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Educational (1903) Department.

ORDINARY MS.

G.O., No 223

DATED 16. 5. 03. ✓

INDEXED.

PRINTED IN G.O., dated

26-10 1903, No. 30

[Despatch Abstract.]

Law College

Stating that the Governor in Council
has no reason to propose to the Govt
of India the inclusion of Mr Nelson's
name app't in article 547 of the C.S.R.

These Proceedings

have been subsequently printed.

26-1003

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Stock Form No. 127
2,000-1-5-02.

Educational (1903) Department.

CURRENT No. 683

From

[Name] The Honourable Mr. C. L. Stuart, M.A.,

[Designation] Director of Public Instruction,

[Station] Madras.

DESPATCHED
28 APR 1903

Ref. on Cl.

No. 25 of 1903

Dated 28th April 1903

Enclosures one

Received 2-4-1903.

Registered 30-4-1903.

SUBJECT.

Submitting for the decision of Government copy of a letter from the Principal, Law College, Madras, applying for grant of the special privileges attaching to a Barrister's appointment.

BACK PAPERS.

40. 426 of 24.7-02	624 of 31-10-01
447 of 12-8-01	524 of 29-8-06
483 of 15-8-02	265 of 28-4-06
477 of 14-8-02	167 of 26-3-06
681 of 21-11-01	69 of 15-2-06
82 of 24-10-05	850 of 23-10-05
13 of 7-6-00	

FURTHER PAPERS.

RO: [unclear]
2/5/3

To

The Secretary to Government,
Educational Department.

Sir,

I have the honour to submit, for the decision of Government, the enclosed copy of a letter from Mr. R. A. Nelson, Principal, Law College, applying for grant of the special privileges attaching to a Barrister's appointment under Articles 546 to 550 of the Civil Service Regulations and to state that prima facie Mr. Nelson appears to have a claim to such privileges.

I have the honour to be,

Sir,

Your most obedient servant,

J. R. S. K.

For Director of Public Instruction.

No 70.

2nd April 1903.

From

The Principal,

Law College, Madras.

To

The Director of Public Instruction,

Madras.

Sir,

With reference to your Dis No 3977, dated 30th July 1902 communicating to me G.O. No 426, ^{dated} 24th July 1902 I have the honour to observe that from the copy of the letter from the Secretary of State for India No 46 Public (Educational), dated, 16th May 1902 to the Governor General of India in Council, which appears therein, my service for pension is to count from the 2nd of April 1896, the Secretary of State having disallowed as pensionable the first five years of my service, though that period was included in the recommendation on this question which was made by the Government of Madras and the Government of India.

2. In view especially of this disallowance I am desirous of ascertaining the length of service which would be required from me, and the amount of the consequent pension, and, as regards these two points, believing that I am entitled, as holding a Barrister's appointment, to the special privilege conferred by Chapter XXIV (Articles 546 to 550) Civil Service Regulations, 4th Edition, I have the honour to request that this letter may be treated as an application for the grant of these privileges, and that my application may be laid before Government, and be submitted in due course to the Government of India, and the Secretary of State.

3. That the Principalship of the Law College, Madras, is and was on my first admission to Government service by appointment to that office a "Barrister's appointment" within the meaning of the Civil Service Regulations, is, I think, clear, for the following reasons:-

(1) In G.O. No 634, Educational, dated 7th November 1888 paragraph 6 it is stated that "the Government approves of the Director's proposal that the Principal should be an English Barrister of promise, and, if possible, of experience in

teaching".

(2) In the proposed rules for the College when founded (see G.O.

No 714, Educational, dated 13th November 1889, Appendix) it was laid

down in Rule 11 that "no one shall be eligible for the post of

Principal who is not a graduate of a University, and a Barrister-at-Law

of not less than five years standing; and this qualification

was re-affirmed when the Rules were revised in 1896, (vide Rule

III (iii)) and in 1902 (vide Rule 10). The scheme of the Law

College with its proposed rules were forwarded for the sanction

and recommendation of the Government of India, and, that having been

accorded, the Secretary of State in due course advertised in England

under date 17th December 1890 for applications for the Principalship

stating inter alia "it is required that the Principal shall be a

graduate of a University, and a Barrister-at-Law, who should combine,

if possible, some experience in teaching with actual practice at the

bar". What Government desired was accordingly the services of

a practising Barrister of some standing (of not less than five

years) and as a practising Barrister I was appointed to the

Principalship. On these grounds I submit that I am entitled to

the privileges attaching to a Barrister's appointment as regards

length of service and pension as from the 2nd April 1896 i.e.,

exclusive of my first period of five years' service, in accordance

with the ruling of the Secretary of State, referred to above.

I have &c &c

(Signed) R.A. Nelson,

Principal, Law College.

(True copy)

J.R. Scott

Personal Asst to the Director of

Public Instruction

[F & L]
O.
500-S-0

C. No. 683, From the S.P.G., Dated 28-4-1903.

Subject. W. Nelson's claim for special pension privileges.

W. Nelson entered on his duties as Principal of the Madras Law College on 2nd May 1891. He was then under a five years' agreement. This agreement was renewed for another five years in 1896 & for another five years, with a likelihood of confirmation.

2. He requested that in the event of the College being permanently established after the total period of 15 years, which its continuance has up to date been sanctioned for his services for the 15 years might be counted for pension leave & other privileges. The Secretary of State however allowed only 10 years, from 2nd April 1896 - vide G.O. No 426 of 12-8-01 24th July 1902. During all this correspondence, W. Nelson never said he wanted to be admitted to the privileges conferred on Barristers, Judges & other officers by Sections 546-550 of the C.P. and the understanding all along was that his case was to come under the ordinary rules.

3. Article 547 enumerates the officers who are entitled to these special privileges. If W. Nelson's present request is favourably considered application must be made to the Govt of India for the inclusion of the Principal of the Madras Law College in the list.

(the article would.)
given in Article 547. It is true the Govt have
stipulated that the Principal should always be a
Barrister at law but it is extremely doubtful whether
the appointment is on a par with those mentioned
in article 547 and therefore one which deserves to
be included in the list. It is equally doubtful
whether the Govt of India, if applied to, will consider
the proposal favourably.

4. Orders are solicited

8/15/3
That other officers are
there in India who correspond
to Mr Nelson? are there
similar Colleges to the one
of which he is Principal in
Bombay or elsewhere?

M.P.
8/5

In Bombay there is only a Law School but in
Allahabad there is a "Law Professor" in the main College.
In Calcutta there is no Govt College imparting legal
education. Please see paragraph 118 of the Universities
Commission's report. It does not appear therefore that
there is any corresponding officer in any other part
of India.

8/15/3

The Director's statement that Mr

G.P. No 634 d1 7-11-88. X.

I cannot see that
there is any thing
alike.

M.P.

8/5

Nelson has made out a prima facie claim to
the special privileges attaching to a barrister's
appointment under Arts. 546-550 of the C.S.R. is
not intelligible. There are no special privileges
attaching under Arts. 546-550 to ^{all} appointments
held by Barristers, but under Arts. 548 +
549 certain privileges in regard to Leave & Pension
are attached to ^{certain} definite appointments
specified in Art. 547, provided the holders of
those appointments are Barristers & are not
Civilians. The appointment of Principal of the
Law College is not specified in Art. 547, &
consequently Mr. Nelson can have no claim,
prima facie or otherwise, to the privileges mentioned
in Arts. 548 + 549.

The question therefore amounts to this - Shall
this Govt recommend to the G. of India that the
appointment of Ppal of the Law College be
included in Art. 547 C.S.R.? On this point
the proposal seems to be based solely on the
ground that the Govt has declared that the
Ppal must be a Barrister. It does not seem
to me that this is a sufft reason for importing
entirely new conditions into Mr. Nelson's contract
with the Secretary of State, or that the Govt of

AGL

9.503.

Circulate please.

12503
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Draft please.

Alp 16 503

The draft placed below any issue.

Ph 161513 T50 no 223 Rd-16-5-03 PhC 16500

READ AGAIN G.O., No. _____, dated _____ 190_____

READ ALSO :—

C. No. 683, From the OP9, No. 25, dated 28-4-1903

ORDER

No. 223, dated 16-5-1903

mi

The Governor in Council
sees no reason to propose to the Govt of
India the inclusion of Mr. Nelson's
^{appointment}
~~name~~ in Article 547 of the C.S.R.

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APR 16.5.03

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READ AGAIN G.O. No. _____, DATED _____
 190 .

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPER NOT FILED UP, BEING MEANT FOR DISPATCH
 IN ORIGINAL.

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