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N. P.

ORIGINAL

[Despatch Abstract.]

Indian Universities Bill

Forwarding to the Govt of India the opinions of certain officials & non-officials & those of this Govt on the provisions of the ——

BACK PAPERS.

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

FURTHER PAPERS.

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Government {1903} of Madras.

EDUCATIONAL.

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ORIGINAL

G.O., &c., Nos. 647, 648, 26th December 1903.

N. P.

DECEMBER.

Indian Universities Bill.

Addressing the Government of India on the subject of the Bill to amend the law relating to the Universities of British India.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—again the following paper:—

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

Abstract.—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.

Read—also the following papers:—

From the Superintendent, Government Press, Madras, dated 14th November 1903, Dis. No. 4359.

Abstract.—Reporting that the Indian Universities Bill with Statement of Objects and Reasons was published in English in the *Fort St. George Gazette* on the 10th November 1903.

From Lieutenant-Colonel J. MAITLAND, M.D., I.M.S., Principal, Medical College, Madras, to the Secretary to Government, Educational department, dated 18th November 1903, No. 369.

With reference to G.O., No. 550, Educational, dated the 12th November 1903, I have the honour to state that I have no remarks to offer regarding the Bill to amend the law relating to the Universities of British India.

From the Rev. W. MILLER, M.A., L.L.D., D.D., C.I.E., to the Secretary to Government, Educational department, dated Madras, 26th November 1903.

Referring to the Order communicated by you No. 550, Educational, dated 12th November 1903, I have the honour to make the following remarks on the Bill to amend the law relating to the Universities of British India.

I entirely approve of the general tenor of the Bill. Provided that Government takes care that the ordinary Fellows (of whom it will continue to appoint the overwhelming majority) are personally suitable and fairly representative of the affiliated colleges and of those engaged in education or labouring to promote it, I have no doubt that in course of time the Bill will prove highly and increasingly beneficial in its effects.

At the same time I would suggest the reconsideration of a few of the provisions of the present draft. It seems best to take up those provisions in the order in which they stand in the Bill. It will be understood that I have no objection to the clauses to which I do not refer.

Section 6.—Would it not be desirable for Government to take power under this section to change—should it at any time see fit to do so—the proportion between the elected and the nominated Fellows and also to introduce other methods of election? I entirely approve of four-fifths of the ordinary Fellows being nominated by the Chancellor both at present and for many years to come. But a time may arrive, before it becomes desirable to pass another Act, when it may be both safe and wise to increase the proportion of elected Fellows and to place the election of some of them in other hands. Thus, though not at once, it may become desirable that a few of the Fellows should be nominated by affiliated colleges and by the professors employed by the university itself, if these should hereafter become numerous. Also though I agree that the Senates may wisely be reduced to 100 members, or to still fewer in the younger universities, until they have been for some time at work in an efficient and business-like manner, I believe that in course of time it will be expedient somewhat to enlarge their membership. I find that at present about 90 different Fellows of the University of Madras sit on the various boards of studies. Perhaps some of these boards might be efficient with fewer members than they have; but, on the other hand, some of them suffer because there is not a sufficient number of Fellows who are competent to sit on them. As new lines of study develop, the number of Boards and the need for members qualified to form them will increase rather than diminish. Thus it seems to me that somewhere about 90 Fellows is the *minimum* necessary for keeping the ordinary machinery of this university in proper order. If the Senate is *never* to exceed 100, there will be too small a margin left for representatives of what may be called the thoughtful educated public. But there ought always to be a considerable number of Fellows who, without being specialists in any line, are able to give valuable counsel in ordinary university affairs.

No doubt a new Act may be passed to make such changes as I have pointed to when they become necessary. To me, however, it seems better that the wording of the provisions now to be enacted should be elastic enough to allow improvements suggested by the experience of coming years to be introduced without even the appearance of anything revolutionary.

Section 7, *sub-section* (2).—I consider it very important that, besides the classes mentioned, the names of those who have taken the ordinary degree in Arts (the B.A. degree) should be put on the register, on payment of the appointed fee, a certain number of years after they have taken that degree. The precise number of years is a secondary matter. I should be disposed to say either *ten* or *twelve*, or at most *fifteen*. I believe it, however, to be of great moment that such as hold the ordinary Arts degree alone should have it in their power to connect themselves with the university and to exert some influence upon it.

I trust that some consideration will be given to the way in which the arrangements proposed in the draft Bill would work out in practice. The highest degree in the Faculty of Arts (that of M.A.) is at present, in the University of Madras, equivalent to a distinctly high honours degree. The Universities Commission proposes in its report that the M.A. degree shall hold this position everywhere. Especially if the standard of the B.A. degree be raised in the Indian universities generally, it is desirable that the M.A. degree should be the mark of peculiar and somewhat rare distinction. Thus the list of registered graduates would contain, under this section as it stands, but a very small percentage of those who have graduated in Arts alone. Then again who are those who will hold two degrees "one of which is a degree in the faculty?" The number is insignificant—and likely to remain so—of those who graduate in Arts and afterwards take a degree in either Medicine or Engineering. Possibly, at some distant date, some few may take one degree in Arts and another in Science. Then in the University of Madras a very respectable number now hold the two degrees of B.A. and L.T. In Madras this number is likely steadily to increase, and it is to be hoped that something of the same kind may come about ere long in the other universities. But the total of all the above classes taken together is at present, and will probably remain for generations if not for ever, altogether insignificant compared with the number of those who hold the two degrees of B.A. and B.L. The consequence must be that the electing constituency would consist in overwhelming proportion of

those who follow the legal profession. The members of that profession ought certainly to have an important place in university affairs, but not a place of such disproportionate importance as the present proposals would assure to them.

It is true that the provisions of section 9 of the Bill may be so wrought as partly to remove this objection. Holders of the two degrees of B.A. and B.L. may be allowed to vote only in elections for the Faculty of Law. This, however, is not stated, while it seems most natural—and it will certainly be expected—that those who hold a degree in any faculty should be entitled to vote on elections for that faculty. Thus all elected fellows in both arts and law would, as this matter stands in the draft, be practically chosen by—and probably also chosen from—members of the legal profession. This seems undesirable. Moreover it is not a question merely of voting power. If all but a small fraction of the graduates who are in living connection with the university belong to a single type, that type is likely to dominate the others, and to cause a one-sided and therefore an unhealthy public opinion to spring up as the environment of the university.

But this question deserves to be looked at from another point of view. The B.A. will always be the only degree taken by the bulk of well-educated men. Extremely few of those who give themselves to what is vaguely called "business," or of those who enter the ordinary service of Government, can be expected to take either a distinctively honours degree, like the M.A., or a second degree. An increasing number, though not yet a large one, of the graduates of Madras, and perhaps of the other universities, are devoting themselves to "business;" and in course of time this number may be expected to grow large. For my own part I hope and believe that in coming generations it will be regarded as the proper thing for every man holding any sort of position in South Indian society to take his Bachelor's degree. Of course also the proportion of graduates in the ranks of the ordinary public service is a large one everywhere in India. It seems to me that those who will thus form the educated public are the class with which it is most of all desirable that the university should keep touch, and which ought by all rightful means to be most of all encouraged to take an interest in university affairs. For example, it is from this class, rather than from specialists or professional men, that endowments may be looked for in the future. For this and for many other reasons, which need not be specified here though in themselves they are still more weighty, I should reckon it a great misfortune if the ordinary Graduates in Arts, that is the educated public as a whole, were to be entirely cut off from lifelong association with the university, as will happen of necessity if the provisions now laid down in this section remain unchanged.

In the Faculty of Medicine the highest degree is that of M.D.; but for reasons similar to those adduced above, I hold that those who have taken the degree of M.B. and C.M. ought to be admissible on the register of graduates who can take part in elections.

The points I shall go on to notice under this section are of less, though in my opinion of considerable, importance.

I think that a longer period than one year (say five years, or at least three years) after graduation [or, if my main proposal be adopted, after an ordinary B.A. becomes eligible] ought to be allowed as that in which a name may be entered on the register. Also I think a fee of one rupee *per annum* preferable to one of two rupees; but I am strongly of opinion that instead of any fee for enrolment paid annually, there ought to be a fee for life-membership, as there is in the parallel arrangement in the Scottish universities,—or, at the very least, that composition of some kind should be permitted as an alternative to continued annual payments. The payment of annual fees is sure to be painfully irregular, while the paying up of arrears when an interesting election is coming off will be a very unedifying spectacle, and will intensify the evils of canvassing, which ought as far as possible to be lessened, even if they cannot be wholly eliminated. Everything that is reasonable ought, in my opinion, to be done to encourage as many as possible of the graduates to form a permanent connection with their *alma mater*.

Section 9.—In *sub-section* (1), line 3, *registered* ought to be inserted before "graduates." Plainly this is meant, but the insertion will contribute to clearness.

Section 13, *sub-section* (3).—I do not see any reason why an honorary fellow should cease to be such if he be elected or nominated to be an ordinary fellow. Such an arrangement would be natural if the whole order of honorary fellows were to cease along with the lives of those who are at present members of the senates. It is, however, proposed in sub-section (2) that the order of honorary fellows shall always continue. If this is to be so, all ground for sub-section (3) seems to be removed. The matter is of no great practical importance either way; but on the whole I think it desirable that this provision should be removed from the Bill.

Section 15.—Surely *sub-section* 1 (*c*) ought to run "not less than *seven* or more than *thirteen ex-officio* or ordinary fellows, etc."

As it stands, the sub-section would make the syndicate consist of not less than *eleven* or more than *seventeen* members. At least in the Madras Syndicate, where a large proportion of the business is unavoidably done in circulation, the syndicate ought not to have more than nine or ten members at most. Besides, I observe in the Statement of Objects and Reasons, paragraph 7, that the real intention is that the syndicate "should consist of not less than nine and not more than fifteen members." The provision that there should be from nine to fifteen *ex-officio* or ordinary fellows in the syndicate, *in addition to* the Vice-Chancellor and Director of Public Instruction, conflicts with this intention.

Section 19.—After the words "save by special order of the senate," I recommend the insertion of "or in virtue of fixed regulations of the university."

The cases I have in view are such, for example, as this. While the migration of students from one university to another ought not to be positively encouraged, yet if the standards of the different universities once become fairly equal—as it is to be hoped they will—it will be allowable, and not without some advantages, that students may occasionally keep one or more terms in a college affiliated to the University of Bombay or Calcutta and wish to complete their course in a college affiliated to the University of Madras, or *vice versâ*. It would be extremely cumbrous to require a *special order of the senate* for every student who seeks thus to change his university. The ordinary regulations ought to lay down the circumstances in which and the conditions on which such changes should be allowed.

Other cases more or less similar to the one I have instanced are certain to occur—cases which may be best dealt with under standing regulations, and which therefore will not need any special orders of the senate.

Section 21, *sub-section* (1) (*d*).—I recommend the insertion of the word "some" at the end of the third line so that the clause may secure that, so far as circumstances may permit, the head of the college and *some* members of the teaching staff may reside in or near the college.

As it stands, the clause rather suggests that, if it be at all practicable, *all* members of the teaching staff should reside in or near the college. That some members of the staff should do so will commonly be practicable, and when practicable is eminently desirable. That all of them should always live in or near the college would in most cases be impossible, and even if possible might not by any means always be desirable.

From Rev. J. D. W. SEWELL, S.J., Manager, St. Joseph's College, Trichinopoly, to the Secretary to Government, Educational department, dated 28th November 1903.

In compliance with the request contained in O.M.G., No. 550, Educational, dated 12th November 1903, for an expression of my opinion on the Bill to amend the law relating to the Universities of India, I have the honour to offer the following observations for submission to Government.

I notice in paragraph 9 of the annexure to the Bill containing a Statement of the Objects and Reasons, that "a number of subjects discussed at length by the Commission" which receive "no mention in the substantive clauses of the Bill . . . . are reserved to be dealt with by regulation under clause 25." I note further that

this power is conferred on the Universities to enable them to control and supervise higher education in accordance with the principles and policy approved by the Government of India, and, lastly, that paragraph 8 sets forth that the functions of the Universities in relation to the important question of affiliation of colleges is that of recommending to Government such measures as they may deem desirable and that the ultimate decision will in all cases lie with the local Government.

Understood and read in the light of these remarks and explanations, I am of opinion that the provisions of the Bill are calculated to give general satisfaction to all who have the interests of education in India at heart.

It may be that some will demur to such restrictions on the freedom of the Universities as is involved in leaving the ultimate decision in all important matters connected with the affiliation and disaffiliation of colleges and the proposed new code of regulations to the Government (using that word in the sense given to it in clause 2, sub-clause (2) (*a*) of the Bill); but, in my opinion, it is a wise and salutary provision under existing circumstances, and there is no better proof of this than the tone and sentiments of many of the criticisms that have appeared in the public journals on the report of the Indian Universities' Commission. For my part I am very strongly of opinion that we are not as yet ripe enough to be entrusted with uncontrolled administrative powers.

In this spirit, I venture to offer a few considerations which a careful perusal of the Bill has suggested to my mind and I will take them in the order in which they occur.

Clause 13—*Honorary Fellows.*—I presume the Bill provides by this section for a permanent body of Honorary Fellows who shall hold office for life with the privilege of taking rank at all convocations next to the Vice-Chancellor and before all ordinary Fellows, but that not all but only such Honorary Fellows as will become so under sub-clause (1) and subject to the provisions of sub-clause (3) will be entitled "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" under sub-clause (5). Honorary Fellows nominated under sub-clause (2) will not, as I read it, therefore have this privilege, which will consequently, if I understand it aright, expire with the death or resignation of the last of the Honorary Fellows who become such under the operation of sub-clause (1).

This, as it seems to me, will create an anomaly. Honorary Fellows who form no part of the body corporate or politic of the University, will be empowered to take part in the election of a representative of a body of which they are not members, which is surely anomalous. I fear it is a measure that will please no one as Mr. Gooroo Dass Banerjee has already hinted in his minute of dissent, and I confess the motives put forward by the Commission do not appear to me very forcible. It is not intended, as I read the section, that this is to be a privilege of honorary members hereafter to be appointed, and there appears to me no sufficient reason why those who become so under the provisions of sub-clause (1) should retain it.

Clause 18—*Degrees.*—This clause provides for the cancelling of honours conferred by the University whenever evidence is forthcoming that any person upon whom such honour has been conferred has been convicted of what the Senate may consider a serious offence.

Some few years back a motion was made in the Madras Senate to deprive a graduate in arts of his degree for malpractices in the B.L. examination, but it fell through on the ground that the Senate had no legal power to enforce such a penalty. It will be remembered by those who have read Mr. Wilfred Ward's life of his father that Dr. W. G. Ward was deprived of his degree by the University of Oxford in 1843 for opinions contained in his, (then) recently published book, "The Ideal Church," which were held to be heterodox; but Dr. Ward had courted the penalty with the view of testing its legality, and though he was subsequently dissuaded from doing this it was not because it was not thought to be illegal, but for other reasons. Clause 18 will no doubt legalize the measure in India, but I see no provision for

enforcing it. It seems to me that a person in the circumstances contemplated in this clause may, even after his degree, diploma, license or other honour has been cancelled, still continue to make use of it. Is it not desirable to provide for some penalty in the event of a person making use of a degree or other honour after it has been cancelled?

Clause 21 (1) (*b*).—Several Roman Catholic religious societies were for several years placed under very serious disabilities in respect to the receipt of grants-in-aid in this Presidency, and even in respect to employing their own teachers, by reason of the Government of Madras requiring certain academical qualifications which obliged men already otherwise qualified to spend five years in preparing for a Madras degree. After considerable correspondence and explanations the inutility on the one hand and the grave inconvenience on the other of this requirement was made apparent and the Madras Government kindly decided to remove it. (See Chapter II, article 5 of the Madras Educational Rules.)

In view to the avoiding of any possible future misunderstanding on this point I would venture to suggest a verbal alteration of this sub-clause by omitting the words "the qualifications of", as liable to possible misconstruction, and by inserting between the word "staff" at the end of the first line and the word "and" at the beginning of the second, the words "is adequate to the course of studies to be undertaken", and, lastly, that the word "that" be introduced immediately after the word "and" at the beginning of the second line. The clause would then read as follows: "(*b*) that the teaching staff is adequate to the course of studies to be undertaken and that the terms on which they are engaged are such, etc." The meaning would be the same and you will observe that I have copied the substituted phrase from paragraph 62 of the report of the Indian Universities' Commission as being the recommendation to which sub-clause (*b*) was obviously designed to give effect.

Clause 21 (1) (*g*).—I would suggest that the words "in the same town, city or neighbourhood" be inserted immediately after the word "college" in the third line. I make this suggestion to safeguard the principle that a common fee rate for any extended area, such as a whole Presidency, is an evil. I think it the more necessary to do this, because the counter-principle proved so disastrous in its working in this Presidency during several years, was formally rejected by Government in 1891 reaffirmed by the Indian Universities' Commission in 1902, but happily surrendered by the Government of India in consequence, I presume, of the strong remonstrances from Madras where alone it was ever tried. I am the more anxious about this, because I am not unmindful that there is a minority of educationists now in Madras who, having for the most part had no experience of the evils that resulted from a common fee rate, are disposed to approve it. In urging this point I do not forget that the recommendations of the Syndicate and Senate on this and kindred matters relating to affiliation are subject to the approval of the local Government, but even Governments change and in course of time this most important negative principle may be lost sight of unless protected.

Clause 25 (2) (*b*).—There is a point in respect to this sub-clause empowering the Senate to regulate "the proportion in which the members of the Syndicate shall be elected and the mode in which such election shall be conducted" that I think it as well to make prominent. It is that in by-law 91 of the existing Madras Code it is stated that "no Fellow shall be eligible as a member of the Syndicate who is not resident in Madras." In the last clause of paragraph 50 of the Report of the Indian Universities' Commission, it is recommended that this by-law be rescinded and that "a Principal or Professor of an outlying college ought to be eligible, provided he can undertake to attend the meetings regularly." This is, I think, both fair and just, and I hope it will be given effect to.

There is one important point, which, I perceive, has not been directly provided for in the Bill, that I feel it as well to draw attention to. In paragraph 42 of the Commission's report, it is said to be "most important that no fellowship should in future be conferred merely by way of compliment" and the paragraph then proceeds to indicate the class of persons who should hereafter compose the Senate. It is true that the Bill introduces the new distinction of Honorary Fellows for those whom it

may be desirable to compliment and it may be inferred that the principle laid down in paragraph 42 of the Commission's report above referred to is implied in the phrase "any number of fit and proper persons", that occurs in clause 10 of the Bill, but nevertheless there has been so much misunderstanding on this point in the past and the pharse itself is capable of such very wide interpretation that I cannot but think it as well that the principle set forth in paragraph 42 of the Commission's report should find direct expression in some part of the Bill itself.

These are the points that seem to call for comment from me. I notice that the non-officials, to whom the Bill has been sent for remarks, represent, speaking generally, the various denominational interests in the Madras educational world, and I presume this has been done with the purpose of ascertaining their several views on the Bill. I have kept this purpose before me in perusing the Bill, but the only point which, so far as I can see, in any way affects the Roman Catholic interest in particular, is that to which I have drawn attention in my remarks on clause 21 (1) (*b*), and, as I have shown, only a small verbal alteration is required to set it right.

I may add, in conclusion, that the Bill, as a whole, has my hearty concurrence and approval, and, if carried into effect in the spirit in which it is drawn up, cannot but lead to a satisfactory solution of the many difficulties of the existing system and will enable us to look forward to the realization of the hope that the evils that we have had so much cause to lament in the past will disappear under the improved system which it is the object of this Bill to introduce and which, to adopt the words of the concluding clause of the first paragraph of the annexure to the Bill "will not provide merely for examining students in those subjects to which their aptitudes direct them but will compel them to study their subjects systematically under efficient instruction."

From Colonel H. D. LOVE, R.E., Principal, College of Engineering, Madras, to the Secretary to Government, Educational Department, dated 2nd December 1903, No. 1623C.

Referring to G.O., No. 550, Educational, dated 12th November 1903, I have the honour to express general approval of the Draft Universities Bill except in regard to section 7 (2) (*a*) and (*b*), and to a few minor points in other sections, which are set forth below.

2. *Section* 7 (2) (*a*) *and* (*b*).—The provisions of this section would exclude from the register the bulk of Madras graduates including a great number of the persons best qualified for voting and for election. The numbers of graduates, as taken from the University Calendar for 1903-1904, are—

(i)	Bachelors of Arts	6,736
(ii)	Masters of Arts	144
(iii)	Licentiates in Teaching	344
(iv)	Bachelors of Laws	1,328
(v)	Masters of Laws	13
(vi)	Licentiates in Medicine and Surgery	170
(vii)	Bachelors of Medicine and Masters in Surgery	51
(viii)	Doctors of Medicine	9
(ix)	Bachelors of Engineering	78

Members of classes (ii), (iii), (iv) and (v) are of necessity Bachelors of Arts, as are the majority of (ix), and probably a few of (vi), (vii) and (viii). Thus out of 6,736 Bachelors of Arts, there are roughly about 4,800 or 71 per cent. who hold no second degree. This overwhelming proportion, which is at the same time an almost equally large proportion of the total number of graduates, is ineligible for the register. The 4,800 Bachelors of Arts include many men of high standing and attainments. On the other hand, the Bill would admit to the register every young Bachelor of Laws and the majority of the young Bachelors of Engineering as soon as they have completed their course of study and taken their degree. I suggest that the provisions of section 7 be modified so as to render Bachelors of Arts of not less than ten years standing eligible for the register.

3. *Section* 9 (1).—As the members of Faculties will be Fellows, it is not clear how the members of or graduates in a Faculty can elect one of the members thereof to be an ordinary Fellow.

4. *Section* 15 (1) (*a*), (*b*) *and* (*c*)—Provides that the syndicate shall consist of the Vice-Chancellor, the Director of Public Instruction, and a minimum number of nine ordinary Fellows, *i.e.*, of eleven in all. The Statement of Objects and Reasons, however, paragraph 7, gives the minimum strength of the syndicate as nine.

5. *Section* 15 (3).—If a Faculty is represented on the syndicate by one Fellow only, a contingency which is likely to occur, it would appear that this Fellow need not be the head of or Professor in an affiliated college. This is made clear by the following comparative illustration:—

Number of members of any Faculty on the syndicate ..	7	5	3	1
A majority of such number	4	3	2	1
A number less by unity than a majority	3	2	1	0

Hence in the case suggested, affiliated colleges may be entirely unrepresented in the syndicate, and the intention of the Bill, as read by the context, will be defeated.

6. *Second Schedule.*—Section 6 of Act XXVII of 1857 appears to be inconsistent with the provisions of the present Bill.

From C. A. PATERSON, Esq., M.A., LL.B., Registrar, University of Madras, to the Secretary to Government, Educational department, dated Senate House, 8th December 1903, No. 5290.

In reply to G.O., No. 550, dated the 12th November 1903, I have the honour to forward herewith printed copies of the report of the Syndicate of this University on the Indian Universities Bill which was referred to that body for an expression of opinion.

Enclosure.

Report of the Syndicate on the Indian Universities' Bill.

	Sections of the Bill.
The Syndicate recommends as follows:—	
(1) That in section 6, sub-section (*1*), clause (*b*), the words "Ten shall be elected" be substituted for, "Any number not exceeding ten may be elected."	6 (*1*), (*b*).
(2) That in section 7, sub-section (*2*), clauses (*a*) and (*b*), those entitled to have their names entered upon the register be those who are—	7 (*2*), (*a*) and (*b*).
Masters of Arts;	
Masters of Law;	
Doctors of Medicine;	
Bachelors, in any faculty, of five or at most ten years' standing.	
(3) That in section 7, sub-section (*2*), as an alternative to the payment of an annual fee, a graduate be allowed to pay a fee of Rs. 15 so that he may be registered for life.	7 (*2*).
(4) That section 9, sub-section (*1*), be revised, as the meaning is not clear.	9 (*1*).
(5) That section 12, sub-section (*a*), clause (*ii*), be also revised.	12 (*a*), (*ii*).
(6) That in section 15, sub-section (*1*), clause (*c*), 'Seven' be substituted for 'Nine'; and that, in any case, it be made clear whether the minimum number of the Syndicate, fully constituted, is to be nine or eleven. (*See* statement of objects and reasons, paragraph 7.)	15 (*1*), (*c*).
(7) That, as, when a faculty is represented by only one Syndic, it may not always be desirable that the faculty be represented by the Head of, or a Professor in, a College, provision be made in section 15, sub-section (*3*), to permit of the election of some other fellow to be the Syndic for that Faculty.	15 (*3*).

15 (4). (8) That section 15, sub-section (4) be deleted, such matters being best left to be settled by regulations; but that, if this sub-section be retained, 'Senior Fellow' be defined, as, under the provisions for retirement and possible re-election or re-nomination, it may be after an interval, the period of a fellowship may not be continuous.

18. (9) That in section 18 the words, "that such person be deprived of all the rights and privileges conferred upon him by the degree, diploma, license, title or mark of honour," be substituted for, "that the degree, diploma, license, title or mark of honour be cancelled."

19. (10) That in section 19 the words, "or in accordance with regulations of the University," be introduced after, "Save by special order of the Senate."

Second Schedule. (11) That the Second Schedule (Enactments Repealed) be revised, as certain of the sections of Act XXVII of 1857 (*e.g.*, sections 3 and 6) which it is not proposed to repeal are inconsistent with the provisions of the Bill.

From the Rev. W. H. BLAKE, Principal, St. Peter's College, Tanjore, to the Secretary to Government, Educational department, dated 8th December 1903.

With reference to G.O., No. 550, Educational, dated 12th November 1903, asking for my opinion on the Bill to amend the law relating to the Universities of British India, I have the honour to inform you that I have no special remarks to offer. I quite approve of the Bill as it stands, and of the changes which it will introduce into the constitution powers and working of the Indian Universities.

From the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, to the Secretary to Government, Educational department, dated Madras, 8th December 1903, Ref. on C. No. 8652.

In accordance with G.O., No. 550, Educational, dated 12th November 1903, I have the honour to submit the following remarks upon the provisions of the Indian Universities Bill.

Section 3 (*a*).—It should be made clear that this refers to University professors and lecturers and not to professors and lecturers in affiliated colleges. "Students" in 3 (*c*) refers to students in affiliated colleges as well as to those in any University classes which may be organized.

Section 4 (2).—The legal question arises here as to whether the Syndicate is hereby prevented from exercising any independent powers.

Section 7 (2).—I am strongly in favour of allowing all Bachelor graduates of a certain standing to have their names upon the register and of making this the only qualification. Under the present provisions of the section the election in the University of Madras will be too largely in the hands of the Bachelors of Laws. Further I consider it undesirable that a Bachelor of Arts by taking the degree of Bachelor of Laws should become eligible to have his name on the register two years after graduation in Arts and that a Bachelor of Arts by taking the degree (so called) of Licentiate in Teaching one year after graduation in Arts should become similarly eligible. Even the possessor of a Master's or Doctor's degree should attain a certain maturity, while the Bachelor of Engineering is the highest degree in that faculty in the University of Madras. If all graduates eligible under the new Act were upon the register its present character in Madras would be as follows:—

Masters of Arts	144
Bachelors of Laws who are also Licentiates in Teaching	354
Bachelors of Arts who are also Bachelors of Laws	1,328
Masters of Laws	13
Doctor of Laws	1
Doctors of Medicine	8
Licentiate in Sanitary Science	1
Bachelors of Engineering	78

Under the rules now in existence in Madras the voting list stands somewhat as follows:—

Doctor of Law	1
Masters of Arts	139
Masters of Law	13
Doctors of Medicine	8
Graduates of twenty years' standing—	
Bachelors of Arts	738
Bachelors of Law	15
Bachelor of Medicine and Master in Surgery	1
Bachelors of Engineering	13

Section 9 (1).—I doubt whether this is sufficiently clear.

Section 15 (4).—This seems to be a matter of detail that might well be omitted from the Act. If it be retained for any reason, the term "Senior Fellow" needs definition.

Section 19.—Nothing in this section should prevent any certificate from being required of candidates for the entrance or Matriculation examination, nor any certificate to the effect that he has complied with any other regulation of the University. No cognizance is here taken of courses of instruction followed in the University itself.

Section 21.—It is perhaps desirable to insert a clause providing that a college which has been affiliated shall not make any alteration in regard to some at any rate of the matters dealt with in this section without the previous sanction of the Syndicate.

Section 25 (2).—Surely some of the provisions herein made come under the heading "Executive Government"—section 15 (1).

I consider it undesirable that the Senate should have the power of even proposing at any future time for the sanction of the Government (*i.e.*, the local Government for the time being) that such matters as the appointment of examiners may be taken away from the Syndicate to whom I assume they will be assigned in the first instance, and conferred upon the Senate.

The fee referred to in clause (2) (*j*) of this section has been fixed in section 7 (3).

Section 26 (3).—The question as to whether one year is sufficient should be considered.

From the Hon'ble Mr. J. B. BILDERBECK, Principal, Presidency College, Madras, to the Secretary to Government, Educational department, dated Calcutta, 5th December 1903.

In reply to the reference in G.O., No. 550, dated 12th ultimo, calling for an expression of my opinion on the provisions of the draft Bill to amend the law relating to the universities of British India, I have the honour to submit the following remarks on the Bill.

Section I (2).—As section XXIX and the second schedule of the Bill repeal all that portion of section VIII of Act No. XXVII of 1857 on which is based the frame work of the existing by-laws of the Madras University, it would seem that these by-laws must become null and void at the moment that the new Act comes into force. Consequently, until the new regulations shall have been sanctioned by the Government, the university must remain inoperative unless the new senate, on its constitution, declare with the sanction of Government, that the old by-laws should be regarded as effective *pro tempore*. Would it not be more convenient to provide in the Bill for this period of transition?

Moreover, in order to avoid the interruption of courses of study prescribed under the old régime, provision must be made for allowing these to operate concurrently with the new curricula for a year or two, but this is a matter which might with advantage be left in the hands of individual senates and Governments.

Section III.—If the university is to organize higher teaching and is to promote research, should not prominence be also given to the erection, equipment, and maintenance of laboratories, museums, etc.? The function of making provision for laboratories, etc., is no doubt included in the "doing all acts" of sub-head (*d*), but it would be as well to give this due emphasis in a separate sub-section.

Section IV.—In view of the language of section IX the word "faculties" must be interpreted as embodying two distinct meanings—see remarks on section IX.

Sections V (1) *and* (2) *and VI* (1).—These provisions virtually supersede the first and last sentences of section VI of the Act of Incorporation, but these sections are not referred to in the second schedule as among the sections of the old Act which are to be repealed in whole or in part.

Section VI (1).—Though under section XV, sub-sections (2) and (3), the *syndicate* is to be so constituted as to include heads and professors of affiliated colleges, no provision has been made in the Bill for the representation of these colleges on the *senate*. If one of the main objects of the Bill is to draw more closely the ties subsisting between the university and its affiliated colleges, it seems to me that section VI should provide for a fixed number or a percentage of the nominated fellows being heads or professors of colleges.

Section VI (1 *b*), (2 *b*) (3).—What is meant by "faculties"? See remarks on section IV.

Section VII (1).—If all vacancies occurring between two elections are to be filled up, then in view of the provision that fellows are to hold office for five years, it might happen that in some years there will be no vacancy and therefore no election.

Section VII (2).—This sub-section requires very careful overhauling in relation to the degrees that are conferred by the different universities and also in relation to the history of these degrees. As far as Madras is concerned the application of the sub-section as it now stands will operate inequitably. For example, the highest degree in Engineering (which may be taken by a student who has not passed his B.A. examination) is the B.E. and under the Bill a B.E. would be entitled to a vote, while a B.M. and M.S., who has had to put in a longer course of study, would not have a vote, as above the B.M. and M.S. is the M.D. degree.

Again under the operation of this sub-section a number of newly-fledged Bachelors of Laws and Licentiates in Teaching (who in both cases must have previously graduated in Arts) will be entitled to vote, while many of the older Bachelors of Arts—some of them men of considerable distinction—will be excluded.

It must be remembered (1) that only in recent years has provision been made in Madras for the instruction of candidates for the M.A. degree; (2) that the M.A. degree in this university can be obtained only after a very severe examination at the end of two years after passing the B.A. examination, or at least *six* years after matriculation.

What is the intention of the language at the end of sub-section (2)? As it now stands, men who fail to comply with the specified conditions will be for ever debarred from being entered in the register.

Section IX.—"Faculty" in section IX, and presumably in sections IV, VI and XII, seems to be used in two distinct senses: (*a*) that of a number of persons who collectively form an organic part of the senate and whose function it is to represent the interests of one of the departments of knowledge, (*b*) that of an individual department of knowledge for which specified courses of study have been prescribed.

Who are the graduates in a faculty that are entitled to a vote? Are they graduates whose names are on the register or *all* graduates in the *faculty*? If *all* graduates in the faculty are allowed to vote, then presumably section IX operates independently of section VII, and sections IV (1 *e*), VI (1 *b*) and VI (2 *b*) must be interpreted as contemplating a wider extension of the right of voting. It is not clear why the restriction as to registration should operate in one case and not in the other.

Again what is the effect of the conjunction "or" in sub-sections (1) and (2)?

Section XII (*c*) *and* (*d*).—Do these provisions preclude the re-election of an elected fellow, or the election of a nominated fellow before the expiration of the periods referred to?

Section XV (1*c*).—Why extend the tenure of a seat on the syndicate? Continuity in the policy of an annually elected syndicate may be assumed, more especially in view of the fact that both the Vice-Chancellor and the Director of Public Instruction are to be *ex-officio* members under the Bill. On the other hand, the knowledge that a seat is to be held ordinarily for two years will encourage wire-pulling and promote the organisation of parties.

Section XV (3).—In view of the fact that in the Madras University the Faculties of Law, Medicine and Engineering are each represented by only one syndic and inasmuch as only a very few of the members of the staff of the colleges affiliated in these faculties are likely to find a place in the senate, this sub-section in some cases possibly will have the effect of neutralising the elective principle.

Section XXI.—(1 *b*) Does this justify the syndicate in enquiring into the scale of salaries and in bringing pressure to bear on managers to pay the members of their staff adequate salaries?

(1 *c*) In view of the larger demands now made on the managers of colleges in the interests of efficiency, it is not likely that they will incur any liabilities in respect to the erection of expensive buildings until the syndicate has expressed a provisional approval of work which the propose to execute.

(1 *d*) A counsel of perfection and perhaps unrealisable in the case of colleges in crowded parts of large towns where building sites may be expensive.

(1 *e*) Does "permanent maintenance" mean something more than "stability"? If so, this provision might put even a Government institution out of court and operate prejudicially in checking educational efforts that may be deserving of encouragement.

(2 *c*) Insert "*in whole or in part*" after "*refused*" and change "*embodying*" into "*and shall embody*".

Section XXIII.—Add another sub-section: "If any college should refuse or unreasonably delay compliance with the demands of the syndicate, it shall be the duty of the Registrar to bring before the syndicate a proposal to disaffiliate the college".

The syndicate should be protected against itself in view to the efficient exercise of its responsibilities in a matter of the very greatest importance to the interests of education.

Section XXV (1 *c*).—The new Act does not in any way modify the provisions of section IX of Act XXVII of 1857 which, however, appear to require modification in two matters:—

(*a*) In the first place a quorum of *six* fellows appears to be far too small for a senate of 100 members—a number to which it may be assumed the strength of the senate will ordinarily approximate. The quorum should be fixed at not less than 30.

(*b*) The provision that "all questions should be decided by the majority of the members present" requires consideration. In the actual practice of the Madras University, the opinion of the majority of those present and voting at a meeting of the senate has been accepted as the opinion of the senate, those who abstain from voting being ignored. This practice, in view of the language of the Act, appears to be irregular, but it would appear to have come into existence in consequence partly of the indifference of individual fellows and partly of the natural hesitation of a self-respecting man to give a vote in respect to questions on which he doubts his own competency to form an independent opinion. While, on the one hand, it is obvious that it cannot be said that a measure which is carried by a majority of the members *present* and *voting* necessarily embodies the opinion of the senate as a whole, on the other hand it is also obvious that parties disposed to adopt obstructive tactics might take advantage of the rule as it now stands for the purpose of defeating measures which they do not wish openly to oppose by merely abstaining from voting.

In view of these difficulties, it would perhaps be advisable to introduce some new principle, and I would propose that in future any question coming before the senate shall be decided by a majority of those present and voting, provided that the total number of votes given be not less than 30.

Section XXV (2 *n*).—Add to this sub-section the words " and the conditions to be complied with by candidates for matriculation, whether appearing from recognized schools or not ".

In view of the uncertainty of the provisions of the present Act, it is important that it should be clearly laid down that the university is at liberty to make its own conditions in respect to matriculation or the admission of candidates to the matriculation examination.

(2 *o*) Delete " matriculation ". In the context this is out of place for school students do not belong to institutions that are affiliated to the university.

From J. T. GILLESPIE, Esq., I.C.S., Acting Registrar, High Court of Judicature, to the Secretary to Government, Educational department, dated Madras, 10th December 1903, Dis. No. 1164.

With reference to G.O., No. 550, Educational, dated 12th November 1903, I am directed to forward a copy of a minute by the Hon'ble Mr. Justice Benson on the Universities Bill, and to state that the Honourable the other Judges have not recorded any minutes. The Hon'ble Sir V. Bhashyam Aiyangar regrets his inability to record a minute owing to want of time.

Enclosure.

Minute.

The Hon'ble Mr. Justice Benson :—

I do not think that the qualifications proposed for graduates who are to elect fellows, or to be elected under section 7 (1), are suitable for the Madras University. The effect will be to place the election entirely in the hands of young vakils who have taken the degrees of B.A. and B.L. This class has increased very rapidly in recent years, so most of the men in it are comparatively young and inexperienced, but they are so numerous that they will swamp the other classes qualified under the rule. I think that our existing rule, which requires that the graduates must be of a certain number of years' standing before they are qualified to elect, or to be elected, is preferable to that proposed.

From J. H. STONE, Esq., M.A., Fellow of the Madras University, to the Secretary to Government, Educational department, dated the Adyar, Madras, 10th December 1903.

With reference to your order No. 550, dated 12th November 1903, I have the honour to say that the Bill, on the provisions of which I have been asked to express my opinion, appears to be, in the main, well adapted to secure the objects aimed at. I have, however, ventured, in the following paragraphs, to note one or two points where improvement seems possible.

2. In section 7 (2) (*c*), I think Bachelors of Arts of Madras of twenty years' standing should be included, as otherwise some graduates who have done meritorious educational work will be deprived of the privileges conferred by a place in the register. The Professor of Mathematics in the Engineering College and the Senior Lecturer of Kumbakónam College are cases in point.

3. I find considerable difficulty in understanding the intentions of the Bill in respect of what are commonly called private candidates. Section 19 appears to mean

that no person shall be admitted to any university examination higher than the entrance or matriculation examination unless he either produces a certificate from an affiliated college or is individually " by special order of the senate " exempted from so doing by the senate. Section 25 (2) (O), however, empowers the senate to make regulations to provide for " the conditions to be complied with by candidates, not being students of any college affiliated to the University, for matriculation, degrees, diplomas, license, etc., conferred or granted by the University." That is to say while section 19 appears to restrict the senate's power of exemption from producing a certificate from an affiliated college to individual cases, section 25 empowers that body to frame regulations for the exemption of all non-collegiate candidates who fulfil certain conditions.

No doubt the intention of the Bill in this matter will be made clearer by amendment in committee, and I hope in such a way as to make it strengthen the hands of the Universities in giving effect in their regulations to the Commission's recommendation in paragraph 168 of their report, " that no private student should be admitted to the intermediate examination or to the examination for the degree of B.A. or B.Sc., unless by special order of the senate to be justified by reasons to be recorded in each case at the time of making the order."

4. The University of Madras grants the degree of M.A. and other higher degrees to persons who have undergone no course of instruction and submitted to no academic discipline during their preparation for the examinations for such degrees. I should have been glad to find in the Bill a provision to prevent the indefinite perpetuation of this practice by fixing a term of years after which no University should admit to the examination for any degree (except by special exemption) any person who has not undergone efficient college or university instruction in some, at least, of the subjects of the examination.

Another provision, I should like to see, would require Universities, pending the provision of instruction for the higher degree examinations, to keep a register of candidates for such degrees [such candidates to pay a small fee for their registration and not to be allowed to appear for the examination till their names had been on the register for a certain time] and to appoint a tutor for candidates for any degree whenever they were, say, five in number with duties similar to those of the tutors or deans for non-collegiate students at Oxford and Cambridge.

From the Hon'ble C. SANKARAN NAIR Avargal, High Court Vakil, Madras, to the Secretary to Government, Educational department, dated Egmore, 16th December 1903.

With reference to your letter, dated 12th December 1903 (Educational department), I have the honour to inform you that I do not propose to submit any remarks on the Bill.

Order—No. 647, Educational, dated 26th December 1903.

The following letter will be despatched to the Government of India.

(True Extract.)

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

5

Letter--No. 648, Educational, dated 26th December 1903, to the Secretary to the Government of India, Legislative Department.

I am directed to acknowledge the receipt of your letter No. 2161, dated 5th November 1903, forwarding copies of a Bill to amend the law relating to the Universities of British India, with a Statement of Objects and Reasons, and requesting the opinion of this Government and of those consulted by them on its provisions.

2. In reply, I am to forward the opinions of the Honourable the Judges of the High Court, of the Syndicate of the University of Madras, and of others who have been consulted on the subject. The views of this Government regarding the reconstitution of the Indian Universities were set forth at length in my letter No. 217, Educational, dated 15th May 1903, and His Excellency the Governor in Council has not now many remarks to offer.

3. In paragraph 7 of that letter the opinion was expressed that the number of Fellows should not be reduced below 150 for the present. This view has not met with the acceptance of the Government of India and the Bill proposes to fix the number of *ex-officio* Fellows of the Madras University at five, with power to raise the number to a maximum of ten, and the number of Ordinary Fellows at one hundred, of whom twenty may be elected, in part by the registered Graduates and in part by the Faculties. In this connection I am to invite attention to the remarks of the Rev. Dr. Miller, C.I.E., in his letter dated 26th November 1903. He points out that about ninety Fellows sit at present on the various Boards of Studies. In his opinion that number represents the minimum necessary for keeping the ordinary machinery in proper order; and if the Senate, exclusive of *ex-officio* Fellows, is never to exceed one hundred, there will, he considers, be too small a margin left for representatives of the educated public. His Excellency the Governor in Council submits the suggestion for the consideration of the Government of India. The inadequacy of the proposed number for practical duties is not however, in His Excellency's opinion, proved and His Excellency in Council is disposed to think that the Bill should fix definitely the maximum number of Fellows. Otherwise great pressure will persistently be brought to bear upon Local Governments to enhance the numbers and so to a certain extent nullify an important provision of the proposed legislation; and that pressure will be exercised by a very clamant portion of the community whose importunity it will not be easy to resist without creating irritation and friction.

4. Clause 7 of the Bill provides that the electorate by which elected Fellows will be chosen under clause 6 (1) (*a*) shall consist of those Graduates who have taken the highest degree in any Faculty and of those who have taken two degrees, one being a degree in the Faculty of Arts. It is pointed out by more than one of the authorities consulted that the effect of the provisions of the Bill as drafted will be to give an undue preponderance to Graduates who have taken the B.L. degree. Out of 6,736 Bachelors of Arts, 4,800 or 71 per cent. hold no second degree and will be disqualified for registration; while out of the 1,900 and odd graduates who will form the electorate, 1,328 or 68·6 per cent. will be Bachelors of Laws. No Bachelor of Arts, however distinguished, will be entitled to vote unless he proceeds to the M.A. or B.L., or some other second degree, while the youngest Bachelor in Laws or Licentiate in Teaching will at once be eligible. In the opinion of the Governor in Council this result which is probably unintentional is much to be deprecated, and this Government would strongly urge that the provisions of the Bill on this point be reconsidered. If the Government of India are unwilling to accept the recommendation, which was made in paragraph 8 of my letter No. 217, Educational, dated 15th May 1903, that Graduates in Arts of ten years standing should be entitled to vote, I am to suggest that the period of qualification should be raised to fifteen years. It seems essential that some modification should be introduced into this section which will have the effect of preventing other classes of the electorate being swamped by those who, after taking the B.A. degree, have graduated in Law.

5. Under sub-clause (3) of clause 7 of the Bill the name of any graduate who has once secured registration but who has omitted to pay the annual fee prescribed may be re-entered upon payment of all arrears, but there is no provision in sub-clause

(2) of the same clause, whereby a graduate who omits to register within the period therein specified can subsequently repair his omission. In the opinion of His Excellency the Governor in Council provision should, in both cases, be made for registration after the expiry of the periods fixed, upon payment of a penalty which may consist of a fee double the amount otherwise payable. I am also to suggest that power should be taken to enable a graduate to compound by a single payment for the annual payment prescribed by sub-clause (3) of this clause, a concession which is usually allowed in British Universities.

6. As a vacancy among Ordinary Fellows may not be of annual occurrence, it may be desirable to modify sub-clause (1) of clause 7 so as to provide for an election being held within a certain period after the occurrence of a vacancy and not "once in every year." Sub-clause (4) of clause 7 leaves it uncertain whether a graduate who is already a Fellow may stand for re-election before his term of fellowship under clause 4 (1) has expired and some definite provision on this point is desirable.

7. The Government of India will observe that considerable doubt is expressed by those who have been consulted on the Bill as to the meaning of clause 9. In the absence of any description of the future constitution of the Faculties referred in clauses 4, 6, 9 and elsewhere, His Excellency in Council is unable to form any definite opinion of the effect of the provisions of the clause as it now stands. I am, however, to suggest that words should be introduced to make it clear whether Graduates not registered under clause 7 (2) will be eligible to vote under clause 9 (1) and whether persons who are not members of or graduates in the Faculty will be eligible to be elected under clause 9 (2).

8. In clause 14 (4) of the Bill the meaning of the term "Senior Fellow" does not appear to be free from ambiguity, as various Fellows may hold office from the same date. It would seem better to omit the last three words of this sub-clause 4, leaving the matter to be dealt with by regulation framed under clause 25 (2) (*c*).

9. In clause 25 of the Bill certain minor amendments appear to be called for. The words "and the fee, if any, to be paid for the registry or retention of a name on any such register" in sub-clause (*j*) are unnecessary in view of the definite provisions of sub-clause (3) of clause 7. Again the reference to matriculation in sub-clause (*o*) of clause 25 is open to the objection that candidates for matriculation do not necessarily study in colleges or other institutions affiliated to the University. It might therefore be better to adopt the suggestion of the Hon'ble Mr. Bilderbeck and to introduce words in sub-clause (*n*) referring to the conditions to be complied with by candidates for matriculation while omitting reference to that examination from sub-clause (*o*).

10. The Syndicate of the University and certain of the authorities who have been consulted on the Bill suggest that the second schedule showing enactments repealed, requires revision, as certain sections of Act XXVII of 1857, which it is not proposed to repeal, are inconsistent with the provisions of the Bill. This is a point which will doubtless receive the consideration of the Select Committee on the Bill. I am however to invite attention in this connection to the remarks of the Hon'ble Mr. Bilderbeck regarding section IX of the existing Act. In the opinion of this Government the quorum of six fixed by that section is too low and should be raised considerably. The Governor in Council is not however prepared to support Mr. Bilderbeck's suggestion for the addition of the words "and voting" after the words "by the majority of the members present."

11. The Bill was published in the *Fort St. George Gazette* in English on the 10th November 1903. It was not published in any of the vernaculars.

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

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., Nos. 647, 648, EDUCATIONAL, DATED 26TH DECEMBER 1903.

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

LEGISLATIVE DEPARTMENT.

From the Superintendent, Government Press, No. 4359, *dated* 14*th November* 1903.

Submitted that the statement furnished by the Superintendent may be transferred u.o. to the Educational Department for incorporating the information about the date of publication of the Indian Universities Bill in English in the reply which will issue from that Department.

N.L.R.—15-11-03.

P. T. THARYAN—16-11-03.

A. GALLETTI—16-11-03.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The statement may lie over till the replies to G.O., No. 550, Educational, dated 12th November 1903, are received.

T.K.—17-11-03.

P.T.T.—18-11-03.

A.G.—18-11-03.

From Lieutenant-Colonel J. MAITLAND, M.D., I.M.S., Principal, Medical College, No. 369, *dated* 18*th November* 1903.

Submitted that this may lie over till all the replies to G.O., No. 550, Educational, dated the 12th November 1903, are received.

N.L.R.—21-11-03.

P.T.T.—21-11-03.

Yes.

A.G.—21-11-03.

From the Revd. W. MILLER, M.A., LL.D., D.D., C.I.E., dated 26th November 1903.

From the Revd. J. D. W. SEWELL, S.J., dated 28th November 1903.

From Colonel H. D. LOVE, R.E., Principal, College of Engineering, No. 1623 *C., dated 2nd December* 1903.

From the Registrar, University of Madras, No. 5290, *dated 8th December* 1903.

From the Revd. W. H. BLAKE, B.A., dated 8th December 1903.

From the Hon'ble Mr. A. G. BOURNE, D. SC. F.R.S., Director of Public Instruction, No. 8652, *dated 8th December* 1903.

From the Hon'ble Mr. J. B. BILDERBECK, M.A., Principal, Presidency College, dated 5th December 1903.

From the Registrar, High Court, Madras, No. 1164, *dated 10th December* 1903.

From J. H. STONE, Esq., M.A., dated 10th December 1903.

From the Hon'ble C. SANKARAN NAYAR, High Court Vakil, Madras, dated 16th December 1903.

The Honourable the Judges of the High Court.
The Syndicate of the Madras University.
The Director of Public Instruction.
The Hon'ble Mr. Bilderbeck.
Mr. J. H. Stone.
Colonel Love, R.E.
Lieutenant-Colonel Maitland, I.M.S.
The Revd. W. Miller.
The Revd. Father Sewell.
The Revd. W. H. Blake.
The Hon'ble C. Sankaran Nayar.

In G.O., No. 550, Educational, dated 12th November 1903, the Indian Universities Bill, 1903, was referred for the remarks of the marginally-noted officers and persons. Of these Lieutenant-Colonel Maitland, the Revd. Mr. Blake and the Hon'ble C. Sankaran Nayar state that they have no remarks to offer. The remarks and suggestions made by the rest are tabulated below in the order of the clauses of the Bill.

Sub-clause (2) *of Clause* 1.—"It [The Indian Universities Act] 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."

The Hon'ble Mr. Bilderbeck thinks that as clause 29 and the second schedule of the Bill repeal all that portion of the Madras University Act, 1857, on which the frame work of the existing by-laws is based, these by-laws will become null and void when the new Act comes into force and the University must remain inoperative till new by-laws are framed. He suggests, therefore, that in the above clause provision may be made for the period of transition.

It is submitted that in making this suggestion Mr. Bilderbeck has overlooked section 24 of the Indian General Clauses Act, 1897, and that under this section existing by-laws will remain in force so far as they are not inconsistent with the new Act, until they are modified or until new by-laws are framed. [This suggestion should have properly come under clause 29 of the Bill.]

Yes. The Bill re-enacts the Act of 1857—*vide* clause 2 (1) of the Bill.
A. GALLETTI.

Mr. Bilderbeck is of course mistaken.
A. G. CARDEW—22-12-03.

Clause 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,—

Incorporation and powers of the University.

"(*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."

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(1) The Director of Public Instruction suggests that it should be made clear that clause (*a*) refers to University professors and lecturers and not to professors and lecturers in affiliated colleges. "Students" in clause (*c*), he says, refers to students in affiliated colleges as well as to those in any University classes which may be organized.

It appears to me that the Director of Public Instruction is right and that it would be better to make the meaning clear.
A.G.

It is submitted that the University has no business to appoint professors and lecturers in affiliated colleges. It can appoint only University professors and lecturers and no modification of the Bill seems therefore to be called for. There is no analogy between the appointment of professors and lecturers and the making of regulations for students.

It is a matter of drafting, and the Select Committee will consider the point.
A.G.C.—22-12-03.
G. S. F[ORBES].

(2) Mr. Bilderbeck considers that specific provision should be made for the erection, equipment and maintenance of laboratories, museums and such other things.

It is submitted that the general provision now contained in clause (*d*) seems to be sufficient.

Clause (*d*) is sufficient. "Consistent with" in clause (*d*) = "not inconsistent with", and there is nothing in the old Act or the Bill inconsistent with the exercise of such a function by the University.
A.G.

I agree.
A.G.C.—22-12-03.
G.S.F.

Constitution and powers of the Senate.

Clause 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."

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(1) Mr. Bilderbeck says that the word "Faculties" in clause (*e*) (ii) of sub-clause (1) must be interpreted as embodying two distinct meanings, namely—(1) numbers of persons who collectively form an organic part of the Senate and whose function it is to represent the interests of one of the departments of knowledge; and (2) individual departments of knowledge for which specified courses of study have been prescribed.

(1) = Graduates registered in a Faculty.
A. GALLETTI.

(2) = All graduates in a Faculty.
A.G.

No; Faculties of the University.

The sections appear to me to be perfectly plain. The difference between *e* (i) and *e* (ii) is the difference between election by *plébiscite* and election by constituencies and not, as Mr. Bilderbeck thinks, the difference between election by registered and unregistered voters. Under *e* (i) the voting is a voting *en masse*, under *e* (ii) it is voting by Faculties—that is the difference. No change is necessary.

A.G.

I agree. The only doubt is as to what is a Faculty. The Faculties exist at present under by-law 82 (page 36 of Calendar). Apparently India thinks no definition of a Faculty is needed, but without one, the effect of several clauses is obscured.

A. G. CARDEW.

I think the section is plain. Faculty is as plain a term as University.

G. S. F[ORBES].

It is submitted that the word as used in this clause should refer only to the former, that is to say, Faculties of the Senate as defined in No. 82 of the existing by-laws, but for this purpose it is enough to modify clause 9, and the necessary modification is suggested in its proper place below.

(2) The Director observes that as sub-clause (2) now stands the legal question will arise whether the Syndicate is prevented by it from exercising any independent powers.

I don't understand the Director's objection.

A.G.

A.G.C.—22-12-03.

It is submitted that such independent powers as are to be exercised by the Syndicate are specifically given in the Bill, *e.g.*, clauses 7 (2), 21, 23. Powers which the Senate alone can exercise are also separately given, *e.g.*, clauses 18, 19, 24, 25, 26. Other powers must be exercised by the Syndicate in the name of the Senate. Under clause 15 of the Bill the executive government of the University is vested in the Syndicate which is expected to work in subordination to the Senate.

Clause 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—

Ordinary Fellows.

"(*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."

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(1) Dr. Miller thinks that it is desirable for Government to take power under this clause to change — should it at any time see fit to do so — the proportion between the elected and the nominated Fellows and also to introduce other methods of election. He says that a time may arrive before it becomes desirable to pass another Act when it may be both safe and wise to increase the proportion of elected Fellows and to place the election of some of them in other hands, such as affiliated colleges and professors employed by the University itself if these should become numerous.

This suggestion may be mentioned in the letter to India?

A. GALLETTI.

See draft letter.

A. G. CARDEW.

Yes: but I don't approve it. If a latitude is given to the Local Governments enormous pressure will be brought to bear upon them to enlarge the number on one pretext or another, and that pressure will be exercised by the most loud-voiced and insistent portion of the community.

G. S. F[ORBES].

(2) Dr. Miller also thinks that power should be taken to increase slightly the number of Ordinary Fellows as 90 is the minimum necessary for keeping the ordinary machinery of the Madras University in proper order; but it is desirable to have a small margin to allow of the appointment of representatives of the thoughtful educated public.

May be mentioned?

A.G.

It is submitted that when the time contemplated by Dr. Miller arrives other amendments in the Universities Act may also be found necessary and it will be convenient to pass an amending Act. If the Act is now made elastic the utmost that is possible is sure to be made of it and the effect of the present measures will be partially lost.

I imagine the reason the clause was so drafted was that it was believed it might be convenient to have one or to have two representatives of each Faculty or say, seven for a big Faculty and three for a small one — and the number of Faculties in the different Universities differ or may differ. Submitted that the suggestion should not be recommended.

A.G.C.—22-12-03.

A.G.

(3) The Syndicate suggests that in clause (*b*) of sub-clause (1), for the words "any number not exceeding ten may be elected" the words "ten shall be elected" should be substituted.

This suggestion may be recommended to the Government of India.

(4) Mr. Bilderbeck suggests that provision should be made in sub-clause (1) for a fixed number or a percentage of the nominated Fellows being heads or professors of colleges. Similar provision, he says, exists in the case of the Syndicate — *vide* sub-clauses (2) and (3) of clause 15.

It is submitted that this seems to be an unnecessary precaution. If the reconstituted Senate is not to consist of a large number of heads and professors of colleges it is not clear what it can consist of. The case of the Syndicate is different.

A.G.

Faculties is used here as elsewhere in the ordinary meaning of the word.

A.G.

(5) Mr. Bilderbeck also raises the question about the meaning of the word "Faculties" referred to under clause 3. The remarks made by the office in that connection apply here also.

Clause 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.

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 1867,

"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 com- "mencement 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)."

(1) Dr. Miller considers that besides the graduates mentioned in sub-clause (2), the names of those who have taken the B.A. degree should be put on the register of graduates on payment of the prescribed fee, a certain number of years, say, ten, twelve or at most fifteen, after they have taken their degree. He shows by analysis that the effect of sub-clause (2) as it now stands will be to make the electing constituency consist in overwhelming proportion of those who follow the legal profession which he thinks is undesirable. On the other hand he says that the B.A. will always be the only degree taken by the bulk of well-educated men and that it is this class with which it is most of all desirable that the University should keep touch. Dr. Miller further says that those who have taken the degree of M.B. and C.M. ought to be admitted to the register of graduates eligible to vote.

Figures are given by Colonel Love, page 8 of the current.

By assertion. Figures would have been useful.

A. GALLETTI.

A. G. CARDEW—22-12-03.

May be mentioned in letter to India?

A.G.

Colonel Love, the Syndicate, the Director of Public Instruction, Mr. Bilderbeck, Mr. Justice Benson, and Mr. Stone also consider that Bachelors of Arts or Bachelors in any Faculty of a certain standing should be granted the privilege of having their names entered in the register of graduates, the reason assigned being more or less the same.

The Commission recommended that all graduates of five years' standing should be registered as voters. India thought the Commission was going too far. If we suggest a compromise restricting the electorate proposed by the Commission and extending the electorate proposed by India, it might be accepted. What we proposed before was all B.A.'s of ten years' standing. But this differs very little from the Commission's suggestion. Perhaps we might now suggest all B.A.'s who have taken a first class in any division of the examination. There would be very few of them; but they would go some way towards balancing the lawyers. If we recommend all B.A.'s we are recommending the swamping of all other Faculties by the Arts Faculty.

A.G.

But as all B.L.'s must also be B.A.'s the two classes are originally of the same Faculty.
Some modification of the clause is necessary and should be recommended to India.

A.G.C.—22-12-03.

It is submitted that these suggestions may be supported and recommended to the Government of India. In paragraph 8 of our letter to India No. 217 of the 15th May last, it was suggested that the electorate should consist of Masters of Arts and Law and Doctors of Medicine of any standing and other graduates in any one or more of the Faculties of not less than ten years' standing. In supporting the suggestions now made by the officers consulted attention may be drawn to this letter.

(2) Dr. Miller further suggests that the fee for registration may be reduced to one rupee per annum, but he is strongly of opinion that instead of an annual fee there ought to be a fee for life-membership. He thinks that the payment of an annual fee is sure to be painfully irregular, and that everything that is reasonable ought to be done to encourage as many as possible of the graduates to form a permanent connexion with their *alma mater*.

The Syndicate suggests, as an alternative to the annual fee, that a lump fee of Rs. 15 may be fixed for life-membership.

The Syndicate's suggestion may be approved and recommended.

Why? This Government has already expressed the view that the fee should be annual and should be Rs. 5.

A. GALLETTI.

It is usual and convenient to save people the annoyance of having to remit small sums annually by allowing them to compound for life.

A. G. CARDEW—22-12-03.

There should be a composition, Rs. 50, say; but better leave amount to India.

G. S. F[ORBES].

May be recommended?

A.G.

Yes; why not?

A.G.

In order to prevent the graduate who forgets to register at first from being placed in a worse position under clause 7 (2) than the graduate who forgets to renew under clause 7 (3), and also to give a place for repentance to the forgetful who omit to register within the time specified.

A.G.C.—22-12-03.

G.S.F.

(3) Dr. Miller, again, thinks that the period of one year fixed in sub-clause (2) is insufficient and should be raised to five years or at least three. In this connexion Mr. Bilderbeck raises the question as to what will be the effect if no registration is effected within the period prescribed. Will the person concerned be for ever debarred from being registered?

It is submitted that one year from graduation or if the suggestion in (1) *supra* is approved from the date a graduate becomes eligible, is sufficient with a penalty for non-registration within this time. No one can then be debarred for ever.

Why should'nt he be?

A.G.

(4) Mr. Bilderbeck points out that under sub-clause (1), there should be an election every year, but that there may be no occasion for it in some years as there may be no vacancy to fill up.

It is submitted that for the words "once in every year" the substitution of the words "once in every five years or oftener if necessary" may be recommended to the Government of India.

Some such amendment seems to be necessary.

A.G.C.—22-12-03.

There might not be a vacancy even after four years. The clause might be re-written:

"An election to fill any vacancy among the Ordinary Fellows elected by registered graduates shall be held on such date within a year [six months?] of the occurrence of such vacancy as the Chancellor may appoint."

A.G.

Ordinary Fellows elected by Faculties.

Clause 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."

I think by "Members of a Faculty" the draftsman meant "graduates registered as members of a Faculty", and that there is no real obscurity. But it might be mentioned in the letter to India that the clause has been misunderstood.

A.G.

Dr. Miller suggests that the word "registered" should be inserted before "graduates" in line 3 of sub-clause (1).

They won't necessarily; "membership" is not defined in the Bill and has yet to be defined in rules under it when it becomes law; membership may then be restricted to Fellows or to those who have taken a high degree or to those who have taken the trouble to have themselves registered.

A. GALLETTI.

Colonel Love says that as the Members of the Faculties will be Fellows it is not clear how the Members of or Graduates in a Faculty can elect one of the Members thereof to be an Ordinary Fellow.

The Syndicate and the Director simply say that the meaning of sub-clause (1) is not clear.

Mr. Bilderbeck seems to have thought that Members=Graduates. Graduates means all graduates in a Faculty; members means graduates who have been given or have claimed the right to membership. The word "or" presents the alternative of having the election by Faculties conducted on a list of members or on a list including all graduates.

Mr. Bilderbeck seems to have confused the election by separate Faculties with the election by graduates *en masse*: in the case of the election by Faculties, two courses are authorised: (1) election by all graduates, (2) election by (graduates who are) members. In the election by graduates *en masse* only one course is authorised, namely, election by registered graduates.

Submitted that there is no necessity to recommend any alteration.

A.G.

Mr. Bilderbeck raises the question whether the graduates referred to in sub-clause (1) are registered graduates or all graduates and what is the effect of the conjunction "or" in sub-clauses (1) and (2).

On the whole it is submitted that the following modification of the sub-clause may be recommended to the Government of India:—

"(1) The Chancellor may, at any time, authorize the Members of any Faculty to elect . . . . any one capable of representing such Faculty to be an Ordinary Fellow."

By registered graduates *en masse*. Clause 7 has nothing to do with this clause which refers to elections by separate Faculties.

A.G.

Election by registered graduates is separately provided for in clause 7. Clause 9 may therefore provide for election by * Faculties of the Senate alone and as the Faculties of the Senate consist of non-graduates also—Indian or non-Indian—they should, it is submitted, have power to elect any one they consider competent.

If the suggestion is approved, the words "or graduates in" will have to be omitted from sub-clause (2).

* In paragraph 2 of their letter in G.O., No. 545, dated 9th November 1903, the Government of India mentions election by Faculties and not by Members of and Graduates in Faculties.

P.T.T.

The Government of India did not mean Faculties of the Senate. It used Faculties in the ordinary sense of the word.

A.G.

A reductio ad absurdum of office's theory that Faculties means Faculties of the Senate.

I doubt.

A.G.C.

Clause 9 properly restricts candidature in election by Faculties to persons belonging to those Faculties. The phrase "Faculty of the Senate" is jargon; Faculty is used in the Bill in the sense in which it is used in Europe.

A.G.

At present the Faculties exist under by-law 82, and appear to be merely divisions of the Senate. But under clause 25 (2) (*b*) of the Bill, the Senate is to have power to revise the constitution of the Faculties, and may then admit persons who are not Fellows, and not necessarily graduates of the University. Hence perhaps the introduction of the words "Members of or" which have puzzled Mr. Bilderbeck and others. Until the constitution of the Faculties, and the meaning to be attached in future to that term are settled, it is difficult to judge how clause 9 will apply, but the restriction of eligibility for election to members of the electing Faculty is curious. The Universities Commission's report does not seem to suggest the inclusion in Faculties of persons who are not already Fellows.

A. G. CARDEW—22-12-03.

Clause 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."

(1) The Syndicate suggests that clause (ii) of sub-clause (*a*) should also be revised.

Certainly not.

A. GALLETTI.

It is submitted that the omission of the words "or graduates in" may be recommended to the Government of India. If the recommendation is accepted the word "the" will have to be inserted before "various."

(2) Mr. Bilderbeck asks whether sub-clauses (*c*) and (*d*) precludes the re-election of an elected Fellow or the election of a nominated Fellow before the expiration of the period referred to.

Clause 13 (1) is not to the point. It refers to Fellows holding office when the Bill becomes law; Mr. Bilderbeck's query refers to Fellows elected or nominated under the Bill when it becomes law.

I doubt whether Mr. Bilderbeck's point has been correctly understood. He asks whether an Ordinary Fellow can be re-elected before he ceases to be a Fellow. Probably not, though clause 7 (4) renders the position doubtful.

A. G. CARDEW.

It does not appear that they do—*Cf.* 13, sub-clause (1).

In the absence of any express provision excluding persons from election or re-election, they may of course be elected or re-elected.

A.G.

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

Honorary Fellows.

"(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."

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(1) Dr. Miller considers it desirable that sub-clause (3) should be omitted as sub-clause (2) provides for the continuance of the order of Honorary Fellows, and there is no reason why an Honorary Fellow should cease to be such if he is elected or nominated to be an Ordinary Fellow. He does not, however, think that the point is of much importance.

There is a very good reason—the meaning of the word "Honorary". You can't be at the same time the honorary and the ordinary member of a club because you can't at the same time pay and not pay your subscription. You can't be at the same time an Honorary and an Ordinary Fellow because you can't at the same time have functions and have no functions to perform. These persons might, however, be allowed to *resume* the status of Honorary Fellows after their term as Ordinary Fellows is over.

A. GALLETTI.

This is Dr. Miller's point, but I don't think we need support it.
A. G. CARDEW—22-12-03.

The suggestion need not therefore be supported.

(2) Father Sewell objects to sub-clause (5) since under it Honorary Fellows who form no part of the body corporate of the University will be empowered to take part in the election of a representative of a body of which they are not members. Moreover Father Sewell thinks that as it is not intended that this should be a privilege of honorary members hereafter to be appointed under sub-clause (2), there is no reason why those who become so under sub-clause (1) should retain it.

There seems a good deal of force in Father Sewell's criticism. The provision is a mere sop to the existing Fellows and is certainly anomalous: but it is also only temporary.

A.G.C.

It is submitted that the object of sub-clause (5) is to conciliate those members who will be unseated on the introduction of the new Act. No objection need therefore be raised against sub-clause (5).

Clause 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 Profesors 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."

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(1) Dr. Miller, Colonel Love and the Syndicate bring to notice that as clause (*c*) of sub-clause (1) stands the minimum strength of the Syndicate will be eleven including the Vice-Chancellor and the Director and the maximum strength seventeen. From paragraph 7 of the Statement of Objects and Reasons, however, it appears, they say, that the real intention is to fix the minimum at nine and the maximum at fifteen. Dr Miller therefore recommends that in clause (*c*) of sub-clause (1) the figure 7 should be substituted for 9 and the figures 13 for 15, and the Syndicate that the figure 7 should be substituted for nine or that it should be made clear whether the minimum strength is to be 9 or 11 in all.

The intention* appears to be that the strength of the Syndicate should be not less than 9 or more than 15 excluding the Vice-Chancellor and the Director—*vide* letter from the Government of India in G.O., No. 545, dated 9th November 1903, paragraph 3. When the clause remains it is plain that the minimum strength should be 11 in all.

* The Statement of Objects and Reasons should be a better guide in this respect, but here it appears to be wrong.

P. T. THARYAN.

Yes.

A. G. CARDEW—22-12-03.

(2) Mr. Bilderbeck is of opinion that there is no necessity to extend the tenure of a seat on the Syndicate from one to two years as is proposed in clause (*c*) of sub-clause (1).

A.G.C.—22-12-03.

It is submitted that one year seems to be too short a period and that the proposed extension to two years is desirable.

(3) Colonel Love and Mr. Bilderbeck point out that as sub-clause (3) stands, in cases where a Faculty is represented on the Syndicate by only one Fellow, affiliated colleges may be entirely unrepresented and the intention of the Bill defeated. On the other hand the Syndicate brings to notice that when a Faculty is represented by only one Syndic it may not always be desirable to have that Faculty represented by the Head of or a Professor in a College. The Syndicate therefore suggests that provision may be made to permit of the election of some other Fellow to be Syndic in such a case.

Under the clause as drafted, a single Syndic will have to be a college representative. That may prove to be inconvenient, but it is the policy of the Bill.

A.G.C.

It is submitted that in the midst of these conflicting opinions matters may be left alone.

(4) The Syndicate and the Director consider that sub-clause (4) may be omitted, such matters being left to be

Some amendment seems desirable, or two persons, elected on the same date by different methods, or nominated on the same date, may claim to be the senior.

A.G.C.

settled by regulations, but that if it is retained the term "Senior Fellow" should be defined as the period of Fellowship may not be continuous in future.

The suggestion may be recommended to the Government of India.

Clause 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.

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(1) The Syndicate suggests that for the words "that the degree, diploma, license, title or mark of honour be cancelled", the words "that such person be deprived of all the rights and privileges conferred upon him by the degree, diploma, license, title or mark of honour" be substituted.

The suggestion may be approved and recommeded to India, but then for the words "the degree shall be cancelled accordingly" at the end of the clause should be substituted the words "such persons shall be deprived accordingly of all the rights . . . . mark of honour."

I do not see that the proposed change improves the wording—rather the contrary.

A.G.C.—23-12-03.

(2) Father Sewell suggests that this clause should be supplemented by another prescribing some penalty in the event of a person making use of a degree or other honour after it has been cancelled.

This perhaps may not be quite necessary as such a person can be punished under section 417 or 419 of the Indian Penal Code.

Clause 19.—"Save by special order of the Senate, no person shall be admitted as a "candidate at any University Examina- "tion, other than the Entrance or Matri- "culation 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.

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(1) Dr. Miller and the Syndicate suggest that after the words "save by special order of the Senate" the words "or in virtue of fixed regulations of the University" or the words "or in accordance with regulations of the University" should be inserted. Dr. Miller says that students may occasionally keep one or more terms in a college affiliated to the University of Bombay or Calcutta and wish to complete their course in a college affiliated to the University of Madras or *vice versâ* and that it would be extremely cumbrous to require a special order of the Senate for every such student. The Syndicate gives no reasons for their suggestion.

It is doubtful whether, in the instance quoted by Dr. Miller, a special order of the Senate will be required since all that a college has to certify is that a candidate has completed the course of instruction prescribed by regulation. It does not necessarily follow that the student should complete the course in the same college. If, however, a special order is necessary, the Senate should, it is submitted, give it—*vide* paragraph 168 of the report of the Universities Commission. The clause seems to require no modification.

The regulations to be framed under clause 25 will provide for the admission of students in the case stated by Dr. Miller.

A. G. Cardew.

A.G.C.

(2) The Director wants that nothing in this clause should prevent any certificate from being required of cand dates for the entrance or matriculation examination, nor any certificate to the effect that a candidate has complied with any other regulation of the University. He says also that no cognizance is here taken of courses of instruction followed in the University itself.

Mr. Stone finds considerable difficulty in understanding the intentions of the Bill in respect of private candidates. He thinks that while clause 19 appears to restrict the Senate's power of exemption from producing a certificate from an affiliated college to individual cases, clause 25 empowers that body to frame regulations for the exemption of all non-collegiate candidates who fulfil certain conditions.

It is submitted that there appears to be some inconsistency between clauses 19 and 25. Sub-clauses 2 (*f*), 2 (*i*), 2 (*k*), 2 (*m*) and 2 (*n*) as now proposed to be modified—*vide* item (4) on page 15 *infra*—and 2 (*o*) of clause 25 enable regulations to be framed about candidates for examinations. Some reference to these in clause 19 seems necessary so that they may not clash with clause 19, and the necessity for it may be recommended to the Government of India.

I do not see any inconsistency between clauses 19 and 25. In the former, the words "completed the course of instruction prescribed by regulation" cover all regulations made under the latter for the case of private candidates.

A.G.C.—23-12-03.

I agree; in any case, the Government of India will see the opinion.

G. S. F[orbes].

Clause 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 consti- "tuted 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;

"(*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

"(*c*) 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)."

---

(1) Father Sewell observes that several Roman Catholic religious societies were for several years placed under very serious disabilities in respect to the receipt of grants-in-aid and in respect to employing their own teachers, by reason of the Madras Government's requiring certain academical qualifications which obliged men otherwise qualified to spend five years in preparing for a Madras degree. In view to avoid any possible misunderstanding on this point he suggests that sub-clause 1 (*b*) may be re-cast as follows:—

"That the teaching staff is adequate to the course of studies to be undertaken "and that the terms on which they are engaged are such . . . . College."

Father Sewell does not give any concrete instance of the hardship already suffered, but it is submitted that under the amendment proposed by him control can be exercised only over the number of teachers—not over their qualifications, which is a very important point. The proposal should not therefore be accepted, notwithstanding any support which paragraph 62 of the report of the Indian Universities Commission gives it.

A. G. CARDEW—23-12-03.

I don't find in paragraph 62 any support for Father Sewell's proposal that the University shall not be allowed to control the qualifications of teachers in affiliated colleges.
A.G.C.

(2) Mr. Bilderbeck desires to know whether sub-clause (1) (*b*) will justify the Syndicate in enquiring into the scale of salaries and in bringing pressure to bear on managers to pay adequate salaries.

Clearly.
A. G. CARDEW.

The answer appears to be in the affirmative.

(3) With reference to sub-clause (1) (*c*), Mr. Bilderbeck thinks that it is not likely that managers will incur any liabilities in respect to the erection of expensive buildings until the Syndicate has expressed a provisional approval of work which they propose to execute.

Mr. Bilderbeck's meaning appears to be a little obscure, but apparently what he wants is that affiliation should first be effected and the erection of suitable buildings then insisted on if necessary. This does not appear to be altogether advisable.

No comment necessary.
A.G.C.

(4) Dr. Miller suggests that in sub-clause (1) (*d*) the word "some" may be inserted after "and" at the end of line 3. He thinks that the sub-clause as it stands rather suggests that if practicable all members of the teaching staff should reside in or near the College. This would in most cases be impossible and even if possible not always desirable. That some members should reside in or near the College is practicable and desirable.

Mr. Bilderbeck thinks that the sub-clause aims at an object which in the case of Colleges in crowded parts of large towns cannot be realized.

I think the words "so far as circumstances permit" give sufficient discretion.
(See paragraph 63 of Universities Commission's report.)
A.G.C.

It is submitted that Dr. Miller's suggestion may be approved and recommended to the Government of India.

(5) Mr. Bilderbeck enquires whether "permanent maintenance" in sub-clause (1) (*e*) means something more than "stability". If so he thinks that this provision may put even a Government institution out of court.

He can ask this and other of his questions on the Select Committee.
A.G.C.

Yes.
G. S. F[ORBES].

It is submitted that "permanent maintenance" does not seem to mean anything more than "stability."

(6) Father Sewell suggests that in sub-clause (1) (*g*) after the word "College" in line 3, the words "in the same town, city or neighbourhood" may be inserted. His object is to safeguard the principle that a common fee rate for any extended area is an evil.

What are "unfair" terms?
G.S.F.

It is well known that his college is competing on unfair terms with the Government College at Kumbakônam. It should therefore be in the power of the Syndicate to interfere in this matter if it thinks necessary but it will not be able to do so if the suggestion is adopted. The suggestion should not therefore be approved.

A.G.C.—23-12-03.

(7) Mr. Bilderbeck suggests that in sub-clause 2 (*c*) after the word "refused" in line 3 the words "in whole or in part" should be inserted and the words "and shall embody" substituted for "embodying."

Minor points, hardly worth special notice in the letter to India.
A.G.C.
G.S.F.

These suggestions may be approved and recommended to the Government of India.

There would be great difficulties in framing any such clause as is proposed. If it were provided that no change in any of the matters reported to the Syndicate under clause 21 (1) should be made without leave of the Syndicate, a college would be unable to alter the pay of a single professor unless the Syndicate had first approved. Nor does the proposed provision seem necessary. If any College is found to have wilfully and intentionally made material alterations in its conditions after report to the Syndicate under clause 21 (1), it can be disaffiliated.
A.G.C.—23-12-03.

(8) The Director considers it desirable that an additional sub-clause should be added to clause 21 providing that a College which has been affiliated shall not make any alteration in regard to some at any rate of the matters dealt with in the clause without the previous sanction of the Syndicate.

The attention of the Government of India may be drawn to the matter.

Clause 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)."

Mr. Bilderbeck suggests that another sub-clause may be added to this clause as follows:—

"If any College should refuse or unreasonably delay compliance with the "demands of the Syndicate, it shall be the duty of the Registrar to bring before the "Syndicate a proposal to disaffiliate the College."

Why should it be now made a duty of the Registrar to propose disaffiliation? Under clause 25 (*e*) the Senate can tell the Registrar what he is to do, and no provision in the Bill seems necessary.

A G. CARDEW.

Nothing need be said.

G. S. F[ORBES].

Some such provision as this appears to be necessary and a recommendation to that effect may be made to the Government of India.

Clause 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."

(1) Father Sewell expresses the hope that under the rules framed under sub-clause (2) (*b*) a Principal or Professor of an outlying college will be eligible to become a member of the Syndicate. This is not the case at present.

This may be borne in mind and action may be taken when the regulations under the new Act come up for the sanction of Government. Nothing can or need be done at present. In paragraph 18 (*a*) of our letter No. 217, dated 15th May 1903, it was stated that the present rule under which no Fellow is eligible to become a Syndic who is not resident in Madras is too hard and fast.

A. G. CARDEW—23-12-03.

(2) The Director points out that some of the provisions made in sub-clause (2) come under the heading "Executive Government" which is vested in the Syndicate under clause 15—for instance clause (*g*). Dr. Bourne considers it undesirable that the Senate should have the power of even proposing for the sanction of Government that such matters as the appointment of Examiners may be taken away from the Syndicate.

It is submitted that the intention appears to be that the Syndicate should work in subordination to the Senate and under rules framed by the latter with the sanction of Government. No modification seems thus to be necessary.

The Senate is the governing body and must, of course, be supreme. If it proposes to destroy the executive powers of the Syndicate, Government will withhold sanction.

A.G.C.—23-12-03.

(3) Dr. Bourne further suggests that in sub-clause (2) (*j*) the words "and the fee if any . . . . such register" should be omitted as this fee is fixed in sub-clause (3) of clause 7.

This suggestion may be recommended to the Government of India.

A.G.C.

(4) Mr. Bilderbeck suggests the addition to sub-clause (2) (*n*) of the words "and the conditions to be complied with by candidates for matriculation whether appearing from recognized schools or not" and the omission from sub-clause (2) (*o*) of the word "matriculation". School students he says do not belong to institutions affiliated to the University.

These suggestions may be approved and recommended to the Government of India.

A.G.C.—23-12-03.

Clause 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)."

The Director doubts whether one year as provided in sub-clause (3) is sufficient. It is submitted that it ought to be if work is done with reasonable despatch. The point may however be brought to the notice of the Government of India.

Unnecessary.

A. G. CARDEW.

Clause 29 *and the second schedule.*—"The Acts mentioned in the second schedule "are hereby repealed to the extent speci-"fied in the second column thereof.

Repeals.

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 ..	Do. do.
"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."

(1) Colonel Love, the Syndicate and Mr. Bilderbeck point out that this schedule should be revised as certain of the sections of the Madras University Act, 1857, which it is not proposed to repeal are inconsistent with the provisions of the Bill. Among these Colonel Love mentions section 6, the Syndicate, sections 3 and 6 and Mr. Bilderbeck sections 5 and 6.

The point must have been considered by the Government of India who have apparently been advised that it is unnecessary to repeal section 6, etc., of the Act of 1857.

A.G.C.—23-12-03.

These suggestions may be approved and recommended to the Government of India.

(2) Mr. Bilderbeck also points out that under section 9 of the Madras University Act, 1857, "all questions which shall come before the Chancellor, Vice-Chancellor and Fellows shall be decided at a meeting of the Senate by the majority of the members present." In practice however he says questions are now decided by a majority of votes of members present and voting. He thinks that there are persons who do not vote because they are indifferent or because they hesitate whether they are competent to form an independent opinion on the question before them, but that there may be a third party who do not vote from a desire to be obstructive. It is considered that these should not be able to take advantage of the rule as it now stands and Mr. Bilderbeck therefore suggests that distinct provision should be made for all questions coming before the Senate being decided by a majority of the members present and voting provided that the total number of votes given be not less than 30.

I doubt. The persons present must be deemed reasonable; and if a member declines to vote, he is evidently not prepared to support it, and this must count for opposition, and rightly.

G. S. F[ORBES].

Mr. Bilderbeck further suggests that the quorum of 6 fixed in section 9 of the Madras Universities Act, 1857, should be raised to 30.

This suggestion is however based on the misapprehension that the Bill raises the minimum strength of the Senate which, under section 6, still remains at 30, exclusive of the Chancellor and Vice-Chancellor. On the whole, it is submitted that the minimum strength of the Senate may be raised to, say, 50. If so, both Mr. Bilderbeck's suggestions may be approved and recommended to the Government of India. If not, only the former portion of the first requiring that provision may be made for all questions being decided by a majority of members present and voting, may be recommended.

A quorum of 6 is unduly low, and both points may be brought to the notice of India.

A.G.C.—23-12-03.

2. In addition to the suggestions made in connection with individual clauses, the following general suggestions have also been made by some of the persons consulted:—

(1) Father Sewell points out that in paragraph 42 of the report of the Universities Commission, it is stated that it was "most important that no Fellowship should, in future, be conferred merely by way of compliment," and that clause 10 of the Bill accordingly provides for the appointment of "fit and proper persons" as ordinary Fellows. Nevertheless Father Sewell thinks that there has been so much misunderstanding on this point in the past that it is desirable to make express provision to give effect to the recommendation of the Commission.

It is submitted that no such express provision seems to be necessary as it will unnecessarily tie the hands of Government.

A. G. CARDEW.

(2) Mr. Stone observes that the University of Madras grants the degree of M.A. and other higher degrees to persons who have undergone no course of instruction and submitted to no academic discipline during their preparation for the examinations for such degrees. He therefore suggests that a provision should be made fixing a term of years after which no University should admit to the examination for any degree any person who has not undergone efficient college or University instruction in some at least of the subjects of the examination.

It is submitted that at present M.A. students in chemistry, physics and such subjects practically undergo further courses of instruction without which they can hardly expect to pass. This seems to be sufficient. Candidates for the higher degrees mentioned should not be subject to the same discipline as those for the B.A.B.L. and corresponding degrees.

In any case the matter noticed by Mr. Stone should be dealt with by Regulations under clause 25 (i), and not by a specific provision in the Bill.

A.G.C.—23-12-03.

(3) Mr. Stone further suggests that provision should be made for keeping a register of candidates for the higher degrees referred to and for appointing a tutor for candidates for any degree when their number is not less than, say, five.

Under clause 3, the University can appoint Professors and Lecturers: it is submitted that nothing further seems necessary.

A.G.C—23-12-03.

3. The Government of India want a reply by the 31st instant.

P. T. THARYAN—20-12-03.

I have only been half way through the office-note, but I think I had better send the file on without delay—delay which I should have to make as I have Campbell's work to do in addition to my own just now. It will be seen from my marginal notes that, as far as I can judge, most of the difficulties felt by the persons to whom the Bill has been referred and by the office seem to be due to sheer misunderstanding.

A. GALLETTI—22-12-03.

The Assistant Secretary did right in sending on the file, which had been delayed too much in the press. As the Government of India wants a reply by the 31st instant, I have prepared a short draft, without waiting for orders, and it is herewith submitted.

A. G. CARDEW—23-12-03.

His Excellency should see the draft before issue. I have made a very few alterations. All the opinions are going to India, and the Select Committee will consider them.

G. S. F[ORBES]—23-12-03.

Submitted to His Excellency the Governor.

A.G.C.—23-12-03.

A[MPTHILL]—24-12-03.

Please return these papers to me after the letter has gone out.

A[MPTHILL].

Letter to be despatched sharp. File then to be resubmitted to His Excellency the Governor.

A. G. CARDEW—24-12-03.

Letter has been despatched and the file is resubmitted.

T.K.—26-12-03.

Thanks. I have read the file again more carefully.

A.—28-12-03.

[G.O., Nos. 647, 648, Educational, dated 26th December 1903.]

[Form No. 12].

Legislative (1903) Department.

CURRENT No. 517

From

[*Name*] R. Hill, Esq.,

[*Designation*] Superintendent, Government Press,

[*Station*] Madras.

Bro No. 4359

Dated 14th November 1903.

Enclosures ✓

Received 14—11— 1903.

Registered 14—11— 1903.

SUBJECT.

Reporting that the Indian Universities Bill was published in the State of Orissa & Kalahandi

Statement showing the dates on which the ~~within mentioned Bill~~ was/were published in ~~the~~ English in the "Fort St. George Gazette." on the 10th November 1903

BACK PAPERS.

FURTHER PAPERS.

100—18-1-01.

Drs. No. 4359

Statement showing the dates on which the undermentioned Bill was ~~were~~ published in the "Fort St. George Gazette."

(Vide ~~para. 2 of G.O., dated 2nd June 1891, No. 1042, Judicial.~~)

Title of the Bill.	English.	Tamil.	Telugu.	Canarese.	Malayalam.	Hindustani.	Remarks.
The Indian Universities Bill, with Statement of Objects and Reasons.	1903. 10th November	1903. -	1903. -	1903. -	1903. -	1903.	Memoranda No. 629, Legislative, dated 11th November 1903, and No. 633, Legislative, dated 12th November 1903.

Superintendent.

GOVERNMENT PRESS,
Madras, 14th November 1903.

To
The Chief Secretary to Government.
Legislative Department
Madras.

CURRENT NO. 1901

Department of Public Instruction.

From

THE PRINCIPAL, MEDICAL COLLEGE,
MADRAS.

To The Ag Secretary to Govt Educational Dept
~~Fort St. George~~

No. 369, dated 18 Nov 1903.

Despatched 18 Nov 1903.

Received Rep

Enclosures

Spare Copies

Subject.

Stating that he has no remarks to offer on the Bill to amend the law relating to the Universities of British India.

Read P.C.
Again G.O. No 550 d/12-11-03 - P.
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Pay 27/11/03

4

No. 369

MADRAS MEDICAL COLLEGE,
18th November 1903.

From

LIEUT.-COLONEL J. MAITLAND, M.D., I.M.S.,
PRINCIPAL, MEDICAL COLLEGE,

To

The Ag Secretary to Government.
Educational Department
Fort St George.

SIR,

With reference to G.O. No. 550 Educational dated the 12th November 1903, I have the honor to state that I have no remarks to offer regarding the Bill to amend the law relating to the Universities of British India.

I have the honor to be
Sir
Your most obedient Servant

Illegible
Principal Med College.

[E. 1]
1,000--5-12-02.

5

Educational (1903) Department.

CURRENT No. 1947.

From

[Name] The Rev. W. Miller. M.A. LL.D. C.I.E.

[Designation]

[Station] Madras.

No.

Dated 26 11. 1903.

Enclosures 3. s.e

Received 26. 11. 1903

Registered Do 190.

SUBJECT.

Forwarding his remarks on the provisions of the Indian Universities Bill.

BACK PAPERS.

FURTHER PAPERS.

[E. 1]

1,000--5-12-02.

6

Educational (1903) Department.

CURRENT No. 1970. 24

From

[*Name*] The Rev. J.D.W. Sewell. S.J.

[*Designation*] Manager, St Joseph College

[*Station*] Trichinopoly.

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P.D. 30/11/3

No.

Dated 28. 11. 1903.

Enclosures

Received 29. 11. 1903.

Registered 190 .

SUBJECT.

Submy his remarks on the provisions of the Indian Universities Bill.

BACK PAPERS.

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CURRENT NO. 1979

Department of Public Instruction.

COLLEGE OF ENGINEERING, MADRAS.

LOCAL & MUNICIPAL
2 - DEC 1903
SECRETARIAT

No. 1623 C. 2nd December **1903.**

Despatched 2nd December } **1903.** **Enclosures.**

Received 2. 12. **Spare copies.**

Replied 3 12

Subject.

Indian Universities Bill. Submitting expression of opinion called for on the ——.

Press

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Govt. 1997 of 1997 D.

Subject Indian Universities Bill

No. 1623 C

COLLEGE OF ENGINEERING MADRAS

Dated 2nd December 1903.

From

~~Lieut.~~-Colonel H. D. LOVE, R.E.,

Principal, College of Engineering, Madras,

To

The Secretary to Government
Educational Department.

Sir,

Referring to Government Order No. 550, Educational, dated 12th November 1903, I have the honor to express general approval of the Draft Universities Bill except in regard to Section 7 (2) (a) and (b), and to a few minor points in other Sections, which are set forth below:-

2. Section 7 (2) (a) and (b). The provisions of this Section would exclude from the register the bulk of Madras graduates including a great number of the persons best qualified

Stock Form No. 127
2,000—12-2-03.

9

Educational (1903) Department.

CURRENT No. 2018.

From

[Name] A.G. Bourne Esq., D.Sc.,F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras.

Ref. M.C. No. 8652 of 03

Dated 8th December 1903.

Enclosures

Received 190 .

Registered 190 .

SUBJECT.

Indian Universities Bill. - Submitting remarks upon the provisions of the - - - called for in G.O. No. 550, Educational, dated, 12th November 1903.

BACK PAPERS.

FURTHER PAPERS.

10

To

The Secretary to Government,

Educational Department.

Sir,

In accordance with G.O. No. 550, Educational, dated 12th November 1903, I have the honour to submit the following remarks upon the provisions of the Indian Universities Bill:-

Section 3(a). It should be made clear that this refers to University Professors and Lecturers and not to Professors and Lecturers in affiliated colleges. "Students" in 3(c) refers to students in affiliated colleges as well as to those in any University classes which may be organized.

Section 4(2). The legal question arises here as to whether the Syndicate is hereby prevented from exercising any independent powers.

Section 7(2). I am strongly in favour of allowing all Bachelor graduates of a certain standing to have their names upon the register and of making this the only qualification. Under the present provisions of the section the election in the University of Madras will be too largely in the hands of the Bachelors of Laws. Further I consider it undesirable that a Bachelor of Arts by taking the degree of Bachelor of Laws should become eligible to have his name on the register two years after graduation in Arts and that a Bachelor of Arts by taking the degree ~~of~~ (so called) of Licentiate in Teaching one year after

Stock Form No. 127
2,000—1-5-02.

11

Educational (1903) Department.

CURRENT No. 2034

From

[Name] J. T. Gillespie Lgr. Secy.

[Designation] Ag: Registrar, High Court.

[Station] Madras.

Dcs. No. 1164

Dated 10th December 1903.

Enclosures one.

Received 11 DEC 1903 190 .

Registered 190 .

SUBJECT.

Forwarding with remarks a copy of a minute recorded by the Hon'ble Mr. Justice Benson on the Indian Universities Bill

BACK PAPERS.

FURTHER PAPERS.

12

To

The Secretary to Government,

Educational Department.

Sir,

With reference to G.O. No. 550, Educational Department dated 12th November 1903, I am directed to forward a copy of ~~the~~ a minute by the Honourable Mr. Justice Benson on the Universities Bill and to state that the Honourable the other Judges have not recorded any minutes. The Honourable Sir V. Bhashyam Iyengar regrets his inability to record a minute owing to want of time.

I have the honour to be,

Sir,

Your most obedient servant,

J. T. Gillespie

Ag. Registrar.

Ord
16-12-03

Order
P.S

The following letter will be despatched to the Govt of India
Letter: No 647 dy 26.12.03 / No 648 dy 26.12.03

13

A.G.C.

To the Sect to the G. of India,

Legislative Dept.

Sir,

Despd 26/12/03

I am directed to acknowledge the receipt of your Letter No. 2161, dated 5th November 1903, forwarding copies of a Bill to amend the law relating to the Universities of British India, with a Statement of Objects & Reasons, & requesting ~~that~~ the opinion of this Govt. & of ~~the officers~~ consulted by them on ~~the~~ the provisions ~~of the Bill might be submitted as soon as to reach the G. of India not later than the 31st instant.~~

2. In reply, I am to forward the opinions of the Hon'ble the Judges of the High Court & of the Syndicate of the University of Madras, and of ~~the officers~~ others who have been consulted on the subject. The views of this Govt. ~~on the principle of~~ regarding the reconstitution of the Indian Universities were set forth at length in my Letter No. 217 Ed. dated 15th May 1903, & H.E. the Governor in Council has not now many remarks to offer.

3. In paragraph 7 of that Letter the opinion was expressed that the number of Fellows should not be reduced below 150 for the present. This view has not met with the acceptance of the Govt of India, & the Bill proposes to fix the number of ex-officio Fellows of the Madras University at five,

Note
Please return these papers to me after the letter has gone out
K S

[The letter has been despatched]

Letter No. 27 dy 15-5-04

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with power to raise the number to a maximum of ten, and the number of Ordinary Fellows at one hundred, of whom ~~[redacted]~~ twenty may be elected, in part by the registered Graduates + in part by the Faculties. In this connection I am to invite attention to the remarks of the Rev. Dr. Miller C.I.E. in his Letter dated 26th november 1903. He ~~points out~~ that about ninety Fellows at present sit on the various Boards of Studies. In this junction that number represents the minimum necessary for keeping the ordinary machinery in proper order; + ~~that~~ if the Senate, exclusive of ex-officio Fellows, is never to exceed one hundred, there will be too small a margin left for representatives of the educated public. H.E. the C. in Council ~~is inclined to concur in these remarks~~ + to suggest that ~~power to increase the number of ordinary Fellows~~ should not exceed one hundred may be reserved in the Bill.

4. Clause 7 of the Bill provides that

great pressure will periodically be brought to bear upon the Syndicate to admit certain outside Bodies. Of the Rev. Dr. Miller to enhance the number of its own important function of the Faculties. Such pressure will be exercised by the representatives of the community who will be very glad to have easy & easier & without exciting opposition.

submits the suggestion for the consideration of the G. of I; the inadequacy of the proposed number for Syndicate duties, ~~with the exception~~ is not however ~~a reason for objection~~ + H.E.C. is disposed to think that the Bill should fix definitely the maximum no. of fellows. Otherwise

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that the electorate by which elected Fellows will be chosen under Clause 6 (1) (2) shall consist of those Graduates who have taken the highest degree in any Faculty + of those who have taken two degrees, one being a degree in the Faculty of Arts. It is pointed out by more than one of the authorities consulted that the effect of the provisions of the Bill as drafted will be to give an undue preponderance to Graduates who have taken the B.L. degree. In the opinion of the G. in C. this result, which is probably unintentional, is much to be deprecated, and this Government would strongly urge, that the provisions of the Bill on this point be reconsidered. If the G. of India are unwilling to accept the recommendation, wh was made in para. 8 of my Letter No. 217 Ed. dated 15th May 1903, that Graduates in Arts of ten years' standing should be entitled to vote, I am to suggest that the

Out of 6736 Bachelors of arts, 4800 or 71 per cent. hold no second degree + will be disqualified for registration, while out of the 1900 + odd Graduates who will form the electorate, 1328 or 68·6 per cent. will be Bachelors of Laws. No Bachelor of arts, however distinguished, will be entitled to vote unless he proceeds to the M.A. or B.L. or some other second degree, while the youngest Bachelor in Laws or Licentiate in Teaching will at once be eligible.

period of qualification should be raised to fifteen years. It seems ~~after opinion of the Govt~~, essential that some modification should be introduced into this section which will have the effect of preventing other classes of the electorate being clamped by those who, after taking the B.A. degree, have graduated in Law.

5. Under Subclause (3) of Clause 7 of the Bill the name of any graduate who has once secured registration but who has omitted to pay the annual fee prescribed may be re-entered upon payment of all arrears, but there is no provision in Subclause (2) of the same clause whereby a graduate who omits to register within the period therein specified can subsequently repair his omission. In the opinion of H.E. the Lt.-Gov. provision should in both cases be made for registration after

the Expiry of the periods fixed, upon payment of a penalty which may consist of a fee double the amount otherwise payable. I am also to suggest that power should be taken to enable a graduate to compound by a single payment for the annual payment prescribed by sub-clause (3) of this clause, a concession which is usually allowed in British Universities.

b. As a vacancy among Ordinary Fellows may not be of annual occurrence, it may be desirable to modify subclause (1) of clause 7 so as to provide for an election being held within a certain period after the occurrence of a vacancy and not "once in every year."

Subclause (4) of Clause 7 leaves it uncertain whether a Graduate who is already a Fellow may stand for re-election before his term of Fellowship under Clause 4(1) has expired. & some definite provision on this point is desirable.

7. The Govt of India will observe that considerable doubt is expressed by those who have been consulted

on the bill as to the meaning of Clause 9. In the absence of any description of the future constitution of the Faculties referred in Clauses 4, 6, 9 and elsewhere, H.E. in Council is unable to form any definite opinion of the effect of the provisions of the clause as it now stands. I am, however, to suggest that words should be introduced to make it clear whether Graduates not registered under Clause 7 (2) will be eligible to vote under Clause 9(1) and whether persons who are not members of or graduates in the Faculty will be eligible to be elected under Clause 9 (2).

8. In Clause 14 (4) of the Bill the meaning of the term "Senior Fellow" does not appear to be free from ambiguity, as various Fellows may hold office from the same date. It would seem better to omit the last three words of this subclause 4, leaving the matter to be dealt with by

regulation framed under Clause 25(2)(c).

9. In Clause 25 of the Bill certain minor amendments appear to be called for. The ~~[illegible]~~ words "and the fee, if any, to be paid for the registry or retention of a name on any such register" in subclause (j) ~~are~~ are unnecessary in view of the definite provisions of subclause (3) of Clause 7. Again the reference to matriculation in subclause (o) of Clause 25 is open to the objection that ~~candidates~~ candidates for matriculation do not necessarily study in colleges or other institutions affiliated to the University. It might, therefore, be better to adopt the suggestion of the Hon. Mr. Bilderbeck to introduce ~~words~~ words in subclause (n) referring to the conditions to be complied with by candidates for Matric while omitting reference to that exam. from subclause (o).

10. The Syndicate of the University, ~~[illegible]~~ certain of ~~the offices~~ those authorities who have been

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consulted on the Bill suggest that the Second Schedule, showing enactments repealed, requires revision, as certain sections of Act XXVII of 1857 which it is not proposed to repeal, are inconsistent with the provisions of the Bill. This is a point which will doubtless receive the consideration of ~~Select Committee on the Bill~~ the Govt of India. I am, however, to [redacted] invite attention in this connection to the remarks of the Honble Mr. Bilderbeck regarding Section IX of the existing Act. In the opinion of this Govt the quorum of six, fixed by that Section, ~~viz six,~~ is too low and should be considerably raised, ~~probably to at least twenty~~. The Govt is not however prepared to support Mr Bilderbeck's suggestion ~~in the words "by the majority of the members present" the words "and voting" after the words "and voting" may conveniently be inserted "by the majority of the present members present"~~

II. The Bill was published in the Fort St George Gazette in English on the 10th ~~December~~ November 1903. It was not publd in any of the vernaculars.

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