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Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 779

DATED 27-11-05



[Despatch Abstract.]

Public Service and Special test notifications

ordering that Graduates - in - fair should
pass in the Criminal procedure ^{code} but not in medical jurisprudence
before appointments to posts for which the Criminal
judicial test is presented and requesting the Commission
for Govt. Examinations to submit a draft of consequential
alterations in the ———

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. 779, 27th November 1905.

N. P.

Public Service and Special Test Notifications.

Ordering that graduates-in-law should pass in the Criminal Procedure Code before appointment to posts for which the Criminal Judicial test is prescribed, and requesting the Commissioner for Government Examinations to submit a draft of consequential alterations in the —.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

Reference from the Board of Revenue (Land Revenue), A. No. 505 (Confdl. No. 48), dated 29th September 1905.

The Hon'ble Mr. H. A. SIM, C.I.B., I.C.S.

The Hon'ble Mr. J. TWIGG, I.C.S.

With reference to the Public Service notification printed at pages 532—547 of the issue of the *Fort St. George Gazette*, dated 19th September 1905, under which graduates-in-law are not required to pass the Criminal Judicial test for posts for which it is prescribed, the Board begs to point out that the present curriculum of the B.L. degree examination of the Madras University excludes two out of the four subjects prescribed for the Criminal Judicial test, viz., the Criminal Procedure Code and Medical Jurisprudence. The Board begs to enquire whether it is the intention of Government that graduates-in-law should be exempt from passing the two excluded subjects.

N. MACMICHAEL,
Acting Secretary.

To the Secretary to Government, Local and Municipal, etc., Departments
(through the Secretary to Government, Revenue Department).

II

Letter—from the Hon'ble Mr. M. HAMMICK, C.I.B., I.C.S., Acting Chief Secretary to Government.

To—the Honourable the Chief Justice.

Dated—the 17th October 1905.

No.—Ref. 4411, Judicial.

The Public Service notification printed at pages 532—547 of the *Fort St. George Gazette*, dated 19th September 1905, exempts graduates-in-law and persons who have passed the Pleaders' test from passing the Criminal Judicial test for posts for which the latter test is prescribed. The present curriculum for the B.L. degree examination of the Madras University does not include two of the four subjects prescribed for the Criminal Judicial test, viz., the Criminal Procedure Code and Medical Jurisprudence, while the curriculum of the Pleadership examination does not include Medical Jurisprudence. I am directed to request that the Honourable the Judges will be so good as to favour Government with their views as to whether graduates-in-law should be required to pass in the Criminal Procedure Code and Medical Jurisprudence and those who have passed the Pleadership examination be required to pass in Medical Jurisprudence.

III

Letter—from A. L. HANNAY, Esq., I.C.S., Registrar, High Court, Madras.

To—the Chief Secretary to Government.

Dated—the 8th November 1905.

No.—Dis. 1056.

With reference to your letter, Ref. No. 4411, Judicial, dated 17th October 1905, requesting to be favoured with the opinion of the High Court as to whether graduates-in-law should be required to pass in the Criminal Procedure Code and Medical Jurisprudence and those who have passed the Pleadership examination should be required to pass in Medical Jurisprudence to qualify them for posts for which the Criminal Judicial test (which includes those subjects) is prescribed, I am directed to state that the Honourable the Chief Justice and the Judges (except the Hon'ble Sir S. Subrahmania Aiyar) are of opinion that graduates-in-law should be required to pass in the Criminal Procedure Code, but that a pass in Medical Jurisprudence is not necessary either for graduates-in-law or those who have passed the Pleadership examination. The Hon'ble Sir S. Subrahmania Aiyar's view is that graduates-in-law and those who have passed the Pleadership examination should not be required to pass in either subject.

Order—No. 779, Educational, dated 27th November 1905.

The Government agree with the Honourable the Chief Justice and the majority of the Judges of the High Court that graduates-in-law should pass in the Criminal Procedure Code, but not in Medical Jurisprudence, before appointment to posts for which the Criminal Judicial test is prescribed.

2. The Commissioner for Government Examinations will be requested to submit a draft of consequential alterations in the Public Service and the Special Test notifications.

(True Extract.)

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

To the Board of Revenue.
„ Commissioner for Government Examinations.
„ Judicial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 779, EDUCATIONAL, DATED
27th NOVEMBER 1905.

[SUBJECT.— Question whether graduates in law should be exempt from passing in the Criminal Procedure Code and in Medical Jurisprudence before appointment to posts for which the Criminal Judicial Test is prescribed.]

REVENUE DEPARTMENT.

From the Board of Revenue (Land Revenue), No. 505 (Confidential No. 48), dated
29th September 1905.

Medical Jurisprudence was prescribed for the Criminal Judicial Test, Higher and Lower, in G.Os., No. 650, Judicial, dated 11th April 1889 and No 984, Judicial, dated 9th June 1890. It does not appear that this subject was ever included in the curriculum for B. L. Examination. Criminal Procedure Code formed part of the B. L. curriculum till 1899 when it was abolished. But a graduate in law, before admission as a vakil in the High Court, is required to produce a certificate from the Judge of the Court who is, for the time being, the President of the Pleaders' Examination Board that he has passed an examination in the Law of Practice and Procedure, Civil and Criminal, prevailing in the High Court and the Courts subordinate thereto—vide notification at page 587 of the *Fort St. George Gazette*, dated 10th April 1900, Part II. The question whether graduates in law should be required to pass a separate examination in Criminal Procedure Code and Medical Jurisprudence to qualify for posts for which the Criminal Judicial Test is prescribed is one connected with administration of Justice and should, it is submitted, be considered in the Judicial Department. The paper may be transferred to Educational through Judicial.

A. Y. G. CAMPBELL—11-10-05.

2. The case of candidates who have passed Pleaders' Test Examination should also be considered. Criminal Procedure Code is prescribed for Pleaders' Test, but not Medical Jurisprudence—vide notice at page 520 of the *Fort St. George Gazette*, dated 12th September 1905, Part I-B.

C. RATNAVELU MUDALIYAR—9-10-05.

A. Y. G. CAMPBELL—11-10-05.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Submitted that the High Court may be consulted. Draft submitted.

J. A. DEROZARIO—16-10-05.

Issue.

J. F. GRAHAM—16-10-05.

[Letter to the Honourable the Chief Justice, No. 4411, dated 17th October 1905.]

From the Registrar, High Court, dated 8th November 1905, Dis. No. 1056.

All the Judges of the High Court are of opinion that graduates in law and those who have passed the Pleaders' Examination need not be required to pass in Medical Jurisprudence to qualify them for posts for which the Criminal Judicial Test is prescribed. All the Judges, except Sir Subramaniya Aiyar, consider that graduates in law should pass in the Criminal Procedure Code.

For orders.

J. A. DE ROZARIO—11-11-05.

The point for consideration is whether graduates in law, and persons who have passed the Pleaders' Test should be compelled to pass in the Criminal Procedure Code and in Medical Jurisprudence before they can be appointed to certain posts under Government. Submitted that an examination in Procedure is necessary. A great part of a Magistrate's work is under the Procedure Code, and a sound acquaintance with it is requisite. Questions of Medical Jurisprudence do not very often arise and when they do they more often are governed by the facts of the case than by any question of law. I think the opinion of the majority of the Judges may be accepted.

C. A. SOUTER—13-11-05.

I submit we may accept views of the High Court majority.

M. HAMMICK—15-11-05.

Yes.

G. S. F[ORBES]—18-11-05.

Draft accordingly please.

M. HAMMICK—20-11-05.

Submitted that orders should issue in the Educational Department. The file may therefore be transferred to that department.

J. A. DE ROZARIO—21-11-05.

C. A. SOUTER—21-11-05.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft placed below is submitted for approval.

R.N.—24-11-05.

P. T. THARYAN—24-11-05.

A. GALLETI—24-11-05.

Approved.

H. D. TAYLOR—25-11-05.

[G.O., No. 779, Educational, dated 27th November 1905.]

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

1905.

Enclosures

Spare copies

*Sub to personal
along with
other files*

G.O., No. 779, 27th November 1905.

*Please submit the original of this
to the Registrar*

Public Service and Special Test Notifications.

Ordering that graduates-in-law should pass in the Criminal Procedure Code before appointment to posts for which the Criminal Judicial test is prescribed, and requesting the Commissioner for Government Examinations to submit a draft of consequential alterations in the —.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

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Reference from the Board of Revenue (Land Revenue), A. No. 505 (Confld. No. 48), dated 29th September 1905.

The Hon'ble Mr. H. A. SIM, C.I.B., I.C.S.

The Hon'ble Mr. J. TWIGG, I.C.S.

With reference to the Public Service notification printed at pages 532—547 of the issue of the *Fort St. George Gazette*, dated 19th September 1905, under which graduates-in-law are not required to pass the Criminal Judicial test for posts for which it is prescribed, the Board begs to point out that the present curriculum of the B.L. degree examination of the Madras University excludes two out of the four subjects prescribed for the Criminal Judicial test, viz., the Criminal Procedure Code and Medical Jurisprudence. The Board begs to enquire whether it is the intention of Government that graduates-in-law should be exempt from passing the two excluded subjects.

N. MACMICHAEL,
Acting Secretary.

To the Secretary to Government, Local and Municipal, etc., Departments
(through the Secretary to Government, Revenue Department).

II

Letter—from the Hon'ble Mr. M. HAMMICK, C.I.B., I.C.S., Acting Chief Secretary to Government.

To—the Honourable the Chief Justice.

Dated—the 17th October 1905.

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III

Letter—from A. L. HANNAY, Esq., I.C.S., Registrar, High Court, Madras.
To—the Chief Secretary to Government.
Dated—the 8th November 1905.
No.—Dis. 1056.

With reference to your letter, Ref. No. 4411, Judicial, dated 17th October 1905, requesting to be favoured with the opinion of the High Court as to whether graduates-in-law should be required to pass in the Criminal Procedure Code and Medical Jurisprudence and those who have passed the Pleadership examination should be required to pass in Medical Jurisprudence to qualify them for posts for which the Criminal Judicial test (which includes those subjects) is prescribed, I am directed to state that the Honourable the Chief Justice and the Judges (except the Hon'ble Sir S. Subrahmaniam Aiyar) are of opinion that graduates-in-law should be required to pass in the Criminal Procedure Code, but that a pass in Medical Jurisprudence is not necessary either for graduates-in-law or those who have passed the Pleadership examination. The Hon'ble Sir S. Subrahmaniam Aiyar's view is that graduates-in-law and those who have passed the Pleadership examination should not be required to pass in either subject.

Order—No. 779, Educational, dated 27th November 1905.

The Government agree with the Honourable the Chief Justice and the majority of the Judges of the High Court that graduates-in-law should pass in the Criminal Procedure Code, but not in Medical Jurisprudence, before appointment to posts for which the Criminal Judicial test is prescribed.

2. The Commissioner for Government Examinations will be requested to submit a draft of consequential alterations in the Public Service and the Special Test notifications.

(True Extract.)

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

To the Board of Revenue.
" Commissioner for Government Examinations.
" Judicial Department.

Through the Secretary to Government, R.D.

CURRENT No. 6081

Confidential

Received 2 - 1905, Registered 2 - 1905

22-11-05

Subject.

Inquiring whether it is the intention of Government that graduates in law should be exempt from passing in the Criminal Procedure Code and Medical Jurisprudence to qualify for posts for which the criminal judicial test is prescribed.

ENCLOSURES.

No.

Reference A.No. 505/Conf.48.

Spare copies

Station Madras, Dated the 29th September 05. 1905

From

Land Revenue.

The Board of Revenue, Revenue Settlement, &c.

Separate Revenue.

SECRETARY TO GOVERNMENT
2 OCT. 1905
REVENUE DEPARTMENT

The Hon: Mr. H. A. Sim

The Hon: Mr. J. Twiss

Commissioners of Land Revenue.

Reference, A. No. 505/Conf.48, dated 29th September 05.

With reference to the public service notification printed at pages 532 - 547 of the issue of the Forest St. George Gazette dated 19th September 1905, under which graduates in law are not required to pass the Criminal Judicial Test for posts for which it is prescribed; the Board begs to point out that the present curriculum of the B.L. degree examination of the Madras University excludes two out of the four subjects prescribed for the Criminal Judicial Test, viz. the Criminal Procedure Code and Medical Jurisprudence. The Board begs to enquire whether it is the intention of Government that graduates in law should be exempt from passing the two excluded subjects.

To the Secy. to Govt., Local, Municipal &c. Depts. through the Secy. to Govt. Revenue Department.

Acting Secretary.

4
CURRENT No. 2035
JUDICIAL DEPARTMENT. *Et No. 5118*

Received 9 NOV 1905 190 , Registered 9-11-1905

Ed. 22-11-05

Subject.

Stating that graduates in law should be required to pass in the Criminal Procedure Code but that a pass in Medical Jurisprudence is not necessary either for graduates in law or those who have passed the Pledership Examination.

ENCLOSURES.

No. *kl*

Spare copies

Dis No. 1056

Station Madras , Dated the 8th November 1905.

From (Name) A. L. Hannay, Esquire, I.C.S.,

(Designation) Registrar, High Court.

To The Chief Secretary to the Government of Madras.

Honourable Sir,

H2-3 C.F

With reference to your letter Ref.No.4411, Judicial, dated 17th October 1905 requesting to be favoured with the opinion of the High Court as to whether graduates in law should be required to pass in the Criminal Procedure Code and Medical Jurisprudence and those who have passed the Pledership Examination should be required to pass in Medical Jurisprudence to qualify them for posts for which the Criminal Judicial Test (which includes those subjects) is prescribed, I am directed to state that the Honourable the Judges ^{Chief} Justice and the Judges (except the Honourable Sir S.Subrahmanya Aiyar) are of opinion that graduates in law should be required to pass in the Criminal Procedure Code but that a

3
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I have the honour to be,

Honourable Sir,

Your most obedient servant,

Registrar.

K.V.V.
VSB

4
Educational Department.

Sketch this with 85 no 779/05
9
G.O.No.779 dated 27th November 1905.

Please let me see the original of this.

G.S. 2
12-12-5.

Submitted.

By 13/12/5 The proposals of the High Court were approved by the Honble Member in Judicial. Hence the draft was not circulated in Educational.

For

Is this intended for me or for Mr. Forbes. If for me I have been marked this. If for Mr. Forbes I have however seen all I want & do not further require this paper.

Is it intended for the Hon. Mr. Forbes. The note has been wrongly abstracted & filed

Submitted
The Hon. Mr. Forbes Esq.

Submitted

11/12/05

190

C. No. 2034, From the Board of Rev: L.R., No. 505, dated 29-9-1905

" " 2035, " " Registrar, High Court, " 1056: " 8 - 11 - 1905.

P. S.

No. 779, dated 27 - 11 - 1905.

The Government agree with the Honble the Chief Justice and the majority of the Judges of the High Court that Graduates-in-Law should pass in the Criminal Procedure Code, but not in medical jurisprudence, before appointment to posts for which the Criminal judicial test is prescribed.

2. The C. G. E. will be requested to submit a draft of the

ficationis.

Ric
26/11/5

PH
24/11/5

M
26.11.5

LM
25.11.07

To. ✓ CR
The Board of Revs.
" C. G. E. ✓
" Just. Dept. ✓

Handwritten notes on the left page, including "Received a letter from the Public Secretary and the official that was..."

First copy sent to Press.
Returned for signature.
Despatched in print.

45
Order complete.
Letter only.
Order complete with Letter.

HAD AGAIN G.O. No. 190. DATED

CURRENT No.

2034

A - I

Letter 4th Inst. to HC - A - II

ENCLOSURES TO C. No.

2035

A - III

ORDER OF GOVERNMENT

A

LETTER OF GOVERNMENT

Johns.

STATEMENT WITH DITTO

PAPERS NOT WOUND UP, BEING MEANT FOR DESPATCH IN ORIGINAL

27/4/

N.B.-

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- C = Print heading only.