got over, as it could also by raising fees or by having the lectures spread over the day, say between 9 a.m. to 11 a.m. and 5 p.m. to 7 p.m.

I have the honour, etc.,
(Sd.) BASIL N. LANG.

HIGH COURT, PLEADERS' ROOM,
Bombay, 20th August 1915.

From—Divan Bahadur Ganpat Sadashiv Rao, M.A., LL.B.,
Honorary Secretary, Pleaders' Association of Western India;

To—Sir Narayan Ganesh Chandavarkar, B.A., LL.B.,
Chairman, Government Law School Committee, Bombay.

Sir,

With reference to your letter No. 21 of the 17th ultimo, I have the honour to inform you that the various points referred to therein were submitted for the consideration of the Association at their meetings held on the 11th and 12th instant and that the conclusions arrived at by it are as follows :—

(1) It is not desirable that the Government Law School should be made a full-time Institution.

(2) In view of the conclusion arrived at by the Association on the first point, it is not necessary to express its views on point 2.

(3) That it is not necessary that the Principal should be a full-time officer.

(4) It is not necessary to appoint Tutors, in addition to the Professors, to assist students by conducting classes, at which the attendance of students should be compulsory.

(5) That it is neither practicable nor desirable that students attending the Law School should be required to attend Courts under the direction of either their Professors or Tutors.

(6) That the existing syllabus of studies calls for no change.

(7) That the two years' course for the degree of LL.B. is sufficient and satisfactory, and no extension of it is necessary.

(8) (1) That it is undesirable that a maximum number should be fixed for the students in the Institution; (2) that it is necessary that additional institutions may be affiliated and recognised by the University under Government sanction to supply additional facilities for legal education.

(9) That (1) the number of Professors should be increased and that (2) the appointment of Professors should be made from practitioners of not less than 5 years' standing.

I have the honour, etc.,
(Sd.) G. S. RAO,
Honorary Secretary,
Pleaders' Association of Western India.

GIRGAON,
Bombay, August 19th, 1915.

To—Sir Narayan G. Chandavarkar, Kt., B.A., LL.B.,
Chairman, Government Law School Committee, Bombay.

My Dear Sir,

With reference to your letter No. 36 of 1915-16, dated 17th July 1915, inviting my opinion on the nine points stated therein, I beg to submit the following reply which, I regret, I have not been able to send within one month of the date of your letter, as desired by you :—

2. I agree with the opinion of the Pleaders' Association of Western India on the points with slight modifications mentioned in the sequel.

3. On point 6, I think an option should be given to the First LL.B. students between Roman Law and International Law, and to the Second LL.B. students between Land Tenures and Elementary Constitutional Law.

4. On point 9, while agreeing with the Association that the remedy for making the teaching at the Law School more efficient lies in increasing the number of Professors and thus making the classes more easily manageable and laying down a minimum standing at the Bar (which I should like to have 7 instead of 5 years) as a necessary qualification for the Professors appointed, I venture to think that it is, in addition, necessary to provide that on the *personnel* of the professorial staff, the Appellate Side of the High Court Bar shall be more largely represented than has been the case hitherto. It would be ordinarily to the advantage of students to have for their Professors Vakils of standing on the Appellate Side of the High Court to lecture

to them on some of the subjects, such as the Hindu Law, the Land Tenures, the Codes of Civil and Criminal Procedure, the Transfer of Property Act, the Indian Registration Act, the Deccan Agriculturists' Relief Act, the Succession Certificate Act, etc. It seems to me that in order to ensure this larger representation of Vakils practising on the Appellate Side of the High Court on the professorial staff, it is necessary to provide that not less than one-third of the total number of Professors shall be Vakils of the High Court of the prescribed standing.

5. Apologising for the delay that has occurred in despatching this reply,

I beg to remain, etc.,
(Sd.) N. M. SAMARTH,
Vakil, High Court, Bombay.

NEW QUEEN'S ROAD,
Bombay, 20th August 1915.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

I beg to submit my opinion as follows on the different points referred to in your letter No. 37 of the 17th ultimo.

(1) I do not think it is desirable to make the Law School a full-time institution. For such advanced students as read for the LL.B. examination a great portion of their time should not be taken in attending to the lectures of the Professors. They should be left a large portion of their time for studying by themselves. I do not think it would be proper to require them to attend lectures more than five or six hours a week. This being my view on point 1, I consider it unnecessary to express any opinion on point 2 referred to in your letter.

(2) On point 3 I am of opinion that it is unnecessary to make the Principal a full-time officer. Students should be required to solve their own difficulties as far as possible, and when they are unable to do so they should approach the Professor who is in charge of the teaching of the subject to which they relate.

(3) In connection with point 5, I am of opinion, it is not advisable to employ in addition to the regular staff of the School, tutors who may conduct classes attendance to which may be made compulsory.

(4) With reference to point 5, it does not appear to me either practicable or desirable to require students to attend Courts under the direction of Professors or tutors.

(5) With reference to point 6, I am of opinion that the syllabus of studies for the first and second examination for the degree of Bachelor of Laws calls for no change.

(6) With reference to point 7, I am of opinion that the existing two years' course is sufficient and extension of it is not advisable.

(7) With reference to point 8, I do not think that it is desirable to fix the maximum number of students in the Law School; at the same time with a view to the relieving of congestion in the School and to diminish the number of students studying in the different classes other institutions should be affiliated to and recognised by the University with the sanction of Government. It would not be proper to put any limitation on the entire number in the School in the shape of the maximum number in each class so long as other facilities for imparting legal education are unprovided for.

(8) With reference to point 9, my suggestions are that the present classes be divided into smaller ones and the number of professors should be increased. I would also recommend that the Professors should be selected out of practitioners whose standing in their profession is not less than five years.

Yours faithfully,
(Sd.) GOKULDAS K. PAREKH.

HIGH COURT,
Bombay, 23rd August 1915.

To—Sir Narayan G. Chandavarkar, Kt., B.A., LL.B.,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

With reference to your letter No. 38, dated 17th July 1915, I have the honour to state my opinion on the queries set out as follows:—

(1 & 2) I do not think that it is desirable that the Government Law School should be a full-time institution, but the students should have the benefit of lectures every working day for two hours. The hours of lectures should not however interfere with the professional work of the Professors. I think it is highly desirable that Professors should be appointed from practising senior lawyers who are in touch with the profession. The hours of the lectures should in my opinion be 8 a. m. to 10 a. m. on Wednesdays and Saturdays and 5-30 p. m. to 7-30 p. m. on other days.

(3) I do not think that the appointment of a Principal as a full-time officer is necessary.

(4) I think that additional Professors should be appointed instead of Tutors.

(5) I do not think it either desirable or practicable that students should be required to attend the Court.

(6) I think a course on the outlines of Constitutional Law should be introduced as a subject for the First LL.B. examination and the subject of Contract should be transferred to the Second LL.B. examination.

(7) I think there should be a course of two years for the Degree of LL.B.

(8) I think that it is not desirable that a maximum number should be fixed for the students in the Law School, but it should be left open to other institutions affiliated to and recognised by the University under Government sanction to supply additional facilities for legal education.

(9) I think that in the case of advanced students the Professors should get hypothetical cases argued by the students on both sides on the lines of the High Court moot and should encourage original research by requiring students to compete for an essay on any subject.

Yours faithfully,
(Sd.) SITARAM S. PATKAR.

No. 95 of 1915.

Bombay, 17th August 1915.

From—N. W. Kemp, Esq., Bar.-at-Law,
Chief Judge, Court of Small Causes, Bombay ;

To—Sir Narayan Ganesh Chandarvarkar, Kt., B.A., LL.B.

Sir,

With reference to your letter No. 51 of 1915-16, dated 17th July 1915, from the office of the Government Law School Committee, I send herewith opinions of the 3rd, 4th and 5th Judges of the Presidency Small Cause Court as requested. The 2nd Judge has not as yet submitted any opinion.

2. With regard to my opinion, I consider in answer to (1) that the Government Law School should be a full-time institution. I don't think the present system conduces to a good and sound legal education. I fail to see how the majority of the students can acquire anything beyond the most superficial knowledge of the various branches of law by attendance in the evenings at lectures after a hard day's work either in service or other employment. Many of these students have to support themselves while attending these lectures and I think that the study of law should not be considered mainly with a view to suit their requirements but in order that those who take it up should do so as their sole or principal aim. If students are going to study the law they should be made to give their whole time to it—to live in a legal atmosphere if I may say so. It is for this reason I think so highly of the system of the study of law in some of the European countries where often it is no uncommon thing to see the Professor walking about with a group of his students propounding legal conundrums to them on the ordinary incidents of City life around them. For example, he will mount a tram with his students and then ask them what, if any, are his legal rights if he travels beyond the distance for which he has taken a ticket and the conductor ejects him and whether the Company should base their defence to an action by him on their statutory right to eject a passenger or on their common law right against a trespasser or both. This of course is a very simple case but such little problems do much to light up the law student's cheerless way and get him into a way of *thinking* legally. It is only possible to saturate a man with law in a full-time institution.

3. As to (2) the Law College should be situated in some central position in this town whose far greater size and importance exclude the consideration of any other town in the Presidency. The question of the staff and the terms on which it should be engaged depends a good deal on what Government are prepared to pay. From the *Times of India* Directory, 1915, I see there are at present a Principal and five Professors of the Government Law School. I think that staff should suffice, the Principal being a whole-time man on a salary rising from Rs. 1,200 to Rs. 1,500 (ranking with a Lieut.-Colonel in the army to give him the dignity due to his position) and the five Professors lecturing a couple of hours or less daily (perhaps two hours

one day and one the next) on a salary of Rs. 500 per month each. The Professors should be allowed private practice. Of course, you won't attract the barristers with the largest practice by these terms because they cannot tie themselves down to an engagement to lecture daily or every other day but you ought to get a very good man who can arrange to give an hour or so a day to lecturing without interfering with his practice which I will presume will still be quite a fair one. Moreover, it does not always follow that the most successful lawyer is the best read one. The Principal must, of course, be forbidden private practice and the man I conjure up for an appointment of this sort is a man like the late Sir William Anson or Sir Frederick Pollock. Then there must, of course, be the Librarian and the usual menial staff.

4. In view of the above remarks there is no need for me to express an opinion on point (3).

5. With regard to point (4) I see no necessity for the appointment of any tutors. Private tuition is always available and the Professor should always be accessible after lectures to solve any difficulties a student may feel.

6. With reference to question (5), I think students should be encouraged by their Professors to attend the Courts as much as possible. It is one thing to be well versed in the law and quite another to plead in a court as many men of wide reading have experienced. In fact I know that one of the best law lecturers in London is a man who on account of a highly nervous disposition has never been able to practise. The students should be encouraged to get themselves acquainted with the atmosphere of a Law Court. They would soon pick up the procedure in a Court and there is always a good deal to be learnt by listening to arguments on points of law and evidence. I would, however, leave the question of attendance to themselves.

7. With regard to points (6) and (7) I think that there should be a *viva voce* examination as well as the written papers. I think the percentage of marks required to pass in both the 1st and 2nd LL.B. examinations is too low. It might be increased by 10 per cent in each paper and in the total marks for all the papers. I think a course on the outlines of Constitutional Law might be adopted.

As to point (8) I don't think it desirable to fix the maximum number of students in the School. I think the Law school should be here and nowhere else. Making it a whole-time institution will have the effect of limiting the numbers attending it to some extent and the instruction obtainable outside Bombay will be very inferior to that obtainable here. I understand that there is only one Medical College in the Presidency and that is in Bombay—so there is some excuse for centralising the study of law in the principal city in the Presidency where it would be under the direct control and supervision of Government. I believe in centralising so far as the study for the principal professions is concerned where the very best can be obtained and not serving up in the Districts inferior legal instruction to intending students of law.

I have nothing further to add.

I have, etc.,
(Sd.) N. W. KEMP,
Chief Judge.

Opinion of the 3rd Judge.

(1) No, it is not desirable to make the School a full-time institution, as there would not be enough subjects to teach.

(2) In view of the above reply, none is required for this question.

(3) No, a full-time officer as a Principal would be of no use, as the mere reading work that some of the students (not all) do in the Library would not warrant the employment of such a highly paid officer, specially when there would be nothing very definite to guide or direct the students about further than that done by the lectures of the various Professors.

(4) No, the tutors would hardly be able to accomplish any wonders, even with compulsory attendance at their classes. Such an attendance would mean the keeping away of the students from their private reading, which they generally do in pairs, groups or batches, without any corresponding advantage. Their Professors are always at their disposal, if they want to have any of their difficulties solved.

(5) The suggestion is not practicable, even if it be desirable. A number of difficulties come in the way of its accomplishment. The Court rooms would not be large enough to hold such classes, besides the students would utterly be at sea in such courts as the Division Benches on the Original Side of the High Court. The same would be the case in the Small Cause and Police Courts. Mere watching of the conduct of a case would give them no practical first-hand knowledge, which can't come unless they take a part in it themselves; which is not possible. The only effect of such a course would be to provide them with some amusement in case they are able to follow intelligently the replies of some unconventional witness or repartees between the Bench and the Bar.

(6) The present syllabus is sufficient. If changes have to be made they should aim towards reducing the student's memory work.

(7) Yes. Two years' period is sufficient.

(8) Yes, if proper facilities in the way of qualified Government institutions can be provided with suitable staffs in such large centres as Ahmedabad, Poona, Rajkot, Dharwar, it is very desirable to fix a maximum number for the local school.

(9) None; excepting that provision should be made for some sort of oral examination of the candidates before they are declared passed, with a view to their speaking better, more correct, and grammatical English, while arguing or putting questions to witnesses, when they elect in after-life to practise before Courts.

(Sd.) KRISHNALAL M. JHAVERI,
3rd Judge,
Small Cause Court, Bombay.

Opinion of the 4th Judge.

With reference to No. 51 of 1915-16 of the Government Law School Committee, asking my opinion on the questions therein enumerated, I am of opinion as to point

(1) That there is no need for a full-time institution and therefore

(2) Need not be considered.

(3) A full-time Principal on a salary of not less than Rs. 1,500 rising to Rs. 2,000 of high legal attainments likely to command the respect of the graduates studying for the Law, to attend the Library all day, and to solve the difficulties of the students, and exerting his personal influence on the character of the students and directing the course of their studies, is desirable.

(4) If the funds permit, there should be more Professors to reduce the number of pupils in each class, or failing that to have the present Professors divide the number of pupils into two classes, and give double the number of lectures.

(5) The students should be required to attend the Courts only after the completion of the course.

(6) It is desirable to have a suitable course on the outlines of Constitutional Law and International Law.

(7) Two years' course is quite sufficient.

(8) There should not be more than a hundred in a class.

(9) No.

(Sd.) H. B. TYABJI,
4th Judge,
Small Cause Court, Bombay.

Opinion of the 5th Judge.

(1) I am of opinion that there should be a full-time Government Law College where a thorough and systematic course of legal education and training could be imparted to students. The present system of evening lectures is in my opinion useless; the students after a day's work elsewhere, either in service or other employment, give a formal attendance in the evening at the lectures only with the intention of filling in the required number of days in the terms, and for the purpose of passing the examinations they cram the *epitomes* on the various legal subjects prescribed for the examination, leaving the standard treatises alone, thus acquiring a superficial knowledge of the subjects, enough to procure them the necessary marks by answering only questions relating to texts. A full-time Law School would be able to impart to students a thorough education in the theory and practice of the law by sytematic study of standard works conducted under the guidance of able lawyers.

(2) I think the Government Law School should be located in some central situation in Bombay. As for the staff of teachers and their remuneration it would be difficult to procure men of good legal attainments, *i.e.*, men experienced in the practice of the law as whole-time servants except on exceptionally high pay. Men of large experience and practice would not care to devote their whole time to this work as they may possibly earn in practice in one day what they might get as salary in one month. This difficulty would be met by securing as lecturers on different subjects three men in tolerably good practice and of good experience to

lecture say twice a week on reasonable remuneration and to employ two gentlemen of good legal attainments as whole-time professors to devote, say, 2 or 3 hours every day to instructing and lecturing.

(4) I do not think the proposal to appoint tutors to conduct classes would be advisable.

(5) It would be very desirable that students should attend the Courts, but that they should do so under the direction of the teachers would not be practicable. I think the better course would be to grant sanad to practise after passing the LL.B. onlv after applicant for sanad has attended for at least one year in the Original and Appellate Sides of the High Court.

(6) I think the present syllabus of studies is quite sufficient. Any addition to it would overtax the energies of students and would induce to a hurried cramming. I do not think a course of Constitutional Law and History is necessary for Indian students.

(7) A three years' course from entrance into the Law School to the final LL.B. is sufficient. This, with the one year spent in the Courts after passing the final examination, would make a four years' course and would be quite enough for a good and sound training.

(8) I am not in favour of restricting the number of students in the Government Law School, nor in favour of other institutions being recognised as training grounds in law. If the institution in Bombay becomes too inconvenient by reason of large number of students pouring in, a branch could be established in any of the other towns of the Presidency.

(Sd.) A. F. BILIMORIA
5th Judge,
Small Cause Court, Bombay.

No. 3862/34 of 1915.

CHIEF PRESIDENCY MAGISTRATE'S COURT,
Bombay, 18th August 1915.

From—A. H. S. Aston, Esq.,
Chief Presidency Magistrate, Bombay;

To—The Chairman, Government Law School Committee, Bombay.

Sir,

In reply to your letter No. 17, dated 17th July 1915, I have the honour to forward the following opinion on the question of the re-organization of the Government Law School, Bombay.

2. The question should in my opinion be considered from two standpoints, *viz.*:—
   (*a*) Public policy and
   (*b*) The interests of the students themselves.

Part I.

3. From the point of view of public policy the following principles are, I think, important:—
   (1) The number of students should be limited.
   (2) Students not only of good character and ability but also of good social position should be preferred.
   (3) The brilliant student of small means should be helped.
   (4) A spirit of *esprit de corps* should be fostered.

4. My reasons for attaching importance to the principles above-mentioned are as follows:—

Overcrowding the profession results in excessive competition and brings in its train a low standard and undesirable practices. The charge is made that the junior pleaders resort to touting in order to get work. Fees are cut down, undesirable persons frequent the Courts, Pleaders appear in the pettiest cases for nominal fees and petty cases are fought out at an undesirable length I think it is desirable that the number of students at a Government Law School should be carefully limited either by direct or indirect means and that in determining the question of limitation due allowance should be made for the fact that a good legal training is often beneficial in other walks of life.

5. If the number of students is so limited; if a membership of the Government Law School is made a condition precedent to persons qualifying as Pleaders; if care is taken that the students admitted are young men of good character and standing and are not men who through extreme poverty may be tempted to resort to any expedient legitimate or otherwise to get work; if means are also adopted to help the poor scholar and to implant a spirit of *esprit de corps* and *amour propre* in those who will be the future members of the profession I think the tone of the profession will be maintained at a high level.

6. In order to obtain the best class of student the following methods appear to me desirable :—

(1) Examination.

(2) Recommendation accompanied by the execution of a bond by a Barrister or Pleader guaranteeing the good behaviour of the student and the payment of his fees during the period of the course.

(3) Deposit to be devoted to the purposes mentioned hereafter.

(4) Scholarship to enable a certain number of scholars of poor means to make the necessary deposit.

Part II.

7. From the point of view of the students themselves three needs are at once apparent, *viz.* :—

(1) A thorough training.

(2) Amid wholesome surroundings.

(3) Combining an introduction to the profession with instruction pure and simple and these needs I think can be met by the provision of lectures, by insistence on individual tuition, by the provision of a suitable Hostel and by a provision that the student shall read a year in chambers after passing his examination.

8. It is obvious I think that the training should be both theoretical and practical and for this reason I would advocate the adoption of the following measures :—

(1) A course of lectures should be given on the subjects selected for the final examination. The lecturers should be the best men obtainable at the Bar and elsewhere and should be appointed for a period of three years at a time. They should not be whole-time men.

(2) The lectures should be held in some convenient hall or college in close proximity to the High Court.

(3) Attendance at the lectures should be voluntary but the final examination should always be based on the subjects lectured upon.

(4) Each student should be bound to receive individual tuition up to the date of his final examination from a coach or tutor appointed or approved of by Government and one-half of the amount deposited by the student under paragraph 6, clause (3), should be paid to such tutor as his fee.

(5) At the end of the two-year course after passing his examination the student should read for a year in the chambers of a barrister or pleader approved of by Government and the other half of the deposit referred to in paragraph 6, clause (3), should be paid as the fee for this privilege.

(6) A Hostel should be established in some convenient locality not too far from the place where the lectures are held. The Principal of the Hostel should be a full-time officer. He should supervise the studies of the students and be responsible for their general welfare.

(7) The Principal of the Hostel should be given an entertaining allowance enabling him from time to time to arrange for the holding of guest nights with a view to offering hospitality to leading members of the Bench and Bar and making them and the students known to each other.

I have the honour, etc.,
(Sd.) A. H. S. ASTON,
Chief Presidency Magistrate, Bombay.

14-K, HUMMUM STREET, FORT,
Bombay, 24th August 1915.

To—The Chairman,
Government Law School Committee, Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. 47 of 1915-16, dated 17th July last, and to express my opinion on the points therein referred to as follows :—

1. In my opinion it is not desirable that the Government Law School should be made a full-time institution.

3. I should indeed advise as a temporary measure for three years, subject to confirmation after three years' trial, that the Principal of the School should be a full-time officer, so that he might be present in the School Library and advise such of the students who may choose to avail

themselves of his assistance. It will be of no use appointing to the post an inexperienced practitioner. It would not be possible to secure a competent person unless adequate salary is paid which should not be less than Rs. 1,000 per mensem and the appointment must be conditional on the holder not practising in Court during the tenure of his appointment and holding once a week at least a class where students may be given opportunity of debate on questions of law and practice.

5. Although desirable it is impracticable that students attending the Law School should be required to attend the Courts under the directions of either of the Professors or their tutors.

6. In my opinion it is desirable to remove Roman Law from the syllabus of studies and introduce a course on the outlines of Constitutional Law.

7. I think that two years' course for the degree of LL.B. is sufficient and satisfactory.

8. It is not desirable that maximum number should be fixed for the students in the School.

9. I am of opinion that it would materially benefit the students other than those who are serving articles of clerkship with Solicitors if they have to serve for one year during the last year of the term articles with the practising pleaders nominated by the University of not less than 10 years' standing, of which six months' service should be with pleaders practising in Civil Courts and the remaining six months with pleaders practising in Criminal Courts.

I have the honour, etc.,
(Sd.) M. K. ALPAIWALLA.

No. 97 of 1915.

Bombay, 18th August 1915.

From—N. W. Kemp, Esq., Barrister-at-Law,
Chief Judge, Court of Small Causes, Bombay;

To—Sir Narayan Ganesh Chandavarkar, Kt., B.A., LL.B.

Sir,

In continuation of my letter No. 95, dated the 17th instant, I now send herewith the opinion of the 2nd Judge of this Court, which was received late.

I have, etc.,
(Sd.) N. W. KEMP.
Chief Judge.

Opinion of the 2nd Judge.

(1) I do not see any urgent reason for making it a full-time institution.

(2) The Law School should remain in the Fort in proximity to the Courts.

(3) I think it best that the Principal should be a lawyer in practice, the salary might be raised to Rs. 500 and he should give an undertaking to devote sufficient time to the School to make it a success.

(4) I think this is the better proposal. I should not make attendance at tutors' classes compulsory—the function of the tutor should be to assist the individual student by explaining difficulties and by giving him references to text-books and cases which will explain his difficulties, as well as by classes. It might greatly inconvenience some students to multiply classes and require them to attend. I think it is certain that any class, which is a really good one, will attract the students by its merits, especially those who have nothing to do but to study. Many are in offices and could not attend without permission from others.

(5) I think students should be encouraged to attend the Courts, but I do not see the need for their being attended. Students should be directed to pay visits and to try and sit out cases in Courts where there is room for them. Many students actually attend the Courts now—the Courts are open to all. I would like to say regarding (5) that I do not believe in Law students being treated as babies. This proposal of personally conducted tours to the Law Courts has been frequently up for consideration, and I have never seen the need for them. Our Courts are open to the public, and law students should be encouraged to attend and they must learn to elbow their way into the Courts like other people. They will never be much good as Pleaders if they are shy.

(6) I do not think it possible to add Constitutional Law, there would not be time in the present course. It might be made a subject for LL.B. with honours, and the Principal could give a short course directing students to the sources for the study of the subject.

(7) Considering the resources of the students I do not think the course should be extended. They have to take their Arts Degree and then LL.B.; to extend compulsorily the period of study would shut out many poor but capable men for the profession. Besides, no one in their senses thinks that a new fledged LL.B. is a fully qualified man. He must have years of experience thereafter. Newly called members of the Bar may practise though they often do not know much; why should it be assumed that Bombay LL.B.'s should be profound lawyers straight away after getting their degree?

(8) I think for some years to come the teaching can be best done in Bombay. It is only in Bombay that sufficiently able men in the required numbers can be obtained for a half-time school and it is only in Bombay that the students have facilities for attending the Courts—and there are many other facilities for study that Bombay alone supplies—Libraries, public meetings, newspapers, besides the opportunity of studying the working of commercial operations at the Docks, Exchanges, Banks, etc.

(9) I think there is need of elementary text-books on the line of Anson on Contract and Williams on Property. The Indian student should be able to read Indian Law straight away and not be confused with reading English Law first and then being told that Act so and so changes the Law. Government might either employ some one to write such books—or undertake to buy sufficient copies if the task was undertaken as a private speculation.

(Sd.) A. K. DONALD,
2nd Judge,
Small Cause Court, Bombay.

BOMBAY,
Girgaum, 29th August 1915.

Dear Sir,

I have to thank you for inviting my opinion on the question of the reorganisation of the Government Law School, Bombay. I am sorry I could not reply to your communication in time. But since you have been kind enough to send a reminder, I feel encouraged to forward my opinion, though the prescribed time has already expired.

The Association of the Pleaders of Western India was invited by you to communicate its views on the subject. As a member of that Association, I took some part in the discussion of the questions placed before it. I generally agree with its conclusions.

In my opinion no radical change is called for in the present system of imparting legal education and no full-time College is needed. Nor do I think that it will be a success. All that is required is a sufficient number of competent and well-paid Professors who will command the respect of the students of the College, and an adequate number of lectures on each subject. Further the present unwiedly classes should be split up into convenient divisions so as to encourage direct personal contact of students with their Professors, and discussion in the class of difficult and doubtful points of law. The present state of things is simply deplorable. It is fatal to efficiency of teaching and the maintenance of discipline. The whole sytem of legal instruction becomes an absolute farce when students cannot be comfortably accommodated in their classrooms. I was informed by one of the lecturers at the Government Law School that at one time students had to sit outside their classroom. It is not possible for me to get the necessary facts and figures and I stand open to correction. But I am informed that a careful and impartial inquiry in this connection will disclose a startling tale.

I feel constrained to say and I do so with regret that the difficulty referred to in the 8th query would probably not have arisen if Government had accorded their sanction to the Resolution of the Senate, passed years ago, in favour of affiliating a private law school, on the application of an influential committee of lawyers, presided over by the late Mr. Justice Budruddin Tyebjee. Pressure on the Government Law School would be considerably relieved, if two or three schools of law with a competent staff could be established in Bombay and elsewhere in the Presidency and affiliated to the University with the sanction of Government.

If the College can be placed on a more satisfactory footing both as regards accommodation and efficiency and adequacy of legal instruction, I would suggest the institution of terminal examinations in such subjects as may be prescribed by the Professors. Unless the students secure 25 or 33 per cent. of the total number of marks, they will not be entitled to receive certificates permitting them to appear for their respective examinations. That will make the students more careful and attentive than they seem to be at present. But I am wholly opposed to subjecting students to needless burdens and vexations side by side with the continuance of a defective system of instruction. Unless the lecturers are adequately paid, they will look upon any such examinations as a positive nuisance and the students will grievously suffer. That is a point which will have to be taken into account in the consideration of this suggestion.

Legal practitioners on the Appellate Side of the High Court are more conversant than those on the Original Side of the High Court with particular branches of law and *vice versâ*. I think more weight should be given to this important consideration in the selection of Professors than has been the case hitherto.

Yours faithfully,
(Sd.) NARAYAN VISHNU GOKHALE.

To—Sir Narayan G. Chandavarkar, Kt.,
Chairman, Government Law School Committee, Bombay.

HIGH COURT,
21st August 1915.

To—Sir Narayan Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

In reply to your letter No. 24 of 1915-16 asking us to submit our opinion on certain questions relating to the re-organization of the Government Law School, we beg to send in a joint note as follows:—

We beg to observe, before proceeding to reply to the several questions in detail, that we are extremely averse to any alteration in the present system, which will add to the burden of the students, either with reference to the extent of their studies or the cost of their education; for we are of opinion that in studying Law the pupils ought to be made to rely as far as possible on their own resources and methods, instead of being overpressed with lectures or any other form of extraneous teaching. Beyond a certain amount of minimum lectures, we are of opinion that the assistance, which the School ought to provide for, should be in the form of an unobstrusive guidance, given while the student is actually carrying on his reading in the midst of his text and reference books. He ought to be taught, for instance, how to look up a point of law that arises for inquiry, where to look it up, how to follow it and trace its development. The uses of precedents and their differentiation, the citations of cases and their pitfalls, and in fact every kind of instruction, that will tend to make the subject appear to the student to be of practical ultility rather than an academical science, ought to be given to the pupils in the place of mere "lectures" which very often deteriorate into a mere dictation of notes culled verbatim out of cheap and inferior text books. We are further of opinion that the Law School should not be made a training ground for raw and inexperienced advocates, nor should selection to the professorships be guided by any consideration except that of pure merit and not even that of racial proportions. If the present scale of salaries is found too inadequate to attract the right class of men, they should be increased to any proportions necessary for that purpose, for we are of opinion that in the study of law, more than in any other department of study, the right method of study has to be acquired by teaching and observation at a very early stage.

With these preliminary observations we now proceed to answer the questions in detail.

Q. 1.—We are against making the School a full-time institution. We think it desirable to keep its present character of being a post-office-hours institution. If necessary and on proper occasions extra morning hours may be taken, but there ought to be no interference with the student's freedom during office hours, that is from 11-30 to 5-30. A proper study of law can only be carved out in leisure, and we are of opinion that no considerable increase should be made in the compulsory classes the pupil has to attend. A course of voluntary classes, as is done in England for the Bar examinations, may be arranged, and likewise occasional lectures, sometimes even after dinner, by eminent lawyers, may prove useful.

Q. 2.—The School should be located at a quiet and airy place in the Fort, within easy access of the Law Courts, attorneys' offices, and business places. One Principal and a minimum number of five Professors, and two or more tutors with duties as hereinafter mentioned, should suffice. As regards salary we feel we are not in a position to state a definite figure. We can only say that, subject to a minimum of Rs. 600—700 for the Principal, Rs. 500—600 for the Professor, and Rs. 350—400 for the tutor, the scale should be so arranged as to attract the right class of men.

Q. 3.—The work mentioned in this question should be done by two or more tutors; and each of the Professors, including the Principal, should take his turn, once a week, of being present in the Library during office hours. It will not be possible, without having to pay what may be a prohibitive salary, to find a competent Principal willing to devote the whole day to the Law School for the whole week, nor would it be desirable, in our opinion, to immerse the Principal exclusively in teaching work, for such a course has the risk of divorcing him from the working of the Law Courts, and in consequence his teaching may deteriorate in practical utility and value.

Q. 4.—As stated above, we are against adding to the number of compulsory classes. The Tutors' or Professors' work in the Library should be confined to unobstrusive assistance and should not take the form of a regular class. He should be present in the Library, and guide students in their reading, by going about, and giving assistance wherever needed. His work here should by no means be didactic, but purely explanatory and helpful. In our opinion the work to be done in this way in the Library is of greater value in teaching the right method of study than the "lectures" in the regular classroom. An occasional visit to the Library by a Member of the Board of Visitors may prove of especial value and encouragement and an hour or two spent in the midst of the students, while they are in a state of mental *dishabille*, may have its value for the "visitor" in giving a deeper insight into the habits of the pupils, whose interests he is supposed to watch over. We would make this portion of the pupils' time capable of being spent as attractively and usefully as possible, and we would suggest, though the suggestion proceeds beyond the terms of the reference to us, that suitable arrangements should be made for having some refreshments provided to the pupils at reasonable cost during the luncheon interval, without the necessity of going out in the sun or rain. A caterer can be found who would do the work on reasonable terms in a place provided by the school authorities for the purpose, and subject to their supervision.

Q. 5.—Yes, the students should be taken in batches once or twice a term to the several Law Courts in Bombay, under the charge of their tutors, and after proper arrangements in that behalf have been made in consultation with the authorities of the Court. The object of the visit will be to let the students see what a Court is like and how the work goes on, in order that he may be able to form a picture of the whole scene, which will be helpful to him by localizing his memory.

Q. 6.—We would leave the present course unaltered. In our opinion the course of instruction at a law school is of secondary importance. The methods and means of teaching are of the utmost significance.

Q. 7.—A two years' course is sufficient.

Q. 8.—We suggest that the Government would do well to endeavour to make the School a model for other institutions to copy. We do not desire to fix the minimum of admissions, and we are in favour of permission being granted to other institutions, private or State-aided, who are willing to afford instruction under proper guarantees of efficiency. We think it absolutely undesirable that Government should retain the monopoly of providing legal instruction. Such a course is sure to cause deterioration, by removing the healthy necessity and desire to compete and emulate.

Q. 9.—We are of opinion that the School should be provided with a well-equipped Library, well stocked with standard text books, on English and Indian Law, and with the reports of cases decided in India and England. A complete set of the Old English reports may be added with advantage and a collection should be made of old text books like, *e. g.*, Story's publications now becoming rather rare. We are of opinion that every endeavour ought to be made to furnish the students with opportunities, which would induce the habit of going to find their law at the ultimate source thereof in the decided case, instead of taking it, cut and dry, in the form of a sapient statement, out of small 'cribs' on which some of them at present feed. The Library, when so equipped, may be thrown open to the use of legal practitioners on payment of a small quarterly fee, without liberty, however, to remove books from the Library. Such a step, we are of opinion, will have the additional advantage, that it will bring the students of the Law School into contact with the practising pleader, and thereby serve to introduce, into the rather too studious life of the present-day student, an element of practical insight into the actual working of the Law Courts, and the evolution of Law as it goes on there from day to day. We are of opinion that this is a very important aspect of legal study in this country, where owing to the foreign nature of the medium and the subject of instruction, British Indian Law has a danger of being regarded as an exotic, which is valued out of the sheer necessity of earning a living but which evokes no intellectual sympathy or moral response in the student thereof.

We beg to remain, etc.,

Yours faithfully,

(Sd.) M. R. JAYKAR.

(Sd.) H. C. COYAJEE.

LUZ CHURCH ROAD,

Mylapore, 1st September 1915.

Dear Sir,

I send you herewith a few suggestions which occurred to me in connection with the re-organization of the Government Law School, Bombay.

Yours sincerely,

(Sd.) K. SHRINIWASA IYENGAR.

To—Sir Narayan G. Chandavarkar, Kt., Bombay.

Re *Government Law School, Bombay.*

When the faculty of law was first instituted in the Madras University, the course of instructions was only one year and was by means of lectures delivered from time to time by eminent practitioners. Mr. John Bruce Norton and Mr. Mayne were two of the lecturers. Sometime after, the course was extended to two years and the same system of lectures prevailed. In 1889 the two years' period was extended to three and the same system of lectures continued. There were only two lectures in a week, one of an hour's duration and the other two hours. During all this time some of the most eminent practitioners in Madras, like the late Sir V. Bashyam Iyengar, C. Ramachandra Rao Sahib and V. Krishnaswami Iyer, were lecturers. In 1899 or thereabouts, full-timed lecturers were appointed and the course of study was reduced to two years. Till the course was reduced to two years the procedures were also included in the course of study. But in 1899 owing to the representations of Sir H. H. Shephard and Sir Bashyam Iyengar 'Procedures' were eliminated from the subjects of study as they were of opinion that the University can only undertake the teaching of law as a science and the subject of procedures which are necessary and useful only to a practising lawyer was not a fit subject of study in the University. I think that so long as the University examination in Law is a means and in some provinces the sole means of entering the profession, it is not safe altogether to eliminate the procedures as a subject of study in the Universities.

I have had some experience of practitioners trained under the old system and also under the new system and I do not think that there has been any material advantage in making the Law College a full-timed one. I do not think that anything more than a series of lectures during term-time is required for teaching the law students and it is difficult to keep their attention for more than an hour; and three hours a week should be quite sufficient if the lectures are carefully prepared and the lecturers are competent. At the same time I would make it a condition that students who desire to attend the Law College with a view to enter the profession should not engage themselves in any other work or employment; for they must have sufficient time for studying in detail the subjects in which they hear lectures, which lectures must deal only with general principles. I think also that a three years' course is desirable; but I think it is desirable that the procedures should be the subject of study in the third year and that persons who desire to enter the profession should study in the chambers of a practitioner of some standing, which alone will enable them to understand the procedure codes in their actual working. At the end of the third year there ought to be an examination in procedures by the University, and as soon as they pass that examination they must be entitled to practise without any apprenticeship course. For those who do not desire to practise, a two years' course is sufficient and they ought not to be obliged either to attend the course of lectures on procedures in the last year or to pass any examination therein.

If my suggestion is adopted it would be quite possible to obtain the services of eminent lawyers who also practise the profession.

(Sd.) K. SHRINIWASA IYENGAR.

9, Lamington Road, Girgaum,
Bombay, 4th September 1915.

To—Sir Narayan G. Chandavarkar, Kt., B.A., LL.B.,
Chairman, Government Law School Committee, Bombay.

Dear Sir,

With reference to your letter dated the 17th July 1915, inviting my opinion on certain points relating to the question of the re-organization of the Government Law School, Bombay, I have the honour to express my opinion as follows:—

(1) In my opinion it is not desirable that the Government Law School should be made a full-time institution. On the face of it, the idea of converting the present evening classes into full-time classes appears to be happy and desirable; but having regard to the financial investment which the change would require and to the difficulty that may be experienced in getting competent Professors, well versed both in practice and theory, and moreover taking into consideration the difficulty the change (if effected) is likely to create in the way of students proposing to attend the lectures, it is desirable not to disturb the existing arrangements.

(2) If the Government Law School continues to work as at present, because a full-time institution is not desirable or practicable, proposals seem to be afloat to appoint a full-time Principal or to appoint a number of tutors to assist the students by conducting a small number of classes, attendance at which should be compulsory.

As regards the idea of appointing a full-time Principal, it seems to me that it will be difficult to find out a competent man unless a tempting salary is offered to him; and supposing that a competent full-time Principal is happily available on a modest salary, he may run the risk of ceasing to have sufficient touch with the court-work and the result would be that the Law School will have at its head rather a man of theory. It needs no mention that to prepare the students properly and agreeably, their Professor must combine in himself a good knowledge of law and a decent experience as a lawyer.

As regards the proposal of appointing tutors, I think it is really a happy idea provided it is rendered workable.

(3) As regards the proposal of requiring the students to attend the Courts under the direction of their Professors or tutors, I think the idea seems to be apparently hopeful, but for all practical purposes it does not promise to be sufficiently useful and is calculated to be more or less disagreeable in the long run. To unripe students of law, it will be difficult to follow the arguments at the Bar and to really appreciate the ingenuity and the legal acumen that characterises the work of competent lawyers at the Bar. Even new members that join the Bar are not, I think, sufficiently equipped to follow and appreciate the arguments if they are not well posted with the merits and demerits of the case which a lawyer may be conducting.

(4) As regards the present syllabus of studies and the two years' course at the Law School I think no change is substantially desirable.

(5) It is no doubt desirable to facilitate the course of instruction by allowing private persons to start Law Schools under Government sanction and on prescribed conditions. This will stop the crowd and the rush at the Government Law School and render the work of instruction more convenient and effective.

(6) I think having regard to the necessity of ensuring efficient teaching, the staff of Professors must be increased and a more agreeable combination of lawyers practising on the Original and Appellate Sides of the Honourable High Court be made.

I regret I could not despatch my reply within the due date and hope to be excused for the delay.

Yours faithfully,
(Sd.) P. B. SHINGNE.

Bombay, 16th October 1915.

To—Sir Narayan G. Chandavarkar, Kt.,
Chairman, Government Law School Committee, Bombay.

Sir,

Referring to your No. 48 of 1915-16 and subsequent reminders, requesting my opinion on the question of the re-organization of the Government Law School, I beg to submit my opinion as under on the points mentioned in your said letter.

Nos. 1 and 2.—In my opinion it is not desirable to make the Law School a full-time institution. On the contrary I am strongly against it.

I hear that in Madras the change has proved a failure and the majority of students after graduation (which means at present a period ranging from four to five years spent at an Arts College) are poor and have to look out for means of livelihood. They either serve as school masters, private tutors, work as lawyers' clerks, etc., to earn some money to maintain themselves and probably those dependent on them. This class of men will be entirely barred. There are many instances of men similarly situated who had to prosecute their law studies under similar circumstances earning their livelihood in the interval who have turned out successful lawyers. The proposed change will bar out all men of this class.

No. 3.—I do not think the Principal should be a full-time officer. See my answer to No. 9.

No. 4.—The existing staff of six officers compared to the three in our days is large enough. From enquiries I understand these six cover the teaching of all subjects.

No. 5.—During one term, say the third term, they might attend Court with their Professors whenever there is an interesting case. The Professors being themselves members of the Bars will be the best guides.

No. 6.—As to the syllabus I am afraid I do not know what books at present have been included therein and am not in a position at present to express my opinion thereon or to suggest any alterations therein.

No. 7.—A two years' course is quite sufficient.

No. 8.—I do not agree that any maximum number should be fixed until there are other institutions affiliated and recognised.

No. 9.—I would suggest that one of the six Professors who should be an all-round man should in addition to his duties be appointed as a supervisor on an additional salary of say Rs. 100 or Rs. 200 a month. His duty should be to direct the students as to their reading, solve their individual difficulties, and in a way supplement what the Professors as such in a large class are unable to do, namely to look after the individual wants of the students.

Yours faithfully,
(Sd.) GULABCHAND M. DAMANIA.

COLEMAN'S GARDENS, VEPERY,
Madras, N. C., 5th October 1915.

To—The Chairman,
Government Law School Committee, Bombay.

Dear Sir,

I have the honour to acknowledge the receipt of your kind letter dated the 2nd July 1915, calling for suggestions in connection with the proposed re-organisation of the Government Law School, Bombay.

2. I have in the first place to express my regret at not replying promptly to your said letter.

3. It seems to me that the Madras Law College, which has got a reputation for efficient working and which has attained its present position after a great many experiments tried in the course of a period of nearly 24 years, may well furnish a model for similar institutions that are being established in other parts of India. The history of the Madras Law College is found on page 15 of the Madras Law College Calendar for 1915-16, of which I am sending you herewith a copy. The Institution, as you will see there, is now worked as a whole-time one between the hours of 10 a.m. to 5 p.m. by a permanent staff consisting of a Principal, a junior Professor and two Assistant Professors. A temporary Special Lecturer has also been appointed to help the permanent staff. The Professors, but not the Principal, are nominally permitted to practise in the profession of law. But they do not find it convenient to do so.

4. I send you herewith also a copy of the Proceedings of the Director of Public Instruction, Madras, on the report on the working of the Law College during the year 1914-15. The Director's observation in the last paragraph that the College has been working efficiently during the year is borne out by the facts referred to in the said report, and the public are also of opinion that the College is doing good and satisfacory work.

5. The fifth paragraph of the Director's report refers to the scheme of the re-organization of the College. This scheme, I understand, suggests an increase in the staff of the Institution, on account of the increase in the number of students that join the College, as also on account of the extension of the B.L. course from two to three years. The scheme does not suggest any radical changes in the constitution of the College as it stands at present.

6. I am sending you herewith also a copy of the revised regulations of the University of Madras for the degree of the Bachelor of Laws, which have received the sanction of Government. According to these new regulations, one has to pass three examinations in Law before one can attain to the B.L. degree. The original course for B.L. which extended for two years has now been elongated by the addition of certain subjects, such as Procedures, which were considered at one time to lie outside the scope of the B.L. degree curriculum. Certain additional subjects, such as the Madras Estates Land Act, the Madras Revenue Recovery Act and the Indian Succession Act, have been added in the curriculum for the B.L. course. There was some feeble opposition to the scheme for this extension of the B.L. course to three years. But that did not make itself felt and the Government, as stated already, accepted these revised regulations for the three examination course in B.L. In the course of studies pursued in the Law College the necessary and consequential changes are being introduced; and addition to the present staff has become imperative.

7. I think if a Law College is to be instituted in Bombay, it may well be modelled after the Madras Law College. I have no special suggestions, such as to make, to suit your local requirements.

Begging to be excused for the delay,

I remain,
Yours faithfully,
(Sd.) K. NARAINA RAU.

OLD SECRETARIAT, APOLLO STREET,
Bombay, 4th September 1915.

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Sir,

I have the honour to acknowledge your No. 45 of the 17th July last and I have to apologise for my delay in replying thereto.

I do not feel myself competent to express an opinion upon the School training of students for the legal profession, except so far as the matter affects my own branch of the profession, and so far as that branch is concerned, while I fully recognize the value of theoretical teaching and the work of the Government Law School, I am of opinion that by far the most important portion of an Articled Clerk's training consists of the practical experience he gains or ought to gain in the office of the Solicitor to whom he is articled.

I understand that Articled Clerks at present attend one hour lectures at the Government Law School in the evening, and that they are required to attend a certain percentage of lectures during each term, and in my opinion, if the Articled Clerks attend the lectures with the serious intention of gaining benefit therefrom, that course of teaching should amply suffice to ground them in the theory of their future profession.

The main factor to my mind is the Articled Clerk himself, if he is not serious in his intention to learn, it is immaterial whether he attends lectures for an hour of an evening or takes an exclusive course for a period of years.

Under these circumstances I beg to answer the questions put to me as follows :—

1. I do not think that the Government Law School should be made a full-time institution; so far as my branch of the profession is concerned I do not think that an exclusive course of training in theory is necessary or would be useful, and I think that a full-time institution for the training of Articled Clerks would merely develop into a cramming establishment.

2. I think the Law School should be located in the Fort, within easy reach of the offices in which the Articled Clerks are employed.

3. I do not think that a full-time Principal is required.

4. I do not think that compulsory attendance at lectures is calculated to instil knowledge into Articled Clerks who do not intend to learn.

5. Articled Clerks have as a rule ample opportunities of attending in Court in connection with the cases pending in the offices of the Solicitors to whom they are articled, and they are likely to gain practical experience by such attendance, which would be absent from attendances under the direction of Professors or Tutors.

7 & 9. I think that a two years' course for the degree of LL.B. should be sufficient, but in my opinion it is a mistake to curtail the aricles of a student who is already an LL.B. to two years.

The period of articles in England is five years under ordinary circumstances or three years for a University man, and a two years' period is to my mind too short to enable even a studious Articled Clerk to gain a practical grounding.

I have, etc.,
(Sd.) E. CECIL B. ACWORTH.

Bandra, 4th September 1915.

From—The Hon'ble Mr. V. J. Patel;

To—Sir Narayan G. Chandavarkar,
Chairman, Government Law School Committee, Bombay.

Sir,

In reply to your letter dated the 31st July 1915, I have the honour to intimate to your Committee my opinion on the various questions raised therein as follows :—

1. It is not only desirable but absolutely necessary that the Government Law School should be made a full-time institution.

2. The question of location of the School is not of any material importance so long as there is sufficient accommodation for the purposes of the institution.

3. The number of Professors should not be less than six including the Principal. The salary of each Professor should be Rs. 600 rising by annual increment of Rs. 50 to Rs. 800, while that of the Principal should be Rs. 900 rising by yearly increment of Rs. 50 to Rs. 1,100.

4. A counsel or pleader of not less than five years' standing should only be eligible to be appointed a Professor. Neither the Principal nor the Professors should be allowed to practise.

3 & 4. In view of the above opinion it is not necessary to answer these questions.

5. I do not think any benefit will accrue to students if they attend Courts of Law off and on.

6. The Indian Stamp Act and the Court Fees Act should be included in the syllabus of the 2nd LL.B. examination. The knowledge of these Acts is of everyday use to Pleaders practising in the mofussil Courts. These Acts are included in the syllabus of the High Court Pleaders examination. Chapters 1 to 7 (sections 1 to 72) of the Indian Stamp Act and sections 1 to 36 of the Indian Court Fees Act should therefore form part of the syllabus.

The Parsee Succession Act, the Indian Probate and Administration Acts and the Leading Cases on Equity enumerated at page 1153 of the University Calendar should be omitted from the syllabus.

Constitutional Law should form part of the syllabus for the 1st LL.B. examination. This subject is included as far as I know in the curriculum of every law examination in England.

Dicey's Constitutional Law would be an excellent text book on the subject. Chapters 6 to 9 of Dicey's Law and Opinion in England; Broom's Legal Maxims and the Indian Majority Act should be omitted from the syllabus of the 1st LL.B. examination.

7. I should think two years' course as sufficient.

8. I should very much like to see private institutions imparting legal education affiliated and recognised by the University in this Presidency. Till such institutions grow up (and I am sure they are bound to grow if the Government and the University care to encourage and recognize them) it is most inadvisable to limit the number of students joining the Government Law School.

9. My last suggestion is that the number of students in each class should be limited to 100, to ensure efficiency of teaching.

I have, etc.,
(Sd.) V. J. PATEL.

6, DHASWADY, THAKURDWAR,
Bombay, 15th August 1915.

From—Ramdatt W. Desai, Esq., LL.B.,
Vakil, High Court, Bombay;

To—Sir Narayan Ganesh Chandavarkar, LL.B.,
Chairman, Government Law School Committee, Bombay.

Sir,

I have the honour to acknowledge receipt of your letter No. 35, dated the 17th July 1915, and to forward my opinion on the questions raised therein.

1. *It is desirable that the Government Law School in Bombay should be made a full-time institution.*

The hours of work should be from 11 a.m. to 3 p.m. on week days, except Saturdays which should be reserved as a Court day for the "Model Court" work referred to in paragraph 5 below.

There should be three classes as at present so that there may be no overcrowding.

Each Professor should be required to give two lectures every day and devote one hour for attending to the students in the library of the College.

No doubt, at first sight the suggestion of a full-time College will appear revolutionary, especially where an institution like the Pleaders' Association of Western India, to which I have the honour to belong, has expressed its opinion to the contrary.

However after careful consideration, aided by an actual experience of the work at present done in the Law School, I have come to the conclusion that if the study of law is to be placed upon a sound and rational basis, it is desirable that the institution should be made a full-time one when the students will be able to devote their time not taken up by lectures to careful reading in the College library.

The principal reason which is assigned against a full-time institution is that a large number of students are not rich enough to remain without employment after their graduation in Arts; that they keep terms in Law and attend the Government Law School while following some

other occupation during the earlier part of the day. It is said that these students will be prevented from the study of law and from one of the independent professions, if a full-time College were made compulsory.

No doubt this is a serious objection and were there nothing else to be said on the other side, it would be entitled to great weight.

The degrees which directly open the way to an independent profession are those in Law, Medicine and Engineering. Both in Medicine and Engineering a five years' course in a full-time College is necessary while in Law alone a course of four years' at an Arts College has been considered sufficient, the attendance at the Law School for an hour in the evening being considered more a formality than otherwise.

If the Law School were made a full-time institution the total years of study for the LL.B. degree would be extended from 4 to 6, *i. e.*, one year more than is required to the other two professions.

Considering the importance of the Legal Profession and the highest places of honour which its members can aspire, it cannot very seriously be contended that the one additional year spent at a full-time institution would be a great sacrifice or an exorbitant price for the necessary qualification.

A longer period of stay at a College no doubt means an addition to the expenditure entailed on a student, but the objection exists in the case of the other professions too ; and yet we find that the number of students in both those professions is steadily increasing.

Another reason advanced against a full-time institution is that the study of law does not require a regular course in College as in the other faculties, and that it would be inflicting a mere burden on the students to attend a series of lectures which are to them unnecessary. It is said that the students depend upon their own resources and do not require the help from lectures which to them are useless.

I do not think any serious notice need be taken of this argument. If it is accepted, the Law School even such as it is must be closed and all questions of improving it set at rest for ever.

A full-time institution of Law will make the study of law systematic and thorough in the case of each student.

The necessity which is felt for extending the course to three years as manifested in the 7th question of the Law Committee must be mainly due to the present unsatisfactory method of study. If a regular course of two years with the attendant Library reading and the Model Court work were enforced, the two years' course will be found to be quite sufficient.

A full-time School will make the study of law systematic and thorough in the case of each student. There will be no necessity to extend the course as indicated in the 7th question while a systematic daily reading in the Library and the weekly attendance in the Model Court will be excellent aids to the acquisition of legal knowledge. The existing Library and the ill ventilated and noisy room on the ground floor cannot too soon be replaced by a more open, quiet and decent place for reading.

2. *The Law School should be located in its own building.*

There are several buildings in the vicinity of the University like those occupied by the Watson's Hotel, the Army and Navy Co-operative Stores or the Sassoon Mechanics' Institution. Any one of these may be acquired for the Law College either by hire or sale.

The staff should consist of a Principal and six Professors, one-half of whom should be pleaders practising on the Appellate Side of the High Court. This is desirable for the reason that several subjects prescribed for the examination require special knowledge which is peculiar to the practice on the Appellate Side of the High Court.

The Principal who should be a Barrister or an Advocate of not less than five years' standing in the High Court of Bombay should receive a salary of Rs. 1,000 rising to Rs. 1,200 while the Professors should be paid each Rs. 800 rising to Rs. 1,000 . This will secure the best men for the work who will not then be inclined to care for practice in Courts.

The Professors should after careful selection be appointed for life with a pensionable service. Under the present system the persons selected are asked to leave just at the time they are becoming useful by experience and practice in teaching.

There need not be any express prohibition from practice, but it should be one of the conditions of the service that the lectures in the College should be the first care of the Professors, to which any practice in Courts must be subordinated.

The reason why there should be no express prohibition from practice is that the Professor should be in touch with the practice in Courts, and be up-to-date and fully informed of the latest decisions of Courts. If there is an absolute bar from practice he may not feel inclined even to enter the precincts of the Courts and all that can be gained from observation and experience will be lost.

Besides there is a great deal of work in private practice which a modern Professor of Law, like the Juris Consulti of old, may well do without detriment to his College, such as drafting and settling pleadings, advising and giving opinions, finding precedents and authorities, etc., etc. He will render himself more qualified to teach Law by participating in such work than by being kept out of it.

3. *A full-time Principal.*

This question does not require any answer from my standpoint of view expressed in (2) above.

4. *Tutors.*

The idea of engaging tutors is not desirable.

5. *Attendance in the Courts.*

It is not desirable nor practicable in the present state of our Courts, that students attending the Law School should be required to attend the Courts. Want of adequate sitting accommodation in our Courts is the initial difficulty. On the Original Side the Courts are always crowded with Attorneys and their clerks and parties and their witnesses. Junior Counsel who are waiting for their turn of practice and the few law-students who keep terms for the Advocates Examination find it difficult to obtain seats. On the Appellate Side, although the Courts are not always so overcrowded, the discussion of points in Second Appeals, of which the student would not be able to know the facts, would not be of much practical use commensurate with the time and labour spent in attending the Courts. The idea therefore proposed in question 5 is not desirable to enforce.

But the institution of a Moot and a Model Court to be held in the College building would be excellent substitutes. This can be possible only with a full-time College and a building of its own. The Model Court may be held once a week preferably on Saturdays, when suitable subjects may be ranged for discussion or trial. The work may be varied by arranging trials by Jury, where the Judge and Jury may be shown in actual work ; the difficult subject of cross-examination may be reduced to a practical science by hints and directions in the Model Court and thus the benefits to be derived from attendance in the Courts may be better secured by the Model Court. Of course the Principal and the Professors will play an important part in the Model Court.

6. *Syllabus of studies.*

I do not think I possess the requisite information on the subject to enable me to express any opinion on this point. All that I keenly feel is that there is a great tendency apparent among the students to acquire the necessary information upon the subjects prescribed for the University examinations from the so-called books of analysis or notes prepared as aids to students. There is little or no desire to read the original standard works like those of Snell, Pollock or Anson. Unless this tendency is checked, a mere change in the syllabus will not be of much practical use in raising the tone and efficiency of the work in the Government Law School.

7. *Extending the two years' course.*

A two years' course for the degree of LL.B. is and ought to be sufficient and satisfactory as explained in paragraph 1 above. Any cases showing that a longer period of study is required must be due to the fact that the student is not able to devote his whole time during the two years to the study of law. These cases may be many in number, but their extent ought not to be made a ground for any unnecessary prolongation of the years of study. Any such prolongation would act most injuriously in the case of all students, poor and rich alike.

8. *Limiting the number of students.*

It is not desirable to fix any maximum number for the students in the Bombay Government Law School in future. The best way of removing the congestion now being experienced there would be to allow Law Schools to be opened in connection with the more advanced Colleges in important centres like Poona, Ahmedabad and Karachi.

I have, etc.,

(Sd.) RAMDUTT W. DESAI.

Memorandum.

I should like to begin the expression of my opinion on the best way of re-organising the Government Law School at Bombay with a short history of the Madras Law College. The College here has grown out of the Law classes formerly attached to the Presidency Arts College. Till 1884, there was only one Professor ; but in that year another Professor was added. The then Director of Public Instruction proposed a scheme for improving the status of legal education, by establishing a Central Law College in Madras, by opening Law classes in four of the Government Colleges in the mofussil, by the formation of a law institute, and by the creation

of a council of legal education. In the year 1888, the Government of Madras sanctioned the formation of a Law College in Madras and expressed themselves as "entirely agreeing with the opinion of the Director of Public Instruction that great changes are necessary in the present arrangements for law instruction before the needs of the case are fully met. The classes are too large to be effectively taught by a single teacher, and the course of instruction which the students now undergo is quite inadequate."

The great aim with which the College was founded was the promotion of the scientific study of law. Writing in 1885, the late Mr. Justice Muthuswamy Iyer said: "The proposal for a Law College has my warmest support. Law is hitherto studied in this Presidency more as an art founded on certain arbitrary and technical rules than as a science which consists of principles laid down for protecting human interests in various life-relations. Until lately Law was studied even in England more as case-law than as a science. In most of the English text-books, which alone are accessible to law students in India, the division of the subject and the mode in which each branch of Law is treated have reference more to the development of English Law as case-law than as a science. A College, therefore, where legal education is to be imparted on a scientific-basis, will be of great value to the country, and exercise a very beneficial influence on the practice of law as an art."

"The principal aim of the College should be," said Government, "to improve the instruction in the Theory of law, and if this object is attained, it is probable that the University will be enabled to revise and raise its standards so as to give greater prominence to scientific principles and less to practical training."

I find from the fifth Convocation Address of the Bombay University that it was in 1866 that two students for the first time took the degree of Bachelor of Laws. The Chancellor in welcoming them said: "I on a former occasion referred to the great value of the strict and regular study of Theoretical law to the educated youth of India and of the great practical importance to the country of a body of students who should add a sound theoretical knowledge of law to a good general education." And in 1868, Sir H. W. R. Fitzgerald in Convocation Address said: "It is a matter of congratulation, too, that large success has attended the examination in Law; because the University examination in law is not an examination in the knowledge which qualifies a man to be a successful practitioner—it is not a knowledge of cases and decisions and practice—it is a knowledge of the principles of law and jurisprudence; it is a knowledge of the history of law; and so of infinite value in this country in particular."

And in the year 1890, Rev. D. Machichan in his Convocation Address referred thus to the revision of the law curriculum: "The old system was too much a tacit recognition of the idea that while for a course in Arts, Engineering or Medicine regular and systematic teaching was necessary for the attainment of proficiency of law, the mere keeping of terms supplemented mainly by private reading, was a sufficient discipline. The new curriculum which has passed the Senate has sought to repudiate this idea *and to make the work of the law school a reality by placing under the instruction of its Professors a body of young men who shall be bona fide students of legal science.* But it has become obvious to all who have given attention to the subject that the reconstruction of the means of teaching is as necessary as the turning of nominal into real students. For this purpose a *Professoriate which shall have time to devote to the training of these students is indispensable. A Law College which shall be a centre of academic life to the body of its students as the Colleges in the other faculties are to theirs.* One can understand, perhaps, why an apparent extension of the average period of study is regarded in some quarters with apprehension, if it is looked upon as only introducing a time-qualification; but if the re-arrangement of the studies of our students of law means their introduction to a course of instruction under Professors who will be in a position to discharge towards them the duties of a full Professoriate, I should expect to find the change hailed with enthusiasm by all who are worthy of the name of students and who have any ambition to attain to scientific knowledge in their chosen study." I rely on this passage strongly as supporting the suggestions I am about to make. And in 1892, the Hon'ble Mr. Justice Birdwood spoke of the new Law course thus: "We may hope for a similar justification also of our new scheme for the Law course which is now in full operation..... We determined to give the LL.B. degree, which is a qualification for admission to the Judicial service, only to students who had undergone a properly graduated course of study extending over three years, two of which are to be undergone after they have taken the degree of B.A. or B.Sc. By such improved legal training carried out under the supervision of capable teachers, we may reasonably hope that our graduates in Law will be not good lawyers only but educated gentlemen as well." I seek to justify this rather lengthy digression by the massive support by such distinguished authorities of my suggestions.

Since the establishment of the Madras Law College the aim has been to give greater prominence by the University to the subjects of Jurisprudence and Roman Law. From the commencement of 1902 the College was converted to a whole-time institution, the hours of each working day being fixed between 10 or 11 a.m. and 4 or 5 p.m. A permanent staff was appointed consisting of a Principal, a junior Professor and two Assistant Professors. In 1907, the Secretary of State for India permitted the then junior Professor Mr. Odgers to practise; and a similar

concession was also extended to the two Assistant Professors, though they did not avail themselves of the concession thus granted to them to the fullest extent. Since 1907 the question of certain re-arrangements of the College staff is being considered by the authorities.

Management.—Subject to the control of the Director of Public Instruction the general management of the Madras Law College is vested in a Council which shall consist of two or more Judges of the High Court, one of whom shall be President, the Principal, the junior Professor and such other members as may be appointed by the Government. I would suggest that the management of the Government Law School at Bombay should be vested in a Council more or less similarly constituted, but that the control of the Director of Public Instruction should be removed and that the Council should be made responsible to the University. So far as Finance is concerned, the Government may collect the fees from the students through the Bank of Bombay and make a grant every year to the University who will administer the funds. The University should have the power of appointing the members of the staff of the College and fixing the courses of instruction, etc. The executive management of the College may be vested in a Senatus of the College consisting of the Principal and the Professors, subject to the control of the Council.

Staff.—In your letter you say, " It is also feared that it will be difficult to secure the services of well-trained lawyers for the Principalship and professorial staff of the School, if it be made a full-time institution, because such lawyers would naturally find it more advantageous to prefer practice to teaching." This is, no doubt, a real difficulty. Before the Madras Law College was converted into a full-time institution in 1892, it was possible to secure the services as Professors of such distinguished lawyers as the late Mr. C. Ramchandrarao Saheb, the Hon'b'e Sir P. S. Sivaswamy Aiyar, the late Hon'ble Mr. Krishnaswamy Aiyar, and the Hon'ble Mr. Justice Sheshgiri Aiyar. Since 1892 however the quality of the staff has not been maintained and there is loud complaint here that the staff of the Law College now is not what it ought to be. But we must be careful and see to it that the remedy is not worse than the disease. The " obvious remedy " is to revert to the earlier system under which lectures were delivered either in the mornings or in the evenings. But I hope to show later on that nothing can be more disastrous to the healthy growth of the sound legal education in the country.

The reasons which have brought about the unsatisfactory nature of the staff of the Madras Law College cannot be entered into here. But certainly they are not, to any large extent, due to the full-time character of the institution. And if the authorities concerned only wanted it, they could have got the services, not indeed of the leaders of the Bar, but certainly of " well-trained lawyers," fit to discharge their duties efficiently as Professors. The remedy lies, in my opinion, in increasing the emoluments of the Professors and in allowing them to have such practice as will not interfere with their duties in the College. We may well rely on their sense of duty to ensure that their dual functions do not collide with each other. And they may be given some latitude in arranging the time of delivering their lectures. Besides this, the Principal and the senior Professor should be full-time men; as these places are likely to carry decent salaries, they will attract really good men. They will always be at the College and available for tutorial work and for supervising library classes. Finally eminent men at the Bar should be requested to deliver special courses of lectures on important aspects of the subjects contained in the curriculum or on general aspects of law to the students. Since these courses can be easily arranged to suit the convenience of these gentlemen, it ought to be easy to secure the services of the most eminent men at the Bar for this work. And if the nomination of all these Professors in is the hands of competent and honourable men, as it will be, I have no doubt that the full-time character of the institution will not detract from the quality of the instruction imparted in the College.

Again, in the curriculum itself, there are certain subjects which are likely to be better taught by one who has made a scientific study of law than one whose attention has been claimed by a large practice, *e.g.*, Jurisprudence and Roman Law. For the teaching of such subjects, it ought to be easy to secure the services of brilliant students of law at the Bar, who, for one reason or another, are not over-weighted with practice. Again, a leading practitioner cannot in the nature of things be expected to give of his best to the College when he comes there fagged after a hard day's work.

Is the Institution to be a full-time one ? I have no hesitation in answering this question in the affirmative. I have cited distinguished authority already for it. I am anxious that the Law School should be as efficient and inspiring a place of instruction as any other educational institution. Even in Madras the institution was till recently full-time only in name. Things are improving now but still the ideal is far away from the actual. The hours of instruction must be spread out from 10 or 11 a.m. in the morning to 4 or 5 p.m. in the evening. The work of the day must begin at 10 or 11 a.m. with a lecture and should be followed by a tutorial class or classes for students in smaller groups, so that the Professors may test the progress of the students and students may have their doubts arising from the lectures cleared. Then the students will be required to work in the library for one or two hours every day; and the day's work must close with one or two lectures. Thus the institution will cease to be a place where students gather for a few minutes every day to keep their terms and develop into a genuine place of learning where

students will breathe the true Collegiate atmosphere, will be under the wholesome discipline of their Professors for the best part of the day, will be encouraged to spread out their work throughout the year, and will have opportunities of moving with one another and of knowing their Professors intimately. Such surely is the ideal of a College and I will not be satisfied with anything less.

In your letter you say, the Committee has to consider whether the Law School should be made a full-time institution. If effect be given to it, it is feared in some quarters that it will hit hard and prohibit from legal education and its resultant advantages in life those graduates who have to maintain themselves by some employment while pursuing legal studies, with a view to follow Law ultimately as their profession. If figures can answer this difficulty, they have supplied an effective answer in the negative in Madras. It will be recalled that in 1902 the Madras Law College was converted into a whole-time institution. In 1901 the number of University students in the Law College were 277; in 1903, 361; and 1904, 334. And in the last three years 1912, 1913 and 1914, the numbers have been 498, 451 and 442 respectively. And it does not require much imagination to see that, if there be any reduction at all, it will be mostly of students who are not *bona fide* students, but who keep their terms at the Law College on the off-chance of passing the examination. They may not even have any serious idea of practising Law. Such students are bound to act as an evil influence in the College. They are not likely to bring to the College the true scholastic attitude and they tend to corrupt *bona fide* students. So it is much better that these undesirables should be weeded out, than that the whole tone of the College should suffer.

Time was when we wanted as many lawyers as we could get. But now the conditions have changed. And so we may fairly insist on a high standard. The boggy of hardship is raised in vain. Those who really care for the advancement of the sound legal education must boldly come forward and they will find that there is no hardship except to those who do not deserve their sympathy. The *bona fide* students will tend to increase in numbers in a whole-time institution and the whole tone of the College will be consequently raised.

Qualifications for admission to the Law College.—I do not know what exactly are the qualifications for admission to the Law School at Bombay. Here only graduates are admitted. I would insist on the same qualification for admission to the Law School at Bombay, false analogies from Great Britain, notwithstanding. English is a foreign language to us and all would-be lawyers and Judges must have at least graduated in Arts before they take to the specialised study of law. Out of this arises the question whether the course at the College should be a two or three years' course.

The length of the course at the Law College.—Till very recently the course in Madras extended only over two years. Recently it has been extended to three years and the change was sanctioned by the Government only last July. At first sight, it may seem hard on students that they should be compelled to stay another year at the College. But, if before a man is to be allowed to practise the profession of law and to hold the degree of Bachelor in Laws, he must show a certain amount of efficiency in certian subjects of Law, which cannot well be taught in less than three years, it is irrelevant to consider the hardship which may fall on some students.

And is there a real hardship? Here in Madras for the M.B. and C.M. degree in Medicine a student has to be at College for five years after passing the Intermediate examination, and for the B.C.E. degree in Engineering a student has to be at College for three years after passing the Intermediate examination and to do a year's practical work. Then it is certainly not unjust that one should insist on students spending three years at the Law College after graduating in Arts, especially as Law is at least quite as difficult to learn as Medicine or Engineering.

Of course if, as in England, we can have two agencies here, one for training students for University degrees in Law, and another for training students for the practice of Law, for example, the Universities and the Inns of the Court, we may possibly make the University course a shorter one. But where, as in India, we have to provide that a degree in Law means not only the conferring of an academic distinction but also the right to practise law, without any further training—this is the condition of the Madras Presidency except at the High Court, where a period of apprenticeship under some Vakil has to be served before enrolment—we must see to it that the course of studies and the training which the students receive at College are comprehensive enough. And, if we cannot provide it in less than three years, then we must make the course a three years' one.

Of course, it does not necessarily follow from this that there must be a *University* examination at the end of each year. Some subjects like Procedure, etc., I do not like to see included in a University curriculum. An examination for a University degree ought not to include highly technical and practical subjects. But if they have to be taught, the student's proficiency in them may be tested by examinations conducted by the College authorities. I would prefer a University examination at the end of the first year, in Jurisprudence, Roman Law, General Law of Contracts and Torts; a class examination at the end of the second year in the Procedure Codes, the Limitation Act, the Evidence Act, and some Local Acts, and a Degree examination at the end of the third year in Hindu Law, Muhammadan Law,

Constitutional Law of England and of India, General Principles of Evidence, Criminal Law, the Law of Transfer of Property and Trusts and Easements and the English Law of Property or preferably some elements of a constitutional system of Jurisprudence, *e.g.*, the French.

Though the hardships which students who fail in the examinations are put to ought to be mitigated by half-yearly examinations for those who have failed, I am anxious that students should not be encouraged to stick to Law when they are really unfit for it. Therefore I would suggest a rule that, if students have failed thrice in any examination, they ought not to be allowed to appear for the examination again.

I give here the outlines of the New Regulations for the B.L. Degree examination of the Madras University which may properly be looked at for purposes of comparison. For the first examination in Law, a student must have graduated in Arts, been at a College for a year, and must produce certificates of good conduct and progress from the Principal. The subjects are Jurisprudence (Analytical and Historical), Roman Law, Contracts including the Indian Specific Relief Act and the Indian Negotiable Instruments Act (2 papers), Torts and Indian Constitutional Law. The timetable of examinations in, and the marks for, the various subjects are as follows :—

		Subjects.	Marks.
First Day	10– 1	Jurisprudence	.. 100
	2– 3	Roman Law	.. 100
Second Day	10–12	Indian Constitutional Law	.. 70
	2– 5	General Contracts with Specific Relief	.. 100
Third Day	10– 1	Special Contracts with Negotiable Instruments ..	.. 100
	2– 5	Torts.	

A student is declared to have passed only if he gets $\frac{1}{3}$ of the total marks in certain groups of subjects taken together and 40 per cent. of the total number of marks. This rule applies to all the three examinations.

For the second examination in Law, a student must have passed the First examination in Law, been at a College for a year after passing that examination, and must produce certificates of good conduct and progress from the Principal. The subjects are: The Law of Property with special reference to the Transfer of Property Act, the Law of Trusts and Easements with special reference to the Indian Trusts Act, and the Indian Easements Act, the Indian Succession and the Hindu Wills Act, Hindu Law, Muhammadan Law, and Criminal Law (Indian Penal Code). The timetable of examinations in, and the marks for, the various subjects are as follows :—

		Subjects.	Marks.
First Day	10– 1	The Law of Property I	.. 100
	2– 5	The Law of Property II	.. 100
Second Day	10– 1	The Indian Succession, Hindu Wills and Indian Trusts	.. 100
	2– 5	Criminal Law	.. 100
Third Day	10– 1	Hindu Law	.. 120
	2– 4	Muhammadan Law	.. 60

For the B.L. Degree examination, a student must have passed the S.L. examination and been at a College for a year after that, and produce certificates of good conduct and progress from the Principal. The subjects are the Civil Procedure Code, the Criminal Procedure Code, the Law of Evidence, the Principles of Indian Limitation Act and Statutory Interpretation, the Madras Estates Land Act omitting schedules, and the Madras Recovery Act (II of 1864). The timetable of examinations in, and the marks for, the various subjects are as follows :—

		Subjects.	Marks.
First Day	10– 1	Civil Procedure Code	.. 140
	2– 5	Criminal Procedure Code	.. 120
Second Day	10– 1	Evidence	.. 100
	2– 4	Indian Limitation and Statutory Interpretation ..	.. 80
Third Day	10– 1	Estates Land Act and Revenue Recovery Act ..	.. 100

I need hardly say that the examination for the B.L. Degree examination is absolutely inconsistent with the requirements of an academic degree.

The Law College should possess a very good Library and get all the leading English, Indian and American Law journals, and facilities should be freely given to the students to use the Library and the Reading Room as much as possible. The Library classes and the Reading Room should be under the direct supervision of a Professor specially appointed for the purpose. There should be a moot club attached to the College for training students in the forensic art. And the College Moot Club, the College Athletic Association and the Library and the Reading Room may be entrusted to the management of a students' Representative Council, as it has been in Madras.

There is one other matter on which I should like to address the Committee. I feel strongly that in a poor country like India, where the monopoly of ability is certainly not with the rich, facilities should be provided for comparatively poor students to continue their studies at the Law College. For one thing, the fees in the Law College should be moderate and the Law College should not be made a source of revenue, as it has been in Madras. The fees are Rs. 75 per term for two terms for the first year and Rs. 100 per term for two terms for the second year. Under the new scheme of the three years' course, it is proposed that the fees for the second year also should be Rs. 75 per term for two terms. This scale of fees is felt to be very heavy in Madras especially as the Government has been making large net profits out of the College, amounting from the year 1882-83 to 1913-14 to nearly five lakhs of rupees. This is not as it should be. Fees in the Law College ought to be just a little more than what is wanted for the efficient upkeep of the College, and a system of scholarships ought also to be introduced, partly financed by Government and partly by private individuals to whose philanthropy the College Council can easily appeal, especially in Bombay.

Finally, I should like the name of the Institution to be changed from the Government Law School to the Government Law College, Bombay. If there is any other matter in which the Committee would like my opinion, I shall be happy to express it. I trust that the Committee will find this memorandum useful.

(Sd.) S. SATYAMURTI,
Vakil, High Court.

Madras, 20th September 1915.

To—The Chairman,
Government Law School Committee, Bombay.

APPENDIX B.

SYNOPSIS OF OPINIONS COLLECTED.

I.—Is it desirable that the Government Law School should be made a full-time institution ?

Of the 56 gentlemen consulted, 47 have answered this question, 15 in the affirmative, 32 in the negative. The arguments *for* and *against* a full time school are shown as follows :—

For

(1) The experiment of a full-time Law College has been tried since 1899 at Madras, where the institution has now a permanent staff, consisting of the Principal, a Junior Professor, and two Assistant Professors. There is also a temporary special Lecturer to help the permanent staff. The Principal is not allowed to practise in the Courts, but is at liberty to take Chamber work. The Professors are permitted to practise. The hours are from 10 A. M. to 5 P. M. daily.

The Director of Public Instruction in his report on the College for 1914-15 says that the College has been working efficiently; and owing to an increase in the number of students in the College and the extension of the B. L. course by the Madras University from two to three years he has asked Government for an addition to the College staff.

Mr. K. Narain Rau, who was Professor in the College in about 1896 and who is one of the senior Pleaders of the Madras High Court, remarks in his letter to this Committee that the Madras Law College as a full-time institution (10 A. M. to 5 P. M. daily except Saturdays and Sundays), has given satisfaction and that "the public are also of opinion that the College is doing good and satisfactory work."

Mr. Davies, Principal of the College, writes that the full-time "system has worked far more satisfactorily than any system of evening classes could."

Mr. V. V. Shreenivasa Iyengar, B.A., B.L., Secretary to the Madras Vakils' Association, remarks that "a great improvement in legal education" has resulted from the conversion of the College into a full-time institution and that "the graduates who come out of the Law College to-day are much better equipped and prepared for practice in the profession than the graduates of 15 years ago or earlier."

Against.

(1) Sir Subramania Iyer, a retired Judge of the Madras High Court, thinks that legal education has suffered in Madras from the time the Law College was turned into a full-time institution on account of "the comparatively inferior capacity of the Professors employed as full-time workers" and the system of dull drilling which the students now get under the pressure of continuous study every day in the classes, leaving them little time and opportunity for "thought and self-preparation". In his opinion, the older system of lectures for even an hour by capable lawyers in practice and in touch with the Courts did more for the students than the present system.

The Honourable Sir Siva Swamy Iyer, B.A., B.L., who is the Indian Member of the Executive Council of the Government of Madras and who was Advocate-General there before his elevation to the said Council, observes :—"I cannot say that the change which has since been introduced" (of a full-time College) "has been attended with any beneficial results," though in his opinion, "the College should be a full-time affair, so far as the students are concerned but not as regards the members of the staff other than the Principal."

As to the opinion of Mr. V. V. Shreenivasa Iyengar, Secretary to the Madras Vakils' Association, that the College as a full-time institution has led to a great improvement in legal education, it is qualified by his observation as to the difficulty of securing under the present system well-trained lawyers as Principal and Professors. "There has been," he says, "a great deterioration in the quality of men that are now recruited for the teaching staff of the Law College"; under the former system "very eminent lawyers" accepted the professorships as marks of honour; now "leading men at the Bar have refused to accept any place at the College."

The Honourable Mr. Justice K. Shreenivasa Iyengar, Judge, High Court, Madras, who was at the top of the Bar there before his elevation to the Bench some six months ago, does not think that "there

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	has been any material advantage in making the College a full-timed one." He says :—" I do not think that anything more than a series of lectures during term-time is required for teaching the law students and it is difficult to keep their attention for more than an hour; and three hours a week should be sufficient, if the lectures are carefully prepared and the lecturers are competent."
(2) Under the present system of evening classes, the Government Law School has become more or less a merely formal institution; the professors look upon it as an adjunct to practice; the students attend the classes because they must. The hours are not favourable to intellectual work. The Professors come to lecture fagged; and the students get little of law to study in the classes.	(2) If the present system has not given satisfaction, the reason does not lie in the fact of the evening classes or in the system itself. The reason is that competent lawyers in good practice are not appointed. In determining whether a Law School should be a full-time institution or not account should be taken of the status and quality of the students and the necessary conditions of the study of law. The students are graduates in Arts, who have arrived at a stage when they can carry on the study of law by themselves with such guidance as well-prepared lectures by competent lawyers in practice can give for two or three hours a week so as to enable the students to rely on their own resources and methods and look up a point of law, how to follow it and trace its development. Such lawyers can give much more vivid ideas and a better grasp of difficulties than a mere chamber lawyer. A full-time school means mere drilling, coaching and cramming, whereas what a student of law who has graduated in Arts requires is study by way of self-preparation under careful and competent guidance with plenty of time for thought and cultivation of the power of initiative and resourcefulness. Such guidance it is difficult to secure in the case of a full-time school, which will compel the student to look to the Professors for everything, besides forcing on him continuous study in classes without sufficient time for " self-preparation " to use Sir Subramanya Iyer's phrase.
(3) There is no force in the argument that if the Law School is turned into a full-time institution, no competent lawyer in good practice will accept the post of professor. It is not essential for a study of law that the teacher should be a practising lawyer. In England professors of law are not as a rule practising lawyers. A student of law has to get up the principles of law as a science and these are best taught by Professors who have made and have time to prosecute a scientific study of it. Practising lawyers are not the best men to teach law scientifically. There are some lawyers who by temperament are not qualified to practise because of shyness, but who being better grounded in the principles and science of law can teach them better than practising lawyers, who have no time to prosecute their study of law scientifically and who, if they take to lecturing on law simultaneously with practising	(3) The whole of this argument in support of a full-time institution proceeds on the assumption that our students of law require drilling merely in the theory of law. It ignores the fact that an Indian graduate is by temperament a theorist and that he can grasp the theory of law if left to himself with but careful direction as to how he should approach a subject. The object of a law school is to enable students to practise law—to become lawyers able to apply the principles to concrete cases. Such direction can only be given by Professors who are in practice and who know how legal principles are handled and applied in the Courts to actual facts. If you compel students to attend law classes daily from, say, 11 A.M. to 5 P. M., that continuous strain on the mind must tend to weaken their power of thought and capacity to solve problems for themselves. What they need is occasional guidance, not daily coaching.

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have to divide their attention between two occupations to one or other of which they are liable to do injustice. Moreover, when we speak of the value of competent lawyers in practice such as we had of old, we forget that the old times and conditions have changed. In the earlier years of legal education in this country, able practising lawyers found time to lecture on law because work at the Courts was not so heavy and profitable as it is now. A Law Professorship was then considered a mark of honour—a passport to more extensive practice in the Courts. Now, litigation has increased; the fees charged at the Bar are heavier; practising lawyers have no time to read law books and study reported decisions; their practice of law obscures their theory of it. So we have to choose from lawyers those who care more for the study of law than its practice, and who can devote the whole of their time to its teaching. Under the present system we are getting only "the failures of the Bar" hovering between practice and lecturing and giving up the latter the moment the former becomes more profitable. Make the school full-time and lawyers who love law study and do not care for practice will be found able enough to make the teaching and study serious which it is not now. In this connection note what Mr. Justice Sadasivier of Madras says:—"I am strongly of opinion that Barristers and Pleaders who are appointed Professors and Principals ought to confine themselves to chamber practice. Nobody ought to be allowed to bring the teaching profession into disrepute by having it as a mere stepping stone while their goal is the profession of law."	
(4) Under the present system of evening classes, many students study law to appear for the LL. B. Examination while at the same time maintaining themselves by employment as teachers, clerks and so forth. In that way many ruin their constitutions and even those whose health is not affected by that double strain on the body and mind are not able to devote their undivided attention to the study of law, which is necessary if their object is to become lawyers after passing the examination. Mr. Justice Sadasivier of Madras says:—"There have also been cases to my knowledge where most graduates ruined their constitutions permanently and died early deaths owing to the strain to which they subjected themselves by working as school-masters while they were also studying law."	(4) A full-time institution will handicap poor students who while studying law have to earn their bread by service. Under the present system it is from the class of poor students that capable lawyers have generally come. As to the complaint of ruined constitutions, we have not heard any on this side, whatever Mr. Justice Sadasivier's knowledge of Madras be. What is there to show that even in Madras the ruin was due to law and study and not other causes?
(5) If the argument advanced that poor students, who have to study law while employed as teachers, etc., will suffer if the Law School be turned into a full-time institution, is sound, it ought to apply equally to students of medicine and engineering, agriculture and commerce;	(5) The analogy of medicine, engineering, etc., does not apply to law. In the first place candidates for examinations therein are not required to be graduates in arts as candidates for the LL. B. are required. Therefore they require *drilling*, whereas candidates for the LL. B. are

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and yet these have to attend full-time institutions. No one has heard any complaint of hardship to poverty in their case.	by reason of their status as graduates in arts qualified for self-study. In England, students of law attending the Inns of Court are at liberty to serve in and pursue any profession and maintain themselves. Why should a different rule obtain in India?
(6) In Madras there is no complaint that a student cannot study law while he is employed. The Principal of the Madras Law College says:—"Those who are employed in some service or other either take leave or resign their appointment with a view to study law." Mr. V. V. Shreenivasa Iyengar, Secretary to the Madras Vakils' Association, says that in a few cases a full-time institution might result in hardship to poor students but "so far as I am aware it does not appear to have caused much hardship at any rate in that direction till now. It has been found by experience that graduates of distinction who wish to pursue their studies in law in the Law College have sometimes been able to maintain themselves during the years they were required to attend the College." In this connection the reply of Mr. S. Satyamurti, Vakil, High Court, Madras, deserves careful consideration. He says that since Madras has had a full-time College since 1902 the number of students has increased: in 1901 it was 277; in 1903, 361; in 1904, 334; 1912, 498; 1913, 451; and 1914, 442.	(6) Whatever the case in Madras, there is a preponderance of opinion here that poor students will be hit hard by a full-time institution; and their case should be taken into consideration along with the fact that law study does not call for daily attendance at a school during working hours as if the students were mere school-boys.
(7) Dealing with the question of hardship on poor students, who will be shut out from the Law School if it is turned into a full-time institution because they will in that event be unable to study law and at the same time maintain themselves by service, it should be remembered that "the crowding of the legal profession with poor men with no experience has not been an unmixed good." "It is believed in some quarters that has been responsible to a very large extent for a high and professional moral standard not being always maintained in the profession everywhere." Other professional colleges such as the Medical and the Engineering have each a five years' course in Madras. True they are *technical* Colleges. But of law "it cannot be denied that as a professional study it is certainly equally important and is becoming more increasingly necessary for the community. A high standard of professional training could not possibly be attained without instruction in a regular college with day classes and courses of study under qualified professors." [*See* the reply of Mr. V. V. Shreenivasa Iyengar, Secretary, Madras High Court Vakils' Association.]	(7) The argument that a low standard of professional morality and efficiency prevails in the legal profession because under the present system of legal education facility is given to poor students to learn law and at the same time earn their bread by employment in some service and on passing the law examination to enter the profession and overcrowd it seems at first sight very plausible. But it is, when carefully analysed, a very fallacious argument. In the first place, to take the case of Madras, the late Mr. Justice Mutusamy Iyer, who rose from poverty to be a distinguished lawyer and Judge of the High Court there, studied law at night with the help of the light of a street lamp while in service during day-time. Other like cases in Madras could be cited. In Bombay Mr. Justice Ranade studied law when he was in service. So also the late Mr. Justice Telang. Any system which shuts out the so-called poor student, especially in a country like India, where, Mr. V. V. Shreenivasa Iyengar, Secretary, Madras High Court Vakils' Association, admits "a large majority of the intelligent population is poor," must stand condemned as unjust and absurd. As to the argument that the poor students overcrowd the Bar and lower the professional tone, similar complaint is made as to England and America. In India the

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	overcrowding is due to special causes :— (1) In England the military profession, etc., are open to *all*. Here the Indian stands shut out. (2) In certain departments, Europeans are preferred to Indians, *e. g.*, the Forest, the Engineering, etc., where even Assistants are imported from England. In the Educational Department Europeans of inferior qualifications are appointed to posts for which Indians of superior capacity and attainments can be had on the spot. (3) Industrial occupations have yet to prove attractive. In this way the Indian student feels hampered and the law is therefore one door open to him above all other doors. The way to minimise the evil is not to close that door to the poor by converting the law school into a day school with regular classes from 11 A. M. to 5 P. M., but to open the doors elsewhere by remedying the administrative anomalies of the day and encouraging technical education and industrial development. To say that a high standard of professional training cannot possibly be attained without instruction in a regular college with day-classes is to blind one's eyes to the fact, admitted even by the Privy Council, that Indians have proved first rate lawyers—and they have been lawyers trained under the present system of evening classes.
(8) Under the present system of evening classes, the Law School does not produce any *esprit de corps* among its students and the legal atmosphere is wanting. There is no continuity of teaching as such because the professors change once in two years or so and there is no opportunity for mutual sympathy and college traditions for the teachers and the taught.	(8) Such *esprit de corps* and atmosphere can be produced in other ways than by making the school full-time, as, for instance, by the institution of a Moot or Debating Society, the location of the school in an independent building of its own with a well-fitted Law Library, lectures on law by distinguished lawyers who are not professors of the school, and social parties and at homes to which Judges and Magistrates may be invited.
(9) "It is only possible to saturate a man with law in a full-time institution." So says Mr. N. W. Kemp, Chief Judge of the Small Causes Court, and he illustrates his opinion as follows :—"If students are going to study the law, they should be made to give their whole time to it—to live in a legal atmosphere, if I may say so. It is for this reason that I think so highly of the system of the study of law in some of the European countries where often it is no uncommon thing to see the Professor walking about with a group of his students propounding legal conundrums to them on the ordinary incidents of city life to them. For example, he will mount a tram with his students and then ask them what, if any, are his legal rights if he travels beyond the distance for which he has taken a ticket and the conductor rejects him. . . This, of course, is a very simple case but such little problems do much to light up the student's cheerless way and get him into a way of *thinking* legally."	(9) This analogy of European countries may have its uses but the Indian student has the quality of his race—the subtle intellect of a lawyer—and what he needs is the old fashioned system of England—of looking to good text-books for a mastery of the leading rules of law, illustrated by an analysis of important cases.

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(10) In determining the advisability of turning the Government Law School into a full-time institution regard should be had not merely to the interests of the law students and the improvement of legal education in the Presidency but also to the interests of education as a whole. The present system of evening classes, which enables a law student to carry on his legal studies simultaneously with his employment in some office or service has affected prejudicially the teaching in Bombay schools. On this point reference may well be made to the remarks of the Director of Public Instruction, Bombay Presidency, in his Report for 1914-15. He virtually complains—and it is a long-standing complaint—that the efficiency of teaching in the Bombay schools is impaired by the fact that many teachers resort to the service as a perching place and give it up on passing the LL. B. Examination. It is essential for sound education that the teacher should make it his profession instead of making a temporary convenience of it.	(10) So far as the complaint of the Director of Public Instruction goes, the remedy lies in his own hands. He can decline to employ as teachers those who make a temporary convenience of the profession.

II.—If so, where it should be located, what its staff should be and on what terms that staff should be engaged.

(*a*) *As to location*, all the replies agree that the Law School should be located as near as possible to the University and the High Court, and that it should have an independent and separate building.

The following buildings are suggested for acquisition by Government for the location :—

The new buildings of the University about to be erected.

Treacher & Co.'s premises which are for sale.

The old General Post Office building.

Watson's Hotel.

Army & Navy Stores.

Sassoon Mechanics' Institute.

(*b*) As to the staff and terms the suggestions are various as follows :—

As to Principal :—

(1) Pay Rs. 1,750 per mensem ; pension Rs. 700 per mensem on retirement after 25 years' service ; not allowed to practise.

(2) Pay Rs. 1,200 ; at liberty to practise.

(3) Pay Rs. 800 rising to Rs. 1,000 per mensem ; rules as to pension, etc., same as those of the Covenanted Members of the Educational Department.

(4) Pay Rs. 500 rising to Rs. 1,000 ; service pensionable, etc.

(5) Pay Rs. 600 rising to Rs. 700.

(6) Pay Rs. 1,200 rising to Rs. 1,500 ranking with a Lieut.-Colonel in the Army ; not allowed to practise.

(7) Pay Rs. 1,000 rising to Rs. 1,200 ; pensionable service ; allowed to practise, but on condition that his work at the school is primary.

(8) Appointment for 5 years ; salary Rs. 400 to Rs. 600.

As to Professors, the proposal vary as follows :—

(1) Six Professors, each giving six lectures a week ; salary Rs. 400 per mensem ; two tutors taking small classes during the day at which attendance need not be compulsory.

(2) One Vice-Principal with a salary of Rs. 1,500, pension Rs. 650 after 25 years' service

and

Professors, each salary Rs. 1,400 ; pension Rs. 650 after 25 years' service.

(3) Eight Professors, each a salary of Rs. 600 to Rs. 700 rising to Rs. 1,200; at liberty to practise.

(4) Three Professors lecturing two hours a day; salary not less than Rs. 700 per mensem.

(5) Three Professors, salary Rs. 600 rising to Rs. 800.

(6) Three Professors, appointment for three years, salary Rs. 300 to Rs. 400.

(7) Professors each with a salary Rs. 150 to Rs. 500.

(9) Five, minimum number of Professors, salary Rs. 500 to Rs. 600

and

Two or more tutors, minimum salary Rs. 350 to Rs. 400.

(10) Five Professors, each lecturing a couple of hours daily (2 hours one day and one hour the next); salary Rs. 500 each; at liberty to practise.

(11) Two whole-time men as Professors, lecturing and instructing 2 or 3 hours a day

and

Three lawyers in tolerably good practice and of good experience to lecture twice a week on reasonable remuneration.

(12) Six Professors, of whom half should be Pleaders; salary Rs. 800 to Rs. 1,000; at liberty to practise, but on condition that their work in the school is primary.

Some are of opinion that no one should be appointed whether Principal or Professor unless he is a lawyer of some standing—in the case of Counsel not less than five years and in the case of Pleaders not less than eight.

III.—If, on the other hand, you are of opinion that a full-time Law College is not required, would you advise that the Principal should be a full-time officer, so that he might be present in the Library. If so, what in your opinion should be his salary and what conditions should be attached to the appointment?

Only seven out of nearly thirty who have answered this question favour the idea of a full-time Principal. Of these seven, Mr. Weldon suggests that the Principal should draw a salary of Rs. 2,000, entitled to a pension to Rs. 750 after 25 years' service; lecturing and being accessible to students five days a week from 11 A. M. to 7 P. M.

Mr. Gharpure recommends that the Principal should be a full-time officer to assist the students in the Library and that he should be seconded by two or three fellows there.

The grounds on which the idea of a full-time Principal is opposed are:—

(1) The Principal should be a practising lawyer.

(2) Students will not consult and discuss freely with a full-time Principal.

(3) Students would have to attend the Library compulsorily.

(4) Work mentioned in this question could be done by two or more tutors. Each of the Professors including the Principal could take his turn once a week of being present in the Library during office hours. It is not possible to find a competent Principal willing to devote the whole day to the Law School for a whole week unless he gets a prohibitive salary. Nor is it desirable to immerse the Principal exclusively in teaching work and divorcing him from the Law Courts with the consequence that his teaching will deteriorate in practical utility and value.

(5) Mere reading work in the Library does not warrant the appointment of a full-time Principal.

(6) In Calcutta, there are two Law Colleges, (1) the University Law College, and (2) Law classes in the Honourable Mr. Surendranath Banerjee's Ripon College. At the University College, the Principal is a whole-time officer and he is not allowed to practise. He lectures only for one hour daily. The Vice-Principal is allowed to practise and so also all the Lecturers. The lectures are before and after Court hours. The number of students attending the University Law College is 2,000 or so. The report of its work is not satisfactory. It is a huge and hardly manageable institution.

IV.—If you think that the proposal contained in No. III above is not desirable, would you advise instead that a number of tutors in addition to the existing professional staff of the school should be appointed to assist the students by conducting a small number of classes, attendance at which should be compulsory?

On this head the preponderance of opinion is against tutors and compulsory classes. Of 32 replies but seven favour the idea in a hesitating manner. Messrs. R. D. Sethna, M. R. Jayakar, H. C. Coyajee, Manubhai Nanabhai and A. K. Donald favour the idea of tutors to help the students during the day time in small classes, but say that attend-

ance at such classes should not be compulsory. Mr. R. K. Tarachand says the proposal is worth trial as an experiment. Mr. P. B. Shingne says the proposal is "a happy idea" but is "unworkable".

Mr. Justice Davar thinks that students will not make use of tutors and that when he was a Professor of Law they used to go to him for explanations.

Mr. Sanders-Slater thinks that the addition of a number of tutors to conduct small classes at which attendance would be compulsory would tend to do away with the responsibility of the Professors. He says that when he was a Professor of Law of the Government Law School, he used to attend the Library twice a week and students of all classes consulted him. Other Professors, however, declined to follow his example. There was no Principal as such at that time as there is now. Mr. Slater observes that if the Principal and five Professors, making up the staff at present, could each attend five evenings a week it would bring them all in contact with the students and lead to *esprit de corps* in the school.

Mr. D. A. Khare's opinion is that tutors and compulsory classes would make the school full-time with the disadvantage of incompetent teachers.

Messrs. Jayakar and Coyajee think that tutors and compulsory classes would make the teaching of law didactic instead of explanatory and helpful.

Mr. N. W. Kemp says that Professors should always be accessible after lectures to solve difficulties.

Mr. Acworth thinks that compulsory attendance at tutors' classes is not calculated to instil knowledge into articled clerks who do not intend to learn.

V.—Is it, in your opinion, desirable and practicable that students attending the Law School should be required to attend the Courts under the direction of either their Professors?

This is considered impracticable by most because (1) it is not possible to find accommodation in any of the Courts for such a purpose, (2) there would be no advantage gained by students hearing cases without knowing the facts, which as arguments go in a Court are difficult for them at that stage of their pupilage to follow.

VI.—Whether, in your opinion, the present syllabus of studies for the first and the second examination for the degree of Bachelor of Laws of the University of Bombay, calls for any change, and, if so, what changes you would suggest and whether you think that it is desirable to introduce into the syllabus a course on the outlines of Constitutional Law.

(1) There are 31 replies on this head.

(2) The following are for leaving the present syllabus as it is:—Mr. Justice Davar, Messrs. D. A. Khare, M. R. Jayakar, H. C. Coyajee, G. K. Parekh, K. M. Javeri, P. B. Shingne and A. F. Billimoria and the Bombay High Court Vakils' Association.

(3) Mr. Justice Batchelor and Mr. Justice Shah think that the present syllabus, having been prescribed by the University recently, should not be altered and that, if any alteration is required, it should be by the addition of a paper on International and Constitutional Law at the 2nd LL. B.

(4) The following are for the addition of Constitutional Law:—

Mr. R. D. Sethna, at the 2nd LL. B.	Mr. Manubhai Nanabhai.
Mr. A. M. A. Kajiji.	Mr. Basil B. Lang.
Mr. K. R. Daphtary.	Mr. S. S. Patkar.
	Mr. A. B. Tyabji.

(5) The following gentlemen propose alterations as follows:—

Mr. Weldon would remove Roman Law and substitute either Constitutional Law or the practical side of law such as the drafting of plaints.

Messrs. R. K. Tarachand, J. R. Gharpure, Frank Oliviera, O. H. R. Khairaz and V. J. Patel have each his own scheme for which reference should be made to their respective replies.

VII.—Is a two years' course for the degree of LL. B. sufficient and satisfactory or should it be extended? And, if so, to what period?

In Madras the course has this year been extended from 2 to 3 years. Mr. V. V. Shreenivasa Iyengar, Secretary, Madras High Court Vakils' Association, says that the opinion of the general public and of the legal profession was opposed to the change, but that "most of the Indian Members of the Senate also voted solidly in making the course one of three years".

The reason for the change in Madras is given by Mr. Justice K. Shreenivasa Iyengar and by Mr. K. Naraina Rau, a senior Pleader of the High Court there, in their respective replies.

At first, when the Faculty of Law was instituted in the University of Madras, the law course was of one year. A few years afterwards it was extended to two years. In 1889 it was extended to three years; in 1899 it was reduced to two years, and on the recommendation of Sir H. H. Sheppard and Sir Bhashyam Iyengar, "Procedures" were eliminated from the study on the ground that the University could only undertake the teaching of law as a science and that the subject of procedures, necessary and useful to a practising lawyer, was not a fit subject of study in the University. This year the Madras Universty has taken a different view. As the law examination of the University is a means and in some provinces the sole means of entering the profession, the University has thought fit to include procedures in the course, and extended it from two to three years.

In our Bombay University too a proposal to eliminate procedures from the LL. B. course on the same ground as that maintained at Madras in 1899 was mooted by Mr. Latham, who was an eminent member of the Bar here till his retirement in 1891 and who was for several years Syndic and Dean in law. But that proposal was negatived by our University for the very reasons which have led the Madras University to restore procedures to their proper place in the B. L. course and extend the course from two to three years.

Mr. Justice Sheshgiri Iyer of Madras strongly advocates a three years' course as being necessary for sound legal training; and he recommends its adoption by all Indian Universities on the ground of reciprocity.

Mr. Justice K. Shreenivasa Iyengar of Madras thinks that a three years' course with examination in procedures at the end of the third year should be insisted upon in the case of those who wish to enter the profession of law whereas a two years' course ought to suffice for those who do not so wish.

Of the Bombay replies, 29 have answered this question, of which 23 are for retention of the present course of two years, five advocate its extension to three years and one to four years.

Mr. Justice Batchelor and Mr. Justice Shah think a two years' course sufficient; but Mr. Justice Davar is of the opinion that the number of subjects to master is so large that the two years' course is not sufficient and should be extended to three years. Mr. A. K. Donald strongly advocates the present two years' course, on the ground that it is inadvisable to extend it to three years, considering the resources of the students, a majority of whom are poor and who have to take the Arts degree for the degree of LL. B. He observes:—"No one in their senses thinks that a full-pledged LL. B. is a fully qualified man. He must have years of experience thereafter. . . Why should it be assumed that Bombay LL. B.s should be profound lawyers straightaway after getting their degrees?"

VIII.—Whether it is desirable that a maximum number should be fixed for the students in the school in future, leaving it open to other institutions affiliated and recognised by the University under Government sanction to supply additional facilities for legal education.

Of the 33 replies, only seven are for the fixing of a maximum number; the rest, 26, oppose it.

The seven are:—Messrs. Weldon, R. K. Tarachand, N. W. Kemp, K. M. Javeri, A. B. Tyabji and V. J. Patel.

Mr. Weldon wants the maximum number fixed because 80 per cent. of the students attending the school under the present system gain nothing.

Mr. Javeri advocates the fixing only if law classes are allowed to be opened at Ahmedabad, Poona, Rájkot and Dhárwár.

Mr. A. B. Tyabji thinks that there should be no more than 100 in a class.

Mr. Patel also would limit a class to 100, but only if private institutions are affiliated.

Mr. Justice Batchelor and Mr. Justice Shah are among those who think it undesirable to limit the maximum number, on the ground that if you limit the number, you limit the income of the Government Law School and render the desired improvement of its finances more difficult and it becomes necessary to open other law schools.

As to limiting the number and allowing other schools to be opened by affiliation under Government sanction, the question is: should these be allowed in Bombay and certain mofussil centres or only in the latter, restricting legal education in Bombay to the Government Law School.

Mr. Donald thinks that for some years to come the teaching of law can best be done in Bombay, where there are so many facilities, such as the highest Courts, the ablest professional men, libraries, public meetings, newspapers, besides the opportunity for studying "the working of commercial operations at the docks, exchanges, banks, etc."

IX.—Any other suggestions or proposals for the reform of the Law School and the efficiency of legal education which you may have to make.

Mr. R. D. Sethna.—Each Professor should, before lecturing, give a syllabus of the lecture to each student as in the Inns of Court.

Mr. Justice Shah with whom Mr. Justice Batchelor agrees.—Increase the number of classes and professors. As the classes are now huge and unwieldy, have *three* classes for the 1st LL. B. and *two* for the 2nd LL. B. Have *ten* Professors, *two* for each class, which should consist of more than 100 students.

Mr. R. K. Tarachand.—Each class should have not more than 40 students and on no account more than 55.

Mr. G. K. Dandekar would put substantial restrictions "on the way to the field of the profession," and, if possible, suspend the final LL. B. examination for a number of years because the legal profession is getting a bad name.

Mr. Frank Oliviera.—Before LL. B.s are allowed to practise, require them to read for one year at least with High Court or District Court Pleaders of not less than five years' standing. Have social gatherings where the students can meet Judges, etc.

Mr. K. B. Sethna.—A Professor to lecture on Procedure and Equity should be a High Court Attorney. Principles of law rather than details should be imparted in lectures and illustrated by means of leading cases.

Mr. K. R. Daphtary.—Abolish the 1st LL. B. Allow students to appear in any one or more papers at any time and in any order they like. That will ensure a better study of law and create specialists.

Mr. O. H. R. Khairaz.—Develop *esprit de corps* among students by bringing them Judges, Advocates and Professors together at social gatherings. All LL. B. desirous of practising in the High Court should be required to read for a year at least with a Pleader of at least five years' standing, practising in the said Court. LL. B.s wishing to practise in the District Courts should be required to read for a year with a District Pleader of at least five years' standing.

Mr. D. A. Khare.—Increase the present number of Professors. No lawyer should be appointed unless he has practised in the real sense of the word for not less, than five years.

Mr. J. R. Gharpure.—Professors should be chosen from lawyers of not less than ten years' standing.

Mr. Dinshaw J. Vakil.—Abolish the Law School. It serves no useful purpose What is required is practical knowledge of law. A candidate for LL. B. should be required to produce a certificate of having served as apprentice under an Advocate, Attorney or Pleader of not less than five years' standing, and of attendance at the Courts of the Presidency Magistrates, the Small Causes Court and the Original Side of the High Court for six months each.

The Secretary, Vakils' Association, Bombay.—Increase the number of Professors who should be chosen from among practitioners of not less than five years' standing.

The Honourable Mr. N. M. Samarth.—Agrees with the Vakils' Association, except that (1) as to Professors, their standing should be seven instead of five years; and (2) the *personnel* of the staff should consist more largely than now of Pleaders on the Appellate Side of the High Court for lectures on subjects such as the Hindu law, land tenures, the civil and criminal procedure codes, the Transfer of Property Act, the Deccan Relief Act, the Succession Certificate Act, etc. Therefore, provide that not less than ⅓rd of the total number of Professors shall be Vakils of the High Court of the prescribed standing.

Messrs. Jayakar and Coyajee.—The Law School should have a well-equipped Library, open to all legal practitioners. Professors should give extra hours in the morning if necessary, like the voluntary classes they have in England for Bar examinations.

Mr. M. K. Alpaiwala.—Students other than those serving articles of clerkship with Solicitors should serve for one year during the last year of the term articles with practising pleaders nominated by the University, of not less than ten years' standing Of that one year, six months should be service with pleaders practising in Civil Courts and the remaining six months with pleaders practising in Criminal Courts.

Mr. A. K. Donald.—There is need of elementary text-books on the lines of Anson on Contract and Williams on Property. The Indian student should be able to read Indian law straightaway and not be confused with reading English law first and then being told that Act so and so changes the law. Government might either employ some one to write such books or undertake to buy sufficient copies if the task was undertaken as a private speculation.

Mr. N. V. Gokhale.—There should be terminal examinations at the Law School. No student should be allowed to appear for the University examinations in law unless he gets 25 to 30 per cent. of the total number of marks. Pleaders make better Professors than Barristers.

The Honourable Mr. G. K. Parekh.—Divide the present classes into smaller ones. Increase the number of Professors. These should be elected from among pleaders of not less than five years' standing.

Mr. S. S. Patkar.—In the case of advanced students, the Professors should get hypothetical cases argued by the students on both sides on the lines of the High Court moot. The Professors should encourage research by requiring students to compete for an essay on any subject in law.

Mr. N. M. Javeri.—There should be oral examination added to the written examination for the LL. B. degree.

Mr. P. B. Shingne.—Increase the number of Professors and secure a more agreeable combination of lawyers practising on the Original and the Appellate Side of the High Court.

Mr. Gulabchand M. Dumania.—Appoint one of the Professors supervisor on an additional salary of Rs. 100 or Rs. 200 per mensem to direct the students in their studies.

Mr. Aston propounds a scheme, for which his letter may be referred to.

The late Mr. E. I. Howard, Director of Public Instruction, Bombay Presidency, in 1857-58, in his Report on Education for that year, wrote .—

"As regards the present classes, I recommend the Professors," of the Government Law School, "to require from their pupils frequent written exercises, such as analysis of legal arguments, reports of cases in the Presidency Courts of Justice, and answers to legal questions involving the application of law to facts and to make the public criticism of such compositions in the lecture room a part of their teaching." (Appendix F to the Report.)

N. G. CHANDAVARKAR,

Chairman,

Government Law School Committee, Bombay.

Bombay,
15th December 1915.