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Educational (1903) Department.

ORDINARY PRINTED.

G.O., No. 550

DATED 12.11.03

N. F.

DEXED.

GINAL

Abstract.]

Liquidation Bill.

BACK PAPERS.

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

FURTHER PAPERS.

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Government {1903} of Madras.

EDUCATIONAL.

Recd. } 1903. *Enclosures*

Regd. } *Spare copies*

O[illegible]AL

G.O., No. 550, 12th November 1903.

N. P.

NOVEMBER.

Indian Universities Bill.

Communicating to the Honourable the Judges of the High Court, the Syndicate of the University of Madras, the Director of Public Instruction and to certain selected officers and persons, for favour of an expression of their opinion, the Bill received from the Government of India to amend the law relating to the Universities of British India.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper:—

From J. M. MACPHERSON, Esq., C.S.I., Secretary to the Government of India, Legislative department, to the Secretary to the Government of Madras, Legislative department, dated Simla, 5th November 1903, No. 2161.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill and with the opinions of the Honourable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Bill to amend the law relating to the Universities of British India, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 31st December 1903.

Order—No. 550, Educational, dated 12th November 1903.

Communicated to the Honourable the Judges of the High Court, the Syndicate of the University of Madras, the Director of Public Instruction and the marginally noted officers for favour of an expression of their opinion on the provisions of the Bill. The reply should be submitted so as to reach the Government by the 10th of December next at latest.

The Hon'ble Mr. J. B. Bilderbeck.
Mr. J. H. Stone.
Colonel Love, R.E.
Lieut.-Col. Maitland, I.M.S.

2. The Revd. W. Miller, LL.D., D.D., C.I.E., the Revd. Father J. D. W. Sewell, S.J., the Revd. W. H. Blake, B.A., and the Hon'ble C. Sankaran Nayar will also be invited to favour Government with their opinion on the Bill before the date mentioned in the foregoing paragraph.

(True Extract.)

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

To the Honourable the Chief Justice (with C.L.).
„ the Registrar of the University of Madras.
„ the Director of Public Instruction.
„ the Hon'ble Mr. J. B. Bilderbeck.
„ Mr. J. H. Stone.
„ Colonel Love, R.E.
„ Lieut.-Col. Maitland, I.M.S.
„ the Revd. W. Miller, LL.D., D.D., C.I.E.
„ the Revd. Father J. D. W. Sewell, S.J
„ the Revd. W. H. Blake.
„ the Hon'ble C. Sankaran Nayar.

Exd. J. Magmadas.

Educational Department.

NOTES CONNECTED WITH G.O., No. 550, EDUCATIONAL, DATED 12th NOVEMBER 1903.

Legislative Department.

[Subject.—*The Indian Universities Bill.*]

From the Government of India, Legislative department, No. 2161, *dated 5th November* 1903.

A copy of the Bill and the Statement of Objects and Reasons has been forwarded to the Superintendent, Government Press, for publication in to-morrow's gazette. Orders are solicited as to whether publication in any vernacular language is necessary. The Bill affects only those who are acquainted with the English language and publication in the vernacular languages may be unnecessary. As soon as this question is decided, the file may be transferred u.o. to the Educational department for further necessary action.

P. T. Tharyan—9-11-03.

I think publication in vernacular is desirable.

A. G. Cardew—10-11-03.

The draft memorandum placed below requesting the Translators to Government to translate the Bill and the Statement of Objects and Reasons may issue and the file may then be transferred u.o. to the Educational department.

A.G.C.—10-11-03.

N.L.R.—10-11-03.

P.T.T.—10-11-03.

[Memorandum No. 629, dated 11th November 1903.]

To the Educational department.

Educational Department.

The draft placed below is submitted. The names of officers and private persons entered in the draft are subject to approval. Perhaps a reference to both Messrs. Bilderbeck and Stone may be unnecessary. A reference to Mr. Blake also may be unnecessary.

P.T.T.—11-11-03.

Mr. Stone may be useful and Mr. Bilderbeck is necessary.

A.G.C.—11-11-03.

Both (Messrs. Stone and Bilderbeck) may be consulted.

2. Issue in the vernaculars is quite unnecessary; every one who would either understand the Bill or be able to form an opinion on it knows English; so translation is quite an unnecessary trouble and expense.

3. The opinions of Colonel Love and Dr. Maitland are probably not very important; but no harm in including them.

4. The draft is approved.

G. S. F[ORBES.]—12-11-03.

Cancel the order for vernacular translations at once, and issue the G.O.

A.G.C.—12-11-03.

[Memorandum No. 633, dated 12th November 1903.]

[G.O., No. 550, Educational, dated 12th November 1903.]

[E. & L. 5] 500-28-2-02.

~~Legislative~~ Educational (190?) Department. 1

Cir. ~~D.O.~~ No. ~~493~~ 1826

From

[*Name*] J. M. Macpherson Esq., C.S.I.,

[*Designation*] Secretary to the Govt. of India, Legislative Department.

[*Station*] Simla.

No. 2161

Dated 5-11- 1903.

Enclosures 2 with 39 s.c. of each

Received 9-11- 1903.

Registered 9-11- 1903.

SUBJECT.

Forwarding for publication Copies of the Indian Universities Bill and the Statement of Objects and Reasons and requesting to be furnished with the Views of this Govt and to be informed of the date of publication of both.

BACK PAPERS.

To 216-17 of 03 copy ✓

FURTHER PAPERS.

To

The Chief Secretary to Government,

Department.

Sir,

THE UNIVERSITIES BILL.

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THE FIRST SCHEDULE.—EX OFFICIO FELLOWS OF THE UNIVERSITY.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

A

BILL

TO

Amend the law relating to the Universities of British India.

WHEREAS by Acts II, XXII and XXVII of 1857, Act XIX of 1882 and Act XVIII of 1887 Universities were established and incorporated at Calcutta, Bombay, Madras, Lahore and Allahabad;

And whereas by Act XLVII of 1860 the Universities of Calcutta, Madras and Bombay were empowered to confer such degrees as should be appointed in the manner provided by the Act;

And whereas by Act I of 1884 the Universities of Calcutta, Madras and Bombay were further empowered to confer the Honorary Degree of Doctor in the Faculty of Law;

And whereas it is expedient to amend the law relating to the Universities of British India;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Universities Act, 1904; and

(*2*) It shall come into force on such date as the Government may fix in this behalf by notification in the Gazette of India or the local official Gazette, as the case may be.

Interpretation.

2. (*1*) This Act shall be deemed to be part of each of the Acts by which the said five Universities were respectively established and incorporated.

(*2*) In this Act, unless there is anything repugnant in the subject or context—

(*a*) the expression "the Government" means in relation to the University of Calcutta the Governor General in Council, and in relation to the other Universities the Local Government; and

(*b*) the expressions "the University" and "the Act of Incorporation" and any expression denoting any University authority or officer or any statute, regulation, rule or by-law of the University shall be construed with reference to each of the said Universities respectively.

The University.

Incorporation and powers of the University.

3. The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power, subject to the approval of the Government,—

(*a*) to appoint Professors and Lecturers,

(*b*) to hold and manage educational endowments,

(*c*) to make regulations relating to the residence and conduct of students, and

(*d*) to do all acts, consistent with the Act of Incorporation and this Act, which tend to the promotion of study and research.

Constitution and powers of the Senate.

4. (*1*) The Body Corporate of the University shall consist of—

(*a*) the Chancellor ;

(*b*) in the case of the University of Calcutta, the Rector ;

(*c*) the Vice-Chancellor ;

(*d*) the *ex officio* Fellows ; and

(*e*) the Ordinary Fellows, who shall be—

(*i*) elected by registered Graduates or by the Senate,

(*ii*) elected by the Faculties, and

(*iii*) nominated by the Chancellor,

and shall, save as herein otherwise provided, hold office for five years.

(*2*) The Body Corporate shall be the Senate of the University, and all powers which are by the Act of Incorporation or by this Act conferred upon the Senate, or upon the Chancellor, Vice-Chancellor and Fellows in their corporate capacity, or, in the case of the University of Calcutta, upon the Chancellor, Rector, Vice-Chancellor and Fellows in their corporate capacity, shall be vested in, and exercised by, the Senate constituted under this Act, exclusively.

Fellows.

Ex officio Fellows.

5. (*1*) The persons for the time being performing the duties of the offices mentioned in the first schedule to this Act shall be *ex officio* Fellows of the University.

(*2*) The Government may, by notification published in the Gazette of India or in the local official Gazette, as the case may be, make additions to, or alterations in, the list of offices contained in the said schedule :

Provided that the number of *ex officio* Fellows shall not exceed ten.

Ordinary Fellows.

6. (*1*) In the case of the Universities of Calcutta, Bombay and Madras, the number of Ordinary Fellows shall not exceed one hundred ; and of such number—

(*a*) ten shall be elected by registered Graduates ;

(*b*) any number not exceeding ten may be elected by the Faculties ; and

(*c*) the remainder shall be Fellows nominated by the Chancellor.

(*2*) In the case of the Universities of the Punjab and Allahabad, the number of Ordinary Fellows shall not exceed seventy-five ; and of such number—

(*a*) eight shall be elected by registered Graduates or by the Senate ;

(*b*) any number not exceeding seven may be elected by the Faculties ; and

(*c*) the remainder shall be Fellows nominated by the Chancellor.

(*3*) The election by registered Graduates, by the Senate or by the Faculties of any Ordinary Fellow shall be subject to the approval of the Chancellor.

Ordinary Fellows elected by registered Graduates.

7. (*1*) Once in every year, on such date as the Chancellor may appoint in this behalf, there shall be an election to fill any vacancy among the Ordinary Fellows elected by registered Graduates.

(*2*) The Syndicate shall maintain a register on which any Graduate who—

(*a*) has taken the highest degree in any Faculty, or

(*b*) has taken two degrees in the University, one of which is a degree in the Faculty of Arts, or,

(*c*) in the case of a Graduate of the University of Calcutta, has taken the degree of Bachelor of Arts in or before the year 1857,

shall, subject to the payment of an initial fee of two rupees, be entitled to have his name entered upon application made within the period of one year from the commencement of this Act or from the date on which he becomes so entitled.

(*3*) The name of any Graduate entered on the register shall, subject to the payment of an annual fee of two rupees, be retained thereon, and, in case of default, shall be removed therefrom, but shall, at any time, be re-entered upon payment of all arrears.

(*4*) Any Graduate whose name is entered on the said register shall be qualified to vote or to be elected at an election held under sub-section (*1*).

Ordinary Fellows elected by Senates.

8. (*1*) The provisions of section 7 shall not apply to the University of the Punjab or to the University of Allahabad until the Chancellor, with the previous sanction of the Governor General in Council and by notification in the local official Gazette, so directs ; and until such time the Ordinary Fellows of the said Universities who would be elected by registered Graduates if the said provisions were in force, shall be elected by the Senate.

Ordinary Fellows elected by Faculties.

9. (*1*) The Chancellor may, at any time, authorize the Members of or Graduates in any Faculty to elect to the maximum numbers specified in section 6, sub-sections (*1*) and (*2*), clause (*b*), any one of the Members thereof or Graduates therein to be an Ordinary Fellow.

(*2*) In authorizing an election under sub-section (*1*), the Chancellor may prescribe the conditions subject to which Members of or Graduates in the Faculty shall be qualified to elect or be elected.

Ordinary Fellows nominated by Chancellor.

10. Subject to the provisions of section 6, the Chancellor may nominate any number of fit and proper persons to be Ordinary Fellows.

11. (*1*) Any Ordinary Fellow may, by letter addressed to the Chancellor, resign his office.

Vacating of office.

(*2*) Where any Ordinary Fellow has not attended a meeting of the Senate, other than a Convocation, during the period of one year, the Chancellor may declare his office to be vacated.

Transitory Provision.

12. In their application to Ordinary Fellows to be elected or nominated within the period of one year after the commencement of this Act, the foregoing provisions shall be read as subject to the following restrictions and modifications, namely :—

Transitory provision regarding Ordinary Fellows to be elected or nominated within one year after commencement of Act.

(*a*) the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows who under the said provisions are to be elected by registered Graduates shall be—

(*i*) elected or chosen by drawing of names or otherwise by the elected Fellows holding office at the commencement of this Act, or

(*ii*) elected by the Members of or Graduates in various Faculties in any specified proportions, or

(*iii*) elected by the holders of any specified degrees, or

(*iv*) elected by a combination of all or any of the foregoing constituent bodies ;

(*b*) every Ordinary Fellow elected, chosen or nominated within the said period of one year after the commencement of this Act, shall, unless he otherwise ceases to be a Fellow, hold office for not less than three years ;

(*c*) at or about the end of the third, fourth, fifth and sixth years from the commencement of this Act, the names of as nearly as may be one-fifth—

(*i*) of the Ordinary Fellows elected or chosen under clause (*a*), and

(*ii*) of the remaining Ordinary Fellows referred to in clause (*b*),

respectively, shall be drawn by lot, and those whose names are so drawn shall cease to be Fellows from the day on which the result of the drawing is declared ;

(*d*) any Ordinary Fellow whose name has not been drawn under clause (*c*), and who has not otherwise ceased to be a Fellow, shall cease to be a Fellow at the end of the seventh year from the commencement of this Act.

Honorary Fellows.

13. (*1*) Every Fellow holding office at the commencement of this Act and not elected, chosen or nominated to be an Ordinary Fellow under this Act

Honorary Fellows.

shall cease to be a Fellow and shall, subject to the provisions of sub-section (*3*), be an Honorary Fellow for life.

(*2*) The Chancellor may nominate any person to be an Honorary Fellow for life either by reason of his attainments in any branch of learning, or in connection with services rendered to the cause of education.

(*3*) Any Honorary Fellow elected or nominated to be an Ordinary Fellow under this Act shall cease to be an Honorary Fellow.

(*4*) Honorary Fellows shall in any Convocation for conferring degrees take precedence next after the Vice-Chancellor and before the Ordinary Fellows.

(*5*) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority, shall continue to be so entitled as if this Act had not been passed.

Faculties and Syndicate.

14. Nothing contained in the Act of Incorporation shall be deemed to prohibit the constitution of a new Faculty or the abolition or reconstitution of any existing Faculty.

Faculties.

15. (*1*) The executive government of the university shall be vested in the Syndicate, which shall consist of—

Syndicate.

(*a*) the Vice-Chancellor as Chairman ;

(*b*) the Director of Public Instruction for the time being ; and

(*c*) not less than nine or more than fifteen *ex officio* or Ordinary Fellows elected by the members of the Senate representing the various Faculties in such proportion as may be determined by regulation, to hold office for a period of two years unless, before the expiration of such period, they cease to be Fellows.

(*2*) Where a Faculty is represented in the Syndicate by an even number of Fellows, not less than one-half of the number shall be Heads of or Professors in Colleges affiliated to the University.

(*3*) Where a Faculty is represented in the Syndicate by an odd number of Fellows, a number, which shall not fall short by more than one of a majority, shall be Heads of or Professors in such Colleges.

(*4*) The Syndicate may elect one of their number to be Vice-Chairman during his term of office as a member of the Syndicate ; and in the absence of the Chairman and Vice-Chairman, if any, the senior Fellow present, being a member of the Syndicate, shall preside.

The Indian Universities Bill.

(Degrees.—Sections 16-18. Affiliated Colleges—Sections 19-21.)

Degrees.

16. The Senate may confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation.

Degrees, diplomas, licenses, titles and marks of honour.

17. Where the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate recommend that an honorary degree be conferred on any person and their recommendation is supported by a majority of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Honorary degrees.

18. Where evidence is laid before the Syndicate showing that any person on whom a degree, diploma, license, title or mark of honour conferred or granted by the Senate has been convicted of what is, in their opinion, a serious offence, the Syndicate may propose to the Senate that the degree, diploma, license, title or mark of honour be cancelled, and, if the Senate shall accept the proposal, the degree shall be cancelled accordingly.

Cancellation of degrees and the like.

Affiliated Colleges.

19. Save by special order of the Senate, no person shall be admitted as a candidate at any University Examination, other than the Entrance or Matriculation Examination, unless he produces a certificate from a College affiliated to the University, to the effect that he has completed the course of instruction prescribed by regulation.

Certificate required of candidates for examination.

20. Any College affiliated to the University before the passing of this Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn or restricted in the exercise of any power conferred by the Act of Incorporation or by this Act.

Existing Colleges.

21. (*1*) A College applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate—

Affiliation.

(*a*) that the College is to be under the management of a properly constituted governing body;

(*b*) that the qualifications of the teaching staff and the terms on which they are engaged are such as to make due provision for the courses of instruction to be undertaken by the College;

(*c*) that the buildings in which the College is to be located are suitable, and that due provision will be made for the residence, supervision and physical welfare of students;

The Indian Universities Bill.

(Affiliated Colleges.—Sections 22-23.)

(*d*) that due provision will, so far as circumstances may permit, be made for the residence of the Head of the college and members of the teaching staff in or near the College;

(*e*) that the financial resources of the College are such as to make due provision for its permanent maintenance;

(*f*) that the affiliation of the College, having regard to the provision made for students by other Colleges in the same neighbourhood, will not be injurious to the interests of education or discipline; and

(*g*) that the fees to be paid by the students have not been so fixed as to involve such competition with any existing College as may be considered by the Syndicate to be unfair and injurious to the interests of education.

(*2*) On receipt of a letter of application under sub-section (*1*), the Syndicate shall—

(*a*) cause the College to be inspected by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf;

(*b*) make such further inquiry as may appear to them to be necessary; and

( ) report to the Senate on the question whether the application should be granted or refused embodying in such report the results of the inspection and inquiry (if any) under clauses (*a*) and (*b*).

(*3*) The Syndicate shall submit the application and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

22. Where a College desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 21, sub-sections (*2*) and (*3*) shall, so far as may be, be followed.

Extension of affiliation.

23. (*1*) Every College affiliated to the University shall furnish such reports, returns and other information as the Syndicate may require.

Inspection and reports.

(*2*) The Syndicate may cause any such College to be inspected by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in section 21, sub-section (*1*).

24. (*1*) Where notice is given in the Syndicate of a proposal to disaffiliate a College, in whole or in part, the Registrar shall forthwith send a copy of the proposal and a statement of the grounds on which it is made to the Head of the College, together with an intimation that any representation in writing submitted on behalf of the College will be considered by the Syndicate within a period specified in such intimation.

Disaffiliation.

(*2*) On receipt of the representation or on expiration of the period referred to in sub-section (*1*), the Syndicate, after considering the proposal, statement and representation and after such inspection by members of the Syndicate or by any other competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, shall make a report to the Senate.

(*3*) The Syndicate shall submit the proposal and all proceedings relating thereto and the opinion recorded by the Senate thereon to the Government, who, after such further inquiry as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(*4*) Where by an order made under sub-section (*3*) the rights conferred by affiliation are withdrawn, in whole or in part, the grounds for such withdrawal shall be stated in the order.

Regulations.

25. (*1*) The Senate, with the sanction of the Government, may, by regulations consistent with the Act of Incorporation as amended by this Act and with this Act, provide for all matters relating to the University.

Regulations.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the procedure to be followed in holding any election under section 7, sub-section (*1*);

(*b*) the constitution, reconstitution or abolition of Faculties, the proportion in which the members, other than the *ex officio* members, of the Syndicate shall be elected by the various Faculties, and the mode in which such election shall be conducted;

(*c*) the procedure at meetings of the Senate, Syndicate and Faculties;

(*d*) the constitution and procedure of Boards of Studies;

(*e*) the appointment and duties of the Registrar and of officers and servants of the University, and of Professors and Lecturers appointed by the University;

(*f*) the form of the certificate to be produced by a candidate for examination under section 19 and the terms on which any such certificate may be granted;

(*g*) the appointment of Examiners, and the duties and powers of Examiners in relation to the examinations of the University;

(*h*) the reports, returns and other information to be furnished by Colleges;

(*i*) the courses of study to be followed and the conditions to be complied with by candidates for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University;

(*j*) the registers of Graduates and students to be kept by the University or by colleges affiliated to the University, and the fee, if any, to be paid for the entry or retention of a name on any such register;

(*k*) the rules to be observed and enforced by colleges affiliated to the University in respect of the transfer of students;

(*l*) the fees to be paid in respect of the courses of instruction given by Professors or Lecturers appointed by the University;

(*m*) the residence and conduct of students;

(*n*) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for matriculation;

(*o*) the conditions to be complied with by candidates, not being students of any college affiliated to the University, for matriculation, degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University; and

(*p*) the alteration or cancellation of any rule, regulation, statute or by-law of the University in force at the commencement of this Act.

26. (*1*) As soon as may be after the first election and nomination of Ordinary Fellows under this Act, the Senate shall cause a revised body of regulations to be prepared.

New body of regulations.

(*2*) The regulations so prepared shall be submitted in draft to the Government, who, after consulting (if necessary) such persons, not more than three in number, as the Senate may depute in this behalf, may sanction the regulations with such additions and alterations as may appear to them to be necessary.

(*3*) Where a draft body of regulations is not submitted by the Senate within one year after the commencement of this Act, the Government may make regulations which shall have the same force as if they had been prepared under sub-section (*1*) and sanctioned under sub-section (*2*).

Miscellaneous.

27. The Governor General in Council may, by general or special order, define the territorial limits within which, and specify the colleges in respect of which, any powers conferred by or under the Act of Incorporation or this Act shall be exercised.

Territorial exercise of powers.

28. (*1*) The Lieutenant-Governor of Bengal for the time being shall be the Rector of the University of Calcutta and shall have precedence in any

Rector.

Convocation of the said University next after the Chancellor and before the Vice-Chancellor

(2) The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.

29. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the second column thereof.

Repeals.

THE FIRST SCHEDULE.

(*Section 5.*)

EX OFFICIO FELLOWS OF THE UNIVERSITY.

The University of Calcutta.

The Chief Justice of the High Court of Judicature at Fort William in Bengal.

The Lord Bishop of Calcutta.

The Civil Ordinary Members of the Council of the Governor General.

The Director of Public Instruction, Bengal.

The University of Bombay.

The Chief Justice of the High Court of Judicature at Bombay.

The Bishop of Bombay.

The Ordinary Members of the Council of the Governor of Bombay.

The Director of Public Instruction, Bombay.

The University of Madras.

The Chief Justice of the High Court of Judicature at Madras.

The Bishop of Madras.

The Ordinary Members of the Council of the Governor of Madras

The Director of Public Instruction, Madras.

The University of the Punjab.

The Chief Judge of the Chief Court of the Punjab.

The Bishop of Lahore.

The Director of Public Instruction, Punjab.

The Representatives of such Chiefs, if any, of territories not comprised in British India as the Local Government may, by notification in the local official Gazette, specify in this behalf.

The University of Allahabad.

The Chief Justice of the High Court of Judicature for the North-Western Provinces.

The Bishop of Lucknow.

The Director of Public Instruction, United Provinces of Agra and Oudh.

THE SECOND SCHEDULE.

(*Section 29.*)

ENACTMENTS REPEALED.

Act.	Extent of repeal.
II of 1857 ...	In section 6 the words "The Lieutenant-Governors of Bengal and the North-Western Provinces."
	Section 8, except the first sentence.
	Sections 10, 11, 12, 13 and 14.
XXII of 1857 ...	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.
XXVII of 1857...	Section 8, except the first sentence, and sections 10, 11, 12, 13 and 14.
XLVII of 1860...	The whole Act.
XIX of 1882 ...	Sections 12, 13, 14, 15, 16 and 18.
	In section 20 the words "under sections fourteen, fifteen and sixteen and all statutes, rules and regulations made under section eighteen."
I of 1884 ...	The whole Act.
XVIII of 1887 ...	Sections 12, 13, 14, 15 and 17.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Amend the law relating to the Universities of British India.

(*Mr. Raleigh.*)

G. C. Press, Simla.—No. C-2 L. D.—5-11-03—1,000.

STATEMENT OF OBJECTS AND REASONS.

THE Report of the Indian Universities Commission, which has been published and submitted for the opinion, not only of Local Governments and officials, but also of representative bodies and the public generally, points out the defects of the present system of higher education and outlines a comprehensive scheme of administrative and legislative reform. The criticisms evolved by its publication have been carefully and anxiously considered, and the present Bill aims at conferring the legal authority necessary to give effect to the principles and the policy which the Government of India desire to see adopted in future. The experience of the last fifty years in India has proved that a system which provides merely for examining students in those subjects to which their aptitudes direct them, and does not at the same time compel them to study those subjects systematically under efficient instruction, tends inevitably to lower the standard of College education.

2. In dealing with the demand for teaching Universities, the Commissioners suggested the formation of central schools of advanced study, with provision for the residence of students. The Bill does not attempt to formulate any definite scheme in this connection, but clause 3 will confer upon all the Universities the requisite legal authority to make regulations relating to the promotion of advanced study and to the residence and conduct of students generally.

3. Following in the main the opinions of Local Governments, the Bill proposes to fix the number of Fellows, other than *ex officio* Fellows, at 100 in the case of the older Universities and at 75 in the case of the Punjab and Allahabad.

Calcutta	...	... 9
Bombay	...	... 9
Madras	...	... 7
Allahabad	...	... 17
Punjab	...	... 14

As regards *ex officio* Fellows, the present numbers, which are shown in the margin, involve the double anomaly, first, that the Universities of the Punjab and Allahabad contain a disproportionately large number of such Fellows in comparison with the older Universities, and, secondly, that in those Universities the reformed Senates will be liable to be swamped by the *ex officio* Fellows, the number of whom can, under the existing Acts, be indefinitely increased at the discretion of the Local Government. At a time when it is proposed to reduce the Senates, it seems inexpedient to retain a power of making *ex officio* appointments of which it might be said that it would admit of being used to deprive the Senate of its representative character. Clause 5, therefore, proposes to limit the number of *ex officio* Fellows to ten.

4. All ordinary Fellows should, it is thought, hold office for five years, and should be eligible for re-appointment on the expiration of that period. In order to bring this state of things into operation with the minimum of confusion and inconvenience, it is proposed to appoint the new members of the Senate in the first instance for three years, after which for the next five years one-fifth of the number will retire each year, the individuals to retire being selected by ballot. Thus no Fellow will serve for less than three years; and at the end of seven years the normal constitution of the Senate, with its annual renewal of one-fifth each year, will be fully established. This method further possesses the great advantage that it will leave the *personnel* of the reformed Senates unchanged, except by deaths and resignations, for the first three years of their existence, during which they will be engaged in carrying out the various reforms now contemplated. The necessary legal machinery is provided by clause 12 of the Bill.

5. The privilege of electing Fellows was conceded on a limited scale to the Graduates of the Calcutta University in 1891. This was admittedly an experiment; and that phrase was applied to it by the then Chancellor both in official letters and in public speech. No pledge of continuance was given, and the exercise of the privilege which, of course, possessed no statutory basis, was subject to the approval of the Governor General in Council, to whom the names of the Fellows elected are submitted for final sanction. The same privilege was extended somewhat later under similar conditions to the Universities of Madras and Bombay. In the case of each of the Universities of Allahabad and the Punjab the Act of Incorporation provides for the election of Fellows by the Senate, subject to the approval of the Chancellor. The Commissioners propose that the privilege conferred upon the older Universities should be confirmed by legislation, and that power should further be taken to introduce election by Graduates at Allahabad and Lahore. These proposals have been carefully considered, and the conclusions at which the Government of India have arrived are embodied in clause 6 of the Bill.

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6. Where the Graduates are to elect, the composition of the electorate requires careful consideration, and by clause 7 of the Bill it is proposed to restrict the right of voting to the following three classes :—

(*a*) Graduates who have obtained the highest existing degree in any Faculty ;

(*b*) Graduates who have obtained two degrees, one of which must be in the Faculty of Arts ;

(*c*) in the case of the Calcutta University, Graduates who obtained the degree of Bachelor of Arts in or before the year 1867, when the degree of Master was first conferred.

The qualifications of candidates for election should, it is thought, be the same as those laid down for electors. Clause 7 of the Bill further provides that a register of Graduates shall be kept up in each University, that an annual fee of Rs. 2 shall be paid by those whose names and addresses are entered in it, and that persons whose names are not on the register shall not be allowed to vote. The method of voting will be determined by regulations made under clause 25. Clause 13 proposes that existing Fellows who are not appointed or elected to be members of the newly constituted Senates, shall be Honorary Fellows for life, shall take precedence in Convocations next to the Vice-Chancellor, and shall retain any rights that they may now possess of participating in the election of a member of any Legislative Council or municipal body, but they will not be members of the Senate or otherwise take any active part in the business of the University. The composition of the reformed Senates which the measure, if it is passed, will call into existence, is shown in the following statement :—

(1) *Ex officio* Fellows, not more than 10.

(2) Ordinary Fellows holding office for five years :—

(*a*) Fellows elected by the general body of registered Graduates or by the Senate.	10 at Calcutta, Bombay and Madras. 8 in the Punjab and at Allahabad.
(*b*) Fellows elected at the discretion of the Chancellor by the Faculties.	Not more than 10 in Calcutta, Bombay and Madras. Not more than 7 in the Punjab and at Allahabad.
(*c*) Fellows nominated at the Chancellor's discretion.	The remainder, subject to the maximum aggregate of Ordinary Fellows, which is— 100 at Calcutta, Bombay and Madras. 75 in the Punjab and at Allahabad.

7. The executive business of each University is conducted by a standing Committee of the Senate, called the Syndicate. It is now proposed that the Syndicate should be recognised by law as the executive authority of the University ; that it should consist of not less than 9 and not more than 15 members ; that the Director of Public Instruction should be *ex officio* a member ; and that the Faculties of the University should be represented on the Syndicate, half or nearly half of the representives of each Faculty being always Heads or Professors of Colleges.

Affiliation of Colleges.

8. Perhaps the most important of the functions which the reformed Universities will have to discharge, namely, that of making recommendations to the Government for the affiliation or disaffiliation of Colleges, is dealt with in clauses 19 to 24 of the Bill. On the proper exercise of this power depend the prospects of University education in India. Great laxity has prevailed in the past in this respect, and the Bill aims at providing a more satisfactory procedure.

9. The main purpose of the Bill is to confer upon the Universities a working constitution, and to invest them with the general powers which are required to enable them to control and supervise higher education in accordance with the principles and policy approved by the Government of India. It follows from this that a number of subjects which were discussed at length by the Commission receive no specific mention in the substantive clauses of the Bill, but are reserved to be dealt with by regulation under clause 25.

10. It is essential that the settlement of the local limits or sphere of influence of a University, being a matter in respect of which the interests of other Universities may happen to conflict, should be under the control of the Government of India, and the requisite power is taken by clause 27 of the Bill.

The 4th November, 1903.

T. RALEIGH.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to amend the law relating to the Universities of British India.

(Statement of Objects and Reasons.)

C. C. Press, Simla.—No. 287 L. D.—4-11-03—300.

17 14

Legislative departm

Memorandum 629

11-11-03.

The Indian Universities Bill

gether with the Statement of objects a

Reasons is forwarded to the Tamil / Telugu / Malayalam / Canarese / Hindu

Translator to Government with the reque

that he will arrange to furnish the Super

intendent, Government Press, with transla

tions of the Bill and Statement as earl

as possible for publication in the Fort S

George Gazette.

2. The Superintendent should report in

due course the date of their publicatio

10/11/03

10/11/3

10.11.03

To the S. G. P.

All translators to Govt.

E.
12

1,200—7-10.05

EDUCATIONAL DEPARTMENT.

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

" " " " ....., " ..... 190 .

READ ALSO:—

C. No. 1826, From the Govt of I. Leg. Depl., No. 2161, dated 5th nov. 1903.

" " ....., " ....., " 190

" " ....., " ....., " 190

ORDER No. 550, dated 12-11- 190

P.S.

Communicated to the Honourable the Judges of the High Court, the Syndicate of the University of Madras, the D.P.I. and the marginally noted officers for favour of an expression of their opinion on the provisions of the Bill. The reply should be submitted so as to reach the Govt by the 10th of December next at latest.

2. The Revds W. Miller CIE, D.D., S.J. and J. D. W. Sewell & W. H. Blake

The Hon'ble Mr. J. B. Bilderbeck
Mr. J. H. Stone.
~~Hon. C. Sankaran Nair~~
Col. Love R.E.
Lt Col. Maitland I.M.S.
The Revd Father

19

and the Hon. C. Sankaran Nayar will also be invited to favour Govt. with their opinion on the Bill before the date ~~fixed~~ mentioned in the foregoing paragraph.

7/11 11-11-03

11/11/03

11/11/03

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To
The Hon. the C.J. with C.L. with six copies of Bill & Statement of Objects & Reasons.
The Registrar of the University of Madras.
The D.P.I. with ten copies & 1s
Hon. J. B. Bildenbeck. with one -
Mr. J. H. Stone -
Col. Love R.E. Lt-Col. Maitland D.M.S.
The Rev. Dr. Miller C.I.E.
Father J.D.W. Sewell. S.J.
W. H. Blake.
The Hon C. Sankaran Nayar

Desp 12/11/3

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Enclosures to C. No.

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Statement with ditto.

Papers not filed up, being meant for despatch in original.

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