Educational (1903) Department.

ORDINARY PRINTED.

G.O., No. 530
531

DATED 26 October 1903

ORIGINAL

[Despatch Abstract.]

Law College

Ordering that the memorial of Mr. R. A. Nelson, Principal of the —— applying for the grant to him of the special privileges detailed in chapter XXIV of the the C.S.R. be forwarded to the Govt of India.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1903} of Madras.

EDUCATIONAL.

Recd. } 1903. *Enclosures*

Regd. *Spare copies*

ORIGINAL

G.O., No. 530, 26th October 1903.

OCTOBER.

R. P.

Law College.

Ordering that the memorial of Mr. R. A. Nelson, Principal of the —, applying for the grant to him of the special privileges detailed in chapter XXIV of the Civil Service Regulations, be forwarded to the Government of India.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 223, Educational, dated 16th May 1903.

Read—the following paper :—

From the Hon'ble Mr. G. H. STUART, M.A., Director of Public Instruction, to the Secretary to Government, Educational department, dated Madras, 28th April 1903, Ref. on Cl. No. 25.

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.

Enclosure.

From the Principal, Law College, Madras, to the Director of Public Instruction, dated 2nd April 1903, No. 70.

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 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 privileges 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 reaffirmed when the rules were revised in 1895 [*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.

Order—No. 223, Educational, dated 16th May 1903.

The Governor in Council sees no reason to propose to the Government of India the inclusion of Mr. Nelson's appointment in article 547 of the Civil Service Regulations.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

G.O., No. 399, Educational, dated 26th August 1903.

Read—the following paper :—

From R. A. NELSON, Esq., M.A., L.L.M., Barrister-at-Law, to the Director of Public Instruction, dated Madras, 10th August 1903, No. 112.

With reference to G.O., No. 223, Educational, dated 16th May 1903, communicated to me in your Dis. Cl. No. 31/03, dated 23rd May 1903, whilst regretting that the Government sees no reason to propose to the Government of India the inclusion of my appointment as Principal of the Madras Law College in Article 547, Civil Service Regulations, I have the honour to request that my letter to you No. 70, dated 2nd April 1903, may be forwarded to the Government of India and the Secretary of State as requested in paragraph 2 of my letter under reference.

2. For the reasons set out in my letter referred to, I submit that all the necessary conditions having been fulfilled, my appointment has been constituted a "Barrister appointment" within chapter XXIV of the Civil Service Regulations, 4th edition, and that therefore it should be recognized as such.

Ref. on Cl. No. 48, dated 15th August 1903.

Submitted to Government, with reference to G.O., No. 223, Educational, dated 16th May 1903.

G. H. STUART,
Director of Public Instruction.

Order—No. 399, Educational, dated 26th August 1903.

The Governor in Council is not prepared to address the Government of India as requested.

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

Read—also the following paper :—

From R. A. NELSON, Esq., M.A., LL.M., Barrister-at-Law, Principal, Law College, Madras, to the Secretary to the Government of India, Home department (Education), Calcutta, (through the Director of Public Instruction, Madras), dated 23rd September 1903.

I have the honour to say as follows :—

(1) That under agreement, dated 2nd April 1891, I was appointed Principal of the Law College, Madras, by the Right Honourable the Secretary of State for India for a period of five years.

(2) That I was reappointed Principal by the Government of Madras for another period of five years from 2nd May 1896 (I having taken over the duties of the office on 2nd May 1891), and again reappointed for a further period of five years with effect from 2nd May 1901.

(3) That the Secretary of State for India in his letter to His Excellency the Right Honourable the Governor-General of India in Council, No. 46, Public (Educational), dated 16th May 1902, sanctioned my service being pensionable with effect from 2nd April 1896 without reference to the future position of the college.

(4) With regard to the length of service, leave rules, pension, etc., I submit that, as holding a Barrister's appointment, I should be accorded the privileges conferred by chapter XXIV (articles 546 to 560) of the Civil Service Regulations, 4th edition.

(5) 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 :—

(i) In G.O., No. 631, Educational, dated 7th November 1888, paragraph 6, it is stated that "the Government approve of the Director's proposal that the Principal should be an English Barrister of promise, and, if possible, of experience in teaching".

(ii) In the proposed rules for the Law 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 reaffirmed when the rules were revised in 1895 [*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.

Endt. R. Cl. No. 58, dated 25th September 1903.

Submitted.

G. H STUART,
Director of Public Instruction.

Order—No. 530, Educational, dated 26th October 1903.

Mr. Nelson's memorial will be forwarded to the Government of India.

[Here enter letter No. 531, Educational, dated 26th October 1903.]

(True Extract.)

A. G. CARDEW,
Ag. Secretary to Government.

To the Director of Public Instruction.

Exd. T. K. Narayana Aiyangar.

No. 531.

From

A. G. CARDEW, Esq., I.C.S.,
Acting Secretary to the Government of Madras,
Educational Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Madras, 26th October 1905.

SIR,

I am directed to forward, for the orders of the Government of India, a memorial from Mr. R. A. Nelson, Principal of the Madras Law College, in which he applies for the grant to him of the special privileges detailed in chapter XXIV of the Civil Service Regulations.

2. In April last Mr. Nelson made a similar application to the Madras Government, the sole ground for the request being that, under the rules regarding the Law College framed by this Government, the Principal is required to be a Barrister and that Mr. Nelson was appointed as a practising Barrister. On Mr. Nelson's admission to the service, however, no hope was held out to him that he would be granted the privileges referred to in chapter XXIV of the Civil Service Regulations. The terms of his appointment were set forth in an agreement with the Secretary of State, dated 2nd April 1891, a copy of which is recorded in G.O., No. 360, Educational, dated 18th May 1891, and Mr. Nelson has, from time to time, accepted an extension of service on those terms, subject to such specified modifications as are contained in G.O., No. 167, Educational, dated 26th March 1896, and G.O., No. 426, Educational, dated 24th July 1902. The Governor in Council considered that no sufficient grounds existed for importing entirely new conditions into Mr. Nelson's contract with the Secretary of State and saw therefore no reason to propose to the Government of India the inclusion of Mr. Nelson's name in article 547 of the Civil Service Regulations and informed him accordingly.

3. The present memorial is an appeal from this decision. Mr. Nelson adduces no fresh argument in this memorial, and His Excellency in Council has no recommendation to offer on his behalf. The orders passed on the original application and the Proceedings of Government to which reference is made in the present memorial are appended.

I have the honour to be,
Sir,
Your most obedient servant,

A. G. CARDEW,
Ag. Secretary to Government.

Exd. T. K. Narayana Aiyangar.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., Nos. 530, 531, EDUCATIONAL, DATED 26TH OCTOBER 1903.

[SUBJECT.—*Mr. Nelson's claim for special pension privileges.*]

From the Director of Public Instruction, Cl. No. 25, *dated* 28*th April* 1903.

Mr. Nelson entered on his duties as Principal of the Madras Law College on 2nd May 1891. He was then under a five years' agreement (G.O., No. 360, dated 18th May 1891). This agreement was renewed for another five years in 1896 (G.O., No. 167, dated 26th March 1896), and for another five years in 1901 with a likelihood of confirmation (G.O., No. 447, dated 12th August 1901).

2. He requested that in the event of the college being permanently established after the total period of fifteen years for which its continuance has up to date been sanctioned his services for the fifteen years might be counted for pension, leave and other privileges. The Secretary of State, however, allowed only ten years from 2nd April 1896—*vide* G.O., No. 426, Educational, dated 24th July 1902. During all this correspondence Mr. Nelson never said he wanted to be admitted to the privileges conferred on Barrister-Judges and other officers by sections 546–550 of the Civil Service Regulations, 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 Mr. Nelson's present request is favourably considered, application has to be made to the Government of India for the inclusion of the Principal of the Madras Law College in the list given in the article named. It is true the Government have stipulated that the Principal should always be a Barrister-at-Law (G.O., No. 634, dated 7th November 1888), 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 Government of India, if applied to, will consider the proposal favourably.

I cannot see that there is anything alike.

A. T. PRINGLE—8-5-03.

4. Orders are solicited.

P. T. THARYAN—8-5-03.

What 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?

A. T. PRINGLE—8-5-03.

In Bombay there is only a Law school, but in Allahabad there is a "Law Professor" in the Muir College. In Calcutta there is no Government 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.

P.T.T.—8-5-03.

The Director's statement that Mr. Nelson has made out a *primâ facie* claim to the special privileges attaching to a Barrister's appointment under articles 546–550 of the Civil Service Regulations is not intelligible. There are no special privileges attaching under articles 546–550 to all appointments held by Barristers, but under articles 548 and 549 certain privileges in regard to leave and pension are attached to certain definite appointments specified in article 547, provided the holders of those appointments are Barristers and are not Civilians. The appointment of Principal of the Law College is not specified in article 547, and consequently Mr. Nelson can have no claim *primâ facie* or otherwise to the privileges mentioned in articles 548 and 549.

2. The question therefore amounts to this—shall this Government recommend to the Government of India that the appointment of Principal of the Law College be included in article 547, Civil Service Regulations? On this point the proposal seems to be based solely on the ground that the Government has declared that the Principal must be a Barrister. It does not seem to me that this is a sufficient reason for importing entirely new conditions into Mr. Nelson's contract with the Secretary of State, or that the Government of India would accept such a recommendation unless further and stronger reasons were brought forward.

A. G. CARDEW—9–5–03.

The Government of Madras made its contract without any reference to India on this particular point so far as I know. Mr. Nelson seems to ask simply that his office be included in article 547. That the Government of India is not at all likely to agree to, and we have no reason to propose it. Circulate please.

J. T[HOMSON]—12–5–03.

I agree.

H. M. W[INTERBOTHAM]—13–5–03.
A[MPTHILL]—14–5–03.

The draft placed below may issue.

P. T. THARYAN—16–5–03.

A.G.C.—16–5–03.

[G.O., No. 223, Educational, dated 16th May 1903.]

From the Director of Public Instruction, dated 15th August 1903, Cl. No. 48.

In April last Mr. Nelson applied for the grant to him of the privileges conferred on Barristers holding certain appointments by chapter XXIV of the Civil Service Regulations, and he was informed that the Governor in Council saw no reason to submit the proposal to the Government of India (G.O., No. 223, dated 16th May 1903). He now requests that his application may be forwarded to the Government of India and the Secretary of State. This seems to be a most improper request, but he may perhaps be simply informed that his request is inadmissible.

P.T.T.—22–8–03.

Mr. Nelson (as any one who knows him is aware) belongs to the class of persons which can never learn official etiquette! I don't suppose he has any notion that his request is improper.

2. We might ask the Director u.o. to see Mr. Nelson and explain that if he wishes to appeal he must do in the form of a memorial.

A. T. PRINGLE—24–8–03.

The Assistant Secretary's suggestion may, I think, be adopted.

A.G.C.—24–8–03.

The proper answer to give is that Government decline to address the Government of India as requested.

J. T[HOMSON]—25–8–03.

A draft is submitted for approval.

P. T. THARYAN—26–8–03.

A. T. PRINGLE—26–8–03.
A. G. CARDEW—26–8–03.

[G.O., No. 399, Educational, dated 26th August 1903.]

From the Director of Public Instruction, dated 25th September 1903, Cl. No. 58.

The draft placed below may issue.

P.T.T.—5–10–03.

A.T.P.—6–10–03.
A.G.C.—6–10–03.
G. S. F[ORBES]—7–10–03.

[G.O., Nos. 530, 531, Educational, dated 26th October 1903.]

Stock Form No. 127
2,000—12-2-03.

Educational (1903) Department.

CURRENT No. 1549

From

[*Name*] The Hon'ble Mr. G.H. Stuart, M.A.,

[*Designation*] Director of Public Instruction,

[*Station*] Madras.

R.Cl.No. 58/03

Dated 25th September 1903.

Enclosures One

SECRETARY TO GOVERNMENT,
27 SEP 1903
LOCAL & MUNICIPAL DEPARTMENT.

Received 190 .

Registered 28-9- 1903.

SUBJECT.

~~Forwarding~~ Submitting a letter addressed to the Government of India from Mr Nelson, Principal, Law College, Madras, applying for the grant of certain Special privileges under Articles 546 to 550 of the Civil Service Regulations, 4th Edition.

BACK PAPERS.

634- 7-11-88 se
714- 13-11-89 se
399- 26-8-03

223-16-5-03 & papers

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

[redacted]

[E. 3]
1,000—5-12-02.

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. 223, dated 16-5-1903.

" " " " 399, " 26-8-1903.

READ ALSO:—

C. No. 1549, From the D.P.I., No. el 58, dated 25-9-1903.

" " " " " " 190 .

" " " " " " 190 .

ORDER No. 530, dated 26-10-1903.

[redacted] Mr. Nelson's memorial will be forwarded to the Govt. of India.

Pjs 5/10/03

6.10.

Letter No. 531 dated 26-10-03.

To the Secretary to the Govt. of India
Home Depart.

Sir,

I am directed to forward for the orders of the Govt. of India a memorial, ~~addressed to them~~, from Mr. R.A. Nelson, Principal of the Madras Law College, in which he applies for the grant to him of the special privileges detailed in Chapter XIV of the C.S.R.

Issue.
BG 7.1003

To the D.P.I.

2 3

C.S.R.

2. In April last Mr. Nelson made a similar application to the Madras Govt., the sole ground for the request being that ~~the Rules regarding the Law~~ under the Rules regarding the Law College framed by this Govt † the Principal ~~of the Law College should be~~ is required to be a Barrister. On Mr. Nelson's admission to the service, however, no hope was held out to him that he would be granted the privileges referred to in Chap XXIV C.S.R. The Governor in Council ~~did not~~ considers that ~~the~~ ~~facts~~ ~~would be sufficient~~ no grounds existed sufficient for importing entirely new conditions into Mr. Nelson's Contract with the Secretary of State ~~in Council~~ and therefore no reason to propose to the Govt. of India the inclusion of Mr. Nelson's name in Article 547 of the C.S.R. and informed him accordingly.

3. The present memorial is an appeal from this decision. Mr. Nelson adduces no fresh argument in this memorial and His Excellency in Council has no recommendation to offer on his behalf. ~~Copies of the~~ orders passed on the original application ~~as well as of~~ the proceedings of Govt. to which reference is made in the present Memorial are ~~forwarded~~ appended.

PH 5/10/3 Dff 6.10.03 MLP 6/10 H.M.

* G.O. No 223 Edl dd 16-5-03. J.

† Rule 10 of the Law College rules printed in G.O. No. 483 dd 15-8-02. G

and that Mr. Nelson was appointed as a practising barrister.

terms of his appointment were set forth in an agreement with the Secy of State dated 2 Apl. 1891, a copy of which is recorded in G.O. No. 360 Edl. dated 18 May 1891, & Mr. Nelson has, from time to time, accepted an extension of Service on those terms, subject to such specified modifications as are contained in G.O. No. 167 Edl. dated 26 March 1896 and G.O. No. 426 Edl. dated 24 July 1902.

P Z

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete. 6 / Letter only. / Order complete with Letter.

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH ORIGINAL.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.