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Educational (1905) Department.

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G.O., No. 733

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INDEXED.
ORIGINAL

[Despatch Abstract.]

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11-11-05 11-11-05

University of Madras in the Regulations for the Election of the
Explaining certain points referred to
by the Secretary to the Government.
Explaining the exact nature of the
objection raised by Govt. with regard to No 8 of
the Regulations for the Election of the Syndicate

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

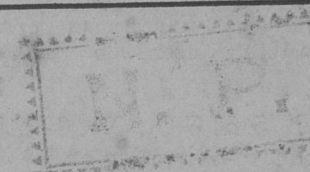
1905.

Enclosures

Spare copies

ORIGINAL

G.O., No. 733, 11th November 1905.



University of Madras.

Explaining the exact nature of the objection raised by Government with regard to No. 8 of the regulations for the election of the Syndicate.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

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

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

II

Letter—from C. A. PATERSON, Esq., M.A., LL.B., Registrar, University of Madras.
To—the Secretary to Government, Educational Department.
Dated—Senate House, the 18th October 1905.
No.—2579.

With reference to paragraph 5 of G.O., No. 634, Educational, dated the 21st September 1905, I have the honour, by direction of the Senate, to ask for an explanation as to the exact nature of the objection raised by Government.

It was suggested by some of the members of the Senate that Government objected to the legality of the Senate deciding the question by means of voting papers instead of at a meeting. In reply to this it was pointed out that section 9 of the Act of Incorporation (27 of 1857), which required questions coming before the Senate to be decided at a meeting, has been repealed, and that there is no corresponding general provision in the present Act though sections 17 and 18 of the present Act prescribe that certain acts are to be done at a meeting of the Senate. It was argued that the implication was that other matters could be dealt with by the Senate by voting papers. Other members suggested that the objection of Government was with regard to the geographical limit within which alone notice was to be sent to the Fellows. Others again suggested that the objection was to leaving the matters to the Fellows only, whereas the Act required the Senate to decide and the Senate includes the Chancellor who is not a Fellow. A copy of the resolution is enclosed. I am to request that a reply at as early a date as is convenient may be sent.

ENCLOSURE.

Extract from the minutes of the urgent meeting of the Senate, dated 14th October 1905.

Resolution.—Resolved that a reference be made to Government to ascertain the exact nature of the objection raised by Government in paragraph 5 of G.O., No. 634, Educational, dated the 21st September 1905.

Order—No. 733, Educational, dated 11th November 1905.

The Senate is informed that the objection raised by Government had reference to the proposal to leave the settlement of the question whether any person elected is or is not a Professor, to the Fellows only, whereas under the Indian Universities Act, 1904, the question is one for decision by the Senate or body corporate which includes the Chancellor who is not a Fellow. The objection will be met if for the words "the Registrar shall give each Fellow resident at the time in the Presidency an opportunity of voting thereon in writing" in the proposed regulation 8 the following words be substituted, namely, "the Registrar shall give the Chancellor and each ordinary and *ex-officio* Fellow resident at the time within the territorial limits of the University an opportunity of voting thereon in writing".

(True Extract.)

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

To the Registrar, University of Madras.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 733, EDUCATIONAL,
DATED 11TH NOVEMBER 1905.

[SUBJECT.—*Regulations for the election of the Syndicate*]

From the Registrar, Madras University, dated 18th October 1905, No. 2379.

Regulation 8 passed by the Senate of the Madras University under section 25, sub-section (2), clause (b), read with section 15, sub-section (1), clause (c), and sub-section (2), of the Indian Universities Act, 1904, ran as follows:—

“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.”

The Government thereupon observed that—

“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.”

2. The Senate now desires to know what the Government's objection exactly is—whether it is that the matter should be decided by the Senate *at a meeting* or by the Senate including members resident for the time being outside the Presidency or by the Senate including His Excellency the Chancellor.

3. Please see page 3 of the notes connected with G.O., No. 634, Educational, dated 21st September 1905. The Honourable Member (Hon'ble Sir J. Thomson) said that the matter should be decided by the Senate—the corporate body—and not by the Fellows only. From this it would seem that the intention is that the matter should be decided at a meeting. This however does not appear to be the intention of

the Act as the words “senate at a meeting” are not used in connection with this matter. If notice is sent to all Fellows, *wherever resident*, and votes taken the requirements of the Act would apparently be met.

And to the Chancellor and Vice-Chancellor, section 4 (1).

Yes: to the Body Corporate.

G. S[TOKES].

P. T. THARYAN—26-10-05.

A. GALLETTI—27-10-05.

H. D. TAYLOR—30-10-05.

I think the Senate's regulation may stand.
Please circulate.

G. S. F[ORBES]—31-10-05.

A. This seems to me to be the correct view. If the rule ran “the Registrar shall give every member of the Senate an opportunity,” I think it would not be open to the objections taken by Sir J. Thomson.

G. S[TOKES]—2-11-05.

“ . . . the Registrar shall give the Chancellor and each ordinary and *ex-officio* Fellow “resident at the time in Southern India”

A[MPHILL]—5-11-05.

Please draft.

Under section 5 of the Madras Universities Act XXVII of 1857 the Vice-Chancellor must be one of the Fellows.

H. D. TAYLOR—6-11-05.

The draft placed below is submitted for approval.

P. T. THARYAN—6-11-05.

A. GALLETTI—7-11-05.

For approval.

H. D. TAYLOR—8-11-05.

B | I agree with His Excellency provided Southern India is a defined expression in this connection. Madras Presidency would be too narrow, unless Hyderabad is reckoned within it, as they always do in the north of India.

Hon'ble Mr. Stokes' suggestion to include Fellows "wherever resident" is impracticable. Some Fellows may be on leave abroad, etc.

G. S. F[ORBES]—9-11-05.

Please note on the point referred to by Honourable Member at "B".

Perhaps for "Southern India" we might substitute the words "within the territorial limits of the University". (Section 27).

H. D. TAYLOR-10-11-05.

Submitted that no definition of Southern India can be traced. The General Clauses Acts of India and Madras define British India—but not Southern India—nor is there anything in the Interpretation Act, 1889.

P. T. THARYAN—10-11-05.

“Resident within the territorial limits within or in relation to which the powers conferred upon the University of Madras by or under the Act of Incorporation or the Indian Universities Act, 1904, are or may be exercised under notification of the Governor-General in Council, dated 20th August 1904.”

A. GALLETTI—10-11-05.

Order in Council.

Instead of "Southern India" the expression to be "the territorial limits of the University."

G. S. F[ORBES]—10-11-05.

Issue.

H. D. TAYLOR—10-11-05.

[G.O., No. 733, Educational, dated 11th November 1905.]

EDUCATIONAL DEPARTMENT.

RECAPITULAIN G.O., No., dated 190

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READ ALSO:—

C. No. 1840, From the Registrar, Madras University, No. 2579, dated 18-10-1905

ORDER

No. 733, dated 11-11 1908.

The Senate is informed that the objection raised by Govt. had reference to the proposal to leave the settlement of the question whether any person elected is or is not a Professor, to the Fellows only whereas under the Indian Universities Act, 1904, the Senate ^{or body Corporate} has to decide ~~it and the Senate~~ ^{which} includes the Chancellor who is not a Fellow. The objection will be met if for the words "the Registrar shall give each Fellow resident at the time in the Presidency an opportunity of voting thereon in writing" in the proposed Regulation B, the following words be substituted, namely

The Registrar shall give the Chancellor
 and each ordinary and Extraordinary Fellow
 resident at the time in the
 an opportunity of voting thereon in writing.

The Senate is informed that the object
 raised by Prof. had reference to the proposal
 to have the settlement of the question whether
 any person elected is or is not a Professor
 to the Fellow only, under the Indian
 University Act. The Senate has decided
 to send the question to the Chancellor
 to be put to the Senate. The object will be met
 if the vote is registered shall give
 each Fellow resident at the time in the
 Preliminary an opportunity of voting
 in writing in the proposed proposal.

The Registrar, Madras
 University.

To.
 The Registrar, Madras
 University.
 Dated
 13/11/5

2/ 658

"The Registrar shall give the Chancellor
 and each ordinary and Extraordinary Fellow
 resident at the time in the
 an opportunity of voting thereon in writing".

M. U. S. 11/15
 8. XI-05

The Senate is informed that the object
 raised by Prof. had reference to the proposal
 to have the settlement of the question whether
 any person elected is or is not a Professor
 to the Fellow only, under the Indian
 University Act. The Senate has decided
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 each Fellow resident at the time in the
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 in writing in the proposed proposal.

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