

EDITORIAL

The Editorial Committee is pleased to place this combined issue of sixth to eighth volumes of the National Capital Law Journal in the hands of the esteemed readers. The scholarly contributions of academicians, lawyers, research scholars and the students have enriched the present issue of the journal. The Editorial Committee is indebted to the contributors for their valuable contributions. The present issue is fruition of their efforts.

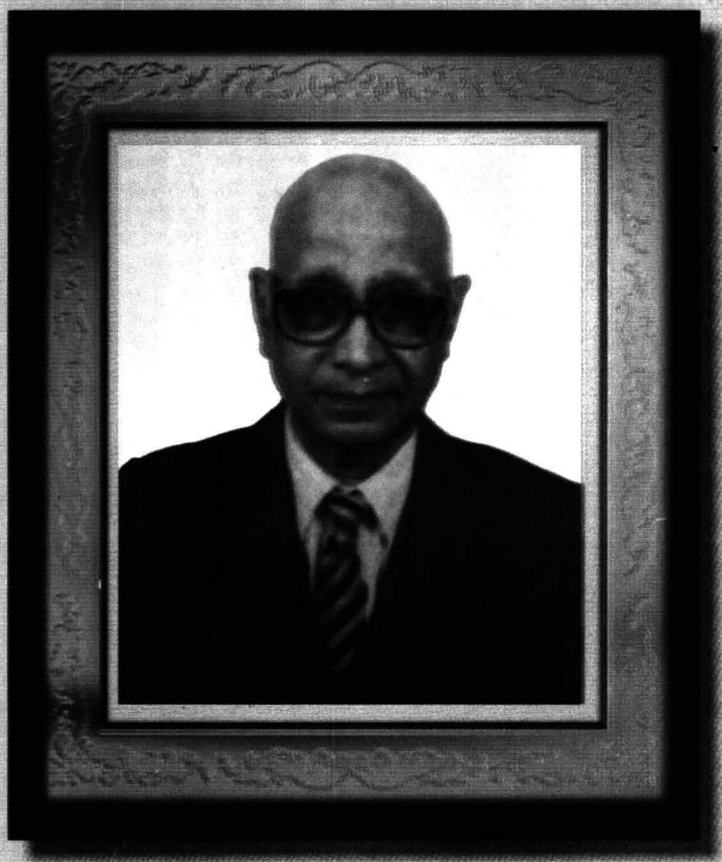
Legal research and writings are pre-requisite for imparting qualitative legal education. Law Centre – II has not only earned the distinction of upholding the values of the noble profession of education but has strengthened the foundation of legal education by providing ample opportunity to scholars and academicians alike to enhance and widen their purview on various legal issues. Law Centre – II takes the pride in publishing the present issue of the journal which reaffirms the commitment of the Centre to the cause of qualitative legal education in the country. The Centre has always shared a rapport with the prominent members of the legal fraternity and various national and international organizations through the medium of National Capital Law Journal. The Editorial Committee hopes that the journal shall act as a catalyst in propelling the level of legal awareness to greater heights by providing to both the students of law as well as legal fraternity as a whole, a platform whereby views may be exchanged and higher learning achieved. With a view to further improvement, the Editorial Committee looks forward to the readers and subscribers of the journal for their comments and feedback to enable the Committee to publish a Journal which proves to be a valuable resource on legal issues.

The Law Centre – II acknowledges the valuable services rendered by Professor Balbir Singh and Shri A.K. Gupta. who superannuated from Law Centre – II, Faculty of Law. Professor Singh was the Professor-in-Charge from 1994-97. Professor Balbir Singh was admired both by the teachers and students for his teaching the Constitutional Law and Administration Law whereas Shri Gupta was known for his knowledge and teaching in the fields of Family Law and Mercantile Law

The Editorial Committee mourns with deep sorrow the passing away of our colleagues Professor P.K. Tripathi, Professor P.M. Dhar and Professor S.S. Vats, who have rendered invaluable services in imparting legal education. The contributions of these colleagues had been immense. They were very kind, soft spoken and cultivated affectionate and committed bonds with their colleagues and friends. The Editorial Committee expresses the heartfelt condolences to their bereaved families.

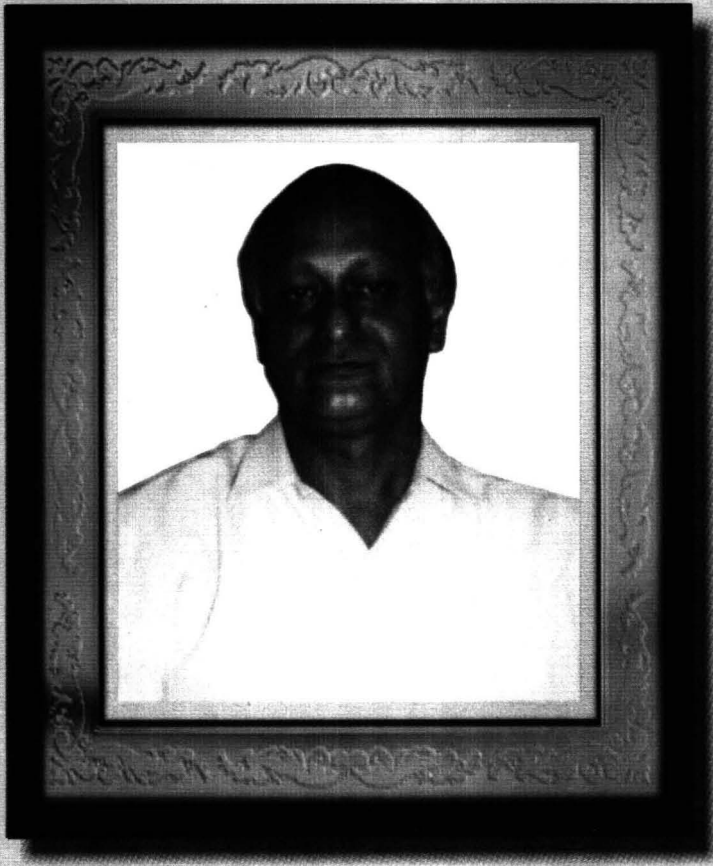
The present volume is humbly dedicated to these colleagues.

Professor Gurdip Singh
Editor



PROFESSOR PRADYUMNA KUMAR TRIPATHI

(1924 - 2001)

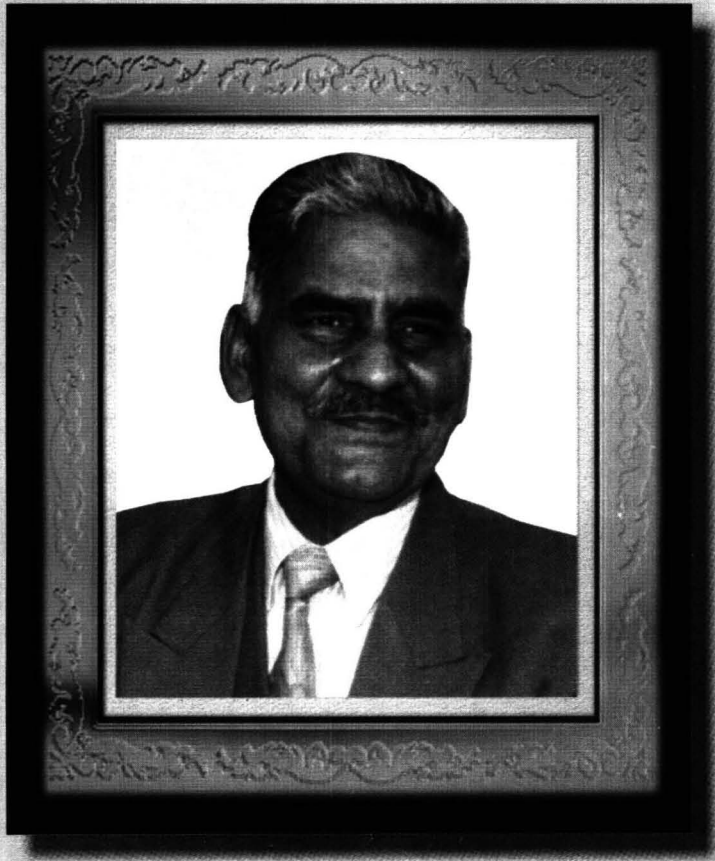


PROFESSOR PYARE MOHAN DHAR

(1945 - 2002)

Professor Pyare Mohan Dhar was born in 1945. He was an Alumni of Kirori Mal College, University of Delhi. After obtaining LL.M. Degree from the University of Delhi, Professor Dhar joined Law Centre - II, Faculty of Law, University of Delhi in the year 1972. He was elevated to the post of Professor of Law in the year 1995. He taught Intellectual Property Law and Criminal Law. During his academic career spanning over three decades, he authored a number of papers on Intellectual Property Law and Criminal Law which were published in law journals of repute. He was also awarded scholarship by the *World Intellectual Property Organization* in the year 1977. He visited various Universities of the world for the study of Intellectual Property Laws. In the midst of his bright career, he was snatched by the cruel hands of destiny at the age of 57 years, on 7th December, 2002.

He was a very dedicated person and an excellent teacher. He was greatly admired by his students and colleagues alike for his scholarship. Professor Dhar was a noble person who would go to any extent to make students comfortable. He had cordial relations with all his colleagues and students. His contribution to the corporate life of Law Centre - II is immense. He gladly accepted all administrative responsibilities assigned to him. He had great interest in sports. The Faculty of Law Centre - II remembers him as a noble person with best of qualities of head and heart.



PROFESSOR SHYAM SUNDER VATS

(1940 - 2003)

PROFESSOR PRADYUMN K. TRIPATHI : A DOYEN OF LEGAL SCHOLARSHIP AND ACADEMICS

*A.K. Koul**

January Twenty-third Two Thousand One saw the end of an epoch of legal scholarship and legal academics in the Faculty of Law, University of Delhi, in particular and the law schools of India in general., when on that fateful date Professor Pradyumna K. Tripathi left for this world for heavenly abode after living on this planetary earth for a period of more than seven decades. Professor P.K. Tripathi, a doyen of legal scholarship and legal academics, was an epoch maker in the modernization of legal education and legal research in the entire country, particularly Faculty of Law, University of Delhi which is very difficult to describe and fathom as Professor P.K. Tripathi had developed an aura and a mystique, unique to himself and his scholarship.

The contributions of Professor P.K.Tripathi to legal scholarship have been profound and immense, yet some of his critics have accused him that he did not propound a distinctiive theory of his own and his legal scholarship at best was mundane (*See Upendra Baxi, Professor Pradyumn Kumar Tripathi: A Tribute (1924-2001), XXIII Delhi Law Review vii-xviii (2001)*). This is far from truth. Professor Tripathi's contributions to the Constitutional Jurisprudence were unique as he culled out and propounded the 'Jurisprudential conceptions of Reasonableness in the Doctrine of Equality', 'Secularism and the Freedom of Conscience', 'Martial Law and Emergency', 'The Balancing of Powers in the Indian Federal Constitution', the 'Jurisprudence of Civil Services' and a whole host of Concepts in Administrative Law; to name a few, which have not only stood the test of time but also continued to be read with instruction.

Prof. P.K. Tripathi's writings spanning over a period of three decades are so prolific, versatile and simple that even an uninitiated in law and jurisprudence can read and understand it. His writings have been so austere that he can well be bracketed as a 'true Analytical Positivist' of Indian jurisprudence; that he had constantly avoided the verbose which normally gets wobbled in any discourse on law and legal sciences whenever one wants to interconnect it with sciences other than law especially sociology. Of course, in the last two decades and so we have witnessed prolific writers and their writings on the legal horizons of India, where law and sociology have been praxed into a relationship in which law becomes surrogate to sociology and not vice-versa.

Prof. P.K. Tripathi was a disciplinarian of the good old days and wanted his students to be his disciples in the best Indian traditions of Guru-Shikhsha parampara, which should not be interpreted that Prof. P. K. Tripathi evoked hero-worship. It was the intensity of the scholarship and its glow that made the

* Professor of Law, Law Centre – II, Faculty of Law, University of Delhi.

teachers, students and scholars who came into contact with Prof. P. K. Tripathi to venerate and follow in his footsteps. After all he was a person of great wisdom which was available to all his students and disciples in simple worldly metaphors. He was a person least self conceited in any sense of the term.

It is on record in the Faculty of Law, University of Delhi and else where that he devoted his whole life for developing the legal teaching and legal research brick by brick with which the succeeding generations have been proffered and generously benefited. It is his work and dedication that Delhi Faculty of Law, achieved a universal acclaim which led the scholars from far and wide joining the Faculty of Law with great pride.

His delivery of lectures in the class was so lucid and full of anecdotes; often times taking the help of Hindu pantheons to illustrate the metaphors of constitutional doctrines; that it used to be a treat to listen to him.

The ‘Langdelian Method of Law Pedagogy’ (*Case Method of Law Teaching*) was introduced in the Faculty of Law by Prof. P. K. Tripathi as well as making the teacher autonomous in his sphere of activity in teaching and examining his students were the hallmarks of his sincerity of purpose of law teaching which blossomed into high traditions of teacher-student interactions and sharpening the mental faculty of students in a more rigorous manner than witnessed in earlier years. Prof. P. K. Tripathi is also credited for sending scholars from Delhi Law School to various American Law Schools under the Ford Foundation Scheme was an experiment which paid rich dividends to legal scholarship with americanising the Indian legal system. The Indian legal scholarship has immensely been proffered by the dialectics of American legal pedagogy which was received by the Indian scholars while attending American Law Schools and has gradually expanded in a continuous stream of law students from India attending American Law Schools for higher scholarship who on returning to India have proved their mettle on the Bench, the Bar and other avocations of life in India.

Professor P. K. Tripathi always enthused his students and colleague that teaching and research are complementary to each other and accordingly he developed one of the finest law library in the country so that legal research could be pursued right in India without clamoring to search degree from foreign law schools and the history of legal research in the Faculty of Law, University of Delhi is a testimony to the fact that the Faculty has reduced scholars of the same eminence as produced in the foreign universities.

Professor P.K. Tripathi’s deanship spanning through more than a decade and his stint for three years as full time member of Law Commission, Government of India have been remarkable. His *Telang Law Lectures-Insights into the Constitution* and his collection of essays–*spotlights on the Indian Constitution* are great works of Constitutional jurisprudence with a central theme of how best the judicial reasoning and thought can be espoused and mandated properly. In both the works, Prof. P. K. Tripathi was at pains as to

why the judicial reasoning and interpretation on the Constitutional Articles and 'Concepts' are at variance with the constitutional mandate laid down by the Founding Fathers of the Constitution. The presentation of his understanding and views are unique and so subtle that sometimes it would like reading Charles Lamb's prose. But the intrinsic merit of that prose is that it makes the understanding of constitutional precepts, doctrines and ideas simpler, coherent and far less confusing than any other commentator on these issues. Of course, he would expose the frailties of the Judgments beyond reproach. Prof. P.K. Tripathi was forthright in respecting the Constitution and its Institution but as and when he found that the institutions are not accomplishing what they were supposed to, he responded with swiftness and aplomb through his writings.

History will judge Prof. P. K. Tripathi as the only law scholar in India who never trumpeted his achievements nor befriended the corridors of power to achieve anything other than what he coveted the most – Law Teaching and Research. He will also be judged by history as the only scholar who never indulged into brush-beating for the jurisprudence of the underprivileged to be noticed by the law and the laymen to get recognised as is the prevailing custom of getting scholarship recognised in India.

It is befitting to salute Prof. P. K. Tripathi in resolving that the law scholars and law teachers must pursue their research and teaching in a dispassionate manner and not unnecessarily get wrangled into nuances as law, legal research and law teaching has changed his texture as international community at present is seeing a common surge towards linking each other economically and as such competition across the frontiers of the nation states amongst their economic enterprises have increased so much that the older concepts of jurisprudence have been transmuted into new and unfamiliar ones and as such Indian law schools have to redefine their research and priority in keeping abreast the fast changing that are sweeping the globe.

As the second generation of law teachers after Professor P. K. Tripathi are on the wane and third generation has to step in, it is their onerous responsibility to prepare the lawyers of this country fully prepared for global lawyering fully equipped with knowledge of comprehensive transnational legal system as well as to develop an intrinsic merit of taking decisions and choices as the lawyer of the Century shall have very limited choices before him. The lawyer of this Century is a lawyer of transnational science based civilization as this century is a century of global legal world in which more expertise in comparative law, international economic institutions and law, intellectual property law, Trade and environment, international Cyber law and crimes and international negotiations and skills shall find a predominant place in law schools curricula.

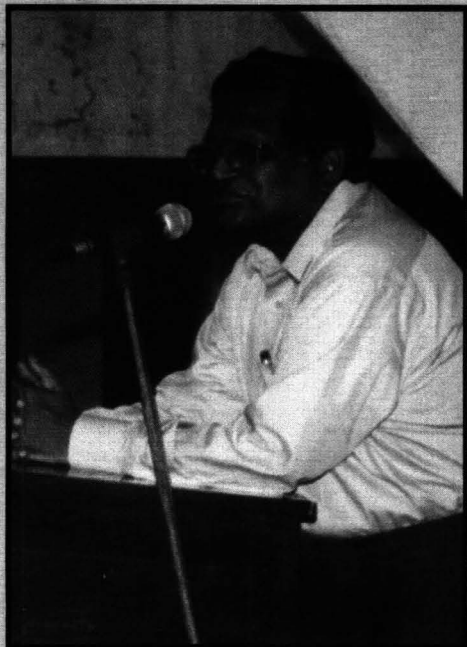
The teachers of the Faculty of Law and Law Centre - II bereave with Dr. (Ms.) Kusum Tripathi and Parag Tripathi at the sad demise of Prof. P. K. Tripathi. We sincerely hope that the family of Prof. P. K. Tripathi shall have all the endurance to withstand his loss to them.

LAW CENTRE - II
FACULTY OF LAW, UNIVERSITY OF DELHI

ORIENTATION PROGRAMME (4 - 7 August 2003)

Inauguration on

Monday, 4th August, 2003 : 6:00 p.m.



**Hon'ble Mr. Justice S. Rajendra Babu,
Judge, Supreme Court of India
delivering Inaugural Speech**



**Hon'ble Mr. Justice Dalveer Bhandari,
Judge, Delhi High Court
addressing the students**



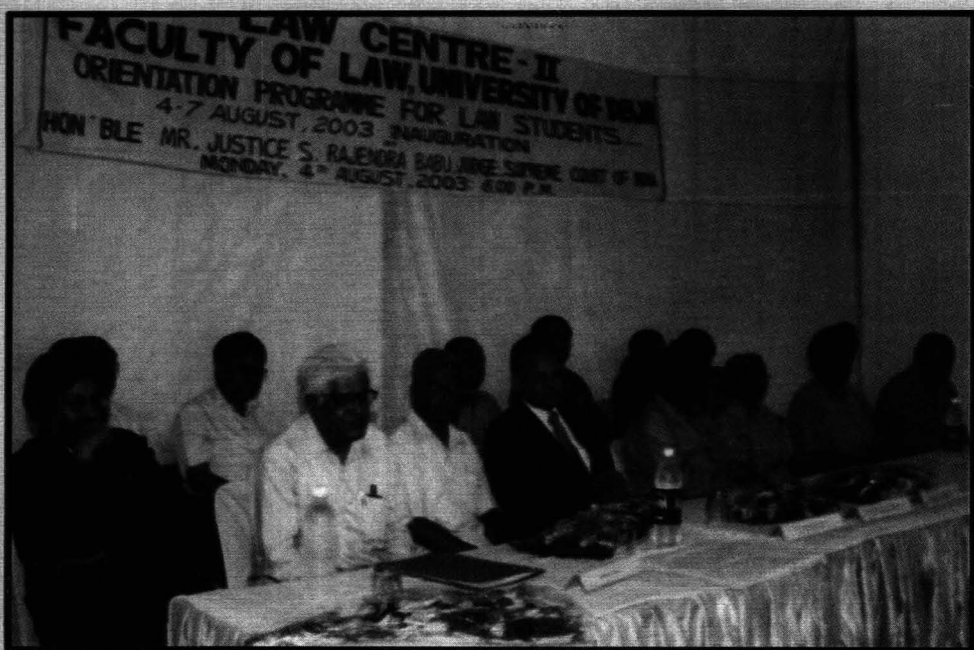
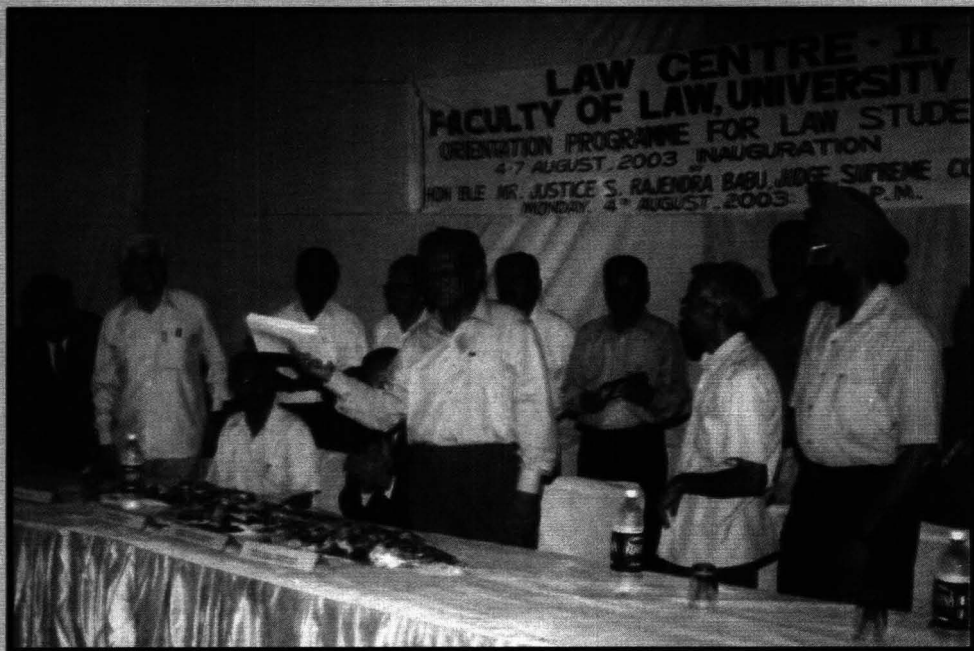
**Shri M.N. Krishnamani, Senior Advocate,
President, Supreme Court Bar Association
addressing the students**



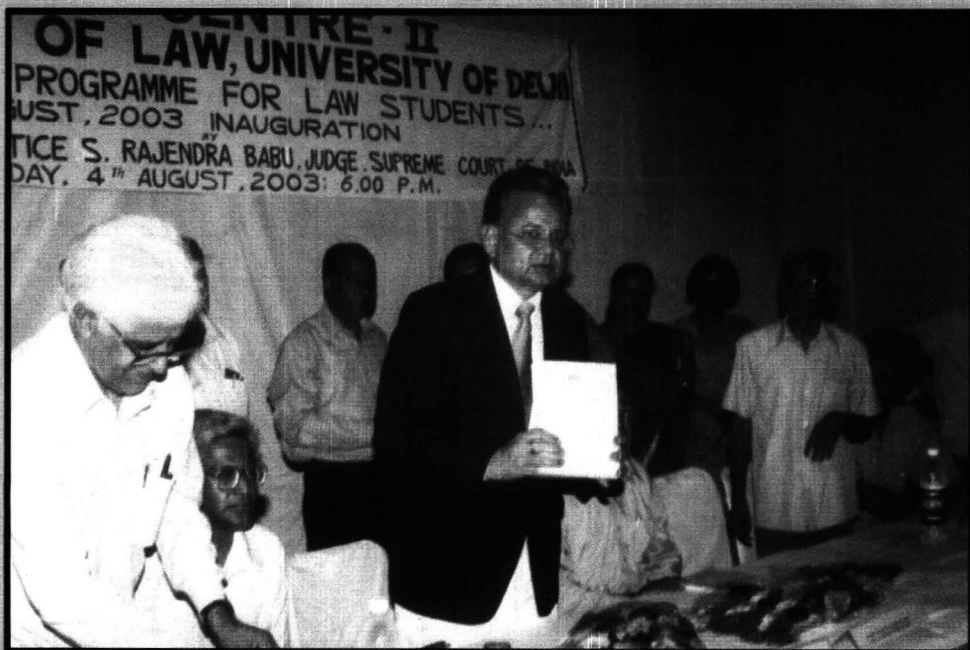
**Shri Rupinder Singh Suri, Vice-President,
Supreme Court Bar Association
addressing the students**

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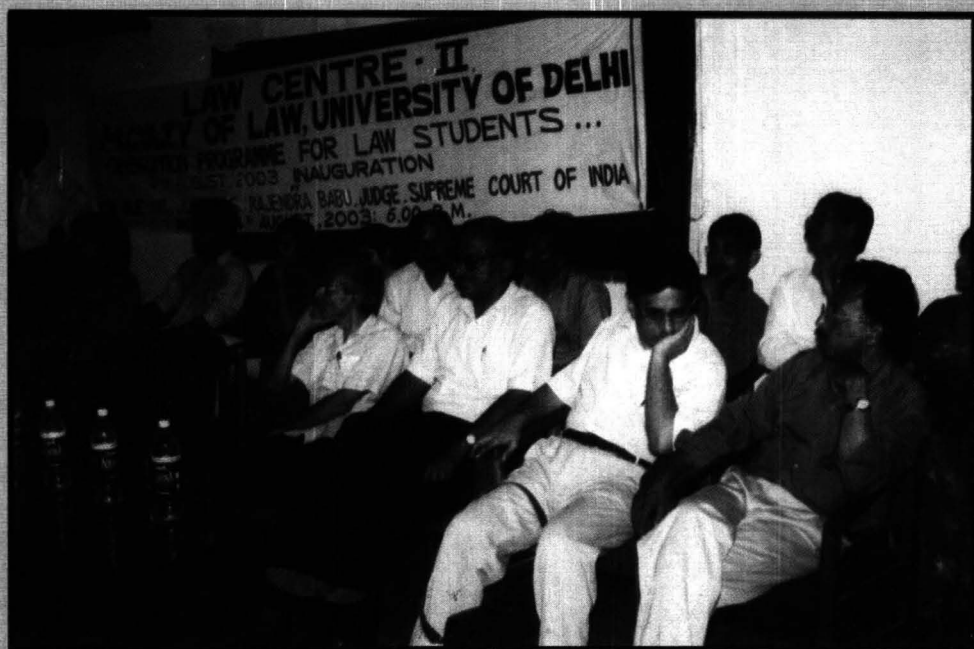
Hon'ble Mr. Justice S. Rajendra Babu, Judge, Supreme Court of India
releasing the New Case Materials on Monday, 4th August 2003 : 6:00 p.m.



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Faculty Members during Orientation Programme

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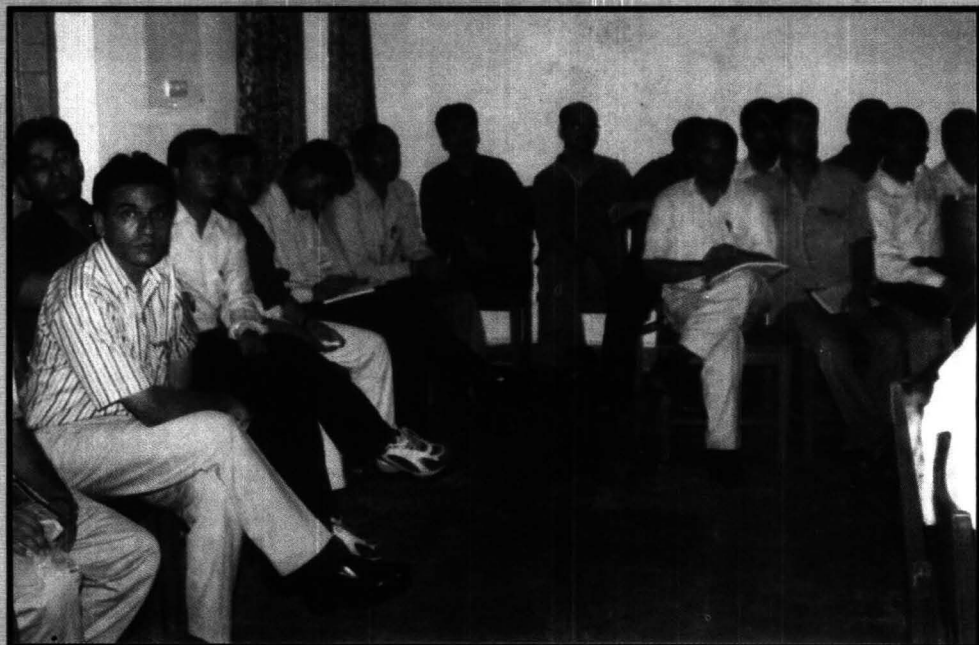


Students attending Inaugural Function



Students attending the Orientation Programme

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Students attending the Orientation Programme

