

• THE
• MADRAS LAW JOURNAL

[JOURNAL -Supplement]

I]

MARCH

[1967

BAR COUNCIL OF INDIA—AMENDMENT OF RULES REGARDING
STANDARDS OF LEGAL EDUCATION.*

“Resolution No. 40/1967.—

A. RESOLVED that the recommendations of the Legal Education Committee as contained in Resolution No 2/1967 (LEC) be approved and that the Rules of the Council in Part III-A on the Standards of Legal Education and recognition of degrees in law for admission as Advocates be and are hereby amended by the substitution of the following in lieu of the rules now in force .—

Rule 1—No person shall be eligible for enrolment under the Advocates Act, 1961, unless at the time of joining the course of instruction in law for a degree in law he is a graduate of a University.

Rule 2—The duration of the course of instruction in law adequate for the purpose of Rule 1 shall be a three year course as hereinafter prescribed.

Rule 3—The strength of a Law class shall not ordinarily exceed eighty pupils

Rule 4.—The course of instruction shall include (a) the following *ten* subjects :

- (1) Indian Legal and Constitutional History.
- (2) Contracts
- (3) Torts
- (4) Family Law including Hindu and Muhamamdan Law
- (5) Crimes and Procedure
- (6) Constitutional Law of India
- (7) Property Law
- (8) Evidence
- (9) Legal Theory (Jurisprudence and Comparative Law)
- (10) Civil Procedure and Limitation, Arbitration.

(b) Not less than six more subjects, 4 of which shall be from amongst the following :—

- (1) Administrative Law

* Resolution No 40/1967 of the Bar Council of India dated 12th March, 1967, amending the Rules of the Council in Part III-A on the Standards of Legal Education and recognition of degrees in law for admission as Advocates.

- (2) Equity
- (3) Public International Law
- (4) Company Law
- (5) Labour Law
- (6) Taxation
- (7) International Organisation
- (8) Bankruptcy
- (9) Law of Co-operation and Public Control of Business
- (10) Military Law
- (11) Insurance
- (12) Trusts and other Fiduciary obligations
- (13) Trade Marks and Patents
- (14) International Economic Law
- (15) Criminology and Criminal Administration
- (16) Interpretation of Statutes and Principles of Legislation.
- (17) Legal Remedies, and
- (18) Private International Law.

Rule 5—During the last year of the course mentioned in *Rule 2* instruction may be imparted for a period of six months in the Rules of Courts and in Drafting of Pleadings and Documents.

Rule 6.—The examinations shall ordinarily be held at the end of every year. The Universities shall however, be at liberty to hold examinations at the end of every 6 months. Suitable allocation of subjects for the period of one year or six months as the case may be shall be made.

Rule 7.—Every University shall endeavour to supplement the lecture method with the case method, tutorials and other modern techniques of imparting legal education.

Rule 8—Full-time teachers of law shall ordinarily be holders of a Master's degree in Law, and part-time teachers shall have a minimum practice of 5 years at the Bar.

Rule 9.—Universities shall endeavour to establish or recognise only those colleges which have whole time day classes in law and preferably full-time law schools which exclusively teach law.

Rule 10.—The three-year degree course mentioned in *Rule 2* shall be instituted not later than the beginning of the academic year 1967 provided that on the recommendation of the University Grants Commission a later academic year may be prescribed for any individual University.

B. RESOLVED FURTHER that the rules as thus amended do come into force on Sunday, the 12th March, 1967."

RESIGNATION OF K. SUBBA RAO, C.J.

Within less than ten months of his appointment as the Chief Justice of India, Justice Subba Rao has resigned his post to contest for the Presidentship of India. The two offices constitute the highest posts under the country's Constitution, the former being the apex of the Judiciary and the latter that of the Executive. They naturally carry with them the greatest prestige and should command the utmost respect and reverence. They should be kept above political controversies and polemics. The office of President is no doubt more spectacular and glamorous than that of the Chief Justice, as representing the dignity of the Nation, its culture and ideals. The Chief Justiceship, though relatively more subdued, is actually more important in the life of the people as the existence of a fearless and independent Judiciary is the very basic foundation of the Constitution, and the Supreme Court as the watch-dog and guardian of the Constitution with absolute judicial independence as its logical corollary is vested with the function of authoritatively and finally interpreting the Constitution and protecting the people against both executive as well as legislative tyranny. It is inherent in the very nature of the duties of a Judge that he should never look to any other type of preferment or appointment or be called upon to serve in other posts carrying higher emoluments or other attractions. It will be a wholesome and healthy convention if the Judiciary is kept aloof from the shifting politics and political currents of the time. It will be an equally desirable convention to select the President from among persons in public life not identified with political ideologies or party programmes. It is a great pity that the present political squabbles in the country have drawn these offices into their vortex. Opinions are bound to differ about the propriety of political parties desiring to run the Chief Justice as a party sponsored candidate for the post of President. It has been said that Chief Justice Earl Warren expressed preference to be a Judge and would not allow his name to be considered for party nomination for contesting for the Presidentship of the United States of America. Probably it would be less open to criticism if a retired Chief Justice is summoned from his retirement to take up an executive appointment. Even that has not always come in for approval as

when Sri Fazl Ali and Sri M. C. Chagla were appointed to executive posts.

Be that as it may, Subbba Rao, C.J.,'s resignation will be received with mixed feelings by the members of the Bar. His retirement takes away from the Bench a very able Judge who as Chief Justice was making his impact felt. A believer in the Rule of Law in which fundamental rights and principles of social justice are integrated he has, in his judgments on constitutional matters, evinced consistently that approach. He was fully aware that in determining the content of a fundamental right it is inevitable that the prevailing conditions at the time and the social philosophy and the scale of values of the Judge play a large part. It is only recently that he delivered a majority judgment of the Supreme Court, setting all minds thinking, that a fundamental right cannot be repealed or abridged even by an amendment of the Constitution under Article 368. His judgments reveal a refreshing and pragmatic outlook and lay greater emphasis on principles than on precedents. Should he be elected President of the country the impact of his personality will be felt even there. It can be said of him confidently that "whatever record comes to light he never shall be shamed", and what is a loss to the Judiciary and the Bar may prove a gain to the Country.

The new Chief Justice of India.

We offer our hearty and respectful felicitations to Justice Kailash Nath Wanchoo on his appointment as the Chief Justice of India in succession to Subba Rao, C J. with effect from the 12th of April. He was the seniormost puisne Judge and his judicial experience is considerable. From 1947 to 1950 he was a Judge of the Allahabad High Court, and from 1950 to August 1958 he served as the Chief Justice of the Rajasthan High Court. Since then he has been a Judge of the Supreme Court of India. We are sure that during his stewardship the Supreme Court will fully sustain the great prestige it has gathered as a citadel of justice.
