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ORIGINAL

[Despatch Abstract.]

University of Madras

Returning, with remarks, to the Senate
— for reconsideration the regulations regarding
elections to the Syndicate of the —

BACK PAPERS.

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Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1905.

Enclosures

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ORIGINAL

G.O., No. 634, 21st September 1905.

N.P.

University of Madras.

Returning, with remarks, to the Senate of the — for reconsideration the regulations regarding the elections to the Syndicate of the University.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from C. A. PATTERSON, Esq., M.A., LL.B., Registrar, University of Madras.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 12th September 1905.
No.—2184.

I have the honour by direction of the Syndicate to forward a set of regulations passed by the Senate on the 8th September 1905 to replace the present by-laws 90 to 93 regarding the election of the Syndicate. The regulations do not make any provision for an equality of votes, but this will be dealt with by a general rule applicable to all elections, as under the present by-laws. The Syndicate is advised that under the New Universities Act there is no provision for filling up vacancies in the provisional Syndicate. Of those who were appointed to the provisional Syndicate last January, four have resigned and another has been for some time unable to attend to business owing to illness. I am therefore to request that early orders may be passed regarding the proposed regulations so that the new Syndicate may be constituted under the Act.

ENCLOSURE.

That the following draft new by-laws to replace the present by-laws 90—93 in regard to the elections to the Syndicate be adopted :—

Regulation 1.—The Syndicate shall consist of the Vice-Chancellor as Chairman, the Director of Public Instruction and ten elected members.

Regulation 2.—The elected members shall be *ex-officio* or ordinary Fellows.

Regulation 3.—At least five of the elected members shall be Heads of, or Professors in, Colleges affiliated to the University.

Regulation 4.—Any elected member who has held office continuously for two years shall vacate his seat but shall be eligible for re-election in the manner hereinafter provided.

Regulation 5.—Any elected member who will necessarily be absent from the meetings of the Syndicate for more than three consecutive months shall vacate his seat.

Regulation 6.—Any elected member who has been absent from three consecutive meetings may be declared by the Syndicate to have vacated his seat but he shall be eligible for re-election.

Regulation 7.—Whenever a vacancy among the elected members occurs, the Registrar shall give notice thereof to each Fellow, and the Syndicate as a body and each *ex-officio* or ordinary Fellow shall be at liberty to nominate a Fellow to fill that vacancy. All nominations shall be in writing and shall be held to be duly made if they reach the Registrar not more than eight days after the declaration of the vacancy.

The Registrar shall cause a list of the nominations to be sent to each Fellow together with a voting paper. The voting papers when filled up shall be returned to the Registrar in such a way as to secure the secrecy of the ballot. A day and hour shall be appointed by the Vice-Chancellor for the scrutiny of the voting papers and each Fellow shall be informed thereof in order that he may be present should he so desire.

In the event of more than one vacancy occurring in the Syndicate at the same time a similar procedure shall be observed in regard to each vacancy.

Regulation 8.—Should it be necessary in accordance with by-law 3 that any vacancy should be filled by a Head of, or a Professor in, a College affiliated to the University the Registrar shall draw attention to the fact in the notice of the vacancy and should any six Fellows within ten days of the announcement of the result of such election raise the question as to whether the person

elected is eligible as aforesaid the Registrar shall give each Fellow resident at the time in the Presidency an opportunity of voting thereon in writing. The result of such voting shall be scrutinized and declared by a Committee of two Fellows appointed for the purpose by the Vice-Chancellor. In the event of the question being determined in the negative by a majority of the votes received by the Registrar within 14 days of the posting of the voting papers to the Fellows, a fresh election from among the nominees shall take place in a manner similar to that of the original election.

Order—No. 634, Educational, dated 21st September 1905.

The regulations received with the Registrar's letter read above will be returned to the Senate for reconsideration with reference to the following remarks :—

(1) Under section 12, clause (p), of the Indian Universities Act, 1904, the provisional Syndicate now holding office continues to do so till a Syndicate has been constituted under the Act. Draft regulation 1 would more appropriately run—

“The Syndicate under section 15 of the Indian Universities Act, 1904, shall consist of the Vice-Chancellor as Chairman, the Director of Public Instruction and ten elected members.”

(2) Regulation 2 is merely a repetition of part of section 15, sub-section (1), clause (c), of the Act, and is redundant. It should be omitted.

(3) It may perhaps make regulation 5 clearer if it were re-cast as follows :—

“Any elected member who intends or expects to be absent from the meetings of the Syndicate for more than three consecutive months shall for that reason be under obligation to resign his seat.”

(4) The draft regulations do not appear sufficiently explicit in treating of vacancies, and draft regulation 7 should apparently be worded “Whenever a vacancy occurs among the elected members after the Syndicate has been fully constituted the Registrar shall . . . each vacancy.”

(5) In regulation 8, the word “by-law” should apparently be altered into “regulation”. The provision requiring the question whether any person elected is or is not a Professor within the meaning of section 15, sub-section (2), to be decided by a majority of Fellows resident in the Presidency would appear to be inconsistent with section 15, sub-section (3), under which the matter has to be decided by the Senate.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Registrar of the Madras University.

Ed. A.F.E.

NOTES CONNECTED WITH G.O., No. 634, EDUCATIONAL, DATED
21st SEPTEMBER 1905.

[SUBJECT.—*Regulations passed by the Senate to replace the present by-laws 90 to 93 regarding the election of the Syndicate.*]

From the Registrar, Madras University, dated 12th September 1905, No. 2184.

The executive business of the University is now conducted by the Provisional Syndicate appointed by the Senate under section 12, clause (p), of the Indian Universities Act, 1904. This Syndicate will hold office until the Syndicate has been constituted under the Act. The present regulations have been framed under section 25, sub-section (2), clause (b), read with section 15, sub-section (1), clause (c), and sub-section (2). They do away with Faculty representation altogether but this is permissible under section 15, sub-section (1), clause (c).

2. A preliminary doubt seems to arise as to the sufficiency of these regulations in that they do not provide for a first election but only for elections as vacancies occur. There is at present no Syndicate constituted under the Act. All the seats are thus perhaps to be considered as vacant, but unless a Syndicate has been in existence under the Act, how can their seats be considered to be vacant? Regulation 4 distinctly states how the vacancies arise under the Regulations in the ordinary course. The existing by-laws (No. 90) provide for an annual election in August.

3. Regulation 1.—“The Syndicate shall consist of the Vice-Chancellor as Chairman, the Director of Public Instruction and 10 elected members”.

The greater portion of this simply repeats the Act—section 15 (1) (a) and (b). It would perhaps have been better if the regulation had run as “The Syndicate shall, in addition to the Vice-Chancellor

Hypercriticism.
A. GALLETTI. Instruction, consist of 10 elected members”.

4. Regulation 2.—“The elected members shall be *ex-officio* or ordinary Fellows”.

A. GALLETTI. This is section 15 (1) (c) and seems
H. D. TAYLOR. redundant.

5. Regulation 3.—“At least 5 of the elected members shall be Heads of, or Professors in, colleges affiliated to the University”.

This satisfies the requirements of section 15, sub-section (2).

6. Regulation 4.—“Any elected member who has held office continuously for two years shall vacate his seat but shall be eligible for re-election in the manner herein-after provided”.

H. D. TAYLOR. A provision like this is necessary under the concluding portion of section 15, sub-section (1), clause (c).

But how is this to be enforced, if the member does not declare his intention. I prefer the wording in the present Regulation 91.

H. D. TAYLOR. 7. Regulation 5.—“Any elected member who will necessarily be absent from the meetings of the Syndicate for more than three consecutive months shall vacate his seat.”

Regulation 6.—"Any elected member who has been absent from three consecutive meetings may be declared by the Syndicate to have vacated his seat but he shall be eligible for re-election."

Hypercriticism.

A. GALLETTI. These two regulations overlap each other to a considerable extent, but regulation 5 apparently takes effect before, and regulation 6 after, the actual absence. The former seems to provide for the case of those who leave the Presidency or India for more than three months but it might perhaps have been more explicit.

8. **Regulation 7.**—"Whenever a vacancy among the elected members occurs, the Registrar shall give notice thereof to each Fellow, and the Syndicate as a body and each *ex-officio* or ordinary Fellow shall be at liberty to nominate a Fellow to fill that vacancy. All nominations shall be in writing and shall be held to be duly made if they reach the Registrar not more than eight days after the declaration of the vacancy, etc.

"The Registrar shall cause a list of the nominations to be sent to each Fellow together with a voting paper. The voting papers when filled up shall be returned to the Registrar in such a way as to secure the secrecy of the ballot. A day and hour shall be appointed by the Vice-Chancellor for the scrutiny of the voting papers and each Fellow shall be informed thereof in order that he may be present should he so desire.

"In the event of more than one vacancy occurring in the Syndicate at the same time a similar procedure shall be observed in regard to each vacancy."

There are two objections to this regulation. The first is that it does not provide for a tie, but the Registrar says that the omission will be supplied by a general rule applicable to all elections when the general body of regulations is drawn up.

Hypercriticism.

A. GALLETTI. The second is that there may be as many nominations as there are Fellows—a rather unwieldy list in that case.

9. **Regulation 8.**—"Should it be necessary in accordance with by-law 3 that any vacancy should be filled by a Head of, or a Professor in, a college affiliated to the University the Registrar shall draw attention to the fact in the notice of the vacancy and should any six Fellows within ten days of the announcement of the result of such election raise the question as to whether the person elected is eligible as aforesaid, the Registrar shall give each Fellow resident at the time in the Presidency an opportunity of voting thereon in writing. The result of such voting shall be scrutinized and declared by a committee of two Fellows appointed for the purpose by the Vice-Chancellor. In the event of the question being determined in the negative by a majority of the votes received by the Registrar within fourteen days of the posting of the voting papers to the Fellows, a fresh election from among the nominees shall take place in a manner similar to that of the original election."

What harm will it do?

A. GALLETTI.

They should keep to the wording of the Act.

J. T[OMSON].

The portion underlined seems also

A. GALLETTI.

In regard to this regulation, the term "by-law" used therein is not authorized by the Act which speaks of "regulations".

inconsistent with the Act—section 15, sub-section (3)—which requires that the question shall be decided by the Senate and not only by the Fellows resident in the Presidency at the time.

9. Such of the minor objections mentioned in paragraphs 3, 4, 7, 8 and 9 as are considered valid may perhaps be pointed out to the Senate so that in incorporating these regulations in the general body of regulations they may receive attention.

It seems difficult however to see how the objection raised in paragraph 2 can be overcome. Regulation 7 says "whenever a vacancy among the elected members occurs," but there are no elected members now.

P. T. THARYAN—14-9-05.

It looks as if they meant the present Provisional Syndicate to go on and only vacancies to be filled up. I don't know that there is any objection to constituting the Syndicate out of the Provisional Syndicate as a basis. But if this was what was meant, the Regulations might say it.

H. D. TAYLOR.

Regulation 2 should obviously go out. A Regulation under an Act which merely repeats a provision of the Act is not only superfluous, but misleading.

H. D. TAYLOR.

Regulation 8 appears to me to be inconsistent with section 15 (3) of the Act.

2. The draft is pretty obviously not a lawyer's. It appears from a newspaper report that Dr. Bourne, Mr. Bilderbeck and Mr. Stone started drafting regulations and that when Messrs. Bilderbeck and Stone went on leave, Dr. Michell and Mr. Macphail took their places. They might have asked one of the lawyers in the Senate to help them. As it is there seems to be nothing for it but to refer the draft back with remarks. Should the Advocate-General be consulted?

A. GALLETTI—15-9-05.

Regulation 1.—This provides for ten *elected* members. Until these are *elected* the Syndicate cannot, under the rules now proposed, be properly constituted—the present members being *appointed* under section 12 (p). It is not possible to combine the members provisionally appointed, and members elected. Hence as soon as the regulations are sanctioned by Government under section 25 (i), it seems to me that all members provisionally appointed will have to vacate office. Otherwise they may continue in office indefinitely—until they die. Rules 4, 5, 6 and 7 apply only to *elected* members. Vacancies in the Provisional Syndicate can only be filled up by a *Provisional* Regulation.

J. T[OMSON].

2. **Regulation 5.**—I do not like this. The fact of residence is, I think, to be departed from.

J. T[OMSON].

There are objections to whatever form this regulation takes. The member can only be put on his honour, and it should run as a direction for his conduct, e.g., "Any elected member who intends or expects to be absent shall for that reason be under obligation to resign his seat".

If they fail to express such intention regulation 6 will apply in due course. Regulation 2 is redundant.

Regulation 8.—The matter must be decided by the Senate, i.e., the Corporate body and not by the Fellows only.

J. T[OMSON].

Before we consult the Advocate-General these points may be referred back to the Senate, and the Registrar might be asked to consult some of the members of the legal profession who are on the Senate.

H. D. TAYLOR—15-9-05.

It will suffice to refer back these Regulations with the remarks obviously called for. The Vice-Chancellor is a Barrister and Sir Subramania is a B.L., and you cannot ask the governing body of the University to be directed by the Fellows.

J. T[OMSON]—16-9-05.

I agree.

A[MPHILL]—18-9-05.

Please draft.

H. D. TAYLOR—19-9-05.

EDUCATIONAL DEPARTMENT.

A. GALLETTI—19-9-05.
H. D. TAYLOR—19-9-05.

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

" " " "; " 190

READ ALSO:—

C. No. 1618, From the Registrar, Madras University, No. 284, dated 12-9-1905

H. D. TAYLOR—21-9-05.

[G.O., No. 634, Educational, dated 21st September 1905.]

ORDER
PS

No. 634, dated 21-9-1905

The regulations received with the Registrar's letter read above will be returned to the Senate for reconsideration with reference to the following remarks:

1) Under Section 12, clause (r), of the Indian Universities Act, 1904, the provisions Synicate now holding office continues to do so till a Syndicate has been constituted under the Act. The regulations should apparently therefore expressly provide for constituting a Syndicate and not merely for filling up vacancies. There can be no vacancies before a Syndicate.

1. Diff regulation I would
more appropriate under
the Graduate under sec
15. of the D. W. Act 1874
shall consist then.

2

6 P 1

Constituted.

(2) Regulation 2 is merely a repetition of part of Section 15, ^{sub-section (1) clause} ~~clause (1)~~, ~~sub-section~~ (C), of the ~~Indian Universities Act, 1907~~, and is redundant. It should be omitted.

(3) It may perhaps make regulation 5 clearer if it were re-cast as follows:-

"Any elected member who intends or expects to be absent from the meetings of the Syndicate for more than 3 consecutive months shall for that reason be under obligation to resign his seat."

(4)

(5) In regulation 8, the word "bylaw" should apparently be altered into "regulation". The provision requiring the question whether any person elected is or is not a Professor within the meaning of Section 15, Sub-Section (2), to be decided by a majority of Fellows resident in the Presidency ^{would appear to be} is inconsistent with Section 15, Sub-section (3), under which the matter has to be decided by the Senate.

PH 19/8/15

R 19/9/15

1453

19.9.15

30/9/15

(4) The Draft regulations do not appear sufficiently explicit in dealing with vacancies. It should appear in the words "Where a vacancy occurs in any of the seats in the Syndicate ~~the full constitution of~~ the Syndicate has been fully constituted"

To the Senate of the Madras University with the regulations

) Letter only.

Order complete with Letter.

med for signature.

atched in print.

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