Scott. H Old No. 27, New No. 13—75,006—20-11-35.

E & P-H (1945) Department.

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171

[Despatch Abstract.]

University — Annamalai — Amendment Bill — Not proceeded with — Papers recorded.

Sectt. II—Old 27, New

Back Papers.

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

Further Papers.

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

PRIVATE SECRETARY MADRAS.

2-190/43. 17

GOVERNMENT HOUSE
Ootacamund,
8th May 1943.

Dear Mr.Austin,

I am to forward to you the enclosed proposed amendments to the Annamalai University Act given to His Excellency yesterday by Sir Annamalai Chettiar and also a letter from Sir Meverel Statham on the same subject.

His Excellency wishes to discuss the matter with you sometime before he goes to Madras. The time and date has not yet been decided and I will let you know in due course.

Yours sincerely,

T.Austin Esq., CIE, ICS,
Adviser to H.E.the Governor,
Ootacamund.

/copy/

Director of Public Instruction,
Madras, 4th May 1943.

My dear Platt,

I understand that the Rajah of Chettinad will be interviewing His Excellency in the next few days in connection with the proposed amendments to the Annamalai University Act. The Rajah Saheb was anxious that His Excellency should know that I have personally scrutinised each of the proposed amendments, not of course officially as Director of Public Instruction, but as an ex-officio member of the Syndicate of the Annamalai University.

Yours sincerely,

Sd.R.M.Statham.

A.J.Platt Esq., I.C.S.,
Private Secretary to H.E.the
Governor,
Ootacamund.

5. Discussed with PE, who wishes this to be treated as a Special. The only amendment that should prima facie be turned down is that marked XX below on this page. 13/5/43

GOVERNMENT
13 MAY 1943
EDUCATION AND PUBLIC

Note on the need for the amendment of
The Annamalai University Act,
Madras Act I of 1929.

Sec & PH.

Section 2. a) The word 'employees' to be newly defined. 2(c).

b) Classification of Teachers. In Section 2(f) of the Act, teachers are classified as Professors, Readers, Lecturers and Tutors. Modifications have been needed in the course of the experience of these 14 years, and made by Statutes. The existing grades of teachers are:-

Professors (Senior and Junior),
Lecturers (Senior and Junior),
and Assistant Lecturers.

This change has to be embodied in the Act.

Section 5. (1) To prevent mischief by students inclined towards activities subversive of law and ordered government, it is necessary to omit all reference to 'political belief' in Section 5;

(2) Admission of students. In Statute 12(7) of Chap. IV of the Laws of the University, the Vice-Chancellor has been empowered to regulate the admission of students and be responsible for the discipline of the University. This power shall be expressly provided for in the Act itself.

2

(3) Students' Discipline. it is necessary to define the powers of the Vice-Chancellor. Cases there have been where students misbehaved because of political and other activities not conducive to the pursuit of studies. A provision for the purpose is necessary in the Act itself.

(4) Discipline of Teachers. In the matter of discipline of teachers also a similar definition is necessary. In a few cases where teachers had erred it was felt that full details of the disciplinary action to be taken should be given.

(5) Discipline of Clerical Staff. In the matter of discipline of the clerical staff, full powers have to be vested in the Vice-Chancellor.

All these points have to be provided for in the Act in Section 5.

Section 8. Deputy Registrar. The need for a new office of a Deputy Registrar has been felt. The Senate has sanctioned the creation of the place with effect from 1943. This officer has to be included amongst the Officers of the University in Section 8.

Section 11. Founder's Powers. The Founder has now power to call for papers and express his views. Matters will be simplified if the Founder is supplied with the agenda paper of the Syndicate. This power may be provided for.

Section 12. A panel of names for the Vice-Chancellor

Under the Act, a panel of 3 names has to be furnished for the choice of a Vice-Chancellor.

Difficulties have been experienced in submitting three names. A consultation with the Chancellor and the submission of one name instead of three may be provided for.

Section 13. Vice-Chancellor's right to address all the authorities. The Vice-Chancellor is the chief executive and academic officer of the University. He is a member of the Senate, the Syndicate and the Academic Council. In the other bodies where he is not a member, he should have a right to express his views though he may not vote thereat. This provision is found in the Acts of several other Universities. It has to be provided for in Section 13. He has to convene joint meetings of Faculties as a Dean can convene only meetings of his Faculty and not a meeting of the joint Faculties. This has also to be provided.

Section 14. Authorities.

(1) The Finance Committee. There was a statutory Finance Committee for the first ten years from 1929 when the Act came into force. It functioned very well. The expert opinion they offered was helpful. As provided in the Act, the Committee went out of existence in 1939; but the need for the Committee was provided for by the Syndicate creating an Advisory Committee to continue the work. It is now desired that the Finance Committee be restored and made permanent.

(2) The Academic Council, the Faculties and the Boards of Studies. The Academic affairs of the University are now in the hands of

(a) the Academic Council consisting of the Heads of Departments, other teachers and 5 members elected by the Senate,

(b) the Faculties consisting of members of the teaching staff and a few outsiders, and

(c) the Boards of Studies, also consisting of teachers of the University and outsiders.

In constitution and powers they do not differ very much from each other. What could be done by one body close at hand is now done by 3 bodies. Of these, the Faculties are the most handy in a residential University. Being men on the spot they can attend to the work at present done by the Boards of Studies throughout the year as and when circumstances require their attention. They can meet more often; they can more fully discuss at their several meetings the various subjects within their competence. A Faculty or its Committee will function as a standing Board of Study. The Faculty may be empowered to co-opt specialists to their committees for considering syllabuses text-books, courses and examinations, in respect of subjects of instruction assigned to the Faculty and thus external opinion may be requisitioned. The Academic Council and the Boards of Studies may therefore be dropped. Suitable provision for this may be made in the Act.

Section 15. Constitution of the Senate. To give the Senate a more representative character, it is proposed to add:

1) the Vice-Chancellors of the Travancore and Mysore Universities;
2) A President chosen from among the Presidents of the District Boards of Tamil Districts;
3) A Chairman from among the Chairmen of Municipal Councils in the Tamil Districts;
4) Two representatives of the Indian Christian Community;
5) A representative of the Tamil Isai Sangam;
6) A representative of the Nattukkottai Nagarathar Association;

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In constitution and powers they do not differ very much from each other. What could be done by one body close at hand is now done by 3 bodies. Of these, the Faculties are the most handy in a residential University. Being men on the spot they can attend to the work at present done by the Boards of Studies throughout the year as and when circumstances require their attention. They can meet more often; they can more fully discuss at their several meetings the various subjects within their competence. A Faculty or its Committee will function as a standing Board of Study. The Faculty may be empowered to co-opt specialists to their committees for considering syllabuses text-books, courses and examinations, in respect of subjects of instruction assigned to the Faculty and thus external opinion may be requisitioned. The Academic Council and the Boards of Studies may therefore be dropped. Suitable provision for this may be made in the Act.

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3) A Chairman from among the Chairmen of Municipal Councils in the Tamil Districts;
4) Two representatives of the Indian Christian Community;
5) A representative of the Tamil Isai Sangam;
6) A representative of the Nattukkottai Nagarathar Association;

(7) One Headmaster and one other educationist from the Tanjore and South Arcot Districts, the area from which most of the students of this University come;

8) A representative of the three Saivite Mutts in Tanjore;

9) The Deans and one other representative of each Faculty chosen by all the teachers in the Faculty and not merely by its members.

Section 19. Faculties. 1) Consequent on the abolition of the Academic Council, the Syndicate and the Faculties will share ~~in~~ the work of the Academic Council. Subject to the control of the Syndicate, the Faculty will be responsible for the teaching, courses of study and research work in the department. In some departments like the language departments, for instance, Telugu and Malayalam, it is not possible to appoint a Professor, nor is it desirable to attach these departments to the other language departments. So the Vice-Chancellor has to be empowered to arrange for the work of the Head of the Department, being done by one or other members of the Staff of that department, though he may not be a Professor or a Lecturer.

(2) The Faculties will have power to make recommendations in all matters relating to the organization of University teaching, courses of study, examinations, and research in the subjects assigned to it.

Section 21. The Syndicate. The Syndicate now consists of 13 members, 4 nominated, 4 elected and 5 ex-officio. Of the 5 ex-officio members, 3 are of the teaching staff. At present the teachers dominate the Syndicate as their attendance is regular and the attendance of others is not so regular. Experience shows that their presence is best avoided. It is therefore necessary to provide as in the other Universities like Madras and Andhra, that no officer or teacher or other employee of the University should be on the Governing body. It is therefore proposed that the Vice-Chancellor and the Director of Public Instruction be ex-officio members and one member be elected from the Senate from among themselves, and three members be nominated

by the Chancellor and three by the Founder. Provision has therefore to be made as in the Madras and Andhra University Acts that Teachers, Officers and other employees of the University shall not be eligible for election or nomination to the Syndicate.

Section 22. Syndicate's powers. In Section 22(c) the powers of the Syndicate in the matter of awarding punishments to the Officers and teachers have been defined. It has been felt necessary to define the powers fully and detail the kinds of punishments. So Section 22(c) has to be amended.

Section 23. Finance Committee It is proposed that the restored Finance Committee should consist of the Founder (Chairman), the Vice-Chancellor, a member nominated by the Chancellor and one other member co-opted by the other members of the Committee.

Section 24. Powers and duties of the Finance Committee.

The Finance Committee shall prepare the budget, scrutinise it with reference to the remarks of the Syndicate and the Senate thereon and place their opinions where the authorities differ, before the Chancellor for his decision which shall be final. All proposals for re-appropriation from one head to another shall be with the consent of the Finance Committee and any proposal for new expenditure shall be referred to them before it is sanctioned.

The power of re-appropriation from one sub-head to another will, however, be with the Syndicate.

Section 25. Board of Selection. The Board of Selection will be constituted in the same manner as the Finance Committee. It will consist of the Founder (Chairman), the Vice-Chancellor, a member nominated by the Chancellor and a member co-opted by the other members of the Board.

Section 26. Accounts. The Finance Committee shall prepare the Annual Accounts and place their recommendations be-

fore the Syndicate. As budget and accounts are related to each other, this Section may go immediately after the one relating to the Budget.

Section 29. Statutes. Statutes may be made to define the powers, duties and conditions of service of the Officers of the University. The Chancellor, the Pro-Chancellor and the Founder are also classed as Officers in the Act and their powers and duties have already been defined therein. There is therefore no need for statutes being passed to define their powers and duties. This may be secured in Section 29(d).

Section 38. Contracts. A new Section empowering the appointment of all Officers, teachers and other employees of the University on written contracts for periods not exceeding 5 years at a time has been found necessary from the actual experience of these 14 years from 1929. There have been frequent changes in the staff consequent on the desire of teachers of experience leaving for service elsewhere. They have been so frequent that there is a necessity to ensure a certain amount of continuity in the instruction given. It is perhaps difficult for teachers to stay on in the same place for their whole life-time. Such mobility as may be necessary may be secured by a provision for a contract for 5 years at a time. To ensure the same person continuing in service, a provision that the contracts are renewable is also necessary. It is necessary to give notice to the present staff so that they may be absorbed into the new contract system. Such contracts are not uncommon. They only help to make the University and the Staff know exactly where they stand. It may therefore be provided for both in the interests of the staff and the interests of the University.

Section 39. Provident Fund. In the case of teachers staying on for more than 15 years, the full benefit of the University's contribution to the Provident Fund may be be given. 10 years may be prescribed as the minimum for the purpose of qualifying for a contribution by the University.

The University Provident Fund is on a contributory basis; the subscription and the contribution may

each be fixed at one anna of every rupee of salary.

Section 41. Constitution of the Permanent Endowment Fund.

Contributions to this fund may be made by Indian States, their Rulers and the University also whenever they see the necessity to augment the permanent resources of the University. To make an alteration of the provision in Section 41(2)(c) to this effect is necessary.

Section 43. Contribution by Government to the University.

1) There is a need to alter 'one and a half lakhs of rupees' to 'Rs.1,90,000/-', as Government have been pleased to increase the Recurring grant to the University and

2) there is a need to alter the provision in Section 43(2)(b) so that additional grants towards capital expenditure to meet the cost of buildings, drainage, equipment and for provision of amenities, may be made by Government from time to time.

Amendments proposed to the Annamalai University Act.

(Madras Act I of 1929).

In Section 2 of the Annamalai University Act (hereinafter referred to as 'the Act') the following changes may be made:

Clause 2(c) (New), will read:-

"(c) 'Employees' means teachers, officers and clerks of the University;

The existing clauses (c), (d), (e), (f) and (g) may be renumbered as (d), (e), (f), (g) and (h) respectively.

In Clause (g) as renumbered,

For the words 'Professors, Readers, Lecturers', the following words may be substituted:-

"Professors (Senior, Junior), Lecturers (Senior, Junior), Assistant Lecturers".

1223

Section 5. The present para may be numbered as (1) and the following changes made therein:-

In line 5, insert the word 'or' between the words 'Class' and 'caste', and omit the words 'or political belief'.

In line 8, omit the words 'or political'.

The following paragraphs may be added:-

(2) Admission of students. In the matter of admission of students to the University, the Vice-Chancellor shall have power to refuse to admit any person as a student of the University without assigning any reason;

(3) Discipline of students. The Vice-Chancellor shall have power to take cognizance of any misconduct prejudicial to the general interests of the University by any student who seeks admission to University courses of study or by any candidate for the examinations of the University and to punish such misconduct by the deprivation of any University scholarship, studentship or fellowship held by him or by cancellation of any University prize or medal to be awarded to him or by suspending, dismissing or expelling him or by exclusion from any University Examination or from any course in the University or from any Convocation for the purpose of conferring degrees, either permanently or for a specified period or by the cancellation of any University examination for which he appears.

(4) Discipline of Teachers. The Vice-Chancellor shall also have power to suspend, withhold increments or accept the resignation of any officer or teacher for any breach of conditions of service in the University or acts prejudicial to the general interests of the University. An appeal will lie to the Syndicate within a month from the date of the order of the Vice-Chancellor.

(5) Discipline of Clerical staff. The Vice-Chancellor shall also have power to suspend, dismiss, discharge, withhold increments or reduce the pay, fine, retire or accept the resignation of any member of the clerical staff of the University for any breach of conditions of service in the University or acts prejudicial to the general interests of the University.

1527

Section 8. May be changed to read as follows:-

8. The following shall be the Officers of the University, namely:-

1) The Chancellor;

2) The Founder;

3) The Pro-Chancellor;

4) The Vice-Chancellor;

5) The Registrar;

6) The Deputy Registrar;

7) The Deans of Faculties;

8) Such other persons as may be declared by the statutes to be officers of the University.

Section 11. (1) remains unaltered.

(2) (New). The following may be added as (2):-

"The Founder shall have copies of the agenda of the meetings of the Syndicate sent to him well in advance of the dates of the meetings of the Syndicate; the Founder's views on items included in the agenda shall be taken into consideration by the Syndicate at their meetings."

The present paras (2) and (3) may be renumbered as (3) and (4).

Section 12. The following sentence may be inserted between the first and the second sentences:-

"He may, after a previous consultation with the Chancellor, submit only one name."

Section 13. Paras (1) and (2) may be modified to read as follows:-

(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at the meetings of the Senate and at Convocation. He shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned. He shall also have power to refer any matter to a Faculty, a Board of Examiners or any Committee or person and to call for a report thereon.

(2) The Vice-Chancellor shall in the manner prescribed convene meetings of the Senate, the Syndicate and the joint meetings of Faculties.

18 35

Section 14. May be modified to read as follows:-

14. The following shall be the authorities of the University, namely;-

1) The Senate,
2) The Faculties,
3) The Syndicate,
4) The Finance Committee,
5) The Board of Selection,
6) Such other bodies as may be declared by the statutes to be the authorities of the University, provided that authorities which may be so created by the Senate do not in any way take away the powers of the authorities constituted by the Act.

Section 15. The following changes may be made:-

Class I.

(7) Deans of Faculties;

(8) The Vice-Chancellors of the Madras, Andhra, Travancore and Mysore Universities;

(12) The Administrator of Pudukkottah or his nominee.

Class III.

(1) Five members elected from among themselves by the graduates of the University registered in the manner prescribed according to the principle of proportional representation by means of the single transferable vote and three members to be elected from among themselves by the Oriental Title Holders of the University, one by the Vidvans, one by the Sangita Bhushanas and one by the Siromanis registered in the manner prescribed;

(2) (may be deleted);

(3) May be renumbered as (2) and modified to read as follows:-

"Two members to be elected from among themselves by the members of the Legislative Council of the Province of Madras and three members similarly elected by the Legislative Assembly of the Province of Madras";

(4) to (6) may be renumbered as (3) to (5);

(7) to (12) may be deleted and the following new clauses inserted:-

(6) A President of a District Board to be elected by the Presidents of District Boards of the Tamil Districts of Chingleput, North Arcot, South Arcot, Salem, Coimbatore, the Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad, Tinnevelly and Chittoor;

(7) A Chairman of a Municipal Council to be elected by the Mayor of Madras and the Chairmen of the Municipal Councils in the Districts mentioned in clause (6);

(8) A member of the Depressed classes elected by the members of the Sri Nandanar Kalvi Kazhagam, Chidambaram, from among themselves;

(9) A Muslim member elected by the General Body of the Muhammadan Educational Association of Southern India from among its members;

(10) A member of the Indian Christian Community elected by the Governing Body of the Indian Christian Association (Protestant) of Madras;

(11) A member of the Indian Christian Community elected by the Catholic Indian Association of the Province of Madras;

(12) Either of the Principal of the Samskrit College, Tiruvadi or the Principal of the Ramesvaram Samskrit Patasala, Madura, to be nominated for periods of three years by the Vice-Chancellor of the Annamalai University in alternate periods of three years;

(14) The words 'and the teaching staff of the Sri Minakshi Tamil College, Chidambaram' may be deleted.

(15) (New). One member to be elected from among the members of the Sangam by the Trustees of the Tamil Isai Sangam, Madras;

(16) The present clause (15) may be renumbered as (16) and modified to read as follows:-

"One member elected by the Southern India Chamber of Commerce one by the Madras Chamber of Commerce and one by the Nattukkottai Nagarathar Association, Madras";

The present clause (16) may be renumbered as (17) and the following clauses added:-

(18) Two members to be nominated by the Vice-Chancellor, one from among the Headmasters of High Schools in the Districts of South Arcot and Tanjore and another teacher from among the graduate teachers resident in the said two districts;

(19) One member to be nominated by the Vice-Chancellor after consulting the Matathipathis of Tiruvavaduthurai, Dharmapuram and Tiruppanandal Mutts in the Tanjore District;

(20) One member, other than the Dean, elected from among themselves by the members of the teaching staff in the Departments assigned to each one of the Faculties in the University.

The following may be added at the end of the Section:

"No teacher of the University other than the Dean and the representative of the other teachers of each Faculty elected under clause (20) of Class III, nor any employee of the University shall be eligible for election or nomination to the Senate."

21 41

Section 16. (1) and (2). No change.

In (3) the words 'after the period of tenure of the Finance Committee' may be deleted.

Section 17 may be deleted.

Section 18 may be deleted.

Section 19 may be renumbered as Section 17.

Section 17. (1) and (2). No change.

(3) may be modified to read as follows:-

(3) "Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Syndicate, be responsible for the teaching, courses of study and research work in such departments;

"The Head of every department of study shall be the Professor of that Department. If there is no Professor in a Department, the Vice-Chancellor shall arrange for the work of the Head of the Department being done by one or other member of the staff of that department chosen by him;

"The Head of the Department or the teacher chosen to do the duties of the Head of the Department shall preside over the meetings of the Committees of the Faculties to suggest courses of studies, text-books and syllabuses from time to time. The Head of the Department shall be responsible to the Dean for the organization of teaching in that Department.

The following new Section may be added:-

Section 18. Each Faculty shall have the following functions, namely:-

(a) to consider and report on any matter referred to it by the Senate, the Syndicate or the Vice-Chancellor;

(b) to make recommendations to the Syndicate in all matters relating to the organization of the University teaching, courses of study, examinations and research in the subjects of study comprised in it and to propose additions or amendments to the laws relating to these matters for the consideration of the Syndicate;

(c) to recommend to the Syndicate the names of persons suitable for appointment as examiners in the subjects assigned to the Faculty;

(d) to invite suggestions re: syllabuses for and text-books in the subjects assigned to the Faculty from committees of the Faculty constituted from time to time and recommend to the Syndicate the syllabuses and text-books for the several courses;

(e) to co-opt specialists in the subjects of study to the Committees, the number of such specialists not to exceed three for each Committee, and

(f) to recommend to the Vice-Chancellor the holding of joint meetings of two or more faculties to consider any matter of common interest to them.

Section 20 may be deleted.

Section 21 may be renumbered as Section 19 and modified to read as follows:-

21. The Syndicate shall consist of the following persons, namely:-

Class I. Ex-officio Members.

1. The Vice-Chancellor;
2. The Director of Public Instruction;

Class II. Other Members.

1. One member elected by the Senate from among its members;
2. Three members nominated by the Chancellor;
3. Three members nominated by the Founder;

Provided that if the office of Founder is vacant when the nomination has to be made and there is in the opinion of the Chancellor no likelihood of the vacancy being filled ~~xx~~ within one month, the Chancellor shall nominate the said three members;

Provided that no teacher, officer or other employee of the University shall be eligible for election or nomination to the Syndicate.

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Section 22 may be renumbered as Section 20 and the following modifications made:-

Clause (c) may be modified to read as follows:-

(c) to dismiss, discharge, reduce the pay of or retire any officer or teacher of the University for any breach of conditions of service in the University or acts prejudicial to the general interests of the University, and to hear and dispose appeals against the decision of the Vice-Chancellor under Section 5.

In Clause (g) delete the words 'on the advice of the Academic Council'.

Clause (h) may be modified to read as follows:

"to refer any matter to a Faculty or its Committee for consideration and report".

In Clause (i) the words 'and the Academic Council respectively' may be deleted.

Section 23 may be renumbered as Section 21 and modified to read as follows:-

21."The Finance Committee shall consist of the following persons:

(1) The Founder, or, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section during the continuance of the vacancy;

The Founder shall be the Chairman of the Finance Committee;

If the Founder has to be absent for a meeting or meetings, he shall have power to nominate a person to act for him on the Committee for a period not exceeding six months at a time;

(2) The Vice-Chancellor;

(3) One member nominated by the Chancellor;

(4) One member co-opted by the above three members of the Committee, provided that no one who is already a member of the Syndicate and no teacher, officer or other employee of the University shall be eligible for co-option under this clause.

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Section 22. The following new Section may be added:-

22. The Finance Committee shall have the following powers, namely:-

(a) to scrutinise the annual budget estimates and the supplemental estimates prepared by the Registrar and place them before the Syndicate, the Senate and the Chancellor;

(b) to conduct a general examination of the accounts of ~~the xxxxxxxxxxx~~ the University and review the financial position of the University periodically;

(c) to make proposals to the Syndicate and the Senate on matters relating to the Finances of the University;

(d) to examine every proposal for new expenditure and advise the authorities thereon;

(e) generally to devise means for the improvement of the financial position of the University;

and (f) to call for full details of proposals and schemes from the Syndicate and the other authorities of the University on all suggestions of theirs involving expenditure.

All proposals of reappropriation from one head to another in the budget for the year as finally adopted shall be made with the consent of the Finance Committee. Fresh expenditure that could not be made by reappropriation shall be budgetted for in the form of supplemental estimates and duly placed before the Syndicate for approval and the Senate for sanction.

Section 24 may be renumbered as Section 23 and modified to read as follows:-

23. (1) The Registrar shall take orders from the Vice-Chancellor frame the financial estimates of the University, embodying such proposals of the Departments as the Vice-Chancellor may permit him to include, and place the draft budget before the Finance Committee for their consideration;

(2) The Finance Committee shall then scrutinise the said estimates and shall make such modifications therein as it considers necessary;

(3) The said estimates as modified or approved by the Finance Committee shall be placed before the Syndicate for their consideration;

(4) The said estimates as modified by the Syndicate shall be placed before the Senate for its consideration;

All modifications made by the Syndicate and the Senate in the said estimates shall be placed before the Finance Committee again for its consideration;

All points of difference between the Finance Committee on the one side and the Syndicate and the Senate on the other shall be placed before the Chancellor with the opinion of the three authorities and his decision thereon shall be final.

29 57 59

Section 25 may be modified to read as follows:-

25. The Board of Selection shall consist of the following members, namely:-

(1) The Founder, or , in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this Section during the continuance of the vacancy;

The Founder shall be the Chairman of the Board of Selection;

If the Founder has to be absent for a meeting or meetings, he shall have power to nominate a person to act for him on the Board for a period not exceeding six months at a time;

(2) The Vice-Chancellor;

(3) One member nominated by the Chancellor;

(4) One member co-opted by the above three members of the Board, provided that no one who is already a member of the Syndicate and no employee of the University shall be eligible for co-option under this clause.

30 59 57

Section 26 may be renumbered as Section 24 and modified to read as follows:-

S.24. (1) The annual accounts of the University prepared by the Registrar shall first be laid before the Finance Committee whose recommendations thereon shall be placed before the Syndicate for approval;

(2) Such modification as the Syndicate may consider necessary shall be referred back to the Finance Committee for their consideration;

(3) The accounts as modified and approved by the Finance Committee shall then be submitted to such examination and audit as the Local Government may direct;

(4) The accounts so examined and audited shall be published by the Syndicate in the Fort St.George Gazette and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the Local Government.

31 61

Section 27 may be renumbered as Section 26,and the word 'Academic Council' in line 3 may be deleted.

Section 28. May be renumbered as Section 27.

Section 29 may be renumbered as Section 28 and sub-clause (d) may be modified to read as follows:-

(d) the powers, ~~xxx~~ duties and conditions of service of officers of the University other tham the Chancellor, the Pro-Chancellor and the Founder.

Section 30 may be renumbered as Section 29.

Section 31 may be renumbered as Section 30 and the word 'readers' in clause (d) may be deleted.

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Section 32 may be renumbered as Section 31 and modified to read as follows:-

"Regulations may be made by the Syndicate on its own motion or on the submission of a draft by the Faculties. In the former case, before the regulation is passed, the opinion of the Faculty thereon shall be obtained and taken into consideration by the Syndicate".

In the second paragraph, the word "Syndicate" may be substituted for the words 'Academic Council'.

Section 33. Modified. (Bill already published by Government).

The modified section may be renumbered as Section 32.

Sections 34, 35, 36 and 37 may be renumbered as Sections 33, 34, 35 and 36 respectively:

Section 38 may be renumbered as Section 37.

The proviso to the Section may be deleted.

The following Section may be inserted as Section 38. (New)

"Section 38. All Officers, teachers and other employees of the University shall be appointed on written contracts for periods not exceeding 5 years at a time. Such contracts may be renewed from time to time on the parties agreeing so to do. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the Officer, teacher or other employee concerned.

This provision shall come into force immediately.

Notwithstanding anything contained in the orders appointing officers, teachers and other employees to their present posts, every existing officer, teacher and other employee of the University shall be called upon to enter into a contract with the University for a period not exceeding five years at a time from the day on which this Act as amended comes into force."

34 67

The following new Section may be inserted as Section 39.

Section 39. The University shall constitute for the benefit of its officers, (other than the Chancellor, Pro-Chancellor, Founder and Vice-Chancellor) and of its teachers and other servants a Provident Fund and a Gratuity Fund in the manner prescribed;

The Provident Fund shall be made up of subscriptions at the rate of six and one-fourth per cent of pay and the contribution by the University of an amount equal to the subscriptions.

For fifteen years and more of service full University contribution shall be payable. Ten years of service will be the minimum period to qualify for a contribution by the University.

Section 39 may be renumbered as Section 40.

Section 40 may be renumbered as Section 41.

35 69

Section 41 may be renumbered as Section 42.

Clause (c) may be modified to read as follows:-

(c) any contribution to this fund made by the Local Government, the Government of India, the Indian States and their Rulers, any Local or other public bodies, the Founder, the University or others.

Section 42 may be renumbered as Section 43.

Section 43 may be renumbered as Section 44

Clause (1) may be modified to read as follows:-

(1) shall contribute to the general fund annually a sum of not less than one lakh and ninety thousand rupees;

Clause 2(b) may be modified to read as follows:-

2(b) may contribute from time to time such further sums as they deem fit to contribute to the said fund for capital expenditure to meet cost of buildings, drainage and equipment and for provision of amenities.

Sections 44 and 45 may be deleted.

Section 46 may be renumbered as Section 45 and the word 'first' in line 3 may be deleted.

Section 47 may be deleted.

The Schedule may be retained.

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37 75

Further Amendments suggested in the Annamalai University Act

1. Section 12(1) of the Act.

In the amendments already suggested it has been proposed to insert the following sentence between the 1st and 2nd sentences:--

" He may, after a previous consultation with the Chancellor, submit only one name."

In order to remove ambiguity, the new sentence referred to above may be recast as follows:-

p. 3 ante

" With the previous consultation with the Chancellor the Founder may, however, recommend only one person for appointment as the Vice-Chancellor."

The word 'He' at the commencement of the existing second sentence in the section may be replaced by " The Vice-Chancellor."

2. Section 13(Paras 1 and 2) of the Act.

In the new subsection 1 of Section 13 the following sentence may be inserted between the 1st and 2nd sentences:-

p. 33 ante

" He shall exofficio be a member and the Chairman of the Syndicate."

This was omitted by inadvertence in the amendment already suggested.

3. Section 22 (c) of the Act. (Section 20(c) according to to the amendments proposed.)

The amendment already suggested may be modified as shown below:-

p. 49 ante

(c) " to dismiss, discharge, reduce the pay of or retire any officer of the University other than the Chancellor, the Pro-Chancellor, the Founder and the Vice-Chancellor, or any teacher of the University for any breach of conditions of service in the University or acts prejudicial to the general interests of the

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University, and dispose of appeals against the decision of the Vice-Chancellor under Section 5."

The amendment already suggested gave power to the Syndicate to dismiss, discharge etc. any officer of ~~th~~ the University. It is not the intention of the amendment to give such a power to the Syndicate in respect ~~o~~ of the ~~the~~ of the Chancellor, the Pro-Chancellor, the Founder and the Vice-Chancellor. The present modification makes this clear.

4. Section 25 (1) of the Act.

Clause 4 may be modified to read as follows:-

(4) " One member coopted by the above three members of the Board, provided that no one who is already a member of the Syndicate and no teacher, officer or other employee of the University shall be eligible for cooption under this clause."

The intention is that no teacher, officer or other employee of the University should be a member of the Board of Selection. This modification secures this.

A. Ratnavale

Edn. and Public Health Department.

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Annamalai University Act, 1928 - Further amendments.

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From Rajah Sir Annamalai Chettiar, dated 4-6-1943.

As noted on the L.F., the file relating to the amendments to the Annamalai University Act is at the moment with the Legal Secretary. The four amendments now proposed by the Founder only modify slightly the corresponding amendments dealt with in the main file. It is perhaps convenient to have these considered along with the main file. For orders whether this may be sent to the Legal Department by to-day's post.

JOINT SECRETARY I
11.25 AM
- JUN 1943
DEPARTMENT.

SECRETARY EDN AND P. H. DEPTT.
8 - JUN 1943
GOVERNMENT OF MADRAS

5-30 P.m.

Lp.125080

8.6.43

8.6.43 S/RA

Legal wlo.

8.6.43

Legal dept

Returned to E+P.H with the main file
See the note in the top file.

N. Rm
9/6/43

E+P. H.

E. & P. H. Legal O.O 36.53-1 9/6/43 (12.40 PM)

All these amendments have been anticipated in the Bill prepared by Legal: only the actual wording will have to be checked again.

9.6.43

Edn. and P.H. Department.

LETTER/Ref. No. 12508 C-14 dated 10.8.43

To

Dr. Rajah Sir S.R.M. Annamalai Chettiar, Kt.,
Of Chettinad, LL.D.,
Founder of the Annamalai University,
~~CHETTINAD.~~

Sir,

Annamalai University Act - Amendment Bill.

In the typescript ~~copy~~ of the draft amendments received from you in May, the proposal, so far as section 25 of the Act is concerned, was to change the constitution of the Board of Selection. It is presumed that the intention was to retain the provision regarding the powers of the Board of Selection and that this intention has been correctly embodied in sub-section (2) of new section 26 introduced by clause 16 of the Bill, published at pages 51-66 of Part IV

of the Fort St. George Gazette dated the 3rd August 1943.

I am to request that the presumption may kindly be confirmed.

Your obedient servant,

10.8.43

RAJAH
SIR ANNAMALAI CHETTIAR
OF CHETTINAD.

C 83

THE PALACE
CHETTINAD

26082

16th August 1943.

ASST. SECRETARY TO GOVERNMENT
17 AUG 1943
EDUCATION AND PUBLIC HEALTH DEPT.

The Secretary to Government,
Education and Public Health Department,
Fort St.George, Madras.

Sir,

I thank you for your letter No. Pp81-82/43 12508-C/14 dated the 10th August '43. The intention was to change only the constitution of the Board of Selection and to retain the provision regarding the powers of the Board. It has been correctly embodied in SubSection (2) of new Section 26 introduced by Clause 16 of the Bill published on pages 51 to 66 of Part IV-A of the Fort St. George Gazette dated 3rd August '43.

E.P.H. Dept

I have the honour to be,
Sir,
Your most obedient servant,
C.P.Annamalai Chy.

Submitted for perusal. Mes may be added to the main file.

18.8.43

18.8.43

18/8/43

18.8.43

Madras Act I of 1929

26 Geo.5 Ch.2

Govt. of Madras
Legal Dept.

A Bill further to amend the Annamalai University Act, 1928.

WHEREAS it is expedient further to amend the Annamalai University Act, 1928, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:-

Short title and commencement

1. (1) This Act may be called the Annamalai University(Second Amendment) Act, 1943.

(2) The provisions of this Act with the exception of section 8 shall come into force at once; and that section shall come into force on such date as the Provincial Government may, by notification in the Fort St.George Gazette, appoint.

Amendment of section 2, Madras Act I of 1929. Madras Act I of 1929

2. In section 2 of the Annamalai University Act, 1928 (hereinafter referred to as the said Act)--

(i) after clause (b), the following clause shall be inserted, namely:-

"(bb) 'Employees' means teachers as defined in clause (f), officers of the University(other than the Chancellor, the Founder, the Pro-Chancellor and the Vice-Chancellor) and persons belonging to the clerical staff of the University;";

(ii) in clause (f), for the words "Professors, Readers, Lecturers", the words "Professors, Senior and Junior, Lecturers, Senior and Junior, Assistant Lecturers" shall be substituted.

Amendment of section 8, Madras Act I of 1929

3. In section 8 of the said Act, clauses (6) and (7) shall be renumbered as clauses (7) and (8) respectively, and the following shall be inserted as clause (6), namely:-

"(6) The Deputy Registrar,".

Amendment of section 11, Madras Act I of 1929

4. In section 11 of the said Act, sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) respectively, and the following shall be inserted as sub-section (2),namely:-

"(2) The Founder shall have copies of the agenda of every meeting of the Syndicate sent to him sufficiently in advance of the date of the meeting, and may communicate his views on any matter or matters included in the agenda to the Syndicate. Such views shall be taken into consideration by the Syndicate at the meeting."

Amendment of section 12, Madras Act I of 1929.

pp 11-12 of Seatinal notes: pl: also Founder's further amendment 1 c 7 75

in the second sentence

Amendment of section 13, Madras Act I of 1929

Founder's further amendment 2 - c 7.75

5. In sub-section (1) of section 12 of the said Act--

(i) for the first sentence, the following sentences shall be substituted, namely:--

"The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Founder. The Founder shall ordinarily recommend for appointment a panel of three persons but may, with the previous approval of after previous consultation with the Chancellor, submit the name of only one person.";

(ii) for the words "He shall", the words "The Vice-Chancellor shall" shall be substituted.

6. In section 13 of the said Act--

(i) in sub-section (1)--

(a) in the first sentence, after the words "principal executive", the words "and academic" shall be inserted;

(b) in the second sentence, the words " of the Academic Council and" shall be omitted;

(c) after the second sentence, the following paragraphs shall be added, namely:-

"He shall be entitled to be present at, and to address at any stage, any meeting of any other authority of the University, but shall not be entitled

to vote thereat unless he is a member of the authority concerned.

He shall also have power to refer any matter to any Faculty, Board of Examiners, or Committee or person, and to call for a report thereon.";

(ii) In sub-section (2), the words "the Academic Council" shall be omitted, and after the word "Syndicate", the following words shall be added, namely:-

"and joint meetings of two or more Faculties";

(iii) sub-section (4) shall be omitted, sub-sections (3) and (5) shall be renumbered as sub-sections (6) and (7) respectively, and the following shall be inserted as sub-sections (3), (4) and (5), namely:-

"(3) The Vice-Chancellor shall have power--

(a) to refuse to admit any person to any course of study in the University without assigning reasons; and

(b) to take cognizance of any misconduct prejudicial to the interests of the University, of which a student of the University or a candidate for any examination held by it is guilty, and to punish such student or candidate by depriving him of any University scholarship, studentship or fellowship

held by him or of any University prize or medal to be awarded to him; by withholding his results in any examination for which he may have appeared; by excluding him permanently or for a specified period from any course of study in the University or from any examination thereof or from any Convocation; or by expelling him from membership/~~xxxxxx~~ of the University for any specified period.

(4) (a) The Vice-Chancellor may suspend, or withhold promotion or increments from, ~~or accept the resignation of,~~ any teacher or any officer of the University referred to in clauses (5) to (8) of section 8, if such teacher or officer is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University.

(b) Against any order passed under clause (a), an appeal shall lie to the Syndicate.

Such appeal shall be preferred within one month from the date on which the Vice-Chancellor's order is communicated to the teacher or officer concerned.

(5)(a) The Vice-Chancellor shall have power--

(i) to appoint the clerical staff and other servants of the University;

(ii) to suspend, dismiss, discharge, withhold promotion or increments from, reduce the pay of, fine, or retire compulsorily, ~~or accept the resignation of~~ any member of such staff or any such servant, if he is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University.

(b) Against any order of dismissal or compulsory retirement passed under sub-clause (ii) of clause (a), an appeal shall lie to the Syndicate.

Such appeal shall be preferred within one month from the date on which the Vice-Chancellor's order is communicated to the person concerned."

Amendment of section 14, Madras Act I of 1929

7. In section 14 of the said Act--

(i) clauses (2) and (4) shall be omitted, and clauses (3) and (5) shall be renumbered as clauses (2) and (3) respectively;

(ii) for the subsequent clauses, the following clauses shall be substituted, namely:-

"(4) The Finance Committee,

(5) The Board of Selection,

(6) Such other bodies as may be declared by the Statutes to be authorities of the University, provided that no such Statute shall deprive any of the authorities referred to in clauses (1) to (5) of any power conferred on them by this Act."

Amendment of section 15, Madras Act I of 1929

8. In section 15 of the said Act--

(i) under the heading "Class I- Ex officio members"--

(a) for clause (7), the following clause shall be substituted, namely:-

"(7) Deans of Faculties,";

(b) in clause (8), for the words "and Andhra", the words "Andhra and Travancore ~~and Mysore~~" shall be substituted;

(c) for clause (12), the following clause shall be substituted, namely:-

"(12) The Administrator of Pudukkottai or a person nominated by him from time to time.";

(ii) under the heading "Class III- Other Members"--

(a) for clause (1), the following clause shall be substituted, namely:-

"(1)(a) Five members elected from among themselves by graduates of the University, registered in the manner prescribed, according to the principle of proportional representation by means of the single transferable vote,

~~(b) Three members elected from among themselves by the Oriental Title Holders of the University,~~

(6) One member elected from among themselves by the Vidvans of the University, registered in the manner prescribed,

(c) One member elected from among themselves by the Sangita Bushanas of the University, registered in the manner precribed,

(d) One member elected from among themselves by the Siromanis of the University, registered in the manner prescribed,";

(b) clause (2) shall be omitted and clauses (3),(4),(5) and (6) shall be renumbered as clauses (2),(3),(4) and (5) respectively;

(c) for clause (2) as so renumbered, the following clause shall be substituted, namely:-

"(2) Two members elected from among themselves by the members of the Legislative Council of the Province of Madras and three members elected from among themselves by the members of the Legislative Assembly of that Province,";

(d) for clauses (7) to (12), the following clauses shall be substituted, namely:-

"(6) One member elected from among themselves by the Presidents of the District Boards of Chingleput, North Arcot, South Arcot, Chittoor, Salem, Coimbatore, The Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly,

(7) One member elected from among

themselves by the Mayor of Madras and the Chairmen of Municipal Councils in the Districts specified in clause (6),

(8) One member, being a person belonging to the Scheduled Castes within the meaning of the Government of India (Scheduled Castes)Order, 1936, elected by the members of the Sri Nandanar Kalvi Kazhagam, Chidambaram, from among themselves,

(9) One member, being a Muslim, elected by the General Body of the Muhammadan Educational Association of Southern India from among its members,

(10) One member, being an Indian Christian, elected by the Governing Body of the Indian Christian Association of Madras;

(11) One member, being an Indian Christian, elected by the Catholic Indian Association of the Province of Madras,

(12) Either the Principal of the Sanskrit College, Tiruvadi, or the Principal of the Ramesvaram Sanskrit Patasala, Madura, to be nominated by the Vice-Chancellor, provided that the Principal of the same institution shall not be nominated for consecutive terms,";

(e) in clause (14), the words "and the teaching staff of the Sri Minakshi Tamil College, Chidambaram" shall be omitted;

(f) clauses (15) and (16) shall be renumbered as clauses (16) and (17) respectively, and the following shall be inserted as clause (15), namely:-

"(15) One member elected by the Trustees of the Tamil Isai Sangam, Madras, from among the members of the Sangam.";

(g) in clause (16) as so renumbered, the word "and" shall be omitted, and the following words shall be added at the end, namely:-

"and one by the Nattukkottai Nagarathars' Association, Madras";

(h) after clause (17) as so renumbered, the following clauses and provisos shall be added, namely:-

"(18) Two members nominated by the Vice-Chancellor, one from among the Headmasters of High Schools in the Districts of South Arcot and Tanjore recognized by the Provincial Government, and one from among the graduate teachers residing in either of the said Districts,

(19) One member nominated by the Vice-Chancellor after consulting the Matathipathis of Tiruvaduthurai, Dharmapuram and Thirupanandal Mutts in Tanjore District,

Amendment of section 16, Madras Act I of 1929.

Repeal of sections 17 and 18, Madras Act I of 1929.

Amendment of section 19, Madras Act I of 1929.

(20) One member, not being the Dean, elected from among themselves by the teachers in the departments of study comprised in each Faculty;

Provided that save in the case specified in clause (20) above, no teacher, officer or other employee of the University shall be eligible for election or nomination as a member of the Senate;

Provided further that an elected or nominated member of the Senate shall cease to be such member if he subsequently becomes a teacher, officer or other employee of the University."

9. In clause (3) of section 16 of the said Act, for the words beginning with "which resolutions" and ending with "therewith", the following words shall be substituted, namely:-

"on which resolutions action shall be taken in accordance with the provisions of section 24".

10. Sections 17 and 18 of the said Act shall be omitted.

11. For sub-section (3) of section 19 of the said Act, the following sub-section shall be substituted, namely:-

"(3) Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Syndicate, be responsible for the ~~teaching~~ teaching courses of study, and research work in such departments.

The Professor or the Senior Professor in any department of study

shall be the head of that department. If there is no Professor in any department, the Vice-Chancellor shall arrange for the duties of the head of that department being performed by any teacher in such department, chosen by him.

The head of the department or the teacher so chosen shall be responsible to the Dean for the organization of teaching in that department; and shall preside over meetings of any Committee of the Faculty held for the purpose of suggesting courses of studies, syllabuses and textbooks in or for that department."

Substitution of new section for section 20, Madras Act I of 1929.

12. For section 20 of the said Act, the following section shall be substituted, namely:-

Powers and duties of Faculties.

"20. Each Faculty shall have the following powers and perform the following duties, namely:-

(a) to consider and report on any matter referred to it by the Senate, the Syndicate or the Vice-Chancellor;

(b) to make recommendations to the Syndicate in all matters relating to the organization of the teaching, courses of study, examinations and research in the subjects of study comprised in the Faculty and to propose additions or amendments to the laws relating to such matters for the consideration of the Syndicate;

(c) to recommend to the Syndicate the names of persons suitable for appointment as examiners in the subjects of study comprised in the Faculty;

(d) to appoint to any Committee of the Faculty constituted for any subject of study comprised in it, not more than three non-members, being persons who are specialists in such subjects;

(e) to recommend to the Syndicate syllabuses and textbooks for the several courses in the subjects of study comprised in the Faculty, after considering the suggestions, if any, made in that behalf by Committees of the Faculty constituted from time to time;

(f) to recommend to the Vice-Chancellor the holding of joint meetings of itself and of any one or more of the other Faculties to consider any matter of common interest to both or all such Faculties."

Amendment of section 21, Madras Act I of 1929.

13. In section 21 of the said Act--

(i) under "Class I- Ex Officio Members", clause (3) shall be omitted;

(ii) under "Class II- Other Members"--

(a) clause (2) shall be omitted and clauses (3) and (4) shall be renumbered as clauses (2) and (3) respectively;

(b) in clause (2) as so renumbered, for the words "Two members", the words "Three members" shall be substituted;

(c) in clause (3) as so renumbered, for the words "Two members", the words "Three members", and for the words "two members", the words "three members" shall be substituted;

(iii) the following provisos shall be added at the end, namely:-

"Provided that no teacher, officer or other employee of the University shall be eligible for election or nomination as a member of the Syndicate;

Provided also that a member of the Syndicate shall cease to be such member if he subsequently becomes a teacher, officer or other employee of the University."

Amendment of section 22, Madras Act I of 1929.

14. In section 22 of the said Act--

(i) for clause (c), the following clause shall be substituted, namely:-

"(c) to dismiss, discharge, reduce the pay of, or retire compulsorily, any teacher or any officer of the University referred to in clauses (5) to (8) of section 8, if such teacher or officer is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University;";

(ii) in clause (g), the words "on the advice of the Academic Council" shall be omitted;

(iii) for clause (h), the following clause shall be substituted, namely:--

"(h) to refer any matter to a Faculty or a Committee thereof, for consideration and report,";

(iv) in clause (i), the words "and regulations" and the words "and the Academic Council respectively" shall be omitted.

Repeal of section 23 and insertion of new sections 23, 23A and 24 in Madras Act I of 1929.

15. Section 23 of the said Act is hereby formally repealed and for section 24, thereof, the following sections shall be substituted, namely:-

Constitution of the Finance Committee.

"23. The Finance Committee shall consist of the following persons, namely:-

(5) The Secretary to the Government of Madras in charge of Finance,

(1) The Founder and, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy. If the Founder has to be absent from any meeting or meetings of the Committee, he shall have power to nominate a person to act for him as a member of the Committee, for a period not exceeding six months at a time,

(2) The Vice-Chancellor,

(3) The Secretary to the Government of Madras in charge of Finance,

(4) One member, not being a member of the Syndicate or a teacher, officer

or other employee of the University, co-opted by the members referred to in clauses (1), (2) and (3) above.

If the member co-opted under this clause becomes a member of the Syndicate or a teacher, officer or other employee of the University, his seat on the Finance Committee shall be deemed to have become vacant.

Powers and duties of the Finance Committee

23A.(1) The Finance Committee shall have the following powers and perform the following duties, namely:-

(a) to scrutinize the annual budget estimates and the supplementary estimates prepared by the Registrar and place them before the Syndicate and the Senate;

(b) to conduct a general examination of the accounts of the University and review its financial position periodically;

(c) to make proposals to the Syndicate and the Senate on matters relating to the finances of the University;

(d) to examine every proposal for new expenditure and advise the authorities thereon;

(e) generally to devise means for improving the financial position of the University;

(f) to call for full details of proposals and schemes of the Syndicate and other authorities of the University on all suggestions made by them which involve expenditure;

(2) The Finance Committee shall have power to frame rules for the conduct of its business.

Annual financial estimates

(g) to sanction re-appropriations from one head to another in the budget for the year as finally adopted.

24.(1) The Registrar shall frame the financial estimates of the University for each year under the orders of the Vice-Chancellor, embodying therein such proposals of the departments as the Vice-Chancellor may permit him to include in the estimates, and place the same before the Finance Committee for its consideration.

(2) The Finance Committee shall then scrutinize the said estimates and make such modifications therein as it may consider necessary.

(3) The estimates as modified or approved by the Finance Committee shall be placed before the Syndicate which shall be entitled to make any alterations therein which it may consider necessary.

(4) The estimates as altered or approved by the Syndicate shall then be placed before the Senate which shall be entitled to make any changes therein which it may consider necessary.

(5) All alterations made by the Syndicate in the estimates as modified or approved by the Finance Committee and all changes made by the Senate in the estimates as altered or approved by the Syndicate shall be placed before the Finance Committee again for its consideration.

(6) All points of difference between the Finance Committee and the Syndicate or the Senate, as the case may be, shall be placed before the Chancellor with the opinions of the three authorities thereon, and the Chancellor's decision on the points shall be final.

(7) Fresh expenditure which cannot be met by reappropriation shall be budgeted for in the form of supplemental financial estimates, and the provisions of sub-sections (1) to (6) shall mutatis mutandis apply to such estimates also."

Substitution of new sections for sections 25 and 26, Madras Act I of 1929.

16. For sections 25 and 26 of the said Act, the following sections shall be substituted, namely:-

Annual accounts

"25.(1) The annual accounts of the University shall be prepared by the Registrar and shall first be laid before the Finance Committee whose recommendations thereon shall be placed before the Syndicate for its approval.

(2) Any alterations which the Syndicate may consider necessary shall be referred back to the Finance Committee for its consideration.

(3) The accounts as finally modified and approved by the Finance Committee shall then be submitted to such examination and audit as the Provincial Government may direct.

(4) After such examination and audit, the accounts shall be published

The Board of Selection and its powers.

Founder's further amendment 4-7-77

by the Syndicate in the Fort St. George Gazette and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the Provincial Government.

26.(1) The Board of Selection shall consist of the following persons, namely:-

(1) The Founder, and in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy.

If the Founder has to be absent from any meeting or meetings of the Board, he shall have power to nominate a person to act for him as a member of the Board, for a period not exceeding six months at a time.

(2) The Vice-Chancellor;

(3) One member nominated by the Chancellor;

(4) One member, not being a member of the Syndicate or a teacher, officer or other employee of the University, co-opted by the three members referred to in clauses (1), (2) and (3) above.

If the member co-opted under this clause becomes a member of the Syndicate

104 20 See ff 11-12-47

(2) The Board of Selection shall have the power to appoint the Teachers, the Registrar and the Deputy Registrar of the University.

(3) The Board of Selection shall also have power to frame rules for the conduct of its business"

or a teacher, officer or other employee of the University, his seat on the Board shall be deemed to have become vacant."

17. In section 27 of the said Act, the words "the Academic Council" shall be omitted.

Amendment of section 27, Madras Act I of 1929.

18. In section 29 of the said Act--

Amendment of section 29, Madras Act I of 1929.

(i) for clause (d), the following clause shall be substituted, namely:-

"(d) the powers, duties and conditions of service of the officers of the University other than the Chancellor, the Founder and the Pro-Chancellor.";

(ii) clause (e) shall be omitted and clauses (f) to (m) relettered as clauses (e) to (l) respectively.

19. In clause (d) of section 31 of the said Act, the word "readers" shall be omitted.

Amendment of section 31, Madras Act I of 1929.

20. In section 32 of the said Act, for the words "Academic Council" wherever they occur, the word "Syndicate", and for the word "Syndicate" wherever it occurs, the words "Faculty concerned" shall be substituted.

Amendment of section 32, Madras Act I of 1929.

21. In sub-section (1) of section 36 of the said Act, for the expression "items (5), (6) and (7) of section 8" the expression "clauses (5) to (8) of section 8" shall be substituted.

Amendment of section 36, Madras Act I of 1929.

Amendment of section 38, Madras Act I of 1929.

Insertion of new section 38A in Madras Act I of 1929.

All employees to be appointed on contract

Substitution of new section for section 39, Madras Act I of 1929.

See page 61 post

See Amendment

21 LOS 52

22. The proviso to section 38 of the said Act shall be omitted.

23. After section 38 of the said Act, the following section shall be inserted, namely:-

"38A. (1) Every employee of the University shall be appointed on a written contract for a period not exceeding five years in the first instance, but the contract may be renewed for further periods not exceeding five years at a time.

(2) Every such contract shall be lodged with the Registrar of the University, and a copy thereof shall be furnished to the employee concerned.

(3) Every employee of the University holding office at the commencement of the Annamalai University(Second Amendment)Act, 1943, shall be called upon to enter into a written contract with the University for a period not exceeding five years from the date on which such Act comes into force, if such employee has, before such commencement, either entered into a contract, or given his consent in writing, to abide by any alterations in the conditions of his service which may be made from time to time."

24. For section 39 of the said Act, the following section shall be substituted, namely:-

"39.(1) Where any provident fund has been instituted by the University

for the benefit of its employees and other servants, the Provincial Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

XIX of 1925

(2) Subscriptions to such provident fund shall be made at the rate of six and one-fourth per cent of the pay of the employee or servant concerned and the University shall contribute to the fund an amount equal to that of the subscriptions.

Amendment of section 41, Madras Act I of 1929

25. In clause (c) of sub-section(ii) of section 41 of the said Act, after the words "the Central Government", the words "any Indian State or the Ruler thereof", and after the word "Founder " the words "the University" shall be inserted.

Amendment of section 43, Madras Act I of 1929.

26. In section 43 of the said Act--

in clause (1)

(i) for the words "one and a half lakhs of rupees", the words "not less than one lakh and ninety thousand rupees" shall be substituted;

(ii) in sub-clause (b) of clause(2), for the words "towards such buildings or equipment", the words "for capital expenditure towards the cost of buildings and equipment or of any drainage scheme or of the provision of any other amenity" shall be substituted.

Repeal of sections 44 and 45, Madras Act I of 1929

27. Sections 44 and 45 of the said Act shall be omitted.

Addition of new section 47 to Madras Act I of 1929

28. Section 47 of the said Act is hereby formally repealed, and after section 46 thereof, the following section shall be added, namely:--

Interpretation of Act

"47. If any question arises as to the interpretation of any of the provisions of this Act, the question shall be referred to the Chancellor and his decision thereon shall be final and shall not be liable to be questioned in any Court of law by any suit or other proceeding."

Power to remove difficulties

29. The Chancellor shall have power to take any action necessary to remove any difficulty that may arise in first giving effect to the provisions of this Act or of the said Act as amended by this Act.

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Statement of Objects and Reasons.

The object of this Bill is to give effect to certain proposals for the amendment of the Annamalai University Act, 1928(Madras Act I of 1929), which are intended to secure the more efficient working of the University. The main changes introduced are as follows:--

(1) Abolition of the Academic Council and the Boards of Studies;

(2) Altering the constitution of the Senate so as to make it a more representative body and disqualifying teachers and other employees of the University for nomination to the Senate or for election to that body except to the seats representing the teaching staff of the various faculties.

(3) Reducing the strength of the Syndicate and disqualifying teachers and employees of the University from being members thereof;

(4) Revival of the Finance Committee;

(5) ~~Exx~~ Grant of effective powers to the Vice-Chancellor; and

(6) Appointment of teachers, officers and other employees of the University on ~~five-yearly~~ contracts (not exceeding five years in the first instance).

The reasons for the above changes are set out in paragraphs 2 to 7 below.

2. Abolition of the Academic Council and the Boards of Studies. There are now three bodies in the University dealing with academic matters, namely, the Academic

Council, the Faculties and the Boards of Studies. It is felt that in a unitary, residential University like the Annamalai University, academic affairs are best managed by a single authority. The Faculties are considered the most suitable bodies for this purpose, as they consist mostly of men on the spot who can meet often and throughout the year. It is accordingly proposed to abolish the Academic Council and the Boards of Studies.

3. Constitution of the Senate.

The constitution of the Senate has been altered in certain respects. The Vice-Chancellors of the Travancore ~~and Mysore Universities, and the Administrator of Pudukkottai, instead of its Diwan, have~~ has also been made ex-officio members. Only Deans of Faculties will be ex-officio members ~~and not Heads of Departments of Studies as in the existing Act.~~ The number of members elected by the registered graduates of the University has been ~~reduced~~ altered from twelve to five; but provision has been made for the election of three members by the Oriental Title-holders of the University and one member each by the Vidvans, Sangita Bhushanas and Siromanis of the University. A President of a district board elected by a constituency consisting of all presidents of district boards in the Tamil districts will be a member of the Senate, instead of a member of the South Arcot district board as in the existing Act. Similarly, the Chairman of a Municipal Council elected by a constituency consisting

The reason for this is that the Constituency has become smaller as it will consist only of the registered graduates of Annamalai University.

of the Mayor of Madras and the Chairmen of all Municipal Councils in the Tamil districts will be a member instead of a councillor of the Chidambaram Municipality as in the existing Act. One member will be elected by the Catholic Indian Association and another by the Indian Christian Association of Madras which is a Protestant body. The Principals of the Sanskrit College, Tiruvadi, and ~~of~~ the Rameswaram Sanskrit Patasala, Madura, will be members of the Senate for alternate terms, in lieu of a person elected by the teachers of those two institutions from among themselves. The Tamil Isai Sangam and the Nattukkottai Nagarathars' Association have been given the right to elect a member each. A Headmaster of a recognized High School in the districts of South Arcot and Tanjore, and a graduate teacher residing in either of the said districts will be nominated to the Senate by the Vice-Chancellor. The Vice-Chancellor will also nominate another member to the Senate after consulting the Matathipathis of Tiruvaduthurai, Dharmapuram and Tirupanandal. The members of the University teaching staff employed in the departments of study comprised in each Faculty have been given the right to elect a member to the Senate. Subject to this provision, it has been provided that no teacher, officer or other employee shall be eligible for election or nomination to the Senate.

4. The Syndicate. The Syndicate, as constituted under the existing Act,

consists of thirteen members of whom five are at present teachers of the University. The teacher-members, by their regular attendance, have acquired a predominant position in the Syndicate and it is strongly felt that this is a very undesirable state of affairs. In the Madras and Andhra Universities, no University teacher can be a member of the Syndicate. It is therefore proposed to disqualify teachers and other employees of the University for election or nomination to the Syndicate and also to provide that if a member of the Syndicate accepts employment under the University as a teacher or otherwise, his seat on the Syndicate should become vacant. It is also proposed to reduce the strength of the Syndicate to 11 members, and the Syndicate will hereafter consist of the Vice-Chancellor and the Director of Public Instruction as ex-officio members, three members elected by the Senate, three members nominated by the Chancellor, and three members nominated by the Founder.

5. Revival of the Finance Committee. The Act as originally passed provided for the functioning of a Finance Committee for a period of ten years. This period expired in 1939 but as the expert opinion offered by the Committee was found to be very helpful, the Syndicate created an Advisory Committee for the purpose of continuing the work. It is proposed to revive the Finance Committee as a statutory body and endow it with practically the same powers as it possessed under the original Act. The Finance Committee proposed

will consist of four members, namely, the Finance Secretary to the Government of Madras, the Founder, the Vice-Chancellor, and a fourth member co-opted by the other three.

6. The Vice-Chancellor's powers. It is proposed to embody in the Act the powers of the Vice-Chancellor in regard to the admission of students and the enforcement of discipline among them, and also to transfer to him in part the disciplinary control which the Syndicate now exercises over the teachers and other staff of the University.

7. Tenure of teachers and other employees. In the interests of the continuity of instruction in the University and of University administration, it is felt that teachers and other employees should be required to be in the service of the University for a specified minimum period. It is accordingly proposed to provide that appointments should be made on contract for a term not exceeding five years in the first instance, with the option of continuing the contract for further terms not exceeding five years on each occasion. In regard to existing incumbents however the above provision will be applied only in the case of those who have entered into a contract, or have signified in writing their willingness, to abide by any alterations made in the conditions of service from time to time.

8. Minor changes are explained in the

notes on clauses below.

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Notes on Clauses.

Clause 1(1). Section 33 of the Annamalai University Act was recently amended- vide Madras Act X of 1943. Hence the short title given to the present Bill.

Clause 1(2). The constitution of the Senate as altered by the Bill differs in many material respects from its existing constitution and it will perhaps be most convenient to bring these alterations into force with effect from the date of the next reconstitution of the Senate. Clause 1(2) of the Bill will enable the Government to do so if they so desire.

Clause 2(ii). There are now no 'Readers' in the University while the Professors and Lecturers are classified into two categories, Senior and Junior. The clause gives statutory recognition to these changes.

Clause 3. The Senate has sanctioned the creation of a post of Deputy Registrar with effect from 1943. This officer has therefore been included among the officers of the University mentioned in section 8.

Clause 4. The Founder has power under the existing Act to call for papers on any subject and request further consideration

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thereof by any authority or officer of the University. ~~It is felt that the present procedure is unnecessarily complex, and that matters will be simplified~~ if the Founder is supplied in addition with the agenda for meetings of the Syndicate, ~~the principal executive body of the University~~, so that he may communicate his views on any item included in the agenda to the Syndicate before a decision is arrived at by that body. (It would be convenient)

Clause 5. Difficulties have sometimes been experienced by the Founder in suggesting three names for the post of Vice-Chancellor. Provision has therefore been made for his submitting only one name, with the previous approval of the Chancellor, ~~after previous consultation with the Chancellor for the adoption of~~ ~~one of~~ the course.

Clause 6(i)(a). It has been made clear that the Vice-Chancellor is not only the principal executive but also the principal academic officer of the University.

Clause 6(i)(c). This gives a right to the Vice-Chancellor to be present at and address any meeting of any authority of the University, even though he may not be a member thereof, and also empowers him to refer any matter to any Faculty, Board of Examiners or Committee or person, and to call for a report on such matter.

Clause 6(iii). New sub-section (5)(a)(i) reproduces sub-section (4) of existing section 14. The necessity for the additional powers given to the Vice-Chancellor

by new sub-sections (3), (4) and (5) has been set out in the Statement of Objects and Reasons.

Clause 7(ii) makes it clear that it will not be open to the Senate to create an "authority" with jurisdiction overlapping that of the existing authorities, namely those specified in clauses (1) to (5) of section 14.

Clause 8. The changes made in the constitution of the Senate have been explained in the Statement of Objects and Reasons.

Clause 9. is consequential on the new procedure for passing the University budget, contained in new section 24 of the Act inserted by clause 15 of the Bill.

Clause 11. The constitution and functions of each Faculty, of the departments of study comprised in it, and of the heads of such departments, are set out here.

Clause 12. As the Faculties will be the principal academic bodies of the University, their powers and duties have been set out in new section 20 inserted by this clause.

Clause 13. The changes made in the constitution of the Syndicate and the reasons for introducing the provisoes have been explained in the Statement of Objects and Reasons.

Clause 14(i). New clause (c) is consequential on the powers conferred on the Vice-Chancellor by clause 6(iii) of the Bill.

Clause 14(ii), (iii) & (iv). These are consequential on the abolition of the Academic Council and the Boards of Studies.

Clause 15. New section 23. Clause(1) of the new section gives power to the Founder to nominate a member to the Finance Committee in his place for a period not exceeding 6 months at a time, if the Founder has to be absent from any meeting or meetings of the Committee.

New section 23A specifies the powers and duties of the Finance Committee.

New section 24 is consequential on the restoration of the Finance Committee, and revives with some modifications old section 24. It has been made clear that all points of difference between the Finance Committee on the one hand and the Syndicate or the Senate on the other should be placed before the Chancellor for a final decision, and also that all expenditure which cannot be met by re-appropriation should be provided for in ~~supplementary~~ Supplementary estimates which should be treated in the same manner as the original financial estimates.

Clause 16. New section 25 lays down in clear terms the duties of the Syndicate and the Finance Committee in relation to the Annual Accounts.

New section 26 ~~gives practically the~~ same constitution to the Board of Selection as new section 23 has given to the Finance Committee. Instead of the Finance Secretary, a person nominated by the Chancellor will be a member ~~of the Committee.~~

Clause 18 makes changes mostly of a drafting character.

Lays down a constitution for the Board of Selection which is similar to that of the Finance Committee. It also gives power to the Founder to nominate a member to the Board of Selection in his place for a period not exceeding six months at a time, if the Founder has to be absent from meetings of the Board.

Clause 20 is consequential on the abolition of the Academic Council and the vesting of most of its functions in the Faculties.

Clause 21 is consequential on the addition of the Deputy Registrar to the list of officers of the University specified in section 8.

Clause 22. It has been found difficult to restrict the number of outsiders in Committees of the University Authorities to one-fifth of the total number of their members, as some of the University Authorities have a very small membership. Hence, it is proposed to delete the proviso to section 38.

Clause 23. New section 38A. The necessity for this clause has been explained in the Statement of Objects and Reasons.

Clause 24. New section 39 provides for the payment of subscriptions to the University Provident Fund at a fixed rate of 6 1/4 per cent of the pay of the employees and for the making of contributions of equivalent amounts by the University.

Clause 26(i). The Government are now making a contribution of one lakh and ninety thousand rupees every year to the University and since there is no likelihood of their at any time giving the University less than this amount, the sum of 1 1/2 lakhs mentioned in the existing section has been raised to 1,90,000 rupees.

Clause 26(ii). This makes it clear that the Government may contribute towards the capital cost of drainage schemes and the provision of other amenities.

Clause 27. Sections 44 and 45 have become spent and are therefore repealed.

Clause 28. Section 47 of the existing Act has also become spent and requires to be formally repealed. New section 47 inserted by the clause gives power to the Chancellor to interpret any provision of the Act in regard to the meaning of which a doubt may arise. The Chancellor's decision has been made final and will not be liable to be questioned in any Court of Law.

Clause 29. The changes made by the Bill are numerous and far-reaching and unexpected difficulties may arise in giving effect to its provisions. It is therefore proposed to give power to the Chancellor to take any action which may be necessary for the purpose of removing such difficulties.

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MEMORANDUM.

Annamalai University Act, 1928 (Madras Act I of 1929) - Amendment.

The 'Founder' of the Annamalai University has made certain proposals for amending the Annamalai University Act, 1928. The main points of the amendment are briefly noticed in this Memorandum.

2. Powers of the Vice-Chancellor: The proposals are -

(i) to define in the Act the powers of the Vice-Chancellor in regard to the admission of students and matters affecting their discipline which are now regulated by the Statutes of the University,

and (ii) to transfer to the Vice-Chancellor some of the disciplinary control which the Syndicate now has over the teachers of the University and its ~~staff.~~ establishment

It is proposed to achieve the object by adding four clauses to section 5 of the Act as in the Appendix.

3. Revival of the Finance Committee: The Act as promulgated in 1929 had provided for a Finance Committee for a period of 10 years. The Committee's life-time expired in 1939. As subsequent experience is said to have proved the necessity for a permanent Committee, it is proposed to provide one constituted as follows:-

(1) The Secretary to the Govt. of Madras in charge of Finance.
(2) The Founder and in case the office is vacant a person nominated by the Chancellor ~~to do the duties of the Founder~~
(3) The Vice-Chancellor.
(4) One member co-opted by the above three members.

3. The Academic Council, the Faculties and the Boards of Studies: It is urged that in constitution and powers, these authorities do not differ very much from one another and that in a residential University

the academic affairs could be managed by a single authority, viz. the Faculties. It is therefore proposed to abolish the Academic Council and the Boards of Studies and retain only the Faculties.

4. The Syndicate: The present Syndicate of 13 members is said to be a bit unwieldy and also not conducive to smooth working as there is too much of the teacher element in it. The proposal is to constitute a smaller Syndicate composed of the Vice-Chancellor, the D.P.I., three members selected by the Senate, three members nominated by the Chancellor and three members nominated by the Founder, with a proviso that no teacher, officer or other employee of the University shall be eligible for election or nomination. There is a provision in the other two University Acts to the effect that no teacher of the University shall be elected or nominated to the Syndicate.

5. Provision for appointing officers, teachers and other employees on contracts: Experience has shown that in the interests of continuity of instruction in the University and the administration, there must be a provision requiring teachers and other employees to be in the University for at least five years. It is therefore proposed to insert a provision for making appointments on five-year contracts, with the option of renewing the contracts for further periods. In regard to existing incumbents, this provision will be applied only to those who have already entered into contracts giving their consent in writing and abide by alterations in the conditions of the service.

6. Provident Fund: The Act as it now stands merely says that when a provident fund has been constituted the provisions of the Provident Funds Act, 1925, would apply. The details of the Fund are determined by the Statutes. This arrangement leads to frequent changes in the rate of

contribution and other details. It is therefore proposed to provide in the Act that the employee will subscribe to the Fund at the rate of 6¼ per cent. of his pay and that the University will also contribute at the same rate.

7. Other matters to be provided in the Act are -

(1) A provision for the appointment of a Deputy Registrar.

(2) A provision for appointment of the Vice-Chancellor by the Chancellor on the recommendation of the Founder instead of from a panel of three names proposed by him, as at present.

(3) A provision to empower the Vice-Chancellor to attend meetings of University authorities other than the Senate and the Syndicate of which he is a member ex-officio and to convene joint meetings of the Faculties.

(4) A few changes in the constitution of the Senate and of the Board of Selection.

The remaining amendments are either consequential or are of minor importance.

8. A.3 and H.E. have accepted the amendments. H.E. has also ordered that the question of amending the Act should be treated as one of extreme urgency as the suggestion is that the amendments should take effect from the 1st July 1943. In view of the urgency of the matter, copies of this Memorandum are circulated simultaneously to H.E. the Governor and Advisers. ~~The~~ Bill is being sent to the Legal Draftsman for preparing a draft Bill.

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Section 5. The present para may be numbered as (1) and the following changes made therein:-

In line 5, insert the word 'or' between the words 'Class' and 'caste', and omit the words 'or political belief'.

In line 8, omit the words 'or political'.

The following paragraphs may be added:-

(2) Admission of students. In the matter of admission of students to the University, the Vice-Chancellor shall have power to refuse to admit any person as a student of the University without assigning any reason;

Appendix

(3) Discipline of students. The Vice-Chancellor shall have power to take cognizance of any misconduct prejudicial to the general interests of the University by any student who seeks admission to University courses of study or by any candidate for the examinations of the University and to punish such misconduct by the deprivation of any University scholarship, studentship or fellowship held by him or by cancellation of any University prize or medal to be awarded to him or by suspending, dismissing or expelling him or by exclusion from any University Examination or from any course in the University or from any Convocation for the purpose of conferring degrees, either permanently or for a specified period or by the cancellation of any University examination for which he appears.

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A Bill further to amend the Annamalai University Act, 1928.

Madras Act I of 1929.

26 Geo. 5, Ch. 2.

WHEREAS it is expedient further to amend the Annamalai University Act, 1928, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement.

1. (1) This Act may be called the Annamalai University (Second Amendment) Act, 1943.

(2) The provisions of this Act with the exception of section 8 shall come into force at once; and that section shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Madras Act I of 1929.

Amendment of section 2, Madras Act I of 1929.

2. In section 2 of the Annamalai University Act, 1928 (hereinafter referred to as the said Act)—

(i) after clause (*b*), the following clause shall be inserted, namely:—

"(*bb*) 'Employees' means teachers as defined in clause (*f*), officers of the University (other than the Chancellor, the Founder, the Pro-Chancellor and the Vice-Chancellor) and persons belonging to the clerical staff of the University;";

(ii) in clause (*f*), for the words "Professors, Readers, Lecturers", the words "Professors, Senior and Junior, Lecturers, Senior and Junior, Assistant Lecturers" shall be substituted.

Amendment of section 8, Madras Act I of 1929.

3. In section 8 of the said Act, clauses (6) and (7) shall be renumbered as clauses (7) and (8) respectively, and the following shall be inserted as clause (6), namely:—

"(6) The Deputy Registrar,".

Amendment of section 11, Madras Act I of 1929.

4. In section 11 of the said Act, sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) respectively, and the following shall be inserted as sub-section (2), namely:—

"(2) The Founder shall have copies of the agenda of every meeting of the Syndicate sent to him sufficiently in advance of the date of the meeting, and may communicate his views on any matter or matters included in the agenda to the Syndicate. Such views shall be taken into consideration by the Syndicate at the meeting."

Amendment of section 12, Madras Act I of 1929.

5. In sub-section (1) of section 12 of the said Act—

(i) for the first sentence, the following sentences shall be substituted, namely :—

" The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Founder. The Founder shall ordinarily recommend for appointment a panel of three persons but may, with the previous approval of the Chancellor, submit the name of only one person." ;

(ii) for the words " He shall ", the words " The Vice-Chancellor shall " shall be substituted.

Amendment of section 13, Madras Act I of 1929.

6. In section 13 of the said Act—

(i) in sub-section (1)—

(*a*) in the first sentence, after the words " principal executive ", the words " and academic " shall be inserted ;

(*b*) in the second sentence, the words " of the Academic Council and " shall be omitted ;

(*c*) after the second sentence, the following paragraphs shall be added, namely :—

" He shall be entitled to be present at, and to address at any stage, any meeting of any other authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

He shall also have power to refer any matter to any Faculty, Board of Examiners, or Committee or person, and to call for a report thereon." ;

(ii) in sub-section (2), the words " the Academic Council " shall be omitted, and after the word " Syndicate ", the following words shall be added, namely :—

" and joint meetings of two or more Faculties " ;

(iii) sub-section (4) shall be omitted, sub-sections (3) and (5) shall be renumbered as sub-sections (6) and (7) respectively, and the following shall be inserted as sub-sections (3), (4) and (5), namely :—

" (3) The Vice-Chancellor shall have power—

(*a*) to refuse to admit any person to any course of study in the University without assigning reasons ; and

(*b*) to take cognizance of any misconduct prejudicial to the interests of the University, of which a student of the University or a candidate for any examination held by it is guilty, and to punish such student or candidate by depriving him of any University scholarship, studentship or fellowship held by him or of any University prize or medal to be awarded to him ; by withholding his results in any examination for which he may have appeared ; by excluding him permanently or for a specified period from any course of study in the University or from any examination thereof or from any Convocation ; or by expelling him from membership of the University for any specified period.

(4) (*a*) The Vice-Chancellor may suspend, or withhold promotion or increments from, any teacher or any officer of the University referred to in clauses (5) to (8) of section 8, if such teacher or officer is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University.

(*b*) Against any order passed under clause (*a*), an appeal shall lie to the Syndicate.

Such appeal shall be preferred within one month from the date on which the Vice-Chancellor's order is communicated to the teacher or officer concerned.

(5) (*a*) The Vice-Chancellor shall have power—

(i) to appoint the clerical staff and other servants of the University ;

(ii) to suspend, dismiss, discharge, withhold promotion or increments from, reduce the pay of, fine, or retire compulsorily, any member of such staff or any such servant, if he is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University.

(*b*) Against any order of dismissal or compulsory retirement passed under sub-clause (ii) of clause (*a*), an appeal shall lie to the Syndicate.

Such appeal shall be preferred within one month from the date on which the Vice-Chancellor's order is communicated to the person concerned."

Amendment of section 14, Madras Act I of 1929.

7. In section 14 of the said Act—

(i) clauses (2) and (4) shall be omitted, and clauses (3) and (5) shall be renumbered as clauses (2) and (3) respectively ;

(ii) for the subsequent clauses, the following clauses shall be substituted, namely :—

" (4) The Finance Committee,

(5) The Board of Selection,

(6) Such other bodies as may be declared by the Statutes to be authorities of the University, provided that no such Statute shall deprive any of the authorities referred to in clauses (1) to (5) of any power conferred on them by this Act."

Amendment of section 15, Madras Act I of 1929.

8. In section 15 of the said Act—

(i) under the heading " Class I—Ex officio members "—

(*a*) for clause (7), the following clause shall be substituted, namely :—

" (7) Deans of Faculties," ;

(*b*) in clause (8), for the words " and Andhra ", the words " Andhra and Travancore " shall be substituted ;

(ii) under the heading " Class III—Other Members "—

(*a*) for clause (1), the following clause shall be substituted, namely :—

" (1) (*a*) Five members elected from among themselves by graduates of the University, registered in the manner prescribed, according to the principle of proportional representation by means of the single transferable vote,

(*b*) One member elected from among themselves by the Vidvans of the University, registered in the manner prescribed,

(*c*) One member elected from among themselves by the Sangita Bushanas of the University, registered in the manner prescribed,

(*d*) One member elected from among themselves by the Siromanis of the University, registered in the manner prescribed,";

(*b*) clause (2) shall be omitted and clauses (3), (4), (5) and (6) shall be renumbered as clauses (2), (3), (4) and (5) respectively;

(*c*) for clause (2) as so renumbered, the following clause shall be substituted, namely :—

" (2) Two members elected from among themselves by the members of the Legislative Council of the Province of Madras and three members elected from among themselves by the members of the Legislative Assembly of that Province,";

(*d*) for clauses (7) to (12), the following clauses shall be substituted, namely :—

" (6) One member elected from among themselves by the Presidents of the District Boards of Chingleput, North Arcot, South Arcot, Chittoor, Salem, Coimbatore, The Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly,

(7) One member elected from among themselves by the Mayor of Madras and the Chairmen of Municipal Councils in the districts specified in clause (6),

(8) One member, being a person belonging to the Scheduled castes within the meaning of the Government of India (Scheduled Castes) Order, 1936, elected by the members of the Sri Nandanar Kalvi Khazhagam, Chidambaram, from among themselves,

(9) One member, being a Muslim, elected by the General Body of the Muhammadan Educational Association of Southern India from among its members,

(10) One member, being an Indian Christian, elected by the Governing Body of the Indian Christian Association of Madras,

(11) One member, being an Indian Christian, elected by the Catholic Indian Association of the Province of Madras,

(12) Either the Principal of the Sanskrit College, Tiruvadi, or the Principal of the Rameswaram Sanskrit Patasala,

Madura, to be nominated by the Vice-Chancellor, provided that the Principal of the same institution shall not be nominated for consecutive terms,";

(*e*) in clause (14), the words " and the teaching staff of the Sri Minakshi Tamil College, Chidambaram," shall be omitted;

(*f*) clauses (15) and (16) shall be renumbered as clauses (16) and (17) respectively, and the following shall be inserted as clause (15), namely :—

" (15) One member elected by the Trustees of the Tamil Isai Sangam, Madras, from among the members of the Sangam,";

(*g*) in clause (16) as so renumbered, the word " and " shall be omitted, and the following words shall be added at the end, namely :—

" and one by the Nattukkottai Nagarathars' Association, Madras,";

(*h*) after clause (17) as so renumbered, the following clauses and provisos shall be added, namely :—

" (18) Two members nominated by the Vice-Chancellor, one from among the Headmasters of High Schools in the districts of South Arcot and Tanjore recognized by the Provincial Government, and one from among the graduate teachers residing in either of the said districts.

(19) One member nominated by the Vice-Chancellor after consulting the Matathipathis of Tiruvaduthurai, Dharmapuram and Thirupanandal Mutts in Tanjore district.

(20) One member, not being the Dean, elected from among themselves by the teachers in the departments of study comprised in each Faculty :

Provided that save in the case specified in clause (20) above, no teacher, officer or other employee of the University shall be eligible for election or nomination as a member of the Senate :

Provided further that an elected or nominated member of the Senate shall cease to be such member if he subsequently becomes a teacher, officer or other employee of the University."

Amendment of section 16, Madras Act I of 1929.

9. In clause (3) of section 16 of the said Act, for the words beginning with " which resolutions " and ending with " therewith ", the following words shall be substituted, namely :—

" on which resolutions action shall be taken in accordance with the provisions of section 24 ".

Repeal of sections 17 and 18, Madras Act I of 1929.

10. Sections 17 and 18 of the said Act shall be omitted.

Amendment of section 19, Madras Act I of 1929.

11. For sub-section (3) of section 19 of the said Act, the following sub-section shall be substituted, namely :—

" (3) Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Syndicate, be responsible for the courses of study, teaching and research work in such departments.

The Professor or the Senior Professor in any department of study shall be the head of that department. If there is no Professor in any department, the Vice-Chancellor shall arrange for the duties of the head of that department being performed by any teacher in such department, chosen by him.

The head of the department or the teacher so chosen shall be responsible to the Dean for the organization of teaching in that department; and shall preside over meetings of any Committee of the Faculty held for the purpose of suggesting courses of studies, syllabuses and text-books in or for that department."

Substitution of new section for section 20, Madras Act I of 1929.

12. For section 20 of the said Act, the following section shall be substituted, namely :—

Powers and duties of Faculties.

" 20. Each Faculty shall have the following powers and perform the following duties, namely :—

(*a*) to consider and report on any matter referred to it by the Senate, the Syndicate or the Vice-Chancellor;

(*b*) to consider and report on any matter referred to it by matters relating to the organization of the teaching, courses of study, examinations and research in the subjects of study comprised in the Faculty and to propose additions or amendments to the laws relating to such matters for the consideration of the Syndicate;

(*c*) to recommend to the Syndicate the names of persons suitable for appointment as examiners in the subjects of study comprised in the Faculty;

(*d*) to appoint to any Committee of the Faculty constituted for any subject of study comprised in it, not more than three non-members, being persons who are specialists in such subjects;

(*e*) to recommend to the Syndicate syllabuses and text-books for the several courses in the subjects of study comprised in the Faculty, after considering the suggestions, if any, made in that behalf by Committees of the Faculty constituted from time to time;

(*f*) to recommend to the Vice-Chancellor the holding of joint meetings of itself and of any one or more of the other Faculties to consider any matter of common interest to both or all such Faculties."

Amendment of section 21, Madras Act I of 1929.

13. In section 21 of the said Act—

(i) under " Class I—Ex-officio Members ", clause (3) shall be omitted;

(ii) under " Class II—Other Members "—

(*a*) clause (2) shall be omitted and clauses (3) and (4) shall be renumbered as clauses (2) and (3) respectively;

(*b*) in clause (2) as so renumbered, for the words " Two members ", the words " Three members " shall be substituted;

(*c*) in clause (3) as so renumbered, for the words " Two members " the words " Three members " and for the words " two members " the words " three members " shall be substituted;

(iii) the following provisos shall be added at the end, namely :—

" Provided that no teacher, officer or other employee of the University shall be eligible for election or nomination as a member of the Syndicate :

Provided also that a member of the Syndicate shall cease to be such member if he subsequently becomes a teacher, officer or other employee of the University."

Amendment of section 22, Madras Act I of 1929.

14 In section 22 of the said Act—

(i) for clause (*c*), the following clause shall be substituted, namely :—

" (*c*) to dismiss, discharge, reduce the pay of, or retire compulsorily, any teacher or any officer of the University referred to in clauses (5) to (8) of section 8, if such teacher or officer is guilty of any breach of the conditions of his service or of any act prejudicial to the interests of the University,";

(ii) in clause (*g*), the words " on the advice of the Academic Council " shall be omitted;

(iii) for clause (*h*), the following clause shall be substituted, namely :—

" (*h*) to refer any matter to a Faculty or a Committee thereof, for consideration and report,";

(iv) in clause (i), the words " and regulations " and the words " and the Academic Council respectively " shall be omitted.

Repeal of section 23 and insertion of new sections 23, 23-A and 24 in Madras Act I of 1929.

15. Section 23 of the said Act is hereby formally repealed and for section 24 thereof the following sections shall be substituted, namely :—

Constitution of the Finance Committee.

" 23. The Finance Committee shall consist of the following persons, namely :—

(1) The Founder and, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy. If the Founder has to be absent from any meeting or meetings of the Committee, he shall have power to nominate a person to act for him as a member of the Committee, for a period not exceeding six months at a time.

(2) The Vice-Chancellor.

(3) The Secretary to the Government of Madras in charge of Finance.

(4) One member, not being a member of the Syndicate or a teacher, officer or other employee of the University, co-opted by the members referred to in clauses (1), (2) and (3) above.

If the member co-opted under this clause becomes a member of the Syndicate or a teacher, officer or other employee of the University, his seat on the Finance Committee shall be deemed to have become vacant.

Powers and duties of the Finance Committee.

23-A. (1) The Finance Committee shall have the following powers and perform the following duties, namely :—

(*a*) to scrutinize the annual budget estimates and the supplementary estimates prepared by the Registrar and place them before the Syndicate and the Senate ;

(*b*) to conduct a general examination of the accounts of the University and review its financial position periodically ;

(*c*) to make proposals to the Syndicate and the Senate on matters relating to the finances of the University ;

(*d*) to examine every proposal for new expenditure and advise the authorities thereon ;

(*e*) generally to devise means for improving the financial position of the University ;

(*f*) to call for full details of proposals and schemes of the Syndicate and other authorities of the University on all suggestions made by them which involve expenditure ;

(*g*) to sanction reappropriations from one head to another in the budget for the year as finally adopted.

(2) The Finance Committee shall have power to frame rules for the conduct of its business.

Annual financial estimates.

24. (1) The Registrar shall frame the financial estimates of the University for each year under the orders of the Vice-Chancellor, embodying therein such proposals of the departments as the Vice-Chancellor may permit him to include in the estimates, and place the same before the Finance Committee for its consideration.

(2) The Finance Committee shall then scrutinize the said estimates and make such modifications therein as it may consider necessary.

(3) The estimates as modified or approved by the Finance Committee shall be placed before the Syndicate, which shall be entitled to make any alterations therein which it may consider necessary.

(4) The estimates as altered or approved by the Syndicate shall then be placed before the Senate which shall be entitled to make any changes therein which it may consider necessary.

(5) All alterations made by the Syndicate in the estimates as modified or approved by the Finance Committee and all changes

made by the Senate in the estimates as altered or approved by the Syndicate shall be placed before the Finance Committee again for its consideration.

(6) All points of difference between the Finance Committee and the Syndicate or the Senate, as the case may be, shall be placed before the Chancellor with the opinions of the three authorities thereon, and the Chancellor's decision on the points shall be final.

(7) Fresh expenditure which cannot be met by re-appropriation shall be budgeted for in the form of supplementary financial estimates, and the provisions of sub-sections (1) to (6) shall *mutatis mutandis* apply to such estimates also."

Substitution of new sections for sections 25 and 26, Madras Act I of 1929.

16. For sections 25 and 26 of the said Act, the following sections shall be substituted, namely :—

Annual accounts.

" 25. (1) The annual accounts of the University shall be prepared by the Registrar and shall first be laid before the Finance Committee whose recommendations thereon shall be placed before the Syndicate for its approval.

(2) Any alterations which the Syndicate may consider necessary shall be referred back to the Finance Committee for its consideration.

(3) The accounts as finally modified and approved by the Finance Committee shall then be submitted to such examination and audit as the Provincial Government may direct.

(4) After such examination and audit, the accounts shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the Provincial Government.

The Board of Selection and its powers.

26. (1) The Board of Selection shall consist of the following persons, namely :—

(1) The Founder and, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy.

If the Founder has to be absent from any meeting or meetings of the Board, he shall have power to nominate a person to act for him as a member of the Board, for a period not exceeding six months at a time.

(2) The Vice-Chancellor.

(3) One member nominated by the Chancellor.

(4) One member, not being a member of the Syndicate or a teacher, officer or other employee of the University, co-opted by the three members referred to in clauses (1), (2) and (3) above.

If the member co-opted under this clause becomes a member of the Syndicate or a teacher, officer or other employee of the University, his seat on the Board shall be deemed to have become vacant.

(2) The Board of Selection shall have the power to appoint the teachers, the Registrar and the Deputy Registrar of the University.

(3) The Board of Selection shall also have the power to frame rules for the conduct of its business."

Amendment of section 27, Madras Act I of 1929.

17. In section 27 of the Act, the words "the Academic Council" shall be omitted.

Amendment of section 29, Madras Act I of 1929.

In section 29 of the said Act—

(i) for clause (*d*), the following clause shall be substituted, namely :—

"(*d*) the powers, duties and conditions of service of the officers of the University other than the Chancellor, the Founder and the Pro-Chancellor." ;

(ii) clause (*e*) shall be omitted and clauses (*f*) to (*m*) re-lettered as clauses (*e*) to (*l*) respectively.

Amendment of section 31, Madras Act I of 1929.

19. In clause (*d*) of section 31 of the said Act, the word "readers" shall be omitted.

Amendment of section 32, Madras Act I 1929.

20. In section 32 of the said Act, for the words "Academic Council" wherever they occur, the word "Syndicate" and for the word "Syndicate" wherever it occurs, the words "Faculty concerned" shall be substituted.

Amendment of section 36, Madras Act I of 1929.

21. In sub-section (1) of section 36 of the said Act, for the expression "items (5), (6) and (7) of section 8" the expression "clauses (5) to (8) of section 8" shall be substituted.

Amendment of section 38, Madras Act I of 1929.

22. The proviso to section 38 of the said Act shall be omitted.

Insertion of new section 38-A in Madras Act I of 1929.

23. After section 38 of the said Act, the following section shall be inserted, namely :—

"38-A. (1) Every employee of the University shall be appointed on a written contract for a period not exceeding five years in the first instance, but the contract may be renewed for further periods not exceeding five years at a time.

All employees to be appointed on contract.

(2) Every such contract shall be lodged with the Registrar of the University, and a copy thereof shall be furnished to the employee concerned.

(3) Every employee of the University holding office at the commencement of the Annamalai University (Second Amendment) Act, 1943, shall be called upon to enter into a written contract with the University for a period not exceeding five years from the date on which such Act comes into force, if such employee has, before such commencement, either entered into a contract, or given his consent in writing, to abide by any alterations in the conditions of his service which may be made from time to time."

Substitution of new section for section 39, Madras Act I of 1929.

24. For section 39 of the said Act, the following section shall be substituted, namely :—

"39. (1) Where any provident fund has been instituted by the University for the benefit of its employees and other servants, the Provincial Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

XIX of 1925.

(2) Subscriptions to such provident fund shall be made at the rate of six and one-fourth per cent of the pay of the employee or servant concerned and the University shall contribute to the fund an amount equal to that of the subscriptions."

Amendment of section 41, Madras Act I of 1929.

25. In clause (*c*) of sub-section (ii) of section 41 of the said Act, after the words "the Central Government" the words "any Indian State or the Ruler thereof", and after the word "Founder" the words "the University" shall be inserted.

Amendment of section 43, Madras Act I of 1929.

26. In section 43 of the said Act—

(i) in clause (1), for the words "one and a half lakhs of rupees", the words "not less than one lakh and ninety thousand rupees" shall be substituted;

(ii) in sub-clause (*b*) of clause (2), for the words "towards such buildings or equipment", the words "for capital expenditure towards the cost of buildings and equipment or of any drainage scheme or of the provision of any other amenity" shall be substituted.

Repeal of sections 44 and 45, Madras Act I of 1929.

27. Sections 44 and 45 of the said Act shall be omitted.

Addition of new section 47 to Madras Act I of 1929.

28. Section 47 of the said Act is hereby formally repealed, and after section 46 thereof, the following section shall be added, namely :—

Interpretation of Act.

"47. If any question arises as to the interpretation of any of the provisions of this Act, the question shall be referred to the Chancellor and his decision thereon shall be final and shall not be liable to be questioned in any Court of law by any suit or other proceeding."

29. The Chancellor shall have power to take any action necessary to remove any difficulty that may arise in first giving effect to the provisions of this Act or of the said Act as amended by this Act.

Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to certain proposals for the amendment of the Annamalai University Act, 1928 (Madras Act I of 1929), which are intended to secure the more efficient working of the University. The main changes introduced are as follows:—

(1) Abolition of the Academic Council and the Boards of Studies;

(2) Altering the constitution of the Senate so as to make it a more representative body and disqualifying teachers and other employees of the University for nomination to the Senate or for election to that body except to the seats representing the teaching staff of the various Faculties ;

(3) Reducing the strength of the Syndicate and disqualifying teachers and employees of the University from being members thereof;

(4) Revival of the Finance Committee;

(5) Grant of effective powers to the Vice-Chancellor; and

(6) Appointment of teachers, officers and other employees of the University on contracts not exceeding five years in the first instance.

The reasons for the above changes are set out in paragraphs 2 to 7 below.

2. *Abolition of the Academic Council and the Boards of Studies.*—There are now three bodies in the University dealing with academic matters, namely, the Academic Council, the Faculties and the Boards of Studies. It is felt that in a unitary, residential University like the Annamalai University, academic affairs are best managed by a single authority. The Faculties are considered the most suitable bodies for this purpose, as they consist mostly of men on the spot who can meet often and throughout the year. It is accordingly proposed to abolish the Academic Council and the Boards of Studies.

3. *Constitution of the Senate.*—The constitution of the Senate has been altered in certain respects. The Vice-Chancellor of the Travancore University has also been made an *ex officio* member. Only Deans of Faculties will be *ex-officio* members. The number of members elected by the registered graduates of the University has been altered from twelve to five; but provision has been made for the election of three members by the Oriental Title-holders of the University, that is to say, one member each by the Vidvans, Sangita Bushanas and Siromanis of the University. The reason for this is that the constituency has become smaller as it will consist only of the registered graduates of the Annamalai University. A president of a district board elected by a constituency consisting of all presidents of district boards in the Tamil districts will be a member of the Senate, instead of a member of the South Arcot District Board as in the existing Act. Similarly, the Chairman of a Municipal Council elected by a constituency consisting of the Mayor of Madras and the Chairmen of all Municipal Councils in the Tamil districts will be a member instead of a councillor of the Chidambaram Municipality as in the existing Act. One member will be elected by the Catholic Indian Association and

another by the Indian Christian Association of Madras which is a Protestant body. The Principals of the Sanskrit College, Tiruvadi, and the Rameswaram Sanskrit Patasala, Madura, will be members of the Senate for alternate terms, in lieu of a person elected by the teachers of those two institutions from among themselves. The Tamil Isai Sangam and the Nattukkottai Nagarathars' Association have been given the right to elect a member each. A headmaster of a recognized High School in the districts of South Arcot and Tanjore, and a graduate teacher residing in either of the said districts will be nominated to the Senate by the Vice-Chancellor. The Vice-Chancellor will also nominate another member to the Senate after consulting the Matathipathis of Tiruvaduthurai, Dharmapuram and Tirupanandal. The members of the University teaching staff employed in the departments of study comprised in each Faculty have been given the right to elect a member to the Senate. Subject to this provision, it has been provided that no teacher, officer or other employee shall be eligible for election or nomination to the Senate.

4. *The Syndicate.*—The Syndicate, as constituted under the existing Act, consists of thirteen members of whom five are at present teachers of the University. The teacher-members, by their regular attendance, have acquired a predominant position in the Syndicate and it is strongly felt that this is a very undesirable state of affairs. In the Madras and Andhra Universities, no University teacher can be a member of the Syndicate. It is therefore proposed to disqualify teachers and other employees of the University for election or nomination to the Syndicate and also to provide that if a member of the Syndicate accepts employment under the University as a teacher or otherwise, his seat on the Syndicate should become vacant. It is also proposed to reduce the strength of the Syndicate to 11 members, and the Syndicate will hereafter consist of the Vice-Chancellor and the Director of Public Instruction as *ex-officio* members, three members elected by the Senate, three members nominated by the Chancellor, and three members nominated by the Founder.

5. *Revival of the Finance Committee.*—The Act as originally passed provided for the functioning of a Finance Committee for a period of ten years. This period expired in 1939 but as the expert opinion offered by the Committee was found to be very helpful, the Syndicate created an Advisory Committee for the purpose of continuing the work. It is proposed to revive the Finance Committee as a statutory body and endow it with practically the same powers as it possessed under the original Act. The Finance Committee proposed will consist of four members, namely, the Finance Secretary to the Government of Madras, the Founder, the Vice-Chancellor, and a fourth member co-opted by the other three.

6. *The Vice-Chancellor's powers.*—It is proposed to embody in the Act the powers of the Vice-Chancellor in regard to the admission of students and the enforcement of discipline among them, and also to transfer to him in part the disciplinary control which the Syndicate now exercises over the teachers and other staff of the University.

7. *Tenure of teachers and other employees.*—In the interests of the continuity of instruction in the University and of University administration, it is felt that teachers and other employees should be required to be in the service of the University for a specified minimum period. It is accordingly proposed to provide that appointments should be made on contract for a term not exceeding five years in the first instance, with the option of continuing the contract for

further terms not exceeding five years on each occasion. In regard to existing incumbents however the above provision will be applied only in the case of those who have entered into a contract, or have signified in writing their willingness, to abide by any alterations made in the conditions of service from time to time.

8. Minor changes are explained in the notes on clauses below.

Notes on Clauses.

Clause 1 (1).—Section 33 of the Annamalai University Act was recently amended—vide Madras Act X of 1943. Hence the short-title given to the present Bill.

Clause 1 (2).—The constitution of the Senate as altered by the Bill differs in many material respects from its existing constitution and it will perhaps be convenient to bring these alterations into force on a later date. Clause 1 (2) of the Bill will enable the Government to do so if they so desire.

Clause 2 (ii).—There are now no 'Readers' in the University while the Professors and Lecturers are classified into two categories, Senior and Junior. The clause gives statutory recognition to these changes.

Clause 3.—The Senate has sanctioned the creation of a post of Deputy Registrar with effect from 1943. This officer has therefore been included among the officers of the University mentioned in section 8.

Clause 4.—The Founder has power under the existing Act to call for papers on any subject and request further consideration thereof by any authority or officer of the University. It would be convenient if the Founder is in addition supplied with the agenda for meetings of the Syndicate, so that he may communicate his views on any item included in the agenda to the Syndicate before a decision is arrived at by that body.

Clause 5.—Difficulties have sometimes been experienced by the Founder in suggesting three names for the post of Vice-Chancellor. Provision has therefore been made for his submitting only one name, with the previous approval of the Chancellor.

Clause 6 (i) (*a*).—It has been made clear that the Vice-Chancellor is not only the principal executive but also the principal academic officer of the University.

Clause 6 (i) (*c*).—This gives a right to the Vice-Chancellor to be present at and address any meeting of any authority of the University, even though he may not be a member thereof, and also empowers him to refer any matter to any Faculty, Board of Examiners or Committee or person, and to call for a report on such matter.

Clause 6 (iii).—New sub-section (5) (*a*) (i) reproduces sub-section (4) of existing section 14. The necessity for the additional powers given to the Vice-Chancellor by new sub-sections (3), (4) and (5) has been set out in the Statement of Objects and Reasons.

Clause 7 (ii) makes it clear that it will not be open to the Senate to create an "authority" with jurisdiction overlapping that of the existing authorities, namely, those specified in clauses (1) to (5) of section 14.

Clause 8.—The changes made in the constitution of the Senate have been explained in the Statement of Objects and Reasons.

Clause 9 is consequential on the new procedure for passing the University budget, contained in new section 24 of the Act inserted by clause 15 of the Bill.

Clause 11.—The constitution and functions of each Faculty, of the departments of study comprised in it, and of the heads of such departments, are set out here.

Clause 12.—As the Faculties will be the principal academic bodies of the University, their powers and duties have been set out in new section 20 inserted by this clause.

Clause 13.—The changes made in the constitution of the Syndicate and the reasons for introducing the provisos have been explained in the Statement of Objects and Reasons.

Clause 14 (i).—New clause (*c*) is consequential on the powers conferred on the Vice-Chancellor by clause 6 (iii) of the Bill.

Clause 14 (ii), (iii) *and* (iv).—These are consequential on the abolition of the Academic Council and the Boards of Studies.

Clause 15—*New section* 23.—Clause (1) of the new section gives power to the Founder to nominate a member to the Finance Committee in his place for a period not exceeding six months at a time, if the Founder has to be absent from any meeting or meetings of the Committee.

New section 23-*A* specifies the powers and duties of the Finance Committee.

New section 24 is consequential on the restoration of the Finance Committee, and revives with some modifications old section 24. It has been made clear that all points of difference between the Finance Committee on the one hand and the Syndicate or the Senate on the other should be placed before the Chancellor for a final decision, and also that all expenditure which cannot be met by reappropriation should be provided for in supplementary estimates which should be treated in the same manner as the original financial estimates.

Clause 16.—*New section* 25 lays down in clear terms the duties of the Syndicate and the Finance Committee in relation to the annual accounts.

New section 26 lays down a constitution for the Board of Selection which is similar to that of the Finance Committee. It also gives power to the Founder to nominate a member to the Board of Selection in his place for a period not exceeding six months at a time if the Founder has to be absent from meetings of the Board.

Clause 18 makes changes mostly of a drafting character.

Clause 20 is consequential on the abolition of the Academic Council and the vesting of most of its functions in the Faculties.

Clause 21 is consequential on the addition of the Deputy Registrar to the list of officers of the University specified in section 8.

Clause 22.—It has been found difficult to restrict the number of outsiders in Committees of the University authorities to one-fifth of the total number of their members, as some of the University authorities have a very small membership. Hence, it is proposed to delete the proviso to section 38.

Clause 23—*New section* 38-A.—The necessity for this clause has been explained in the Statement of Objects and Reasons.

Clause 24.—*New section* 39 provides for the payment of subscriptions to the University Provident Fund at a fixed rate of 6¼ per cent of the pay of the employees and for the making of contributions of equivalent amounts by the University.

Clause 26 (i).—The Government are now making a contribution of one lakh and ninety thousand rupees every year to the University and since there is no likelihood of their at any time giving the University less than this amount, the sum of 1½ lakhs mentioned in the existing section has been raised to 1,90,000 rupees.

Clause 26 (ii).—This makes it clear that the Government may contribute towards the capital cost of drainage schemes and the provision of other amenities.

Clause 27.—Sections 44 and 45 have become spent and are therefore repealed.

Clause 28.—Section 47 of the existing Act has also become spent and requires to be formally repealed. New section 47 inserted by the clause gives power to the Chancellor to interpret any provision of the Act in regard to the meaning of which a doubt may arise. The Chancellor's decision has been made final and will not be liable to be questioned in any Court of law.

Clause 29.—The changes made by the Bill are numerous and far-reaching and unexpected difficulties may arise in giving effect to its provisions. It is therefore proposed to give power to the Chancellor to take any action which may be necessary for the purpose of removing such difficulties.

(By order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government, Legal Department.

Annamalai University Bill - Suggestions by the Founder.

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Suggestions on the draft Bill

1). page 1. In 1(2) 'Section 8' seems to be a typist error for Section 15 in view of the Note on Clause 1(2) in page 6 of the Notes on clauses.

A Section 15 on reconstitution of the Senate and a new Section re: service qualifying for part and full University contribution to the Provident Fund may come into force on later dates, if my suggestion about 10 and 15 years of service is finally accepted.

B 2). page 5. In section 13(4)a, the words 'or accept the resignation of' may be omitted as suggested in page 9 of the remarks made by the drafting department. The same words may be deleted also in Section 13(5) a ii.

3) page 7. Section 15. Class I.(12). When the Rajah of Pudukottah assumes full powers, provision may be made for the Dewan being an Ex-officio member of the Senate as suggested in the drafting department's notes on page 10, Clause 8(1)(c).

D Section 15. Class III. The suggestion that no mode of election be prescribed for election by Oriental Title Holders may be adopted.

4) page 15 Section 23. The order of names of the members constituting the Finance Committee may require a change in view of the need to recognise the position of the Founder Pro-Chancellor as next only in rank to the Chancellor.

5). page 21 Section 39, I take leave to repeat my suggestion that as in the Madras University, 10 years might be prescribed as the minimum qualifying service for a part of the contribution by the University and 15 years for full contribution by the University.

Statement of Objects and Reasons.

1) page 1. Sub-paragraph 6. The words 'five-yearly contracts' may be replaced by contracts not exceeding five years in the first instance. This will be in accordance with the language of the draft of the section in the Bill.

2) page 2. Line 20. The words 'and not Heads of Departments of Studies as in the existing Act' may be deleted.

Line 23. The words 'reduced from twelve to five; but' may be deleted. In their place "altered from 12 to 8 (5 graduates and 3 Oriental Title Holders)" may be inserted. The reason is that the electorate for the Constituency has become small and registered Graduates of the Madras University resident in the Tamil Districts are no longer entitled to vote under the proviso to Section 15 for Class III (1).

3) page 9 Section 39. A suggestion was made regarding the Provident Fund that 10 years might be the minimum period of service to earn a part of the contribution of the University and 15 years of service would qualify for full contribution by the University. The Legal Dept. points out that this provision will be repugnant to Section 6(b) of the Provident Fund Act and its insertion in the Bill would necessitate a reservation under section 107(2) of the Govt. of India Act, 1935.

In the Madras University the provision regarding 10 and 15 years of service now exists as a statute in

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the Provident Fund Laws. This may be put in in the Act itself.

A | A reservation may take time. This Section may therefore have to come into force later than other sections.

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Notes on clauses

1) Page 6. Clause 1(2).

My suggestion regarding service qualifying for University contribution will, if accepted, require the prescription of a later date for the coming into force of section 39.

Clause 4.

The note on clause 4 requires to be modified. In place of the word 'direct' in the last line of page 6 the word 'request' may be inserted. In page 7 the words 'it is felt that the present procedure is unnecessarily complex, and that matters will be simplified if the Founder is supplied' may be deleted, and in their place 'It will be convenient if the Founder should, in addtion, be supplied' may be inserted. The clause will therefore read, if my suggestion is accepted, thus:

"The Founder has power under the existing Act to call for papers on any subject and request further consideration thereof by any authority or officer of the University. It will be convenient if the Founder should, in addition, be supplied with the agenda for meetings of the Syndicate so that he may communicate his views on any item included in the agenda to the Syndicate before a decision is arrived at by that body.'

2) Page 9. Sections 23 and 26.

The note regarding new Section 26 (p.9) in the Notes on clauses requires a modification. As the note says, the same constitution is given to the Finance Committee as to the Board of Selection. In the matter of the Board of Selection it is recognised that the Founder Pro-Chancellor takes rank next only to the Chancellor in the several bodies of the University. When the Chancellor is not present, the Founder Pro-Chancellor presides at Convocations. He has also to preside over the Senate, if the Chancellor is absent, eventhough the Vice-Chancellor is present. Both in the Finance Committee and the Board of Selection he has presided all the years in the past; only at the last meeting of the Aaviseory Finance Committee he did not preside. The Vice.Chancellor has been functioning as Convenor. He informs the Committee and the Board of Selection of the opinion of the Syndicate wherever necessary.

In my discussion with Mr.Austin he accepted the principle that the Founder should preside and suggested that without indicating in the Act itself who should preside over these meetings it may be mentioned that the rules of business might be framed by the Committee and the Board of Selection.

In drafting the constitution, the order of names of members in the Finance Committee may be the same as it is in the Board of Selection.

B | An error has crept in in clause 16, new Section 26, page 9. The words 'Instead of the Finance Secretary, a person nominated by the Chancellor will be a member of the Committee', may

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be deleted.

My two suggestions regarding (i) framing rules of business for the Finance Committee and the Board of Selection and (ii) the order of names of members constituting the Finance Committee and the Board of Selection may be incorporated before the Bill is finally approved.

3) page 10. Section 39 Clause 24.

If my suggestion about the number of years of service to qualify for a part of the University contribution to the Provident Fund as also for full University contribution is accepted, this clause may require an additional paragraph. I have urged my reasons for this in my remarks on page 2 under item 3 of page 2 of this enclosure.

Legal Department's remarks.

1). Page 7. Clause 1(2). Section 15 and Section 39 may require being brought into force on a later date than the other sections.

2) Page 8 New sub-section 4(a) 'withholding promotions' may be included.

3) Page 9 In the same clause 6(iii). I agree to omit reference to acceptance of resignation in both 13(4)(a) and 13(5).

4). Page 10 Clause 8(1)(c), I suggest that when the Rajah of Pudukottah assumes full powers, a provision should be made for the Dewan coming into the Senate.

5) " Clause 8(ii)(a). I agree to the suggestion that no special mode of election for the Oriental Title Holders be prescribed.

6) Page 11 Clause 8(ii)(h). Only schools recognised by Government were intended.

7) Page 13 Clause 24. If my suggestion regarding service of ten and fifteen years as qualifying for part and full contribution by the University is accepted, this clause may require alteration.

Legal Secretary's reply.

(1) The reference to "section 8" in clause 1(2) of the Bill is quite correct. The reference is to section 8 of "this Act" that is to say the amending Act. It is section 8 of the amending Act which makes amends to section 15 of the main Act (referred to in the amending Act as "the said Act".)

(2) Sir Annamalai Chettiyar accepts my suggestion to omit the reference to acceptance of resignation in new subsections (4) and (5) of section 13 inserted by clause 6(iii) of the Bill. The words "or accept the resignation of" may be omitted in these sub-sections.

(3) This suggestion does not call for any action at present. When the Rajah of Pudukottah assumes full powers, a suitable amendment may be made in the Act to alter the reference to the "Administrator" into a reference to the "Dewan".

The method of election by Oriental Title-holders is not prescribed in the Bill. No further action seems to be necessary.

(4) In new section 23 (inserted by clause 15 of the Bill) the Finance Secretary is put first in the list of members of

the Finance Committee. There is no legal objection to varying the order in which the names are mentioned.

(5) (New section 39). I have nothing to add to my note in the note file on this point. If a minimum service of 10 years is prescribed for part-payment of the contributions to the subscriber and 15 years' service for full payment of the contributions the clause will be repugnant to section 6(b) of the Provident Funds Act, 1925, and the whole Bill will have to be reserved on that account. The portion marked A on page 2 of Sir Annamalai Chettiyar's comments would suggest that he is under the impression that the reservation would be only of new section 39 and that the reservation would not affect the immediate enactment of the rest of the Bill. This of course is not the case. The whole Bill will have to be held up for the assent of the Governor-General.

In this connection I may point out that the provision on the lines suggested by Sir Annamalai Chettiar exists only in the statutes of the Madras University and not in the Act. These statutes are made by the Senate with the approval of the Chancellor. Provision on the same lines may if necessary be made on the statutes of the Annamalai University also. I believe there is such a provision already and it cannot be altered by the Senate without the consent of H.E. There is no special reason why the provision should go into the Act itself. As I have pointed out A-4 (Mr.Austin) contemplated only that a provision should be made in section 39 of the Act to prevent the Senate from altering the ratesof contributions etc.

Statement of objects and reasons.

(1) There is no objection to the slight change suggested to page 1 of the Statement of Objects and Reasons.

(2) (Page 2 of the sectional notes). There is no objection to the omission of the words "and not Heads of Departments of Studies as in the existing Act" in line 20 of the Statement of Objects and Reasons.

The modification suggested in line 23 does not seem to me to be necessary though there is no legal objection to adopting them.

(3) See my note against item (5) above.

Notes on clauses

(1) There is no legal objection to the suggested modifications though it seems to me there is little point in making the change.

(2) As I have already pointed out there is no objection in changing the order in which the various members constituting the Finance Committee are mentioned in the section. The mere fact that the Founder's name is mentioned first would not entitle him automatically to preside over the meetings of the Committee.

The rules of business of the Finance Committee and the Board of Selection will of course be framed by the Committees themselves in the absence of a specific provision in the Act that the rules should be made by some other authority. It seems to me quite unnecessary expressly to provide in the section that the Finance Committee and the Board of Selection will frame their own rules for the conduct of business.

I am not quite able to follow Sir Annamalai Chettiar's comment at B on page 3 of his notes. The note under "new section 26" at page 9 of the notes on clauses merely explains that while the section constituting the Finance Committee specifically

mentions the Finance Secretary as a member, the section constituting the Board of Selection enables the Chancellor to nominate a member to the Board. Nothing more was intended by the note on the clause and no error has crept in. Perhaps for the note under "New section 26" at page 9 of the notes on clauses the following may be substituted:-

> "New section 26 lays down the constitution of the Board of Selection which is similar to that of the Finance Committee. It also gives power to the Founder to nominate a member to the Board of Selection in his place for a period not exceeding 6 months at a time, if the Founder has to be absent from meetings of the Committee."

(3) I have commented on this suggestion already.

ASST. PRIVATE SECRETARY MADRAS

MP 1/8/43

2377(2).E. 1543

GOVERNMENT HOUSE
Guindy,
July 31st 1943.

Dear Mr.Subrahmanyam,

Annamalai University (Second Amendment) Bill,1943.

His Excellency desires that the Bill be published at once, one month's time being given for the receipt of suggestions or objections. I am to request that the comments on the suggestions or objections received, if any, be circulated to His Excellency through the Advisers. Two spare copies of the opinions and comments thereon and one copy of the Bill as published may kindly be furnished to me at the time.

His Excellency also desires the following suggestions and criticisms made on the Bill be examined and comments thereon circulated to him through the Advisers, at the same time as other ciriticisms received are examined:

(i) it is desirable, from an educational point of view, to maintain the Academic Council - which it is proposed to abolish as a body for supervising and co-ordinating the academic side of the work. The Faculties or the Syndicate will not be able to discharge this duty adequately;

(ii) it is desirable that teachers in an institution of University rank should have reasonable representation on the various bodies of the institution, more particularly the Senate and the Syndicate. The present proposal is to take special steps to ensure that, except for one teacher per Faculty, there shall in no circumstances be more teachers on the Senate.. Teachers are to be altogether excluded from the Syndicate, the proposed Finance Committee, and the Committee of Selection (proposed sections 23 and 26). There is something to be said for the theory that the body on which teachers should predominate is the Academic Council and that they should not have a predominant voice on bodies like a Syndicate or Executive Council. The proposal is however

to abolish the Academic Council, and to exclude teachers altogether from the Syndicate and to give them only a nominal representation on the Senate.

(iii) Section 26 proposed to be inserted by clause 16 of the Bill does not define the powers of the Board of Selection, though the marginal note to the section reads "The Board of Selection and its powers".

(iv) As pointed out in the Statement of Objects and Reasons in the interests of the University and of University administration teachers and other employees should serve the University for a specified minimum period. It is not, however, understood how section 38A proposed to be inserted by clause 23 of the Bill will secure this purpose. It is also essential that teachers and other employees should have reasonable security of tenure. The proposal to appoint all teachers and other employees on contract not exceeding five years in the first instance appears to run contrary to such a principle and will sooner or later have an adverse effect on the standard of teaching in the University.

(v) As regards the powers that are proposed to be conferred on the Vice-Chancellor, it appers that some of these powers rest mainly with the Syndicate at present and it is apparently not the intention to withdraw them. The result will be that in respect of these matters the Vice-Chancellor and the Syndicate will have concurrent powers of original action and the Syndicate will also have appellate powers where the original action has been exercised by the Vice-Chancellor. Whatever the intention, it seems desirable to set out the powers of the Vice-Chancellor and the Syndicate more clearly. The power to refuse admission proposed in the new section 13(3)(a) conflicts with the provisions of section 5 of the Act. It appears desirable to make the power to refuse admission subject to the provisions of section 5.

(vi) The new section 47 proposed to be inserted by clause 28, which makes the Chancellor's interpretation of

the provisions of the Act final and beyond appeal in a court of law, appears to be unique in Indian University legislation.

Yours sincerely,

(E.C.Allardice)

M.V.Subrahmanyam Esq., ICS,
Secretary to Government,
Education & Public Health Dept.

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G. S. Raman, M.A., 41. Kalinga Royapuram, Srinivasapuram, Coimbatore, 16.8.43.

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ACT. SECRETARY TO GOVERNMENT
17 AUG 1943
EDUCATION AND PUBLIC HEALTH DEPT.

To

The Secretary,
Education Department,
Govt. of Madras,
Madras.

Sir,

Please permit me to draw your attention to one of the clauses in the proposed bill to amend the Annamalai University Act.

It is with regard to the five year Contract with the teachers of the University. I do not raise much objection to this, though I would say that this Contract should be insisted upon with new—

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E. & P. H. Deptt

Submitted for perusal.
This may be considered
with other suggestions
that may be received
when a consolidated
note is put up.

Ira
20.8.43

E
23.8.43

Hon
20/8/43.

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entrants to the Teaching staff
of the University. But this
Contract should never be
insisted upon with teachers
who have put in more
than ten years' service or so.
It will not be conducive
in many ways. Permanent
teachers of more than ten to
twelve years of service
in the University will always
feel the Sword of Damocles
hanging over their heads.
Always feeling the uncertain
tenure of service every
five years, they may not be
putting forth the best. Secondly
best men will not be available

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ASST. SECRETARY TO GOVT. EDUCATION AND PUBLIC HEALTH DEPT. 25 AUG 1943

To

The Secretary to the Government of Madras
in the Education and Public Health Department.

Sir,

I have perused with great care the Bill to amend the Annamalai Univerty Act which was published in the Fort St.George Gazette on 3rd August, 1943 f the purpose of eliciting public opinion on it. I am a member of the Syndicate the Academic Council, and the Senate of that University; besides, on several occasns I had to draw the attention of the Chancellor of the University to what I condered grave irregulatities and breaches ofthe law committed by the authorities of the University. I filed a suit against the Vice-Chancellor of the University on a question of admission of students which turned on the interpretation of Section 5 of the Annamalai University Act. But I withdrew the suit after the publication of the Amending Bill which without repealing the said Section 5, practically nullifies it by vesting in the Vice-Chancellor final power of refusing admission to students without assigning any reasons, by vesting the final power of interpretation of all provisions of the Act in the Chancellor and by expressly denying the jurisdiction of Courts oflaw in any matter pertaining to the interpretation of the Act. Since I have first hand knowledge of the working of the University in recent years, since I find the Amending Bill seeks to give statutory recognition to the extraordinary powers usurped by the founder in recent years, since the Amending Bill, if passed as it stands, will remove all reasonable prospects of rectification of errors by University bodies or courts of law, I am anxious that the fullest consideration should be given to the objections and suggestions which I set forth below.

1. The most serious objection to the Bill is that no responsible body or authority of the University has so far demanded this or any other amendment. The public does not know how and by whom the Government was moved to sponsor such a Bill. There was no discussion of its provisions by any public committee of experts, No opportunity was given to the Syndicate or Academic Council or the Senate or the teachers of the University to discuss the proposed changes. While according to the statement of Objects and Reasons appended to the Bill it is the intention of the Government to secure the more efficient working of the University, it seems to me, as it seems to all disinterested observers and several Madras Newspapers, that the Bill is calculated to put the entire Government of the University in the hands of the Founder and his heirs and successors for all time. The Founder nominates the Vice-Chancellor, dominates the Finance Committee and the Board of Selection, scrutinises the agenda of the Syndicate, in short nothing can take place in the University without his priorknowledge and approval. The powers he acquired by the original Act and the additional powers which accrued to him since the foundation of the Universit thanks to the obliging kindness of the Staturoty authorities of the University have now been enormously expanded by the Amending Bill which would totally alter the character of the institution and deprive it of the last vestiges of a public corporation. No teaching or ~~the~~ residential university anywhere in the World will be so thoroughly a proprietory private corporation as the Annamalai University will b if the Bill is passed. Even if all the capitaland recurring expenditure of the University were entirely met out of the private purse of the Founder, which is not the case in this University, it will be difficult to justify the creation of a degre giving seat of learning wholly owned and administered by a private individual. It is repugnant to every honest canon of modern legislative practice to declare by law a single person to be a public corporation, to withdraw the activities of such a single-man-corporation from the jurisdiction of courts of law, and to perpetuate this authority according to the principles of heriditory descent of private property. I challenge the Government to produce a parallel to this University constitution from any part of the World.

The Academic Council.

2. The abolition of the Academic Council and the Board of Studies, is itself proof of the wholly un-academic character of the proposed amendments. It is idle to pretend that Faculties will be a substitute for the bodies abolished. Actually no more powers are restored on the Faculties than they formerly possessed. These will be stil[illegible]ng to Section 19, 'i' of the old Act, small bodies of teachers handpicked [illegible]icate. The real function of the Academic Council namely to make re[illegible]termine the number, qualification and service of teachers wil[illegible]dicate which will not contain even a single teacher of the

restored

8/ Education will suffer.

Hence I would request you to consider the point whether the five year contract should be insisted upon with teachers of the University who have put in more than twelve years of service.

This contract every five years should apply only to new entrants and not to the old members of the staff.

I have raised this objection only to see that the tenure of service of the permanent staff is not affected by the new bill.

Thanking You,
Yours truly,
C. S. Raman

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Annamalai University. Thus the abolition of the Academic Council will [illegible] teachersof any voice and therefore of all interests in the Academic pro[illegible] of their University. The Boards of Studies were Statutory Bodies and [illegible] among the authorities of the University; Now it is proposed to substitu[illegible] by non-statutory committees of the Faculties. So, even in the matter o[illegible] cribing text-books and syllabuses, the new University will not tolerate an[illegible] rity set up by Law but will want only weak creatures like advisory commit[illegible] The suggestion in the second para of the statement of objects and reasons t[illegible] Faculty is the heir of the defunct Academic Council and Boards of Studies [illegible] wholly untrue. I cannot see any justification for abolishing the Academi[illegible] Council unless it be that in future reorganisations of the teaching staff the[illegible] model of past reorganisations, the authorities wished to be relieved of th[illegible] necessity of pursuading a body of Academic men, of the soundness of their psals[illegible] As for the abolition of Boards of Studies the only reason is perhaps the dre[illegible] very usual with the University nowadays, to save the few hundreds of rupees [illegible] as travelling allowance to a score of experts who attend meetings of the Board [illegible] once a year. I plead for the retention of the Academic Council and the Boards of Studies; or, in the alternatuve for the vesting of all the powers of the Academic Council in the Faculty councils elected by all the teachers of the University and vesting all the powers of Boards of Studies, in committees of Faculties elected by Faculty councils and recognised as authorities of the University in the Act, itself.

3. The SENATE I strongly object to the reduction of the number of elected representatives of the Registered Graduates from twelve to five. In a body consisting of over 60 members, with eight nominees of the Chancellor, four nominees of the Founder, three nominees of the Vice-Chancellor and representatives of sectarian and communal associations and local bodies, the five registered graduates would be as thoroughly submerged as the three deans and three other teachers representing the faculties would be. The plea that the graduates were too few, since Madras graduates were disfranchised in 1939 is a specious plea; the number of Annamalai graduates must increase year by year and twelve graduate representatives will not give too great an academic flavour to the supreme legislature of a University. That a Vidwan, Sangita Bhushanam and Siromani are now added does not meet my argument that there should be adequate representation of graduates. I suggest that (a) number of gruaduate representatives be twelve and Madras graduates living in Tamil districts may be included again in the constituency, a revival more appropriate than the revival of the Finance Committee. As an alternative I suggest that atleast three fresh seats be created to be filled by election from among graduates of Universities other than Annamalai, resident in Tamil districts. Graduates of Universities have a greater claim to represent in University Senates than other classes of the population and it cannot be argued with any show of conviction that disqualify teachers of Annamalai university from election or nomination to any but six seats in the Senate is to promote efficiency in any sense of thatword. On the contrary when the Senate is reconstituted in the manner contemplated by the Amending Bill it would be even more ineffective, even more full of variety, irrelavent and obsequious elements than it had ever been before.

4. The SYNDICATE It now contains three Deans of Faculties, one representative of Academic Council, three representatives of the Senate, two nominees of the Founder, two nominees of the Chancellor and the Director of Public Instruction. Of these only the three Deans need be teachers; but it so happened that the Academic council elected a teacher and the Senate elected another teacher as one of its three representatives. It is in this manner that it has come about that five out of the thirteen members of the Syndicate are teachers. Who told the Government that these teachers have acquired a predominant position? What did they do with that predominant position? If teacher members attended regularly the meetings of the Syndicate was it their fault? And why did not other members attend regularly? Who feels and for what reason that the so called predominance of teacher-members is very undesirable? These are reasonable questions raised but not answered by the statement of objects and reasons. Has it been noted that the Founder's nominees had been more regular in attendance that the Chancellor's and the ex-officio member the D.P.I. has attended the least number of meetings? Has it been noted that important meetings of the Syndicate have occasionally been held in the Founder residence at Madras under his patronage if not exactly in his immediate presence? Now the Bill would take away the offending teachers (who I can testify have always exhibited [illegible] llingness, even to their own loss, to carry out the behests of the Founder), [illegible] he Founder's nominees to three, the Chancellor's nominees to [illegible] three [illegible] lected non-teacher representatives of the Senate to face a [illegible] no[illegible] o block of seven colleagues under the presidency of the [illegible] his can only be a device [illegible] e of an alleged pred[illegible] s not to be tru[illegible] ttee and tran[illegible]

to it the power of the purse. A crowning humiliation is the provision o
which orders the Registrar to submit the agenda of the Syndicate to the Fo
put his views on any subject before the Syndicate in advance of any discus
body may start on that subject. I suggest that the Syndicate may be made
executive authority and that it should contain more representatives of pub
est and less of private interest. In a Syndicate where there are statuto
teachers like the Deans of the Faculties, nominated members may represent bu
communities, politics or vested interests; But it is imperitive that in th
Syndicate which would exclude Annamalai teachers, there should be men with s
ledge of University requirements. I therefore suggest the addition of a Fo
that some atleast of the nominees of the Founder and the Chancellor should be
and possess of some experience of University teaching and administration gai
fore their nomination to the Annamalai University Syndicate. Provision sho
be made, now that the Syndicate will be even less powerful than before, to c
members who have no natural desire to attend on pain of forfeiture of their s
case of continuous absence to be present at all meetings of the Syndicate. Ample
provision would be to empower every Syndicate as soon as it is constituted to
delegate such authority as it has to the Founder who can be trusted to bestow s
care and attention perpetually on the affairs of the University.

5. The FINANCE COMMITTEE The old Act created a Finance Committee to ast
for ten years and it had besides the Founder, the Vice-Chancellor and the Finane
Secretary to the Government of Madras, an elected representative of the Senate. It
is now proposed to revive that committee with the representative of the Senate sub-
stituted by a man chosen by the Founder, his nominee the Vice-Chancellor, and the
Finance Secretary to the Government of Madras. To this new committee the Registrar
will first submit the accounts of the University and this Committee will scrutinise
the Budget before the Syndicate sees it; all changes proposed by the Syndicate
and the Senate will be subject to the scrutiny of the Finance Committee at every
stage and finally if the Finance Committee differs from the Senate or the Syndicate
or both, these bodies the Chancellor will decide the issue. The original Finance
Committee often exceeded its statutory competence, and when it had legally died it was
resurrected as a Committee of the Syndicate with the Founder still on it and it now
comes back once more with a legal status and greatly enlarged powers. The presence
on it of a very busy official like the Finance Secretary who can have no knowledge
of Annamalai affairs and who will only be one of four members, cannot reassure the
general public about the need or desirability of a Finance Committee. If the
Syndicate and the Senate cannot be trusted with the money of the university, as much
as the Founder who has contributed a part of it, the straight course would be to
abolish these bodies and have a Board of Trustees for the University nominated and
presided over by the Founder himself. Power and responsibility should not be se-
perated and entrusted to diffenent hands. The Finance Committee contemplated by the
Bill would render the Syndicate, impotent, irresponsible and apathetic and make the
proceedings of the Senate farcical.

6. The Selection Board according to the Amendment will no l
representative of the Syndicate nor a representative of the Senate but
the Finance Committee a committee of four with the Founder, his nominee
Chancellor, a nominee of the Chancellor and one another coopted by the f
A permanent Board of Selection for making all manner of appointments in t
sity is a wrong and absurd arrangement. The usual and correct proceedure
Syndicate to constitute special expert committees of Selection as and when
arise and have to be filled up- There can be no work for a perpetual Board
Selection unless it is intended that teachers and employees should be constan
recruited. It is also difficult to believe that this committee of four which
be a creature of the Founder is entirely competent to pronounce on the fitness
any candidate for any employment in the service of the University. The only fi
of the Board of Selection will be the very apparent one of securing that all sente
of the University whatever their qualification or lack of it shall be the Founde
creatures. If this undesirable Board is to be retained I suggest that the quali-
cations of the Chancellor's nominees and the coopted member should be laid down
the Act, qualifications resembling those expected of members of Public Service
Commission.

The Amending Bill carries in regard to the Finance Committee and Board of
Selection new provisions empowering the Founder to delegate his authority in each of
these bodies t erson of his choice for a period of six months at a time. This
is an extremely evous innovation which carries the feudal and proprietory con-
ception of Founder's status in the University to the farthest limits. If this
provision cannot be deleted, I suggest that the Founder's choice of his deputy may
at least be limited to those persons who stand in the line of succession to the of
of the Founder. It h ve the right to em-
between them.

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etermining the personnel.

7. The Vice-Chancellor: The Amendment of the clause relating to the manner of the appointment of the Vice-Chancellor is needlessly ambiguous. If the Chancellor is bound to appoint the one person or one of the three persons recommended by the Founder, that can be plainly stated; it will avoid future uncertainty if it is made clear whether the option of recommending one or three persons is to be exercised by Founder in his discretion or is to be settled by an order of the Chancellor. Since the new constitution makes the Founder the manager of the University it is essential that the Chancellor should be given no opportunity by virtue of his formal power of appointment to provide a Vice-Chancellor for the University who may not enjoy the fullest confidence of the Founder and who may not be willing to carry out all the instructions of the Founder. There have been occasions in the past when Vice-Chancellors not fully understanding the mind of the Founder and relying too much on the formal powers of the University bodies have created situations which were later remedied by drastic actions taken by the Founder. This opportunity of Amendment should now be availed of to prevent any further misunderstanding of the relation between Founder and the Vice-Chancellor especially the misunderstanding likely to be caused by the continuation of the Chancellor's formal power of appointment of the Vice-Chancellor.

I do not object to the enactment in the law of the powers of the Vice-Chancellor; but I suggest that 'misconduct and acts prejudicial to the University' should be clearly defined. The Judge of such an act in the first instance is the Vice-Chancellor, and in appeal the Syndicate and in the final resort the Chancellor. There will be no recourse to the Courts of law. And unlike the Defence of India Rules which seem to have inspired the drafting of this part of the Act the Annamalai University Amendment is not a temporary war measure but intended to provide for the proper governence of the Univeresity for all time. Hence it is essential that prejudicial conduct should not be left to be defined according to the caprice of the Vice-Chancellor of the day or the Founder of the day. If no limit is set in the Act to the meaning of prejudicial conduct students and employees will be more thoroughly at the mercy of personal and party prejudices of the University authorities than is justified by considerations of Academic discipline. I do not speak of Academic freedom because that is denied in every cluase of the Amending Bill.

I very strongly object to the vesting in the Vice-Chancellor of the power to refuse admission to course of study without assigning any reason therefor. It is widely believed that this clause 6, (ii) (iii) (a) might nullify section 5 of the Annamalai University Act of 1928 and relieve the University of its Statutory responsibilities to keep its portals open to all classes of persons. I know it has been contended that communal representation now fashionable every where [illegible] also find expression in the Annamalai University; I do [illegible] extension of communalism to schools and colleges [illegible] communal representation is [illegible] government has provided [illegible] himself or under the [illegible] new powers to deny [illegible] of the [illegible] to continue

...e of teacher...

...osed under these hea... ...nd revenge towards the t... ...r through the Bill. I am anxious that ... ...the utmost car... ...end attention on this subject b... ...e the Bil... ...ed, because the proposed new Section '38' 'a' w... ...come into ...Soon as the Bill is made into an Act. The sum and substance ... ...Section is that the University cannot any more entertain any Teacher or other employee for a period of service exceeding five years at a time though contracts of service can be renewed at the end of every term of five years. The clause is so worded as to give the impression that it is intended to promote continuity of service and that it will not affect many now employed in the University. In my opinion this is the most outrageous feature of the entire amending Bill and I hope the Government has not rightly understood the present position which I shall describe. The practice of the University is to appoint its servants on probation for a year or two and then enter into contracts of service for four or three years as the case may be so that all appointments are in first instance for five years. At the end of 5 years the normal procedure is to confirm the servant in his post guarranting his tenure of it till he attains the age of fifty five year. All orders of confirmation require the employee to undertake in writing to abide by conditions of service that may be laid down from time to time. The first batch of Teachers came to be confirmed in 1934 five years after the establishment of the University. Since then successive batches of teachers were confirmed as they completed their 5 years of service under contanct. The University so f r respected the right to permanency secured by the Teachers that it adopted the somewhat fraudulent expedient of abolishing posts in order to secure the removal of permanent teachers whose services it could not otherwise terminate. Now most teachers and other employees are permenant servants with a right to their places till the age of retirement. The rest are on contracts of service for stated periods preparatory to confirmation. There may be a few cases of specialcontracts of service for men beyond the age of normal retirement. In these circumstances to incapacitate the University from fullfilling its obligations to its permenant servants many of whom have been in its service from its commencement or even earlier, to make Permenancy impossible hereafter and then to pretend that all this is in the int rest of continuity of service and administration is plainly to add insult to injury. When Permenant Servants undertook in writing to abide by the changing conditions of service anytime since 1934 they could not have foreseen that the very permenancy of their tenure would be treated as a changeable condition of service by a government which would proceed by Executive legislation to compel their employer to repudiate his contract. It is a questionable expedient to seek to ensure the loyalty and zeal of Teachers and other employees by making their tenure short and wholly dependent on the pleasure of the Founder and his Selection Board. It is well known that the Annamalai University pays its servants small wages, that it has from time to time made these wages smaller and smaller and that it may claim to have set an example in such parsimony to other education institutions. Now the Permenancy of tenure is to be abolished as will. To those who will still seek employment in the University one can say 'Caveat emptor' but in the case of permanent employees already in the service of the University is on a different footing. The Government will not be willing to provide for the refugee teachers who will be blitzed by the Amending Bill. The barest Justice requires that the pr...

terms of the Amending Bil
es contracts of service for any
ay be three months or six months a
these contracts for further periods a
ct is due for renewal to offer lower terms
aries. Since the interpretation of the law a
f disputes will belong by the new section '17' to
ume that before the Governor of Madras vests himself w
sibilities of the Chancellor of what in effect will be
sity, His Excellency, may be pleased to make provision
for the prevention of the victimisation of the employees on the inauguration of the new Constitution and to prevent periodical victimisation thereafter. The University's dealings with its employees has hitherto been uniformly ungenerous and its servants very reasonably fear that Section '38 (a)' will deprive them of the last shred of security they thought they possessed. Deprived of all share in the management of the University, of every opportunity to take any interest in its welfare teachers now see fresh provision made to deal fully with their probable delinquencies and finally at the end of the Bill their tenure dissolved. Having read the Bill many times I find that numerous and far-reaching provisions have been made to safeguard and perpetuate the Founder's interests. But the interests of teacher have been most summarily treated in Section 38 (a). I suggest that the nature and scope of the change proposed in the tenure of teachers and other employees be fully and clearly explained in the Act itself, that care be taken to see that by the contract the employee is as free to leave the University as the University is to dispense with his services and that present permanent employees be exempted from the new regulations. There are also collatoral questions concerning leave, provident Fund, benefit, etc., which require careful embodiment in the Act because by the new Act employees will become wage-earners on short term contracts without any representation in the governing bodies. It is only fair that the provisions already in the Act for more thoroughly disciplining the employees should be matched by reasonable safeguards preventing periodic and unjust victimisation of harmless employees.

In the foregoing paragraphs I have set forth some of the more important objections to the Amending Bill and suggested suitable changes to make the new Act less unjust. My objection to the principle of the Bill which makes the Founder the heriditary autocrat of his own Foundation and makes the University almost indistinguishable from a Jobbing Private Corporation is an objection shared by all who care for higher education. My objection to the manner in which the Bill has been conceived and brought forth is also shared by all those who care for the decencies of Public life and the proprieties of Public administration. But I am afraid the Government has persuaded itself that it is necessary and very urgent that the Founder's domination should be recognised and extended to its utmost limits and that all other interests articulate (are) not, including those of the tax-payer and generations of students yet to come could be sacrificed without a thought and without loss of time. Still though I am convinced that the Amending Bill is wholly mistaken and other Amendments are needed as well as a thorough enquiry into the ways of the University since its foundation, I submit this long memorandum in the hope that a few modifications may commend themselves to the Government and help to prevent at least a few of the injustices contemplated in the Amendment.

I beg to remain
Sir
Your most obedient servant
V K Rajagopalan

Chidambaram
24.8.43

R. Kedari Rao M.A., L.T.,
LECTURER, TEACHERS' COLLEGE, SAIDAPET.
(MEMBER, ACADEMIC COUNCIL, MADRAS UNIVERSITY)

THYAGARAYANAGAR P.O.
MADRAS.

Dated. 27-8-1943.

29 AUG 1943
EDUCATIONAL AND PUBLIC DEPARTMENT

64

Sir,

With reference to the Notification in the Fort St. George Gazette of 3-8-43, inviting suggestions from the Public, about the Annamalai University Amending Bill, I have the honour to state as follows:—

1) It does not appear wise to abolish both the Academic Council and the Boards of Studies. If the Academic Council be abolished, let the various Boards of Studies be retained. The function of the Board of Studies is to draw up the syllabus (in a subject), to modify it from time to time according to circumstances, to prescribe Text Books and to set the standards for the various examinations. This is all specialised work, best done by a small body of competent teachers — not by the Faculties which are bigger bodies. I do not think there is any University, inside or outside India where there are no Boards of Studies for the various subjects.

2) The Senate. The following changes in the Constitution of the Senate are commendable :—

. Kedari Rao M.A., L.T.,
RER, TEACHERS' COLLEGE, SAIDAPET.
.. ACADEMIC COUNCIL, MADRAS UNIVERSITY)
THYAGARAYANAGAR P.O.,
MADRAS.

Dated. 194

a) The appointment of the Vice-Chancellor, Travancore University, as an ex-officio member;

b) The election of three members by the Oriental Title-Holders (one by the Vidwans, one by the Sangita Bhushanas, and one by the Sivomanis);

c) The appointment of the Principal, Sanskrit College, Trivadi & that of the Rameswaram Sanskrit Patasala, Madura, for alternate terms;

d) The election of a member by the Nattukkottai Nagarathars' Association;

e) The appointment of the Deans of Faculties as ex-officio members; and

f) The appointment of one of the Mata-dhipatis to a seat in the Senate, considering the large financial aid given by some of them.

All the other proposals (in regard to the constitution of the Senate) are of a retrograde nature.

3) The Syndicate. The reason given for the exclusion of Teachers from the Syndicate is not at all satisfactory. It is time that in the Madras and Andhra Universities, University Teachers cannot become members of the Syndicate.

Kedari Rao M.A., L.T.,
...RER, TEACHERS' COLLEGE, SAIDAPET.
...ACADEMIC COUNCIL, MADRAS UNIVERSITY)
THYAGARAYANAGAR P.O.,
MADRAS.

Dated.....194

But in these Universities, University Teachers are so few, compared with College Teachers.⊗ So, we find that in the Syndicate, College Teachers form an important, nay an integral, part; and their opinions carry great weight in every discussion. Out of the 19 members of the Madras Syndicate (vide Pages 55 & 56, Vol I. Part I. of the Calendar for 1942-43), 10 are College Teachers. Further 3 other members of the Syndicate were College Teachers till recently.

College Teachers have given such a good account of themselves in the Syndicate that several of them have become Vice-Chancellors, as the following list will show:-

1923-25. The Rev. M. Macphail (Teacher in Christian College)
1925-28. Dewan Bahadur (Sir) R. Venkataratnam (Teacher, Pattapuram College)
1928-31. Dewan Bahadur (Sir) K. Ramunni Menon (Teacher, Presidency College)
1931. The Rev. F. Bertram (Teacher, St. Jos. Coll. Later, Loyola College),
1931-34. Dewan Bahadur (Sir) K. Ramunni Menon.
1934-37 R. Littlehailes (Teacher, Pres. Y. College - Later Director of Public Instruction)

⊗ The term 'Teachers' includes Professors, Principals, Readers & Lecturers.

Kedari Rao M.A., L.T.
...URER, TEACHERS' COLLEGE, SAIDAPET.
...MBER, ACADEMIC COUNCIL, MADRAS UNIVERSITY)
THYAGARAYANAGAR P.O.
MADRAS.

Dated. 194

1937-40. Dewan Bahadur (Sir) S. E. Ranganadhan (Teacher Pres.y Coll. & Anantapur College).

1942- Dewan Bahadur A. Lakshmanaswami Mudaliar (Teacher, Madras Medical College)

These are all examples of eminent teachers who distinguished themselves by their work in the Syndicate first and then rose to be Vice-Chancellors (of one or more Universities).

Such is also the case with the Andhra University.

Every educationist is bound to take the strongest objection to the proposal to disqualify Teachers from election or nomination to the Syndicate.

It is argued, on behalf of this proposal, that the business of a Teacher is is to teach and not to worry himself about administrative details such as are brought up before every meeting of the Syndicate. The experienced Teacher has not only to teach but to guide Teaching. He knows best the details of Educational Administration. And a University is predominantly a seat of Education, i.e, learning and teaching. Let me mention just a few examples of Teachers who have become excellent

Kedari Rao M.A., L.T.
...URER. TEACHERS' COLLEGE, SAIDAPET.
...MBER, ACADEMIC COUNCIL, MADRAS UNIVERSITY)
THYAGARAYANAGAR P.O.
MADRAS.

Dated..... 194 .

Administrators. V. P. Madhava Rao started life as a Teacher in Mysore and later became the Dewan of Travancore, Mysore and Baroda - one, after the other. G. K. Gokhale was at first a Teacher in the Fergusson College, Poona, and then only he became a legislator & a leader in Politics. In his footsteps followed the Right Honourable V. S. Srinivasa Sastri K.C. P.C. who became an ambassador of the Empire to different parts of the World & afterwards was appointed Vice-Chancellor of the Annamalai University. R. P. Paranjpye was a Teacher first & then a Vice-Chancellor and even a Minister of Education. Sir Samuel Runganadhan was a Teacher in the Presidency College, and then a Vice-Chancellor; and now he is the High Commissioner for India in London. Sir Sarvepalli Radhakrishnan has risen from the post of a Teacher in the Presidency College to that of the Vice-chancellorship of the Andhra University & now the Benares Hindu University.

How would these Teachers (and several others too numerous to mention here) have risen to high administrative posts

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Kedari Rao M.A., L.T.
...RER. TEACHERS' COLLEGE, SAIDAPET.
...EMBER. ACADEMIC COUNCIL. MADRAS UNIVERSITY)
THYAGARAYANAGAR P.O.
MADRAS.

Dated 6/ 194..

if they had been forbidden from seeking election or nomination to the Syndicate?

The proposal to disqualify Teachers from entering the Syndicate thus deserves the severest condemnation.

4) Clause 26 (1). There does not seem to be any necessity for the change contemplated. Why should any future Government be committed to an increased expenditure at the present moment? For, the Government have always the discretion to give increased grant to the University; it need not be incorporated in the Amending Bill.

Conclusion. In conclusion I wish to protest, as strongly as I can, against the proposal of excluding Teachers from the Syndicate. Questions of Educational Policy and Administration are really decided by the Syndicate and it is extremely unjust to deny Teachers their legitimate place in the Syndicate.

I have the honour to be,
Sir,
Your most obedient servant,
N. R. Kedari Rao

617/43-6

32

ASST. PRIVATE SECRETARY MADRAS

SECRETARY, EDN. AND P. H.

GOVERNMENT OF MADRAS

30 AUG 1943

GOVERNMENT HOUSE

Guindy,

August 29th 1943.

Dear Mr. Subrahmanyam,

The Annamalai University (Second Amendment) Bill, 1943.

I am to send herewith, for favour of necessary action, a copy of a letter from the Registrar, Annamalai University, No.4079 dated the 26th August 1943, regarding amendment of clause 8(d) of the Bill cited above.

Yours sincerely,

(T.C.ALLARDICE)

M.V.Subrahmanyam Esq., I.C.S.,
Secretary to Government,
Edn. and Pub.Health Dept.

PTO

Copy of letter No.4079 dated 26-8-1943 from the Registrar of the Annamalai University to the Private Secretary to H.E. the Governor.

Under instructions from the Rajah Saheb of Chettinad, I am to request you to be pleased to correct the language in section 15(ii) of the Annamalai University (Second Amendment) Bill, 1943 (Clause 8, p.55, Part IV-A of the issue of the Fort St. George Gazette dated 3-8-1943) to read as under:

"(11) One member, being an Indian Christian, elected by the Governing Body of the Catholic Indian Association of the Province of Madras,"

It was suggested originally that both the Protestant and the Catholic Associations should elect each a member from their Governing Body to the Senate of the Annamalai University. It has been correctly stated in Section 15(10) on page 55; it requires correction as mentioned above for section (15(11), to make the intention clear.

The District Teachers' Guild,

COIMBATORE & NILGIRIS.

E & P.H.

28635

SECRETARY, EDN. AND P. H. DEPTT. 2-SEP 1943 GOVERNMENT OF MADRAS

To

The Adviser to the Government of Madras
Education & Public Health Department,
Fort St. George, MADRAS.

Sir,

I beg to communicate to you the following resolutions passed by the Working Committee of the District Teachers' Guild, Coimbatore & Nilgiris regarding the Annamalai University Amending Bill.

Resolutions of the Working Committee:-

1. "This Guild is of opinion that the disfranchisement of the Professors and Lecturers from membership on the Senate and the Syndicate is a curtailment of the rights of the teaching profession and sacrifices the essential character of a Unitary Residential University."

2. "This Guild is of opinion that as the Legislature and the Ministry are not functioning, and as the changes proposed in the Amending Bill affect seriously the status and the morale of the teaching body in the Annamalai University, the opinion of the Inter University Board be elicited before the Government propose to put the Amending Bill on the Statute-Book."

I beg to remain,
Sir,
Your most obedient servant,
S. Venkataramanan.
Secretary,

S.J.H.School
Peelamedu. Singanallore Post.
30th Aug.'43.

Madras,
2nd September, 1943.

From
Janab Abdul Hameed Khan Saheb, M.L.A.,
Leader, Muslim League Assembly Party,
Madras.

92/18

28647

To
The Secretary to Government,
Education & Public Health,
Fort St.George, MADRAS.

Sir,

I have carefully gone through the Annamalai University Act (Amendment Bill)1943 and I must say that it is a welcome measure. The Bill seeks to remedy the defects actually experienced in the working of the Act during the past ten years, and as such, is bound to have the support of all right-thinking people. As the Leader of the Muslim League Party in the Madras Legislature, I have no hesitation in saying that if the Legislature were in session, the Bill would certainly have been well received by the Legislature. However much I may deplore the absence of the Legislature, I fail to see why a measure like this which does not involve any question of high policy and which merely seeks to remedy the defects in the working of a University Bill should be put off on the specious plea that the Legislature is not functioning and that the administration is run by the Governor and his Advisers. As everyone knows, the Advisers' regime became a necessity on the voluntary withdrawal of the Congress Party from power.

The spirit underlying the Amended Bill, as is quite apparent even from a casual reading of it, is to make the University not exclusive but catholic so that all communities may derive equal advantages from it. Professor Ernest Barker said of the British University :- " The British University is

in no way confined to any social section of the community.

The University recruits from every possible quarter and draws from the whole community ". Service to the whole community is the spirit inspiring the proposed amendment to the Bill, I do not see why such a measure with such a high idea should not have the active support of everyone who is interested in University education in this country.

Yours truly,

1890

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93

To

The Secretary,

Department of Education, Government of Madras,

Fort St. George, Madras.

4-SEP 1890

Sir,

I have read with considerable interest the propesed amendments to the Annamalai University Act. During the fourteen years of the working of the Annamalai University Act many defects have come to light, defects which will need to be remedied at an early date, in order that such a magnificent and useful foundation as the Annamalai University may serve more efficiently ~~purpose~~ for the advancement of higher education in Tamil-nad. I have myself spent twelve years at Annamalai Nagar as a teacher; and during that period I have been a member of the Syndicate for nine years, a member of both of the Academic Council and the Senate for twelve years and have also served in various other important capacities connected with the administration of the University. Judging from that long experience which I have the privilege to possess, I may say with confidence that the rectification of the defects which has been sought in the amending bill, is quite necessary and should be welcome. I am, however, submitting my views after great and careful consideration and they may kindly be taken for their worth.

1. The Syndicate.

According to the original act which brought the University into existence, the teachers of the university have found liberal representation in the Syndicate. As the university, however, functions as a unitary teaching university, the inclusion of the employees of the University on its governing body

the syndicate, has tended to restrain its members from impartial and just discussions especially in the consideration of matters pertaining to the teachers of the University and their work and conduct. Matters concerning employees are best dealt with by an impartial body and this has been borne in mind in the framing of the Madras and the Andhra Universities Acts.

I have found from actual experience of my service on the Syndicate that the discussions of matter therein pertaining to administration were not usually free and impartial owing to the presence of teachers who held diverse views and often had different, sometimes contradictory interests. The syndicate had periodically to discuss expenditure in relation to salaries and the strength of the teaching staff, employees represented therein undoubtedly showed a tendency to land the syndicate in financial commitments too difficult to be met comfortably in relation to the growing needs of a young university. As the direct result of such reckless expansion thus initiated from time to time, it became necessary for the syndicate to bring into existence two Retrenchment Committees within the short period of its existence. It was altogether difficult to prevent a thoughtless disregard of consequences especially because the representation given to outside men has always remained low. The exclusion of the employees of the University from the syndicate will therefore be a step forward in the right direction.

2. The Academic Council.

The Academic Council is predominantly made up of the teaching staff; and it deals solely with academic matters like the framing of the syllabuses or regulation

concerning the different subjects taught at the university and the examinations to which the courses of study lead. But side by side with the Academic Council, we have also at the University different Faculties for Arts, Science, and Oriental Studies. Consequently, a duplicate set of institutions have been functioning when but one will do. The Faculties which are composed entirely of teachers or their representatives chosen from among their own ranks can well replace the Academic Council with advantage. In the Travancore University for instance, where I have been a member of the Faculty of Arts, I find there is no Academic Council and no difficulty has been experienced by that university on that account. For a unitary institution like the Annamalai University in which the teachers are all resident, there seems to be no special need for the Academic Council. The heavy expenditure now incurred in maintenance of this superfluous body (through the payment of travelling allowances) can best be advantageously diverted to better purposes so as to ensure the university's expansion. The Faculties can do the work of the Academic Council perhaps more efficiently, because they are compact and are composed solely of teachers having expert knowledge of the courses of study provided at the University.

3. The Boards of Studies.

I was for twelve years, chairman of the Boards of Studies in Economics of the Annamalai University ~~and~~ and I am now on the Board of Studies in Economics of the Andhra University. I am also chairman of the Boards of Studies in Economics and in Commerce and also a member of the Board of Studies in History in the Madras University. My experience would show that

that Boards of studies are essential only to affiliating universities which have to secure the coordination of the work done in different colleges spread over many districts or over the whole of a language area. In a compact university like the Annamalai University, a Board of Studies seems to be superfluous, when Faculties exist. The Faculties can easily shoulder the burden which the boards of studies have carried so effortlessly during the fourteen years of the University's existence. To my knowledge it was only during the first two years of their inception that these Boards did any real and useful work. Thereafter they met annually more or less to transact formal business. No one will lose anything by the proposed abolition of the Boards of Studies.

4. The Senate.

The Amending Bill proposes to give representation to Tamil Societies and organisations not hitherto included in the Act. The Tamil people have claimed the Annamalai University as their own and the proposal to give representation to the societies or organisations in Tamilnad which have been endeavouring to advance Tamil learning and culture is, therefore, a step in the right direction. It does justice to the claims of those who have sought to bring to the forefront the importance of Tamil studies and Tamil culture.

Further, the Bill seeks to give representation to representatives of schools which would be concerned with training upils who would ultimately seek admission into the Annamalai University. A greater part of the students of the Annamalai University is drawn from among the schools situated in or around South Arcot and the representation given to such schools will be

very helpful to the University in many ways. In this connection I may stress the need for an adequate and fair representation in the Senate of the teachers of the University itself in order to secure their utmost cooperation.

5. The Vice-Chancellor.

The Bill proposes to enlarge the powers of the Vice-Chancellor. There has been a good deal of criticism about it, apparently from people who have no inside knowledge of the working or the administration of the university; but to me the proposed investment of the Vice-Chancellor with special powers seems to be very necessary. In fact, I may say, the reform is even a little belated. From my experience not only as a member of the Syndicate for many terms but as an Officiating Vice-Chancellor of the University at a very critical period, I may say that the powers proposed to be given to the Vice-Chancellor by the Amending Bill are neither so wide, nor so arbitrary as certain critics would like to make them out. The numerous strikes and disturbances that have ~~tended to mar~~ marred the peaceful atmosphere of this residential University have tended to recur a little too frequently to need any special stress, and these strikes have made not only efficient ~~traching~~ teaching difficult but sound administration wellnigh impossible. The effective control of a residential university like the Annamalai University where many hundreds of students live very close to each other and in proximity to the administrative and teaching staff will depend largely upon the initiative the Vice-Chancellor can take especially in a crisis. Hence special measures of control and discipline would always be necessary to secure a peaceful atmosphere,

and prevent disorderliness of any type. In an academic centre, especially in an academic centre with a distinguished administrative head, any fears of the abuse of powers by the Vice-Chancellor would be ill-founded, and the special powers the Vice-Chancellor would be invested with, we may expect, will always be used in the best interests of both University and the People.

6. The Pro-Chancellor.

The suggestion has been made in some quarters that the Pro-Chancellor has been trying to take upon himself more and more powers, but this cannot be borne out by facts. The Pro-Chancellor is not a member of most of the University bodies and even if he were given representation by proxy in these bodies his representatives would never be in a majority. The founder of the Annamalai University has not only made a princely initial endowment but continued to give freely and assist the University lavishly and generously from time to time. Any one who knows the scale of his munificence could always expect him to bear in mind the best interest of the University which he himself has helped to found. During the twelve years I had the privilege to be at the university the Founder never once stayed there even for a day to my knowledge; and his visits to the place have tended to be few and far between and limited mostly to attendance at some convocations and at special functions at which his presence might be helpful. In fact, he seems to have studiously kept himself away with considerable generosity. I may also say that I have not known any instances in which he has tried to give special instructions or directions to any University authority. Even in the Board of Selection of which he is the chairman and in which I have had the honour to be a member, he has always helped the members to choose the right candidates

so as to bring about the highest efficiency. He never interferes. On the other hand he has at all times endeavoured to maintain and improve the status and dignity of the institution by every possible means within his control.

I have the honour to be,
Sir,
Your most obedient servant,

B.V. Narayanaswami Naidu

10, Iswaradoss Dala st.,
Triplicane,
3rd Septr 1943.

E & P.H. Dept

The main file dealing with the suggestions ~~received regarding~~ to the Annamalai University Amendment Bill was circulated on 3.9.43.

Hon. B.V. Narayanaswami Naidu stresses the need for an adequate and fair representation on the Senate of the teachers of the University itself.

This may perhaps be circulated to the Addl Secy to H.E. in continuation of the main file.

6/9

6.9.43

6.9.43

This is strong support of the bill.

A3. A4. A2. A1. HE

MS 6/9/43

Hon. B.V. Narayanaswami Naidu's speech in support of the Bill.

This was received on 4.9.43 & is strictly speaking belated.

SR 10/9/43

10/9/43

12/9/43

Edn and P.H. Department.

Letter / Ref. No. 12508C/43-15 dd. 6. 6. 1944.

To

Dr. Rajah Sir S.R.M.Annamalai Chettiar Kt. of Chettinad, L.L.D.
Founder of the Annamalai University
Annamalainagar

Sir,

Annamalai University Act - Amendment Bill.

His Excellency the Governor has considered the various criticisms received on the Annamalai University (Second Amendment) Bill, 1943. His Excellency is impressed with the necessity of remedying the defects in the Act which the Bill is intended to cure, but is not satisfied that a remedy which sacrifices such principles as that a teacher should have security of tenure, that men who have been permanently appointed should not have their appointments cut short by law, that admissions should not be refused on grounds of caste while the Statute expressly forbids it and that the permanent staff should not be excluded from a share in the administration of the University, is the best remedy.

I am directed to request you to be so good as to advise how the Bill may be revised so as to avoid the objections mentioned above.

Y.O.S.

Ed + PH Dept-T.O. Sec

Con. 30142 D.1. from Sri. T.S. Aiyavier, Merchant,
c/o Sri. S. Venkatrama Ayyar,
Advocate, No 3. Thambu Chetty Street,
G.T., Madras dy 24.7.40.

L. 31835 (A) Dr. from the S.G. Ref No 12930-4 Misc dy 3/5-8-40.

.. 33302 Dr. — do — Ref No. 12930-5 Misc dy 13.8.40.

Subject:- Medical Colleges;
Admission of Candidates -
Memorial from Sri T.S. Aiyavier regarding admission of his son.

T.D. Memo. No 30142-D.1./40-2 dy 26 8/40

The petitioner is informed that candidates for admission into the Medical

RAJAH
SIR ANNAMALAI CHETTIAR.
OF CHETTINAD.

THE PALACE
CHETTINAD.

25rd June, 1944.

Sir,

Ref: Letter No. 12508-C/43-15 of the Education and Public Health Department, d. 6-6-1944. Annamalai University Act - Amendment Bill.

I am grateful to His Excellency and to yourself for the indication of the lines on which the Bill has to be revised. The points mentioned were in the mind of every one of the educationists I consulted. The remedy considered most suitable was suggested in the Bill. To suggest other remedies and find out how far they will meet the needs and obviate the difficulties experienced, some time may be required. I have therefore to request to be permitted to place my proposals on the subject at some future date.

Your obedient servant,
Sd Annamalai Ch

To
M.V.Subrahmanian Esq., I.C.S.,
Secretary to the Government of Madras.

Ed P.H. Dept
The main file has been sent to the Govt Secty. ~~Its return awaited~~. This may be ~~awaited~~. A3 and D.E.

58/208

Edn and P.H.D

C.

Letter Ref. No: 12508C/43-16 dt 11.7.44

To

102

Dr. Rajah Sir S.R.M. Annamalai
Chettiar Kt of Chettinad
L.L.D.
Founder of the Annamalai
University.
Annamalainagar

Sir,

Annamalai University Act -
Amendment Bill
Ref your letter dt 23.6.44

I am directed to ~~say that the proposals promised in the letter~~ acknowledge the receipt of your letter cited above ~~are awaited~~ and to say that the Govt.

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Dated 19.7.44

No 2737/44-3

CS. 7.44.

E & P.H ... 20

V.P.E.M 19.7.44 103

37536

ANNAMALAI 'VARSITY BILL

CENTRAL GOVERNMENT'S DISAPPROVAL

MADRAS, July 18.

The Madras Government's bill to amend the Annamalai University Act, seeking to give effect to a number of important changes in the constitution of the Senate and other University bodies, in the Vice-Chancellor's powers, in the tenure of teachers, etc., it is understood, stands now practically shelved, in view of the Government of India's objection to assent being given to the measure in the present form. The draft bill was published by the Government on August 3 last year and a month's time was allowed for the ventilation of public opinion.

19 JUL 1944
EDUCATION AND PUBLIC HEALTH DEPT.

E & P.H(C)

May be added to the file on the subject

21/7/44 21/7/44. 22.7.44

General Notes

GOVERNMENT OF MADRAS
8-MAY1943
EDUCATION AND PUBLIC HEALTH DEPT.

E 7

1250S

SPECIAL

Note for Secretary, E. & P.H. 104

The Raja of Chettinad has suggested certain amendments to the Annamalai University Act. Herewith a note ~~on~~ and the proposed amendments. Please have them examined very quickly by E. & P.H. and Legal Departments as the Raja Saheb would like the amendments to come into force before the University reopens on the 1st of July.

5.43

Discussed with H.E., who wishes this to be treated as special. The only amendment that should, prima facie, be turned down is that marked XX (below on this page) on page 5.

T.A(ustin),
13-5-43.

Secy., E.&.P.H.

P.T.

Edn. and Public Health Deptt.

The amendments proposed have been noted on in sectional notes below.

2. Ordinarily amendments to University Acts are undertaken at the instance of the Senate. In the present instance, since the matter is ~~said to be~~ one of extreme urgency, it is presumed that that procedure need not be followed. The case may now be forwarded to Legal with reference to Secretariat Instruction 32(1) and also pages 69 and 71 of sectional notes. Finance may also see. (pp 65-66 Sectional notes)

E 14.5.43 S/ Legal Finance

I have added my comments in the sectional notes.

"A" above

I presume also that the policy now being generally adopted, of deferring legislation until after the war except in cases of an emergent nature, has also been duly taken into account. In that connection I would venture to mention a few points. A sense of urgency was perhaps impelled by the proposals relating to the admission of students and their discipline. On one of the main points about admission, namely, the deletion of the reference to 'political belief' in Section 5, A.3 has already indicated that the proposal deserves to be turned down. On the proposal to add a clause empowering the Vice-Chancellor to refuse admission without assigning any reason, it is being suggested that this can be only subject to the provisions of Section 5. If this is accepted, the element of urgency will recede. As to discipline among students, the provisions now sought to be put in the Act are already there in the shape of University Statutes and so there would be no element of urgency about that either. In view of these it would be a matter for consideration whether legislation cannot be deferred, or cannot be proceeded with in consultation with the Senate as is usual, particularly as the amendments proposed in some matters involve a shifting of emphasis away from the Senate or the Syndicate. Orders will be taken on these points after Legal and Finance have seen.

Ed 12508 cy
15.5.43

ASSISTANT SECRETARY
C Ndgl 3187C
7 MAY 1943
LEGAL DEPARTMENT

Ed 2 15.5.43

Legal Fin:

Legal Department

All the amendments suggested in the sectional notes fall within the scope of item 17 of the list of Provincial Subjects, viz. "Education including Universities". The amendments would have been within the competence of the Provincial Legislature and are consequently intra vires H.E. the Governor in the section 93 situation.

2. The only amendments which may possibly be said to regu subjects in the Concurrent Legislative List are (1) the amendmer marked A on page 59 of the sectional notes, and (2) the amendme

marked B on page 61 of the sectional notes. It may be argued that these amendments regulate the concurrent subjects of "Contracts" (item 10 on the Concurrent List), and "provident funds" (item 27 on the Concurrent List) respectively, and consequently that previous consultation with the Government of India is necessary with reference to Secretariat Instruction 33A. But as both these amendments are proposed to be omitted by E. & P.H., it is unnecessary to pursue this question.

3. Please see pages 69 and 71 of the sectional notes.

K.V.R. 17-5-43

Fin. (Exp. A.)

Finance

Please see the remarks of Fin. on pp. 66 of the Sectional notes. Orders approved by the Hon'ble may be passed on by E. & P.H.

(Legal W.O. 3187 C-1 17.5.43. Subject Comfl

See also my notes on pp. 38, 39-40 & 42 of the Sectl. Notes.

KRV 18.5.43

Secy 18.5.43 E.P.H.

17-5-43.

BOX.

E. & P. H.

The file should now be circulated.

to A3 & H.E. But the Raja Saheb as Fin. Leg. 12715 Exp. A1 18.5.43 desires the matter with H.E. this week. For orders whether the case may first go to Hon'ble P.S.G. for refer. in connection with the discussion (under A3's instructions a copy of the text of the amendments in the C.L. has been sent to Hon'ble P.S.G. (on 17th May).

As no date has been fixed for the interview I think A3 may first see in the usual course. hsp 19/5/43.

18.5.43 S

The proposals have been examined in the Sectional notes and are for orders.

'P' at p. 3 N.F. note is also for orders.

C-43 18/5

hsp 19/5/43 A3 H.E.

SECRETARIAT FILE ROOMS 13 MAY 1943

ASSISTANT SECY. 17 MAY 1943 FINANCE DEPT.

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have discussed the amendments in detail with the Rajah Saheb & have noted in the sectional notes. Draft memo^m may be prepared accordingly. I understand that H.E. desires legislation to be proceeded with urgently.

2. I invite a reference in particular to the following pages of the sectional notes:-

4A. Amendment is not pressed.

6A, 34A, 38A, 40, 44, 59, 61, 70. Some modifications have been suggested & agreed to. Otherwise the Rajah's amendments may be accepted, as proposed.

3. There seems no necessity, to my mind, to consult India on the amendments regarding Contracts & provident funds.

M.V.S. 4)

H.E. I agree with A3 and Legal Asst. must send their draft at once as the legislation may be taken up by H.E. AH 24/5/43.

for circulation 29/5/43

SECRETARY, EDN. AND P. H. DEPT. 26 MAY 1943 GOVERNMENT OF MADRAS

A draft Memorandum under Secretariat Instruction 32(2) is submitted. As the matter is one of extreme urgency, there is no time to circulate the file itself. For orders whether copies of the Memorandum may be circulated simultaneously to H.E. the

The Rule requires the circulation of the case along with the Memorandum. I am afraid it would not be in order to circulate only the Memorandum, & that simultaneously. To save some time, I

proforma is circulated the case first to A2 who is in Madras. hp 26/5/43. 1300

Governor and the Advisers and the file thereafter transferred to the Legal Deptt. for preparing the Bill. Action is also being taken to consult the Govt. of India and ~~also~~ the Govts. of Mysore and Travancore with reference to A.3's orders on page 21 of Sectional notes.

letters sent out on 26/5 27/5 31.5.43

26.5.43 S hp 26/5/43

[Rue has explained to me that the case circulated to me first on 25th in Madras 26/5/43]

A2 26.5.43
A3
A4 SNR 27.5.43
A1 28.5.43
H.E. AH.

Legislation may proceed on the lines of the draft memo.

26.5.43

HE:

This must be got on with at once as it has got to be passed into law by July 1st. AH.

30/5/43

May be sent to Legal w/o.

31.5.43 S

hp 2 31/5/43

Legal.

SECRETARY. EDN. AND P. H. DEPTT. 31 MAY 1943 GOVERNMENT OF MADRAS

W.P. 12508 c-6 31.5.43

Legal Department.

ASSISTANT SECRETARY I 3476 31 MAY 1943 1.30 P.M. LEGAL DEPARTMENT

SECRETARY TO GOVERNMENT LEGAL DEPARTMENT 5 - JUN 1943

A draft Bill with Statement of Objects and Reasons and notes on clauses is placed below--Flag (D)

2. The Bill falls within the scope of entry 17 (Education including Universities). It would have been within the competence of the Provincial Legislature and is consequently intra vires H.E. the Governor in the section 93 situation.

3. The previous sanction of the Governor-General is not necessary for the Bill.

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4. As the Bill is to be enacted by His Excellency the Governor in his discretion, no question arises of obtaining his previous sanction for it.

5. The Bill gives effect to the orders passed in the sectional notes. I should however call attention to one small variation of a drafting nature in the matter of giving effect to the additional powers proposed to be conferred on the Vice-Chancellor. The new provisions proposed in the appendix to the memorandum really adds to the powers of the Vice-Chancellor and the most appropriate place for inserting those provisions is section 13 which specifically purports to define the powers and duties of the Vice-Chancellor. The new provisions have therefore been added to section 13 as sub-sections (3) to (5) of that section (See clause 6(iii)). These provisions would be inappropriate in section 5 which is not concerned at all with the powers of the Vice Chancellor.

C.F. 23

6. Besides the above, the Bill calls for the following remarks:--

Clause 1(2). The constitution of the Senate as proposed differs materially from the existing constitution and it would perhaps be convenient from the administrative point of view to bring the amendments to section 15(clause 8 of the Bill) into force on a later date ~~from that date~~. Clause 1(2) of the Bill accordingly gives Government the power to bring section 8 into force on such date as they may by notification fix. The remaining provisions of the Bill would come into force at once.

Clause 2(1). The Chancellor, Founder and Pro-Chancellor cannot appropriately be included within the scope of the definition of "employee". It appears from page 2 of the sectional notes that the necessity for the new definition of "employee" arises from the reference to "employees" in the new sections proposed at pages 51 and 65 c.f. The section at page 51 c.f. deals with the constitution of the Finance Committee. The Vice-Chancellor is a member of that Committee. The section at page 65 c.f. provides for the appointment of officers and other employees of the University on contract. The term of office of the Vice-Chancellor is fixed by section 12. He cannot be appointed on contract for a renewable term of five years

as contemplated. In the circumstances it seems to me that the Vice-Chancellor also should be excluded from the definition of "employee".

Clause 5(ii). This effects a slight drafting improvement. The pronoun "He" at the beginning of the second sentence of section 12 refers to the Vice-Chancellor. It is desirable from the drafting point of view to make this explicit.

Clause 6(i)(b). It is presumed that the Vice-Chancellor should continue to be the Chairman of the Syndicate. The second sentence of section 13(1) has therefore been retained with the omission of the words "of the Academic Council and"

Clause 6(i)(c). The words "at any stage" have been added after "address" on the analogy of section 12(1)(e) of the Andhra University Act.

Clause 6(iii). This clause adds new sub-sections (3) to (5) to section 13, giving effect to the proposal in the appendix to the memorandum (for conferring additional powers on the Vice-Chancellor).

New sub-section (3)(b). By "cancellation of the examination" which occurs in the draft annexed to the memorandum is presumably meant only that the results of the particular candidate who has misconducted himself should be withheld. It is clearly not the intention to cancel the examination in respect of the other candidates.

As there is no difference between 'dismissal' and 'expulsion' from the University there is no necessity to retain both the expressions.

The expression "prejudicial to the general interests of the University" has been altered into "prejudicial to the interests of the University". It is desirable to avoid giving room to the argument that a piece of misconduct is not prejudicial to the general interests of the University but only to some particular interest thereof. The same observations apply also to similar provisions in the two following sub-sections and in clause 14 (section 22(c)).

New sub-section 4(a). In addition to "withholding increments" reference has been made to "withholding promotions" also. This is presumably the intention.

The proposed amendment refers to "any officer" generally. Obviously the Vice-Chancellor's disciplinary powers can extend only to officers referred to in clauses (5) to (8) of section 8. The draft proceeds on this basis.

It is not clear why the Vice-Chancellor should be specifically authorised to accept resignations only from teachers and officers who are guilty of breach of their conditions of service. This would suggest that he has no powers to accept resignations in other cases, that is to say, where they are not guilty of committing any breach of their conditions of service. It seems to me quite unnecessary, in specifying the disciplinary powers of the Vice-Chancellor, to provide specifically for acceptance of resignations. Acceptance of resignation is not a disciplinary power. A person may tender his resignation under the threat of, or to avoid, disciplinary action. In such cases it is open to the Vice-Chancellor to accept the man's resignation and drop further proceedings against him even without any specific provision in that behalf in the Act, as disciplinary proceedings are taken by the Vice-Chancellor in his discretion. I suggest that the reference to acceptance of resignation may be omitted.

The time specified for appeal should obviously run from the date of communication of the Vice-Chancellor's order.

New sub-section 5. The withholding of promotion may be specifically included among the powers of the Vice-Chancellor under this sub-section also.

For the reasons stated already, the reference to acceptance of resignation may be omitted in this clause also.

As the power to suspend, dismiss etc., the clerical establishment is sought to be vested in the Vice-Chancellor I suggest that the power of suspending, dismissing etc the other servants(menial staff) may also be vested in the Vice-Chancellor instead of continuing to vest in the Syndicate. The draft proceeds on this basis.

It has been made clear in this sub-section also that the time for appeal runs from the date of communication of the Vice-Chancellor order.

Clause 7(ii). Section 14(6)-proviso. It is presumed that the

intention is that the Senate should not have power to create any authority with functions overlapping those of the authorities specified in clauses (1) to (5).

Clause 8(i)(c). The present clause (12) refers to the Diwan of Pudukkottai while the new clause suggested refers to the Administrator of Pudukkottai. It is presumed that when full powers are given to the Rajah and the Administrator is replaced by a Diwan, clause (12) will be amended suitably.

Clause 8(ii)(a). There is no provision for the manner in which elections by the Oriental (*) Title-holders, viz, Vidvans, Sangita Bushanas and Siromanis, is to be held. If those elections are also to be held according to the principle of proportional representation, by means of the single transferable vote, an express provision in that behalf should be made.

(*) Here Oriental Title holders referred to are the Vidvans, Sangita Bhushanas and Siromanis. Only 3 seats are reserved for them and 6 seats are as stated at page 21 of the Sectional notes. The University's recommendation is clear on this point - See page 19 of the Sectional notes - portion marked X

Clause 8(ii)(c). New clause (2) corresponds to existing clause (3), but omits the words "according to the principle of proportional representation, by means of the single transferable vote", occurring in existing clause(3). It is presumed that this omission is intentional.

Clause 8(ii)(d) New clause (8). The expression "depressed classes" is not now in use. It has been replaced by the expression "scheduled castes" which is used in the rules under the Government of India Act and in the City Municipal, District Municipalities and Local Boards Acts. The expression "depressed classes" has therefore been replaced by the expression "Scheduled Castes".

New clause (12). The intention clearly is that the two Principals should be nominated for alternate terms. This has been brought out clearly.

Clause 8(ii)(g)--(clause 16). The title of the Association has been changed into "Nattukkottai Nagarathars' Association" although "Nattukkottai Nagarathar Association" occurs in the draft suggested by the University. The former nomenclature occurs in the Order in Council made under the Government of India Act.

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Clause 8(ii)(h)--(new clause 18). It is presumed that the High Schools should be those recognised by the Government and that the graduate teachers referred to in the Memorandum may or may not be teachers in the High Schools.

The Founder has also proposed that no teacher of the University other than the Dean and the representative of teachers specified in clause (20), and no officer or other employee of the University should be eligible for election or nomination to the Senate(See page 39 c.f. and page 21 of the sectional notes). A-4 has accepted all the amendments proposed to section 15- See page 22 of the sectional notes. The ~~provisions~~ provisos added to section 15 are intended to give effect to the proposal. Deans of Faculties are ex officio members of the Senate. There is no question of their standing for election or seeking nomination. Reference to the Deans is therefore not necessary in the ~~provisions~~/provisos.

p. 21 of Sectional notes

Clause 9. This is consequential on the creation of the Finance Committee and the new procedure for the passing of the financial estimates or budget, adopted in the Bill.

Clause 11. Second paragraph of new sub-section(3). The Act contemplates the existence of Senior and Junior professors. It is presumed that there may be Senior and Junior professors in the same department of study. Provision has therefore been made for the Senior Professor being the head of the department in such cases. The other changes made are consequential.

Clause 13(iii). The second proviso is consequential on the first.

Clause 14(Section 22). The power of the Syndicate to dismiss officers can have reference only to those mentioned in items(5) to (8) of section 8. The power cannot possibly extend to the officers mentioned in items (1) to (4) of section 8, namely, the Chancellor, Founder, Pro-Chancellor and the Vice-Chancellor.

New sub-sections (4) and (5) of section 13 specifically provide that appeals shall lie to the Syndicate from the orders passed by the Vice-Chancellor under those sub-sections. The right to hear the appeals is thus conferred on the Syndicate. It is unnecessary therefo to repeat it in section 22(c) as proposed by the University- See pag 35 of the sectional notes.

Clause 15. It is desirable to repeal section 23 of the Act formally, although section 47 of the Act declares that section 23, inter alia, ceases to be "part of the Act" on the termination of 10 years from the date on which the principal Act(Madras Act I of 1929) was passed.

Clause 15. New section 23. This gives effect to the suggestions made by the Finance Secretary in the sectional notes. p. 38 of Sectional notes.

The second paragraph of new clause 4 is consequential on the provision in the first paragraph, namely, that the member co-opted by the other three members of the Finance Committee should not be a member of the Syndicate or a teacher, officer or other employee of the University.

New Section 23A.is based on the section as altered by the Finance Secretary. p. 39 ibid

Sub-section (7) of new section 24 is intended to give effect to the suggestions of the Finance Secretary at pages 39 and 40 of the sectional notes. E & P.H. may kindly verify whether it gives effect to the intention correctly. 1 P

Clause 16. New section 26, clause (4). The second paragraph is consequential on the provision contained in the first paragraph.

Clause 22. This makes an amendment to section 36 consequential on the insertion of new clause 6 in section 8(Deputy Registrar).

Clause 24. This gives effect to the orders of A-4(Mr. Austin) at page 61 of the sectional notes.

Under section 29(j) of the Act the institution of a provident fund for the benefit of the employees is left to be regulated by Statutes made by the Senate. That provision is not proposed to be altered. As pointed out by Mr. Austin, what is wanted now is a provision which would prevent the Senate from altering the rate of contribution and subscription. This can be achieved by reenacting section 39 as is done in the Bill. The proposal of the University goes much further and provides that the contribution shall not be payable to the subscriber, even in part, unless he has put in ten years of service, and that the contribution would be payable in full only if the subscriber has rendered 15 years of service. It appears to me from the note of A-4 at page 61 of the sectional notes that

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he has not accepted this part of the proposal. Please see also in this connection paragraph 6 of the memorandum which proposes to provide only that employees shall subscribe to the provident fund at the rate of 6 1/4 per cent of their pay and that the University shall make a contribution to the fund at the same rate. The draft proceeds on this view.

I may in this connection point out that the proposal of the Founder imposing restrictions on the payment of the contributions to the subscribers, if inserted in the Bill, would be repugnant to section 6(b) of the Provident Funds Act, 1925(an existing Indian Law on a concurrent*subject) which contemplates the withholding of contributions from the subscriber only where he is dismissed for any of the reasons specified in the rules of the fund or if he resigns within five years of the commencement of his service. In all other cases the intention of section 6(b) of the Provident Funds Act appears to be that the contributions should be paid to the subscriber in full. It will thus appear that the proposal prescribing a minimum service of ten years for becoming eligible for a part-payment of the contributions and 15 years service for full payment of the contributions, would be repugnant to section 6(b) of the Provident Funds Act and if inserted in the Bill would necessitate its reservation under section 107(2) of the Government of India Act, 1935.

*See item 27 of List III of the 7th Schedule to the Govt. of India Act, 1935.

Clause 28. Here also a formal repeal of section 47 is desirable. New section 47 gives effect to the orders of A-4(Mr. Austin) in the sectional notes.

Clause 29. This is analogous to section 46 of the existing Act. The Bill is a long one and it makes many vital changes, and it is very possible that unexpected difficulties may arise in giving effect to these changes. It is therefore necessary to take power to remove difficulties in first giving effect to the provisions contained in the Bill or in the provisions of the Act as amended by the Bill.

7. The provisions of the Bill as drafted are not repugnant to any existing Indian Law falling in the concurrent field. Consequently it is not necessary to reserve the Bill for the consideration of the Governor-General under section 107(2) of the Government of India Act, 19 It is open to H.E. the Governor to assent to the Bill.

H.E. has ordered that the legislation should be enacted before 1st July. If the Bill is to be published for criticism, then the period allowed for objections and suggestions may be made very short, say a week at most.

Reg 7/6/43

Legal N.O. 3476-1
9.6.43.
(12.40. P.M.)

EdPH

Edn. and Public Health Deptt.

"P" on page 12 ante -

New section 23-A as drafted under clause 15 of the Bill is in accord with the suggestions of the Finance Secretary and appears suitable. However, Finance may see.

D/16

D/21-22

Clause 24 of the Bill - pages 12-13 ante -

Legal Secretary is of opinion that section 6(b) of the Provident Funds Act, 1925, requires that the employer's contribution to the Provident Fund should be paid in full in all cases except when the employee is dismissed for any of the reasons specified in the rules of the Fund or he resigns within five years from the commencement of his service. He therefore considers that a provision under which the contribution would be payable only if the employee has put in ten or more years of service, would be repugnant to the Provident Funds Act. Nevertheless, the existing Statutes of the University provides for the payment of the employer's contribution only on a graduated scale ranging from one-half to nine-tenths for a service of five to nine years. This point was just announced when the Statutes came up before the Govt. in 1930, but no authoritative decision was taken, nor did the Govt. of India, who on application obtained the Governor-General-in-Council's declaration under section 39 of the Annamalai University Act, take any exception to this part of the Statutes - pages 34, 54 and 55 of G.O.No.1060-Edn., dated 18-6-1931. However, the orders in circulation at page 61 of the sectional notes do not appear to have accepted the proposal to provide for a graduated scale of contribution, as pointed out by Legal Secretary. Clause 24 is therefore in consonance with the orders in circulation. The point about conflict with the provisions of the P.F. Act need not be further considered in this file.

The Founder has written to A.4 asking that he may be

SECRETARIAT EDN. AND P. H. DEPTT. 10 JUN 1943 GOVERNMENT OF MADRAS

EDUCATION AND PUBLIC HEALTH DEPARTMENT 9 JUN 1943

— p. 164 of Vol. VIII of "unrepealed central Acts"

of as in the Founder's amendment — p. 61 of Sectional notes

p. 308 of Annamalai Univ. Calendar 1939-42

(R)

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given an opportunity of seeing the draft Bill when it is ready. It may be noted that the further amendments proposed by him at pages 75-77 C.F. have been anticipated in the draft Bill prepared by Legal Secretary.

10.6.43 D.S. Fin.

10.6.43

Fin. Secy

Por p. 12 N.F.

New section 24(7) gives effect to the intention of my suggestion. The term "supplementary estimates" is used in new section 23 A(a) & may ∴ also be used in new section 24(7) in place of "supplemental estimates" & anywhere else where the latter term occurs.

D.S. 10.6.43 E.P.H.

EdPH. The proposal of Fin. Secy may be accepted. The draft Bill is now ready, and has to be submitted in full circulation under Secretariat distribution 32(6), ~~Orders~~ and orders have to be taken at this stage whether the Bill should be published for public criticism. The instructions in force on the latter point are at 'x'. For orders whether the draft Bill will be sent to the Founder for perusal, before the file is sent in full circulation.

'x' at page 4 of (D)

10.6.43

A.4. For the reasons given by his Secy E&PH on p.6 of the foregoing notes, I would omit additional provisions in the Act relating to the admission of "students" & "discipline of students". One more is no practical need for their inclusion in the Act. The Laws of the Universities already provide such powers. This specific inclusion in the Act - particularly the provision relating to "admission of students" whereby the Vice-chancellor is to have "power to refuse to admit any person as a student of the University

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Extent of scrapping any reasons — has already produced severe public criticism (Lindsay) & will produce further criticism with this clause. I recommend that the Bill be withdrawn for criticism. Meanwhile substantial changes proposed in the Bill & is fair to the public & also Commons to state changes introduced if & public criticism is received & considered

The Lord Chancellor has promised a week's time to give further criticism It seems to me that if the Bill is desired to be enacted by the beginning of next month, more time can not be given

A copy of the Bill may be sent to the Founder as soon as orders are framed under Section 2 of the 32/6) but publication of the Bill, if ordered by H.E., need not await his receipt of remarks by the Founder. The Bill may then be considered by the Standing Advisors.

SMR
10.6.43

WS
10.6.43

A3. A2. A1. H.E.

I agree with A4. I wd also suggest the omission of the new sec: 47.

WS
10.6.43

HH
11.6.43

I agree with A4 & A3 except that I omit sub-sec (4) of A3 want to omit new sec 47. It seems on a wholesome provision.

11.6.43

PT.O

5 par
11.6

5C

17

1/2

H.E. I am afraid that I cannot agree with A4. The whole question was discussed with Mr Austin and the Pro-Chancellor and myself. At my suggestion, the Registrar's request to have the words 'political beliefs' omitted was withdrawn on the ground that the Vice-Chancellor would have the powers under the proposed new section to exclude any undesirable person.

I believe it is very necessary for the Vice Chancellor to have these powers. The University has been a centre of disaffection for a long time; undesirable students have been admitted and the discipline is deplorable.

I do not believe that the present or any Vice-Chancellor would abuse his powers and if he did, there is the right of appeal to the Chancellor who can and would override the Vice-Chancellor in case of abuse. I would therefore include this section and also Section 47, which I agree with A1, is wholesome and desirable.

There has been far too much leakage from the Secretariat in this matter and the details of the Bill have

been openly and accurately discussed in many quarters. This is very wrong and I must impress on all concerned the necessity for secrecy in the case of any Bill being prepared, until it is published for criticism.

AH.
15/6/43.

Governor's Secretariat

E.P.H. may be informed that a copy of the Annamalai University (Second Amendment) Bill, 1943, as drafted by the Legal Secretary was sent, under His Excellency's orders, to the Founder. His suggestions were received and sent to Legal Secretary for his remarks. A copy of Founder's suggestions and Legal Secretary's remarks thereon are enclosed. (D1)

2. His Excellency desires that the Raja's points may be accepted in cases where there is no legal objection. H.E's intention is that the alterations which Legal Secretary considers unnecessary or sees no point in making may be accepted as long as there is no legal objection. Clause 8(1)(c) of the Bill may, however, be omitted with reference to the orders in circulation in another file.

E.P.H. u.o.

E & P. H.

SECRETARY, EDN. AND P. H. DEPTT. 23 JUN 1943 GOVERNMENT OF MADRAS

Since this file was sent in circulation information has been received that the Mysore Govt. are not in favour of making the V.C. of the Mysore Univ: and ex-officio member of the Annamalai Univ:. That means the reference to Mysore in clause 8 (i) (b) of draft Bill & para 3 of the Govt. of Objects & Reasons should be omitted. D/7

[Extract of the concluding portion of H.E.'s minute taken for separate action]

24/6

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The references have now been omitted.

2. In a separate D.O., Assistant P.S.G. has conveyed the following instructions of H.E.:-

(1) that the verbal alterations indicated in his note on the previous page should be carried out in the draft Bill at "D";

(2) that the matter should be put in type, and kept ready for publication immediately further instructions are received; and

(3) that on publication a week's notice should be given.

It is presumed that it is sufficient to publish the Bill in English.

3. Legal Secretary has been good enough to make the verbal alterations required above in the Bill at "D". A.4, A.3 and A.1 may now see H.E.'s orders before the case is passed on to Legal for subsequent action.

A4 may see & A3 & A1 may see after the Legal has sent the matter to Press.
23/6/43

SECRETARY, EDN. AND P. H. DEPTT. 23 JUN 1943 GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 24 JUN 1943

Legal.

Ag.12508c-10
23.6.43

ASSISTANT SECRETARY I 3975C 23 JUN 1943 S. SECT. H. LEGAL DEPARTMENT.

A copy of the Bill - Flag (1) has been sent to the Press after carrying out the alterations indicated in (2) 23/6/43

Legal No 3975C/43-2
23.6.43

Very generally

23.6.43 S 23/6/43

A4 SNR 23/6/43

May now be sent to Legal.

23.6.43 S 23/6/43

Two copies of the Bill at Flag (1) maybe sent to Press after carrying out the alterations made in the copy at Flag (1). The Press will be asked to submit the matter in type (& keep it ready) for publication when directed. The file may be returned to E+PH

E+PH 23/6/43

Ed P. H.

File may now be sent to A, with reference to Secy.'s letter on p. 19. E 25.6.43 S

Legal Department.

The Bill has been put in type.

On carefully going through the proof and giving the Bill a final check, I discovered one rather serious omission. The Founder suggested a redraft of section 25 of the Act (see page 57 c.f.) and in doing so, he omitted to reproduce the existing sub-section (2) of the section which empowered the Board of Selection to appoint the Registrar and Teachers of the University (see in this connection page 43 of the sectional notes). This omission appears to have been inadvertent for the following reasons:.

(1) The object of recasting section 25 as explained at page 15 c.f. appears to be only to change the constitution of the Board of Selection and not to affect its powers.

(2) The power to appoint the Registrar and Teachers is not vested in any other authority by the rest of the amendments.

(3) There is nothing in the notes or orders suggesting any intention to omit the existing provision in regard to the appointment of the Registrar and Teachers.

I think existing sub-section (2) of section 25 should be restored with the addition of the power to appoint the Deputy Registrar, an office newly created by the amending Bill. If this provision is not restored there would be no authority specified in the Act as competent to appoint these officers. Would E. & P.H. please obtain orders on this point?

A | As pointed out in the Legal Secretary's note, it would be necessary to retain sub-section (2) of section 25 of the Act with the addition of the power to appoint the Deputy Registrar.

It may however be pointed out that provision has recently been made for a Board of Appointments in the Andhra University Act. The section constituting that Board does not give any specific powers to this Board. The Syndicate is given the power of appointing teachers of and above the rank of Readers on the recommendation of the Board of Appointments; the Registrar's appointment vests in the Syndicate and no consultation with the Board has been provided.

E 28.6.43 S/A.H.

P |

SECRETARY TO GOVERNMENT 29 JUN 1943 LEGAL DEPARTMENT

4082C

SECRETARY, EDN. AND P. H. DEPT. 29 JUN 1943 GOVERNMENT OF MADRAS

May now be sent to Legal E 29.6.43 S

Legal Department.

With reference to the orders on the previous page, the following may be inserted as sub-section (2) of new section 26 (inserted by clause 16 of the Bill), existing sub-section (2) being renumbered as sub-section (3):--

"(2) The Board of Selection shall have the power to appoint the Teachers, the Registrar and the Deputy Registrar of the University."

In sub-section (3) as renumbered for the words "shall have power" the words "shall also have such power" are substituted.

The above amendments have been carried out at page 20 in the copy of the Bill at flag (D).

Legal Dept. 4082C-1 23.6.43 (4.5 PM)

E & P.H.

May be accepted.

25.6.43

Legal Department

In his note on the margin of page 19 above, the E & P.H. Secretary has stated that A-3 and A-1 may see the file after this Department has sent the matter to press. A-1 has seen the file. A-3 has not yet seen the file. A-3 is returning from tour on 1-7-43. The file may be returned to E & P.H. for circulation to A-3.

The E & P.H. Dept. may be requested to send the file to this Department after orders for publication of the Bill have been received. The Bill is now in type and will be published as soon as order for publication is received.

30.6.43

E & P.H.

May be sent to A3.

30.6.43

A3

1-7-43

SECRETARIAT EDN. AND P. H. DEPTT. 1 JUL 1943 GOVERNMENT OF MADRAS

EDUCATION AND PUBLIC HEALTH DEPT. 29 JUN 1943 ASST. SECRETARY TO GOVERNMENT

Asst. P.S.G. has just written to say that H.E. desires that the Bill be published at once, one month's time being given for the receipt of suggestions or objections. May now be sent to Legal for publication. That Dept. may be requested kindly to return the file, after publication, with two spare copies of the Bill as published for taking further action.

2-8-43

Legal.

Legal 4890C/43

E & P.H. No: 12508C-13/2-8-43

11.50 A.M.

Legal Department.

The Annamalai University (Second Amendment) Bill, 1943 was published in Part IV-A of the Fort St. George Gazette, dated 3-8-43, in English, at pp 51-66. The file may now be returned to the E.& P.H. Department, with two copies of the Bill as required by them.

Legal Dept. 4890C-2 10.8.43

TR 21 10.8.43

E & P.H.

Draft letter submitted for consideration with reference to P on p. 21 ante.

10.8.43

EDUCATION AND PUBLIC HEALTH DEPT. 10 AUG 1943 ASST. SECRETARY TO GOVERNMENT

25213

pp 81-82 cf

Reply at p 82 cf

[Issued as Lr. No. 12508C-14 dt 10.8.43]

Annamalai University Amendment Bill - Criticisms and suggestions.

—

The Annamalai University (Second Amendment) Bill, 1943 was published in the Fort St. George Gazette of the 3rd August 1943. The one month's time for the receipt of objections and suggestions expires on the 3rd September. Criticisms and suggestions so far have appeared mostly in newspapers. Only three gentlemen, Messrs. C.S. Raman, M.A., V.K. Nagarajan of Chidambaram and N.R. Kedari Rao, have sent in written communications. A file of newspaper cuttings on the subject is placed below.

2. The Assistant P.S.G. has asked that the Secretariat comments on the objections and suggestions may be circulated to H.E. through Advisers. He has also asked for the comments of the Secretariat on the suggestions (six in number) contained in his D.O. of the 31st July; the Founder has sent a note on these suggestions. These six suggestions are first examined in the sectional notes below and references made at the relevant places to other sources from which more or less the same suggestions have come.

3. The remaining suggestions fall into two categories:-

(1) Those for example, which say that the amendments should be referred to the University Senate or other expert committee or body and undertaken by a popular legislature; and

(2) Those which relate to the actual provisions in the Bill.

Suggestions of the first category have already been considered while the Bill was in the drafting stage and it is presumably unnecessary to examine them further. Sectional notes on the suggestions coming under category (2) have also been added.

A3. A4. A2. A1. H.E

Three more opinions have since been received - pages 32-37 C.F. C.F.33 suggests only a small verbal amendment. It has been noted on in the sectional notes below. At C.F.34, the District Teachers' Guild, Coimbatore and the Nilgiris, has opined that it is not desirable to disqualify teachers of the University from becoming members of the Senate or the Syndicate and that as the Legislature is not now functioning, the Bill may be referred to the Inter-University Board. Neither of these suggestions is new. C.F.36 is a letter from Mr. Hameed Khan, M.L.A., warmly supporting the measure.

2.5.43 S

4/5/43

A3. A4. A2. #1. HE

Two copies of the suggestions received together. Sectional comments are placed below tab in red tape

3 2/5

The outcry against the amending bill in some newspapers has not been echoed supported by the public. The Rajah Sahib has dealt in his letter the suggestions & criticisms in pp 1-3 CF. With the exception of a small verbal amendment suggested at p 11 sectional notes, the bill may be passed into law as published. I have noted in the sectional notes, on all suggestions & criticisms received.

4/9/43

I have expressed my views on pp 5-(a) & 6 of the sectional notes. Otherwise I agree with A3.

SVR 5-9-43

Vide sectional notes.

I have noted on sectional note HW 6.9.43

6.9.43

HE. I have again carefully considered this Bill and have decided that it should stand as it is, without any amendment.

AH. 23/9/43

H.E.'s orders are that the Bill should stand as it is without any amendment. That means the amendments at p. 11 of Sectional notes regd. to pp 2 ante & A3 need not be incorporated in the Bill.

3 2.10.43 S/A3

I do not think H.E. intended the small verbal amendment, p 11 S/IV, may be included.

4/10/43

HE Agree.

AH. 6/10/43

After perusal of the various criticisms received when the Bill was published, HE is impressed with the necessity of remedying a state of affairs in which one community has obtained preponderance among teachers & students & developed subversive tendencies. But HE is not satisfied that a remedy which sacrifices such principles as that a teacher shd have security, that men who have been permanently appointed shd not have their appointments cut short by law, that admissions shd not be refused on grounds of caste which the Statute expressly forbids & that the permanent teaching staff shd not be excluded from a share in the administration of the University, & selection of a new staff, is the best remedy. HE will like advice on the points raised above. 7/9/44

SECRETARIAT, CHE AND P. W. D. 10 MAY 1944 GOVERNMENT OF MADRAS

4 22

1815

The file may first be circulated to A3 for perusal: & the P.S. q's note at p 3 ante

RRM. 10/5/44

Note in due course. 10/5/44 A3

SECRETARY, EDN. AND P. H. DEPT. 13 MAY 1944 GOVERNMENT OF MADRAS

The objections to the Bill on the grounds specified in the A.P.S.G.'s note were all dealt with in the sectional notes below. ~~If~~ These objections ~~are~~ cannot be avoided, ~~it cannot be done~~ except by sacrificing *some of the most important provisions suggested by the Founder. It is for orders whether the objections in the A.P.S.G.'s note may be communicated to the Founder and he be asked to indicate how the Bill may be revised.

Also in note sent to PSG in ref. to draft letter.

(*e.g., cl.6(3) re: V.C.'s powers of admitting students, (clauses 8 and 13 re: the constitution of the Senate and the Syndicate, (clause 23 re: (tenure of teachers.

This may be done, the Question remains in the light of the reply.

27.5.44 S | A3

I agree with the note above. HE 29/5/44 A.3. HE.

The Rajah Saheb may be addressed as suggested by A.3. The file recirculated to HE. under cover. HE. with probably on the Rajah Saheb during his next visit to Madras.

Draft letter for approval 5.6.44 S

Issued as Lr. No. 12508C-15266.44) p 57 cf

SECRETARY, EDN. AND P. H. DEPT. 2 JUN 1944 GOVERNMENT OF MADRAS

117 29 5

Governor's Secretariat.

G.S. u.o. 617/43-14 29-6-44. Perused and returned with thanks.

E & P.H. u.o.

SECRETARY, EDN. AND P. H. DEPT. 1 JUL GOVERNMENT OF MADRAS

30 JUN 44

35100

p 52 cf

G.No: 33087C. From Rajah Sir Annamalai Chettiar dt 23.6.44

Please see the letter on page 52 cf. For orders whether the Rajah may be informed that his proposals are awaited and these papers may be recorded.

W | Yes. | may be kept | open. & trouble, for 3 months. 8/7 8/7/44.

8.7.44 S W

A draft letter is subd

W 10/7/44.

10.7.44

Fair copy also for favour of signature.

W 11/7

[Put up pp returned in 10/7. 10/7

(Bom)

[Issued as letter No. 12508C/43-16 dt 11.7.44]

Subd. No proposals have been recd: from the Rajah.

Bom 8/11/44.

May remain open until the end of 1944

10.11.44

Subd. No proposals have been recd: from the Raja L.O. 15.4.45

Bom 11/1/45

13.1.45

Submitted. For orders whether the papers may be kept

may now be recorded.

Ina 2.5.45

SP 2.5.45

yes: but pp should be entered in an intelligible manner & the whole lot stitched properly.

3.5.45

Order 741 (Edn) d. 11th May '45

SECTIONAL NOTES

Section of the Act. 118

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context :—

(*a*) 'Annamalainagar' means the area described in Schedule ;

(*b*) 'Convocation' means any meeting of the University for the conferring of degrees, diplomas or other distinctions ;

(*c*) 'Founder' means the Hon'ble Diwan Bahadur Sir S. R. M. Annamalai Chettiyar, and after him his son, Mr. M. A. Muthiah Chettiyar, and for all time after the lives of the said two persons, in respect of every vacancy, any adult male member chosen by the Chancellor from among the members of the said Sir Annamalai Chettiyar's family consisting of his other sons and his descendants tracing their descent through males, and if no such member exists or if one such exists and he does not consent to act as Founder, or if no such member is competent in the opinion of the Chancellor to act as Founder, then and until such a competent member comes into existence and is willing to act, or one who was not competent becomes competent, an adult male member of the said family chosen by the Chancellor from among the said Sir Annamalai Chettiyar's descendants tracing their descent from him through a female or females.

Provided that in any case of a person who traces his descent from the said Sir Annamalai Chettiyar through a female or females, such person shall hold office only till a member of the said Sir Annamalai Chettiyar's family claiming through males is chosen by the Chancellor.

For the purpose of this definition (i) any person adopted into the said family and his descendants shall be deemed to be members of the family, and (ii) no one born in the said family but adopted out of it shall be deemed to be a member thereof except Ramanathan Chettiyar, son of the said Sir Annamalai Chettiyar, but given in adoption to his brother Diwan Bahadur Ramaswami Chettiyar deceased and those tracing descent from the said Ramanathan Chettiyar.

(*d*) 'Hostel' means a place of residence for students of the University maintained or recognized by it in accordance with the provisions of this Act ;

(*e*) 'Prescribed' means prescribed by this Act or the statutes or the regulations framed thereunder ;

(*f*) 'Teachers' means Professors, Readers, Lecturers, Tutors and such other persons as give instruction to or take part in the training of, the students of the University in the prescribed manner ; and

(*g*) 'University' means the Annamalai University at Annamalainagar constituted under this Act.

Proposed Amendment.

c. 7. 21

The proposals are -

(1) to introduce a new definition below clause (b) in the following terms:-

"(c) 'Employees' means teachers, officers and clerks of the University.",

(2) to renumber the subsequent clauses, and

(3) to substitute for the words "Professors, Readers, Lecturers", the words "Professors (Senior, in existing clause (f)

Junior), Lecturers (Senior, Junior), Assistant Lecturers".

2. The new definition proposed above is not seen either in the Madras University or in the Andhra University Act; ~~nor has~~ The necessity ~~for~~ it ~~been explained. There~~ arises from the ~~appears however to be no objection to having the proposed~~ refer: to employees definition. ~~in the new Section proposed at~~ c.f. 51A 7.65. May be accepted

When a new clause is introduced in an Act, the usual procedure is to avoid renumbering the subsequent clauses. In that view, the new clause regarding definition of "employees" may be numbered (bb).

Proposal (3) above may be accepted as the University appears to want in practice the two classes of teachers, Senior and Junior, and the arrangement is already in force.

13.5.42

14/5/47

may be accepted.

119

Section of the Act.

5. No person shall be excluded from membership of any of the authorities of the University, or from admission to any degree or course of study, on the sole ground of sex, race, creed, class, caste or political belief, and it shall not be lawful for the University to adopt or impose, on any person, any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a student or to hold any office or appointment therein or to graduate thereat or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University such test is made a condition thereof. University open to all classes and creeds.

Proposed Amendment.

The proposal is to omit the reference to political belief in the two places in which it occurs in the section. It is stated that the object is to prevent mischief by students inclined towards activities subversive of law and order of Government.

2. The proposal should be considered against the following background:-

Neither the Madras University Act as enacted in 1923 nor the Andhra University Act as made in 1926 contained any provision as to political belief in this context. Such a provision was however made in the Madras University Act in the following circumstances:

3. On the 30th March 1927, the late Mr. Satyamurthi brought forward a private Bill to amend the Madras University Act in which this provision as to political belief found a place. Soon after, an official Bill to amend this Act sponsored by the Education Minister Dr. P. Subbaroyan, was also introduced at the meeting of the Council held on the 2nd November 1927. Both these Bills were referred to one and the same Select Committee. This Committee incorporated in the Minister's Bill such portions of Mr. Satyamurthi's Bill as were acceptable to it. As regards the provision in respect of political belief, the Committee reported as follows:-

"The Select Committee ** agree to accept the amendment proposed by Mr. Satyamurthi in his Bill to add the words "or political" after the word "religious". They think that no person should be exeluded from membership of any of the University authorities or from admission to any degree or course of study on the sole ground of political belief."

(The

The Select Committee appears to have been unanimous in this view: the three minutes of dissent appended to the report do not advert to this topic.

4. The provision with a minor verbal amendment was passed by the Legislative Council at its meeting held on the 9th October 1928 and eventually became part of the Madras University Act.

5. The report of the Select Committee on the Annamalai University Bill came up for discussion before the Council just two days later, viz. the 11th October 1928. With the discussion on the Madras University Amendment Bill fresh in the minds of the members, a non-official member, Mr. Koti Reddi, moved an amendment for introducing the provision as to political belief in the Annamalai University Act also. The motion was accepted.

6. The present position is that a particular political belief does not disentitle a person from holding any office under the University or from enjoying any of the privileges of the University according to the Madras University and the Annamalai University Acts; there is no such provision in the Andhra University Act. But the idea has been very nearly introduced by an Amending Act (Madras Act XIII of 1930) so far as disqualification for or removal from membership on an authority of the Andhra University and removal of a name from the Andhra University Register of Graduates are concerned - Vide Sections 26 and 31 of the Andhra University Act. Corresponding sections in the Madras University Act, (sections 5(2) and 40), and in the Andhra University Act, (sections 35 and 36), as they now stand, do not specifically say that conviction for a political offence will not be a disqualification for membership or form a ground for removal from membership, because the idea is present in section 5 in each case.

A3 has since expressed himself against the amendment.

14.5.43

4/1

As A3 has already indicated, this proposal deserves to be turned down. The provision has been expressly put in as a result of public discussion. A reversal, particularly at a time when the Legislature is not functioning, would be highly inexpedient

14/5/43.

The Rajah Saheb does not press this amendment.

(2)

It is further proposed for the reasons mentioned at pages 5-7 C.F. to add the following clauses to sec. 5, the existing clause to be renumbered as clause (1) :-

"(2) Admission of students. In the matter of admission of students to the University, the Vice-Chancellor shall have power to refuse to admit any person as a student of the University without assigning any reason;

(3) Discipline of students. The Vice-Chancellor shall have power to take cognizance of any misconduct prejudicial to the general interests of the University by any student who seeks admission to University courses of study or by any candidate for the examinations of the University and to punish such misconduct by the deprivation of any University scholarship, studentship or fellowship held by him or by cancellation of any University prize or medal to be awarded to him or by suspending, dismissing or expelling him or by exclusion from any University Examination or from any course in the University or from any Convocation for the purpose of conferring degrees, either permanently or for a specified period or by the cancellation of any University examination for which he appears.

(4) Discipline of Teachers. The Vice-Chancellor shall also have power to suspend, withhold increments or accept the resignation of any officer or teacher for any breach of conditions of service in the University or acts prejudicial to the general interests of the University. An appeal will lie to the Syndicate within a month from the date of the order of the Vice-Chancellor.

(5) Discipline of clerical staff.- The Vice-Chancellor shall also have power to suspend, dismiss, discharge, withhold increments or reduce the pay, fine, retire or accept the resignation of any member of the clerical staff of the University for any breach of conditions of service in the University or acts prejudicial

to the general interests of the University."

It might be said that in a unitary University like the Annamalai University, powers of discipline should be vested in a single individual for quick and effective action. In this view, the proposed clauses may be accepted. But it is not clear whether the clause regarding admission of students which vests in the Vice-Chancellor the power to refuse to admit a student without assigning any reason will not be in conflict with the existing section 5.

3
14.5.63

The Vice-Chancellor has under the University Statutes power to regulate the admission of students (page 66 of the Calendar for 1939-42). There are regulations framed for admission (pages 190-191 of that Calendar). Page 5 c.f. does not make it clear why the provision should be made in the Act itself. The proposed clause (2) however goes far beyond any power of mere regulation. If it is intended to be in abrogation of the principles of Section 5 that would be hardly justifiable. With the wording as it stands, it would be certainly open to the objection that it might amount to such abrogation. If the clause is to be added, ~~it~~ I think, be done with a governing clause also saying "subject to the provisions of Section 5 (1)."

Not necessary

Discipline of Students

These powers are even now vested in the Vice-Chancellor by University Statutes (page 66 of the Calendar for 1939-42). Page 5 c.f. does not make it clear why this should be vested in him by the Act itself. There is no objection however to the proposal being accepted. ✓

Discipline of Teachers.

Powers vest now with the Syndicate -- as in the Madras University and Andhra University. Some of the powers

are proposed to be given to the Vice-Chancellor subject to an appeal to the Syndicate. This may, in the rather special circumstances of this University, be accepted.

(5) Discipline over Establishment

Powers are now vested in the Syndicate as in the Madras University and the Andhra University. The powers are proposed to be given to the Vice-Chancellor. Here again in the rather special circumstances of the University this may be accepted -- but an appeal to the Syndicate needs, I think, to be provided.

Appeal in case of dismissal or forced retirement, within one month of order.

Amendments may be accepted into the addition to (5), as noted above.

14/5/63

122

Section of the Act.

8. The following shall be the officers of the University, namely:— Officers of the University.

(1) The Chancellor,
(2) The Founder,
(3) The Pro-Chancellor,
(4) The Vice-Chancellor,
(5) The Registrar,
(6) The Deans of Faculties, and
(7) Such other persons as may be declared by the Statutes to be officers of the University.

9. (1) The Governor of ~~Fort St. George~~ Madras shall be the Chancellor of the University. He shall by virtue of his office be the head of the University and shall, when present, preside at meetings of the Senate and at Convocations. The Chancellor. His powers.

(2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

(3) The Chancellor shall be entitled to delegate all or any of his functions to the Pro-Chancellor.

Proposed Amendment.

The only change proposed is to provide for a Deputy Registrar among the officers of the University by including him below "(5) The Registrar". It is stated that the Senate has sanctioned the creation of a post of Deputy Registrar with effect from 1943. The proposal may be accepted.

13.5.43

14/5/43

Section of the Act.

123 9

The Founder. His powers.

11. (1) The Founder shall hold office for life unless otherwise expressly provided for in this Act.

(2) The Founder may require the Vice-Chancellor to furnish him with information and all papers or copies thereof relating to any matter concerning the University. The Founder may also request further consideration of the matter by the authorities or officers concerned or place his views thereon before the Chancellor for his consideration, or may do both.

(3) The Founder shall also exercise such other privileges as are conferred on him under the provisions of this Act.

Proposed Amendment.

pp 7 + 29 c.f.

The proposals are -

(1) to add a new clause below clause (1) in the following terms:-

"(2) The Founder shall have copies of the Agenda of the meetings of the Syndicate sent to him in advance of the dates of the meetings of the Syndicate; the Founder's views on items included in the Agenda shall be taken into consideration by the Syndicate at their meetings.", and

(2) to renumber the subsequent clauses.

2. The proposal may be accepted subject to such verbal alterations as the Legal Department may suggest in their course.

13.5.43

The existing provision would enable the Agenda to be obtained by the Founder from the Vice Chancellor. It also enables the Founder to have his views placed before the Syndicate for further consideration of any matter. What is now sought is a power to express his views in advance. Page 7 c.f. does not indicate the reason for this - and in fact mention is made there only about the Agenda paper. The proposal is likely to fetter free discussion in the Syndicate and does not therefore appear to be sound in principle.

VR Circle

Amendment may be accepted.

15/5/43

10

11

124

Section of the Act.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Founder. He shall, in the absence of special orders by the Chancellor prescribing a shorter period, hold office for a term of three years from the date of the notification of his appointment in the ~~Fort St. George Gazette~~ Official Gazette.

(2) The Vice-Chancellor may either be an honorary officer or be paid such salary as may be prescribed.

(3) When any vacancy occurs in the office of Vice-Chancellor, the Syndicate shall, as soon as possible, appoint one of its own members to exercise the powers and perform the duties of the Vice-Chancellor during the continuance of the vacancy.

Proposed Amendment.

bb 7-2-31-7

Section 12(1) provides that the Vice-Chancellor (by the Chancellor) shall be appointed from a panel of three persons recommended by the Founder. It is stated that difficulties have been experienced in submitting three names for the Chancellor's consideration and it is therefore proposed that even one nominee should be considered sufficient. The actual amendment proposed is to insert the following sentence after the first sentence of section 12(1).

"He may after a previous consultation with the Chancellor submit only one name."

There appears to be no objection to accept the proposal. But a simpler way of achieving the object would be by rewriting the first sentence of subsection (1) as follows:-

A | "The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Founder."

S
13.5.63

A. This would not bring out the idea however that the Chancellor should have a latitude of choice and that he has the final voice. Probably it would be better to add after this something to the following effect:-

The Founder shall for this purpose submit a panel of three names; if there should be difficulty in

his doing that, he may after consultation with the Chancellor ~~set~~ new up only one name.

W
2
15/5/43.

Amendment is clear
+ may be accepted.

Section of the Act.

Powers and duties of the Vice-Chancellor.

13. (1) The Vice-Chancellor shall be the principal executive officer of the University and shall, in the absence of the Chancellor and Pro-Chancellor, preside at meetings of the Senate and at Convocations. He shall ex officio be a member and the Chairman of the Academic Council and of the Syndicate.

(2) The Vice-Chancellor shall in the manner prescribed convene meetings of the Senate, the Academic Council and the Syndicate.

(3) In any emergency which in the opinion of the Vice-Chancellor requires that immediate action should be taken, he may take such action and shall immediately thereafter report his action to the authority or officer which or who would have ordinarily dealt with the matter and such authority or officer may confirm, alter or quash such action.

(4) The Vice-Chancellor shall have the power to appoint the clerical staff and other servants of the University.

(5) The Vice-Chancellor shall exercise such other powers as may be prescribed.

pp 92 33 c 2

Proposed Amendment.

The proposals are -

(1) to give the Vice-Chancellor the statutory right to attend meetings of university authorities, other than the Senate, the Syndicate ~~and the Academic Council~~ of which he is a member ex-officio, and to address such meetings without however the right to vote, and

(2) to empower him to convene joint meetings of the Faculties.

2. The actual amendment suggested is to substitute the following for the existing clauses (1) and (2):-

"(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at the meetings of the Senate and at Convocation. He shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned. He shall also have power to refer any matter to a Faculty, a Board of Examiners or any Committee or person and to

A
B

call for a report thereon.

(2) The Vice-Chancellor shall in the manner prescribed convene meetings of the Senate, the Syndicate and also the joint meetings of the Faculties."

Redraft of clause (1) The other two University Acts describe the Vice-Chancellor as only the principal executive officer and not also the principal academic officer. There

May be accepted as it is proposed to do away with the Academic Council

E 14.5.43

Academic Officer: I have not been able to find out the import of this phrase.

As distinct from executive

Portion 'A' follows the corresponding provision in the Madras and Andhra Universities Acts and may be accepted. I find, though, that this is already provided for by University Statutes (page 66 of the Calendar for 1939-42).

Portion 'B' seems to come under 'general executive powers' If necessary under Section 13(5) such powers may be specifically prescribed by a University Statute.

Page 9 c.f. does not indicate why the amendment on this point is sought.

In the other two University Acts I see that the point is covered only by a clause saying that it will be his duty to see that the provisions of the Act in the Statutes and in the Ordinances and Regulations are duly observed and he may exercise all the powers necessary for the purpose - Section 5(5) of the Andhra University Act and Section 12(2) of the Madras University Act. Incidentally I notice that the Syndicate has been given this power and it is not clear why it cannot be exercised through the Syndicate.

No objection. Amendments may be accepted

pp 9-11 + 35 c.f.

Section of the Act. 126/5

14. The following shall be the authorities of the University, namely:— Authorities of the University.

(1) The Senate,
(2) The Academic Council,
(3) The Faculties,
(4) The Boards of Studies,
(5) The Syndicate,
(6) The Finance Committee (for the period fixed under this Act),
(7) The Board of Selection,
(8) Such other bodies as may be declared by the statutes to be authorities of the University.

Proposed Amendment.

The Academic Council and the Boards of Studies - For the reasons mentioned at page 11 C.F., it is proposed to do away with the Academic Council and the Boards of Studies. Although these two authorities exist in the Madras and the Andhra Universities, it is probably true that in a unitary University like the Annamalai there is no need for the authorities in question. The proposal may be accepted and clauses (2) and (4) in the section deleted.

2. The Finance Committee - The life time of the Finance Committee was fixed at 10 years when the Act was passed and it went out of existence in 1939. The 10 years' limit had been suggested by the Select Committee and was passed by the Council with practically no discussion.

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3. It is now stated that a permanent Finance Committee is necessary. If it is to be restored, the words "The Finance Committee" may be inserted after clause (6) in the section.

4. It is further proposed to add the following proviso to clause (8):-

"provided that the authorities which may be so created by the Senate do not in any way take away the powers of the authorities constituted by the Act."

This provision also seems unobjectionable.

may be accepted

E 14.5.43

Finance Committee:- The proposals may be accepted. ✓

Proviso to clause 8. - May be accepted. ✓

Academic Council and Board of Studies:-

The comment at page 11 c.f. that these and the Faculties do not differ very much from one another in regard to powers is not quite accurate. The Faculties and the Boards are bodies advising and reporting to, the Academic Council. The Academic Council is the body having under the Act the control and regulation of residence, teaching and examinations in the University. Under the proposed scheme the Faculties will not replace the Academic Council in this regard; it is the Syndicate that will take over the functions of the Academic Council.

(Proposed Section 19-A - please see page 29 of the Sectional Notes).

The Board of Studies is proposed to be telescoped into the Faculties.

(Proposed clause 3 at page 27 of Sectional Notes).

The proposal may be accepted.

may be accepted

Section of the Act.

Constitution of the Senate.

15. The Senate shall consist of the following persons, namely :—

CLASS I—EX-OFFICIO MEMBERS.

(1) The Chancellor,

(2) The Pro-Chancellor,

(3) The Vice-Chancellor,.

(4) The Director of Public Instruction, Madras,

(5) The Chairman of the Chidambaram Municipal Council,

(6) The President of the District Board, South Arcot,

(7) Heads of departments of studies in the University,

(8) The Vice-Chancellors of the Madras and Andhra Universities,

(9) The Collector of South Arcot,

(10) The Advocate-General, Madras,

(11) Members of the Syndicate who are not otherwise members of the Senate,

(12) The Diwan of Pudukkottai,

CLASS II—LIFE MEMBERS.

(1) Ex-Vice-Chancellors of the University.

(2) All persons who make a donation of not less than twenty-five thousand rupees to and for all or any of the purposes of the University, and agree to such terms as the Syndicate may impose for the management of the said amount. In case the donor is a corporate body or a firm or a joint family or an association, the individual who shall be entitled to this life membership shall be determined in the manner prescribed.

CLASS III—OTHER MEMBERS.

(1) Twelve members elected from among themselves by graduates of the university registered in the manner prescribed, according to the principle of proportional representation by means of the single transferable vote,

Provided that during the first ten years after this section comes into force, the twelve members shall be elected according to the same principle by

(i) the graduates of the University,

(ii) the graduates of the University of Madras from the Sri Minakshi College at Chidambaram, and

(iii) the graduates of not less than seven years' standing of the University of Madras, other than those from the Sri Minakshi College at Chidambaram, residing in the manner prescribed in the districts of Madras, Chingleput, North Arcot, South Arcot, Salem, Coimbatore, the Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly and in the State of Pudukkottai,

(2) Four members elected by the Academic Council from among its members according to the principle of proportional representation by means of the single transferable vote,

P. T. O.

(3) ~~Five~~ Two members elected by the Madras Legislative Council from among its members according to the principle of proportional representation by means of the single transferable vote, and three members elected by the ~~Madras Legislative~~ Assembly from among its members according to the same principle.

(4) Such number of members not exceeding six, as the Chancellor may fix, to be elected by the donors of sums of not less than ten thousand rupees each to and for all or any of the purposes of the University and agree to such terms as the Syndicate may impose for the management of the said amounts,

(5) Eight members nominated by the Chancellor at least three of whom shall be representatives of depressed, backward or minority classes not otherwise adequately represented,

(6) Four members nominated by the Founder,

Provided that, if the office of the Founder is vacant on the date on which the nomination is to be made, and there is no likelihood in the opinion of the Chancellor of the vacancy being filled up within six months from that date, the Chancellor shall nominate the said four members,

(7) One member elected by the members of the District Board, South Arcot district, from among themselves,

(8) One member elected by the Municipal Councillors of the South Arcot district other than the Municipal Councillors of Chidambaram from among themselves,

(9) One member elected by the Municipal Councillors of Chidambaram from among themselves,

(10) One member elected by the members of the Sri Nandanar Kalvi Khazhagam, Chidambaram, from among themselves,

(11) One member elected by the general body of the Muhammadan Educational Association of Southern India from among its members,

(12) One member elected from among themselves by those engaged in teaching in any manner, on the staff of the Sanskrit College, Tiruvadi, the Rameswaram Sanskrit Patasala, Madura, and the Sri Minakshi Sanskrit College, Chidambaram,

(13) One member elected from among themselves by the members of the Madura Tamil Sangam,

(14) One member elected from among themselves by the members of the Tanjore Karanthai Tamil Sangam and the teaching staff of the Sri Minakshi Tamil College, Chidambaram,

(15) One member elected by the Southern India Chamber of Commerce and one by the Madras Chamber of Commerce,

(16) One member elected by the Madras Landholders' Association.

Proposed Amendment.

For the reasons mentioned at pages ~~4-5~~ 11-13 C.F., it is proposed to redraft Classes I and III as follows:- Also pp 37-39 C2

"Class I - Ex-officio Members.

(1) The Chancellor,

(2) The Pro-Chancellor,

(3) The Vice-Chancellor,

(4) The Director of Public Instruction, Madras,

(5) The Chairman of the Chidambaram Municipal Council,

(6) The President of the District Board, South Arcot,

(7) Deans of Faculties,

(8) The Vice-Chancellors of the Madras, the Andhra, the Travancore and the Mysore Universities,

(9) The Collector of South Arcot,

(10) The Advocate-General, Madras,

(11) Members of the Syndicate who are not otherwise members of the Senate,

(12) The Administrator of Pudukkottah or his nominee,"

"Class III - Other Members.

(1) Five members elected from among themselves by the graduates of the University registered in the manner prescribed according to the principle of proportional representation by means of the single transferable vote and three members to be elected from among themselves by the Oriental Title Holders of the University, one by the Vidvans, one by the Sangita Bhushanas and one by the Siromanis registered in the manner prescribed;

(2) Two members to be elected from among themselves by the members of the Legislative Council of the Province of Madras and three members similarly elected by the Legislative Assembly of the Province of Madras.

(3) Such number of members not exceeding six, as the Chancellor may fix, to be elected by the donors of sums of not less than ten thousand rupees each to and for all or any of the purposes of the University and agree to such terms as the Syndicate may impose for the management of the said amounts,

(4) Eight members nominated by the Chancellor at least three of whom shall be representatives of depressed, backward or minority classes not otherwise adequately represented,

(5) Four members nominated by the Founder,

Provided that, if the office of the Founder is vacant on the date on which the nomination is to be made, and there is no likelihood in the opinion of the Chancellor of the vacancy being filled up within six months from that date, the Chancellor shall nominate the said four members,

(6) A President of a District Board to be elected by the Presidents of District Boards of the Tamil Districts of Chingleput, North Arcot, South Arcot, Salem, Coimbatore, the Nilgiris, Tanjore, Trichinopoly, Madura, Ramnad,

Tinnevelly and Chittoor,

(7) A Chairman of a Municipal Council to be elected by the Mayor of Madras and the Chairmen of the Municipal Councils in the Districts mentioned in clause (6),

(8) A member of the Depressed classes elected by the members of the Sri Nandanar Kalvi Kazhagam, Chidambaram, from among themselves,

(9) A Muslim member elected by the General Body of the Muhammadan Educational Association of Southern India from among its members,

(10) A member of the Indian Christian Community elected by the Governing Body of the Indian Christian Association (Protestant) of Madras,

(11) A member of the Indian Christian Community elected by the Catholic Indian Association of the Province of Madras,

(12) Either the Principal of the Sanskrit College, Tiruvadi, or the Principal of the Rameswaram Sanskrit Patasala, Madura, to be nominated for periods of three years by the Vice-Chancellor of the Annamalai University in alternate periods of three years,

(13) One member elected from among themselves by the members of the Madura Tamil Sangam,

(14) One member elected from among themselves by the members of the Tanjore Karanthai Tamil Sangam,

(15) One member to be elected from among the members of the Sangam by the Trustees of the Tamil Isai Sangam, Madras,

(16) One member elected by the Southern India Chamber of Commerce, one by the Madras Chamber of Commerce and one by the Nattukkottai Nagarathar Association, Madras,

(17) One member elected by the Madras Landholders' Association,

(18) Two members to be nominated by the Vice-Chancellor, one from among the Headmasters of High Schools in the Districts of South Arcot and Tanjore and another teacher from among the graduate teachers resident in the said two districts,

(19) One member to be nominated by the Vice-Chancellor after consulting the Matathipathis of Tiruvavaduthurai, Dharmapuram and Tiruppanandal Mutts in the Tanjore District,

(20) One member, other than the Dean, elected from among themselves by the members of the teaching staff in the Departments assigned to each one of the Faculties in the University."

"No teacher of the University other than the Dean and the representative of the other teachers of each Faculty elected under clause (20) of class III, nor any employee of the University shall be eligible for election or nomination to the Senate."

2. Class I - Ex-officio members - It is perhaps desirable to consult the Governments of Mysore and Travancore before the Vice-Chancellors of the Universities are put in as ex-officio members. Similarly, the Govt. of India may probably have to be consulted in regard to the Administrator of Pudukkotta or any nominee being an ex-officio member of the Senate.

3. Class III - Other Members -

Clause (1) Registered Graduates as such are hereafter to return only five members, instead of 12 as at present; but 6 seats are to be thrown open to other University products - 3 for Oriental Title Holders, 1 for Vidvans, 1 for Sangitha Bhushanas and 1 for Siromanis. The proposal may perhaps be accepted, but the wording of the clause requires improvement. For example, it is not clear whether the election by electorates other than Registered Graduates should be according to the principle of proportional representation by means of the single transferable vote.

Clause (2) - The apportionment of the 5 members assigned to the Legislature into 2 for the Council and 3 for the Assembly ~~is unobjectionable; it follows the apportionment for the Andhra University - Vide section 15, Class III, (3) of the Andhra University Act.~~ has already been carried out in the existing clause by the G. of I. (Adaptation of Indian Laws) Order, 1937.

Clauses (6) and (7) - In one sense these create a wider electorate but in another sense rather restricts as persons entitled to vote will be the Presidents of Dt. Boards and Chairmen of Municipal Councils instead of the general body of members of these bodies.

The wider electorate is welcome. As to the other point, the principle of indirect election is followed & the powers of election will be limited. The proposals may be accepted by us

Clauses (12), (18) and (19) - The usual practice is to restrict the right of nomination to the ~~Vice~~ Chancellor. In the case of the Annamalai University, in view of the special position occupied by the Founder, the Founder has also been given the right of nominating members to University authorities. It is now sought to extend this power to the Vice-Chancellor also. For orders whether this innovation will be accepted. Moreover, the arrangement for nomination under clause (19) does not provide a remedy for resolving differences of opinion that may arise among the three Madathipathis. If the Vice-Chancellor should act according to his discretion, the provision for consulting the Madathipathis will be a nullity.

It is with A to the V.C. to nominate, after consultation. He is not bound by views of Ms.

14.5.43

Clause 12. Instead of electing by the Boards, the Principals of two of the institutions are elected & they are to be nominated by turns by the Vice-Chancellor. May be accepted.

Clause 18 The corresponding provisions in the Madras Univ. Act & the Andhra Univ. Act provide for election from among themselves by Headmasters of High Schools. That principle may be found in the present case where the area comprises only two districts. The proposal may be accepted.

All amendments may be accepted

Clause 19. I agree with the criticism as above. But probably the Clause may be worded to say the choice must be made in the manner prescribed, & the prescription may be made by University Statute which will be subject to the control of Government. Will make it easier for the Boards to [illegible]

Section of the Act. 130.23

Powers and duties of the Senate.

16. The Senate shall be the supreme governing body of the University and shall have the following powers, namely:—

(1) to make statutes and amend or repeal the same,

(2) to consider and pass resolutions on the annual reports and the annual accounts which resolutions shall be communicated to the Syndicate who shall take action in accordance therewith,

(3) to consider and pass resolutions on the annual financial estimates which resolutions shall, after the period of tenure of the Finance Committee, be communicated to the Syndicate who shall take action in accordance therewith,

(4) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the statutes, and

(5) to do all acts and things necessary to give effect to the provisions of this Act.

Proposed Amendment.

Clause (3) -

As it is proposed to have the Finance Committee as a permanency, the words "after the period of tenure of the Finance Committee" occurring in this clause is to be omitted. May be accepted.

When the words in question are omitted, the Syndicate will be the authority to take action on the Senate's resolutions on the annual financial estimates. This is also the arrangement in the other two Universities - cf. section 21(4) of the Madras University Act and section 21(3) of the Andhra University Act.

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Sections of the Act.

Constitution of the Academic Council.

17. The Academic Council shall consist of the following persons, namely:—

CLASS I—EX-OFFICIO MEMBERS.

(1) The Vice-Chancellor,
(2) The Director of Public Instruction, Madras,
(3) The Professors and Readers of the University,
(4) The Chairmen of the Boards of Studies,
(5) The Members of the Syndicate who are not otherwise members of the Academic Council.

CLASS II—OTHER MEMBERS.

(1) T[illegible] members, of whom not less than five shall be teac[illegible]er than Professors and Readers, elected by such te[illegible]

(2) [illegible]ve members elected by the Senate from among its mem[illegible]ers, provided that no one who is already a member of the Academic Council shall be eligible for election under this item.

Powers and duties of the Academic Council.

18. The Academic Council shall have the control and regulation of residence, teaching and examinations in the University and the maintenance of the standards thereof, shall have the following powers and shall perform the following duties, namely:—

(*a*) to make proposals to the Syndicate for the institution of professorships, readerships, lectureships or other teaching posts,

(*b*) to make regulations for purposes hereinafter specified,

(*c*) to make recommendations to the Syndicate for the recognition of teachers qualified to give instruction in hostels not maintained by the University,

(*d*) to formulate, modify or revise, subject to the control of the Senate, schemes for the constitution or reconstitution of faculties and departments of studies, and

(*e*) to do such other things and perform such other duties as may be prescribed by the statutes.

pb 118 41c7

Proposal.

It is proposed to omit sections 17 and 18 in conformity with the suggestion to abolish the Academic Council. May be accepted.

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Section of the Act. 132 27

19.(1) The University shall include Faculties of Arts, Science, Technology and Oriental Studies and such other Faculties as may be prescribed and each such Faculty shall be constituted in the manner prescribed.

(2) Each Faculty shall have a Dean. He shall be elected by the Faculty from among the heads of departments of the Faculty, and shall be responsible for the due observance of the statutes and regulations relating to the Faculty. He shall hold office for such period and subject to such conditions as may be prescribed by the statutes.

(3)Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Academic Council, have charge of the teaching, courses of study and research work in such departments. The head of every department of study shall be the Professor of that department or if there is no Professor, the Reader. If there is more than one Professor, or more than one Reader in a department, as the case may be, the Vice-Chancellor shall appoint such Professor or Reader as he thinks fit to be the head of the department. The head of the department shall be responsible to the Dean for the organisation of the teaching in that department.

pp132 43c 7

Proposed Amendment.

The proposal is to renumber section 19 as section 17 and to substitute the following for clause (3):-

"Each Faculty shall comprise such departments of study as may be prescribed by the regulations and shall, subject to the control of the Syndicate, be responsible for the teaching, courses of study and research work in such departments;

"The Head of every department of study shall be the Professor of that Department. If there is no Professor in a Department, the Vice-Chancellor shall arrange for the work of the Head of the Department being done by one or ather member of the staff of that department chosen by him;

"The Head of the Department or the teacher chosen to do the duties of the Head of the Department shallpreside over the meetings of the Committee of the Faculties to suggest courses of studies, text-books and syllabuses from time to time. The Head of the Department shall be responsible to the Dean for

the organization of teaching in that Department."

2. There is no necessity to renumber the section. The alteration proposed is in part consequential on the suggested abolition of the Academic Council and may be accepted.

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Proposed new section.

19-A.

19-A. Each Faculty shall have the following functions, namely:-

(a) to consider and report on any matter referred to it by the Senate, the Syndicate or the Vice-Chancellor;

(b) to make recommendations to the Syndicate in all matters relating to the organization of the University teaching, courses of study, examinations and research in the subjects of study comprised in it and to propose additions or amendments to the laws relating to these matters for the consideration of the Syndicate;

(c) to recommend to the Syndicate the names of persons suitable for appointment as examiners in the subjects assigned to the Faculty;

(d) to invite suggestions regarding syllabuses for and text-books in the subjects assigned to the Faculty from committees of the Faculty constituted from time to time and recommend to the Syndicate the syllabuses and text-books for the several courses;

(e) to appoint specialists in the subjects of study to the Committees, the number of such specialists not to exceed three for each Committee; and

(f) to recommend to the Vice-Chancellor the holding of joint meetings of two or more faculties to consider any matter of common interest to them.

Since the Academic Council and the Boards of Studies are to disappear, there is apparently need for making a statutory provision for the functions to be discharged by the Faculties. May be accepted.

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Section of the Act. 31 134

20. The number, constitution and duties of the Boards of Studies shall be such as may be prescribed. Boards of Studies.

C.7.47

Proposal.

It is proposed to delete this section consequent on the suggestion to do away with the Boards of Studies.

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Section of the Act.

Constitution of the Syndicate.

21. The Syndicate shall consist of the following persons, namely :—

CLASS I—EX-OFFICIO MEMBERS.

(1) The Vice-Chancellor,
(2) The Director of Public Instruction, Madras,
(3) The Deans of Faculties,

CLASS II—OTHER MEMBERS.

(1) Three members elected by the Senate from among its members,
(2) One member elected by the Academic Council from among its members,
(3) Two members nominated by the Chancellor,
(4) Two members nominated by the Founder, provided that, if the office of the Founder is vacant on the date on which the nomination is to be made and there is in the opinion of the Chancellor no likelihood of the vacancy being filled up within one month from that date the Chancellor shall nominate the said two members.

pp 13-15 & 47

C7

Proposed Amendment.

It is stated that at present the teacher element on the Syndicate is dominant, that the teacher members are regular in attending meetings while the others are not so regular and that experience shows that the teacher members' "presence is best avoided". The proposal is to reconstitute the Syndicate as follows:-

Constitution of the Syndicate.

"21. The Syndicate shall consist of the following persons, namely:-

Class I - Ex-officio Members.

1. The Vice-Chancellor,

2. The Director of Public Instruction,

Class II - Other Members.

3 members

1. One member elected by the Senate from among its members,

2. Three members nominated by the Chancellor,

3. Three members nominated by the Founder,

Provided that if the office of Founder is vacant when the nomination has to be made and there is in the opinion of the Chancellor no likelihood of the vacancy being filled within one month, the Chancellor shall nominate the said three members;

Provided that no teacher, officer or other

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employee of the University shall be eligible for election or nomination to the Syndicate."

2/ The new constitution would give 9 members, of whom 2 will be ex-officio, 6 nominated (half ~~bein~~ by the Chancellor and half by the Founder) and 1 elected member and there would be no teacher at all on the Syndicate. Although there is a provision in the other two University Acts to the effect that no teacher of the University shall be elected or nominated a member of the Syndicate, the elected element in them is much more than is now proposed for the Annamalai University as the following table shows:-

Madras University.		Andhra University.	
D.P.I. ex-officio	1	D.P.I. ex-officio	1
Elected by the Senate from among its members	8	Finance Secy. to Govt., ex-officio	1
Elected by the Academic Council from among its members	6 (3 to be teachers of affiliated colleges)	Elected by Senate from among its members	5
		Elected by the Academic Council from among its members	3
Nominated by the Chancellor.	3	Nominated by the Chancellor	3
	18, of whom 14 are elected.		13, of whom 8 are elected.

The proposed constitution for the Annamalai Syndicate is likely to evoke public criticism.

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As a result of the proposed proviso debarring teachers, and the elimination of the Academic Council, the teachers would stand eliminated and the object of the amendment would have been attained. It is difficult to see why, further, the representation from the Senate should be curtailed and the nominations by the Chancellor and Founder increased. As things stand now, apart from the ex-officio members, there are 4 elected members against 4 nominated, but the deans of faculties in the ex-officio get are something like an elected element there. The proposed amendment would tilt the balance preponderatingly

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in favour of the nominated block; and the position would be all the more glaring when compared with the position in the other two Universities. This is certainly ~~rightly~~ lately to be criticised as a retrograde step. I think that in any case the present system of three persons elected by the Senate, and two each nominated by the Chancellor and Founder respectively, should be maintained. That will keep the number at 9, and even then there would be 4 nominated persons as against 3 elected. Any alteration should rather take the shape of increasing the representation, by election, from the Senate.

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Alternative to be elected from Senate to three raising no to 11. This will increase the number of elected representatives which otherwise would compare unfavorably with Madras & Andhra. Rajah Sahib agrees. Amendments may otherwise be accepted.

Section of the Act.

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Powers and duties of the Syndicate.

22. The Syndicate shall have the following powers and perform the following duties, namely :—

(*a*) to control and administer the property and the funds of the University,

(*b*) to direct the form, custody and use of the common seal of the University,

(*c*) to suspend or dismiss the Registrar, the teachers, the clerical staff and other servants of the University for sufficient cause and to define their duties and the conditions of their service,

(*d*) to accept on behalf of the University bequests, donations and transfers of any movable or immovable properties or the management thereof,

(*e*) to arrange for the holding of and publish the results of the University examinations and in the prescribed manner to appoint examiners and cancel their appointment,

(*f*) to regulate and determine all matters concerning the University in accordance with this Act and the statutes and regulations,

(*g*) to institute, subject to the control of the Senate, and abolish or suspend on the advice of the Academic Council, professorships and other teaching posts,

(*h*) to refer any matter to the Academic Council, a Faculty or a Board of Studies for consideration and report,

(*i*) to draft such statutes and regulations as may from time to time be necessary and to submit them to the Senate and the Academic Council respectively for consideration,

(*j*) to dispense, subject to statutes made in this behalf, with a strict compliance with the regulations of the University in special cases,

(*k*) to make standing orders in such manner and on such matters as may be prescribed, and

(*l*) to do such other things and perform such other duties as may be prescribed.

Proposed Amendment.

It has been proposed to amend section 5 so as to empower the Vice-Chancellor to suspend officers, teachers, ~~and members of the clerical staff~~ of the University and to provide a right of appeal to the Syndicate. It is now proposed to rewrite section 22(c) as follows:-

"(c) to dismiss, discharge, reduce the pay of or retire any officer or teacher of the University for any breach of conditions of service in the University or acts prejudicial to the general interests of the University, and to hear and dispose appeals against the decision of the Vice-Chancellor under section 5."

The next alteration suggested is to omit the words "on the advice of the Academic Council" in

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clause (g). This is consequential on the proposed abolition of the Academic Council.

Similarly the reference to the Academic Council and Board of Studies in clause (h) is to be omitted and this clause rewritten as follows:-

"(h) to refer any matter to a Faculty or its Committee for consideration and report,". These proposals do not seem open to objection.

The last amendment proposed to the section is to omit the words "and the Academic Council respectively" in clause (i). While it is in order to require the Senate to draft statutes for consideration by the Senate, regulations stand on a different footing. Under the new scheme, consequent on the abolition of the Academic Council regulations will be made by the Syndicate instead of by the Academic Council. There is no question of the Syndicate submitting drafts of regulations for the consideration of the Senate. The Syndicate is to make the regulations. Only power will remain with the Senate to cancel or modify any regulation passed by the Syndicate - see section 32 infra. In this view, clause (i) should simply be "to draft such statutes as may from time to time be necessary and to submit them to the Senate for consideration".

14.5.43

Amendment may be accepted

But then the power to make regulations would become supervisory. Provision in this behalf is to be made further on

see p 53 infra

Section of the Act.

Constitution of the Finance Committee.

23. The Finance Committee shall consist of the following persons, namely :—

(1) The Secretary to the Government of Madras in charge of Finance,

(2) The Founder, and, in case the office is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section, during the continuance of the vacancy,

(3) The Vice-Chancellor,

(4) One member elected by the Senate from among its members, provided that no one who is already a member of the Syndicate shall be eligible for election under this clause.

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Proposed Amendment.

On the Finance Committee being revived, it is proposed to constitute it as follows:-

"The Finance Committee shall consist of the following persons:

(1) The Founder, or, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this section during the continuance of the vacancy;

The Founder shall be the Chairman of the Finance Committee;

If the Founder has to be absent for a meeting or meetings, he shall have power to nominate a person to act for him on the Committee for a period not exceeding six months at a time;

(2) The Vice-Chancellor;

(3) One member nominated by the Chancellor;

(4) One member co-opted by the above three members of the Committee, provided that no one who is already a member of the Syndicate and no teacher, officer or other employee of the University shall be eligible for co-option under this clause."

The proposal may be accepted subject to such verbal alterations as Legal may make. For the comments on the provision for a Finance Committee made by the Select Committee in 1928, see page 31 of "L".

14.5.43

In the Andhra University Act the members on the corresponding body are the Vice-Chancellor, the Secretary to Government in the Finance Department, one member appointed by the Syndicate, one member nominated by the Chancellor from among the three persons nominated by him to the Syndicate.

Page 15 c.f. does not indicate why on restoration the Committee should not have the same composition as previously. The member elected by the Senate goes out; he is to be replaced by a person coopted by the other members of the Committee. Instead of the Secretary to Government, Finance Department a member nominated by the Chancellor is suggested. The former proposal is likely to be a target of criticism; and so probably is the proposal that the Founder shall be the Chairman of the Committee himself or by a substitute. When the Committee was previously functioning it framed its own rules of business and the Vice-Chancellor was the Convenor and probably functioning as Chairman.

There is no provision made in the Andhra University Act about the Chairman and probably the Vice-Chancellor functions as Chairman.

Fin. Dept. Memo 2 (1575/43)

No reason has been given for proposing alterations in the personnel of the statutory Finance Committee as it existed up to 1939, when it is said to have worked well. I would suggest that s.3 be revised in its original form (s.23 has, under s.47, ceased to form part of the Act, & it will be necessary to re-enact even if it is to be in the original form without any change). No reason has been given for the proposal that the Founder should be the Chairman. I would suggest that the Committee be left to frame its own rules of business & appoint its Chairman. There has been only one meeting (the budget meeting) so far of the statutory Finance Committee appointed last year, & at neither the Founder nor the Vice-Chancellor wished to be & I did so at their request. DW 18.5.43

✓ + Fin. Sec.

[39] 38A

Rajah Sahib agrees (1) to deletion of provision making the Founder Chairman (2) to one member being Finance Secretary (instead of Chancellor's nominee) & (3) to Committee framing its own rules of business. He is very strong on the fourth member being co-opted by the other 3. This may be accepted.

It is proposed to insert ~~this~~ as a new section before existing section 24.

"23-A. The Finance Committee shall have the following powers, namely:-

(a) to scrutinize the annual budget estimates and the supplemental estimates prepared by the Registrar and place them before the Syndicate, the Senate and the Chancellor;

(b) to conduct a general examination of the accounts of the University and review the financial position of the University periodically;

(c) to make proposals to the Syndicate and the Senate on matters relating to the Finances of the University;

(d) to examine every proposal for new expenditure and advise the authorities thereon;

(e) generally to devise means for the improvement of the financial position of the University;

and (f) to call for full details of proposals and schemes from the Syndicate and the other authorities of the University on all suggestions of theirs involving expenditure;

and (g) All proposals of reappropriations from one head to another in the budget for the year as finally adopted, shall be made with the consent of the Finance Committee. Fresh expenditure that could not be made by reappropriation shall be budgetted for in the form of supplemental estimates and duly placed before the Syndicate for approval and the Senate for sanction."

May be accepted.

15/5/43

14.5.43

Fin. Dept.

I suggest the changes indicated in pencil above. This is not the appropriate place for the last sentence regarding supplementary estimates. The procedure regarding them should presumably be the same as for the budget estimates with the final decision

40

in case of differences resting with the Chancellor.
I suggest that an addition to this effect be made at the end of the new § 24.

(a) the words "and the Chancellor" may be deleted.

Mr. Lee's suggestion accepted.

Section of the Act. 41

24. (1) The Syndicate shall, in the manner prescribed, frame the financial estimates of the University and place the same before the Finance Committee. Powers and duties of the Finance Committee.

(2) The Finance Committee shall then scrutinize the said estimates and shall be entitled to make such modifications therein as it considers necessary.

(3) The said estimates as modified by the Finance Committee shall then be placed before the Senate which may assent or refuse its assent to the same or may omit or alter any of the items therein.

(4) (i) (*a*) All modifications made by the Senate in the said estimates which have not the effect of increasing the income,

(*b*) and all proposals, involving any expenditure, originated by the Senate apart from such estimates,

shall be placed before the Finance Committee for its consideration.

(ii) All points of difference between the said Committee and the Senate in respect of the matters specified in clause (i) shall be placed before the Chancellor and his decision thereon shall be final.

Proposed Amendment.

The proposal is to rewrite the section as follows:-

"24. (1) The Registrar shall take orders from the Vice-Chancellor, frame the financial estimates of the University, embodying such proposals of the Departments as the Vice-Chancellor may permit him to include, and place the draft budget before the Finance Committee for their consideration;

(2) The Finance Committee shall then scrutinize the said estimates and shall make such modifications therein as it considers necessary;

(3) The said estimates as modified or approved by the Finance Committee shall be placed before the Syndicate for their consideration;

(4) The said estimates as modified by the Syndicate shall be placed before the Senate for its consideration;

All modifications made by the Syndicate and the Senate in the said estimates shall be placed before the Finance Committee again for its consideration;

All points of difference between the Finance Committee on the one side and the Syndicate and the Senate on the other shall be placed before the Chancellor with the opinion of the three authorities

and his decision thereon shall be final."

May be accepted.
E
14.8.43

Under the existing system, initiation of the estimates is with the Syndicate, the final adoption rests with the Senate and only ~~files~~ points of difference between the Senate and the Committee on certain specified points are to go before the Chancellor. The proposal now made gives the initiation to the Vice Chancellor, allows the Syndicate and the Senate only to consider them and make modifications; these modifications will have to go again to the Finance Committee, and no provision is made for a final decision as among these bodies - and all points of difference have to be referred to the Chancellor.

Under the Madras University Act the Syndicate frames estimates and submits them to the Senate which passes orders. In the Andhra University Act, the Syndicate prepares the estimates, refers them to the Finance Committee for scrutiny and opinion before taking them up for final consideration and then sends them to the Senate, which passes orders.

The proposals involve the whittling down of the powers of the Syndicate and the Senate and are likely to evoke criticism.

Fin. Dept. 17/8/43

In practice the estimates are bound to be prepared by the Registrar & his office under the V.C.'s orders, & there is no need at all for them to go to the Syndicate to be "initiated" before going to the Fin. Committee. I think it is desirable for the Chancellor to have the last word in regard to all differences on financial matters. I recommend the new §24 but would suggest also that a sub-clause (5) be added as follows:- "When the Vice Chancellor considers it necessary to incur further expenditure which cannot be met from the budget appropriations or by re-appropriation, he may instruct the Registrar to prepare a supplementary estimate, in which the same procedure as that laid down above for the budget estimates shall be fol-

Accepted.
K

Section of the Act. 142

The Board of Selection—Its powers.

25. (1) The Board of Selection shall consist of the following persons, namely :—

(a) One member nominated by the Chancellor,

(b) The Founder and, in case the office is vacant, any person nominated by the Chancellor to do the duty of the Founder under this section during the continuance of the vacancy,

(c) The Vice-Chancellor,

(d) One member elected by the Syndicate from among its members, and

(e) One member elected by the Senate from among its members.

(2) The Board of Selection shall have the power to appoint the Teachers and the Registrar of the University.

Proposed Amendment.

It is proposed to recast the section as follows:-

"25. The Board of Selection shall consist of the following members, namely:-

(1) The Founder, or, in case the office of the Founder is vacant, any person nominated by the Chancellor to do the duties of the Founder under this Section during the continuance of the vacancy;

The Founder shall be the Chairman of the Board od Selection.

If the Founder has to be absent for a meeting or meetings, he shall have power to nominate a person to act for him on the Board for a period not exceeding six months at a time;

(2) The Vice-Chancellor;

(3) One member nominated by the Chancellor;

(4) One member co-opted by the above three members of the Board, provided that no one who is already a member of the Syndicate and no employee of the University shall be eligible for co-option under this clause."

2/ The Board of Selection is to be constituted in the same manner as the Finance Committee.

3. The argument advanced for doing away with the Academic Council is that in constitution and powers it did not differ very much from the Faculties and the Boards of Studies. If the same analogy is applied, it is not clear

whether there should be both the Finance Committee and a Board of Selection or whether the Finance Committee itself may not function as the Board of Selection also.

E
14.5.43

There is no indication at page 15 c.f. of the reason for disturbing the present composition of this body.

The proposal eliminates the members elected by the Senate and the Syndicate and substitutes in their place a member coopted by the other 3 members. The principle underlying this change is likely to be a matter for criticism; and so, as in the case of the Finance Committee, is the proposal that the Founder or his nominee should be the Chairman. Under the existing provisions the Board frames its own business rules.

In the Andhra University the Vice-Chancellor is the ex-officio Chairman.

hp
15/5/43.

Dr Rajat Sahib agrees to deletion of provision making the Founder Chairman & to the Board framing its own business rules.

L

Section of the Act.

Annual accounts.

26. (1) The annual accounts of the University shall be prepared by the Syndicate in the manner prescribed and shall be submitted to such examination and audit as the Local Government may direct.

(2) The accounts when so examined and audited shall be published by the Syndicate in the *Fort St. George Gazette* and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the ~~Local~~ Government.

Proposal.

bp 15.5.43 c.f.

It is proposed to rewrite the section as follows:-

"26. (1) The annual accounts of the University prepared by the Registrar shall first be laid before the Finance Committee whose recommendations thereon shall be placed before the Syndicate for approval;

(2) Such modification as the Syndicate may consider necessary shall be referred back to the Finance Committee for their consideration;

(3) The accounts as modified and approved by the FinanceCommittee shall then be submitted to such examination and audit as the Local Government may direct;

(4) The accounts so examined and audited shall be published by the Syndicate in the Fort St. George Gazette and copies thereof shall, together with copies of the report of such examination and audit, be submitted to the Senate, the Finance Committee and the Local Government."

may be accepted.

E
14.5.43

may be accepted.

L

Here too as in the case of the financial estimates (please see my comments at page 42 of the Sectional notes) the matter is shifted from the Syndicate to the Finance Committee -- a point which on principle is likely to evoke criticism.

hp
15/5/43.

1114

The Univer-sity

27. The Chancellor, Pro-Chancellor and Vice-Chancellor of the University and the members of the Senate, the Academic Council and the Syndicate shall constitute a body corporate by the name of the Annamalai University of Annamalainagar and shall have perpetual succession and a common seal and shall sue and be sued by that name.

6107

Amendment

Consequent on the proposal to do away with the Academic Council, it is proposed to omit the words "the Academic Council".

May be accepted.

14.5.43

WJSM.

49

145 . 49

29. Subject to the provisions of this Act, the statutes may provide for all or any of the following, namely :— Statutes.

(*a*) the constitution, powers and duties of the authorities of the University ;

(*b*) the establishment and maintenance of hostels by the University ;

(*c*) the conditions of recognition of hostels not maintained by the University ;

(*d*) the powers of the officers of the University and in the case of officers other than the Chancellor and Pro-Chancellor their duties ;

(*e*) the conditions of service of the Vice-Chancellor and the Registrar ;

(*f*) the holding of Convocations to confer degrees ;

(*g*) the conferment of honorary and *ad eundem* degrees and other distinctions ;

(*h*) the institution and award of fellowships, including travelling fellowships, scholarships, medals and prizes

(*i*) the classification, emoluments and mode of appointment of the teachers of the University ;

(*j*) the institution of a provident fund for the benefit of the officers of the University (other than the Chancellor, the Founder, the Pro-Chancellor and the Vice-Chancellor), its teachers, clerical staff and servants ;

(*k*) the maintenance of a register of registered graduates ;

(*l*) all matters which under this Act may be prescribed by the statutes ; and

(*m*) all other matters and things save those in respect of which regulations can be made, which are within the purposes of this Act, whether incidental to those specified above or not.

Amendment

pb 17.7.61 c.7

The only alteration proposed is to rewrite clause (d) as follows :-

"(d) the powers, duties and conditions of service of the officers of the University other than the Chancellor, the Pro-Chancellor and the Founder"

The redraft may be accepted ; in that case, clause (e) would become unnecessary as the idea is included in clause (d).

Σ
145.63

lw
15/5/63

Regulations

31. Subject to the provisions of this Act and the statutes, the regulations may provide for all or any of the following matters, namely:—

(*a*) the admission of students to and the levy of fees therefor by the University ;

(*b*) the conditions under which any person may be admitted to the examinations, degrees and diplomas of the University ;

(*c*) the conditions of residence of the persons referred to in section 7 and the levy of fees for residence and tutorial instruction in hostels maintained by the University ;

(*d*) the number and qualifications of professors, readers, lecturers and other teachers in the University ;

(*e*) the fees to be charged for courses of teaching given by teachers of the University, for tutorial and supplementary instruction given by the University, for admission to the examinations, degrees and diplomas of the University and for the registration of graduates ;

(*f*) the conditions subject to which persons may be recognized as qualified to give instruction in colleges, hostels and lodgings not maintained by the University ;

(*g*) the appointment and duties of examiners and their emoluments ;

(*h*) the conduct of examinations ;

(*i*) all other matters which by this Act or by the statutes may be provided by the regulations ; and

(*j*) all matters incidental to those specified in clauses (*a*) to (*i*).

Amendment

~~PD~~ p.61 c.7

The proposal is to omit the word "readers" in clause (d). This is consequential on the recent definition of "readers" under section 2.

14.5.43

147

Regulations, how made.

32. Regulations may be made by the Academic Council on its own motion or on the submission of a draft to it by the Syndicate provided that in the former case before a regulation is passed the opinion of the Syndicate thereon shall be obtained and taken into consideration by the Academic Council.

All regulations shall have effect from such date as the Academic Council may appoint in that behalf; but every regulation so made shall be submitted as soon as may be to the Senate who shall consider it at its next meeting or at any other meeting to which it may adjourn the consideration thereof. The Senate shall have power, by resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or modify any such regulation.

Syndicate

p.63 c.7

Amendment

The proposal is to rewrite the first sentence as follows:-

"Regulations may be made by the Syndicate on its own motion or on the submission of a draft by the Faculties. In the former case before ~~the~~ a regulation is passed, the opinion of the Faculty thereon shall be obtained and taken into consideration by the Syndicate.";

and (2) to substitute the word "Syndicate" for the words "Academic Council" in the second sentence.

The alteration are consequential on the proposed abolition of the Academic Council.

14.5.43

(S.S.M.)

55

P. 63 c 7

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ACT No. OF 1943.

An Act to amend the Annamalai University Act, 1928.

Madras Act I of 1929.

WHEREAS it is expedient to amend the Annamalai University Act, 1928, for the purpose hereinafter appearing;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called the Annamalai University (Amendment) Act, 1943.

Madras Act I of 1929.

Amendment of section 33, Madras Act I of 1929.

2. In section 33 of the Annamalai University Act, 1928—

(i) in sub-section (1), the words "as member thereof from the date of his election or nomination thereto" shall be omitted;

the proposal is to adopt existing section 33 as it is in stand alone this amendment now awaiting publication has been made

E 19.5.43

(ii) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) respectively and the following shall be inserted as sub-section (2), namely:—

"(2) Vacancies among elected members of any such authority or body occurring by efflux of time on the date of the reconstitution thereof, may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days as he thinks fit, not being earlier than two months from the date aforesaid.";

(iii) in sub-section (3) as so renumbered, for the words "vacancy in the said membership occurring before the said reconstitution" the words "vacancy in the membership of any such authority or body occurring before the reconstitution thereof" and for the word "appointed" in both the places where it occurs, the word "nominated" shall be substituted.

IN 57

38. All the authorities of the University shall have power to appoint committees and to delegate to them such of their powers as they deem fit; such committees may include persons who are not members of the authority concerned; Constitution of committees.

Provided that the number of persons so included in any committee shall not exceed one-fifth of the total number of that committee.

Amendment

bb 17 A 65 c 7

The proposal is to delete the proviso, apparently for the reason that some authorities are so small in size ~~that~~ that one-fifth of them would not provide any decent number of members - as in the composition of the Syndicate proposed under section 21.

14-5-43

58

Hb 17/65
C 7

From page 23
(D.: 38)

Insertion of a new section as section 38A

"38A All officers, teachers and other employees of the University shall be appointed on written contracts for periods not exceeding 5 years at a time. Such contracts may be renewed from time to time on the parties agreeing so to do. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the Officer, teacher, or other employee concerned.

This provision shall come into force immediately.

Notwithstanding anything contained in the orders appointing officers, teachers and other employees to their present posts, every existing officer, teacher and other employee of the University shall be called upon to enter into a contract with the University for a period not exceeding five years at a time from the day on which this Act as amended comes into force."

A

"Provided that they have either already entered into a contract or have given their consent in writing to abide by any alteration in their conditions of service."

This is a new provision. The idea of making appointments on a five year contract is unobjectionable, but it is not clear that it is as unobjectionable to require persons already in service to bind themselves for a further five years' service, irrespective of the conditions on which the original appointment was made.

I think this inequitable in the case of present staff. Sahib has suggested the proviso that I have written in the margin above. This may be accepted.

Sd/- Nur Rajab 14.5.43

The provision should be made applicable only to fresh entrants.

I do not think that it is justifiable to make a law affecting whatever legal and contractual rights the present staff may have; and I consider therefore that the portion beginning with "notwithstanding ...." should not be accepted.

15/5/43

60

pb 17267

c/2

delete

B

Insertion of a new section as section 39.

"39. The University shall constitute for the benefit of its officers, (other than the Chancellor, Pro-Chancellor, Founder and Vice-Chancellor) and of its teachers and other servants a Provident Fund (and a Gratuity Fund) in the manner prescribed;

The Provident Fund shall be made up of subscriptions at the rate of six and one-fourth per cent on pay and the contribution by the University of an amount equal to the subscriptions.

For fifteen years and more of service full University contribution shall be payable. Ten years of service will be the minimum period to qualify for a contribution by the University."

What is wanted is to prevent the Senate from raising the rate of contribution, etc. This may be accepted? [39 re-written] Incorporate this, plus the last 4 lines of the existing [39 — from "The G.G. in Council ...

It does not appear necessary that there should be a provision in the Act for the constitution of a Provident Fund. The matter is clearly one to be determined by Statute — see section 29(j). Section 39 says that if a provident fund is instituted, the provisions of the Provident Funds Act, 1925, would apply as though the fund were a govt. Provident Fund. The matter may be left at that.

14.5.43

15/5/43.

62

152

Permanent Endowment Fund.

41. (i) The University shall have a fund called the Permanent Endowment Fund which it shall invest and keep invested in securities issued or guaranteed by the Central Government ~~of India~~ or by ~~Local~~ Provincial Governments in British India.

(ii) The said Permanent Endowment Fund shall consist of—

(*a*) the sum of twenty lakhs of rupees given by the Founder, the Honourable Diwan Bahadur Sir S. R. M. Annamalai Chettiyar;

(*b*) the sum of twenty-seven lakhs of rupees given to it by the ~~Local~~ Provincial Government; and

(*c*) any contributions to this fund made by the ~~Local~~ Provincial Government, the ~~Government of India~~ Central Government, any local or other public body, the Founder or others.

Amendment

pp 1926 c7

It is proposed to rewrite clause (c) above as follows, so as to provide for contributions which may be received from Indian States and their rulers or from the University itself:-

"(c) Any contributions to this fund made by the (Local) Govt., (the Govt. of India) the Indian States and their rulers, any local or other public body, the Founder, the University or others."

Provincial & Central Govt.

It would seem that "others" in the existing section will admit of contributions which may be offered by States and their rulers and even by the University itself. There is, however, no objection to the proposed amendment.

14.5.43

by WSW

64

Contribution by Government to the University.

43. The ~~Local~~ Provincial Government—

(1) shall contribute to the general fund annually a sum of one and a half lakhs of rupees, and

(2) subject to such conditions as may be agreed upon between them and the University

(*a*) shall give for the buildings and equipment of the University a sum of seven and a half lakhs of rupees, and

(*b*) may contribute, from time to time, such further sums as they deem fit to contribute to the said fund or towards such buildings or equipment.

Amendment

pp 1985 c.7

The proposals are to re-write sub-section (1) and sub-section (2)(b) as follows:-

A | "(1) shall contribute to the general fund annually a sum of not less than one lakh and ninety thousand rupees;

B | ~~(2)(b) may contribute, from time to time, towards such further sum as they deem fit to contribute towards the said fund for capital purposes~~ to meet cost of buildings, drainage, equipment and for provision of amenities."

'A' above 20.2.43 The raising of the figure from Rs. 1.50 to Rs. 1.90 lakhs is presumably based on the enhanced grant sanctioned in G/o No. 601 Edn. of 11.4.42. It is apparently hoped that the mention of the figure in the Act will make the grant a charge on the revenues of the Province. The last Ministry decided that none of these grants to Universities or local bodies need be treated as "charged". That decision still holds the field and although the power to legislate in respect of multiple Universities like the Madras and Andhra Universities has since been given to Provincial Legislatures, no action has been taken to make the grants to these Universities "charged" items, with refce. to the decision mentioned above. Finance should see this amendment and say whether

(B) 1/33

G/o 902 Edn (C) 2
17.5.40 Pt 9

they have any objection.

'B' on previous page. The Govt. have recently undertaken to pay grants for a drainage scheme, Tamil Research building and Science building — p 41 of Gis. 601 Edn. of 11.4.42. The proposed draft appears unobjectionable as it does not make any payment obligatory on Govt. Finance may nevertheless see for remarks.

(B) See also p. [illegible] of the Budget Memo. for 1942-43. Demn 35-38.

14.5.43

Fin. (Sup. A.)

In the circs stated in Fin. note above Fin. need not have any objection to the proposed amendment.

Chief 17.5.43

The amendment proposed to Sec. 43 of the Annamalai University Act does not commit the Govt. to any additional expenditure and they may be accepted.

(X) [p. 19 ante and notes on pp 65-6 ante]

£

SXRH

NRR 18.5.43

As the existing § 43 (1) does not make the grant of Rs. 1½ lakhs p.a. a charge on the revenues of the Province, the mere alteration of the figure will obviously not make any difference in that respect. As the increased grant of Rs. 1·90 lakhs is evidently intended to be permanent, there seems to be no objn. to changing the figure in § 43 (1) accordingly. The only result would be that if the Govt at any future time wished to reduce the grant to less than Rs. 1·90 lakhs but not less than Rs. 1½ lakhs, the reduction would require legislation, whereas as matters now stand it could be done by executive order.

Fin. has no objn. to the proposed amendment of § 43 (2) (b).

18.5.43

May be accepted.

Completion of Madras University courses.

44. Notwithstanding anything contained in this Act or the regulations any student of the University who was pursuing a course of study for any examination of the University of Madras shall be permitted to complete that course and the University shall hold or arrange with the University of Madras for holding for such students examinations in accordance with the curricula of studies of that University for such period as may be prescribed and notwithstanding anything contained in the Madras University Act, 1923, or the Statutes, Ordinances and Regulations thereunder, such students may be admitted to the appropriate examinations of that University.

Transitory provisions.

45. (1) At any time after the passing of this Act the Vice-Chancellor may with the previous approval of the Chancellor, take such action consistent as far as may be with the provisions of this Act and the statutes as he may think necessary for the purpose of bringing the University into being, and for that purpose may exercise any power which by this Act or the statutes is to be conferred on any officer or authority of the University.

(2) At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted, the Registrar and the teachers of the University shall be appointed by the Chancellor after considering the recommendations of a committee consisting of the Pro-Chancellor, the Vice-Chancellor, and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(3) Any appointment made under sub-section (2) shall be for such period and on such conditions as the appointing authority thinks fit: provided that no such appointment shall be made until financial provision has been made therefor.

(4) The first statutes and regulations shall be made by a committee consisting of the Vice-Chancellor as Chairman, and two or more persons nominated thereto by the Chancellor and shall come into force after being approved by the Chancellor, on such date or dates as the Chancellor may appoint in that behalf.

(5) The salary, if any, of the first Vice-Chancellor shall be fixed by the Chancellor.

p. 71 ante

Amendment

The proposal is to delete these two sections. May be accepted as the provisions have spent themselves.

14.5.43

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46. The Chancellor shall have power to take any action necessary to remove any difficulty that may arise in first giving effect to the provisions of this Act. Removal of difficulties at the commencement of the Act.

P. 21c7

Amendment

The proposal is to delete the word "first" and to retain the section. This was under originally meant as a transitory provision. Now that the University has been constituted there appears to be no need to retain the section. Legal may advise.

16.5.43

The Section was intended to provide for removal of difficulties at the commencement of the Act. The proposed amendment would make this provision remain as giving a standing residual power. I do not consider that it was the intention that there should be such a power. The Section must, I think, either go or remain unamended.

15/5/43

Legal Department

The question is one of policy. No doubt the intention of the framers of the Act was that section 46 should be only a transitory provision and that it should cease to be operative after the provisions of the Annamalai University Act had been given effect to in full. What however is now desired by the Rajah Sahib is that there should be power vested in the Chancellor, at any time in the future, to take such action as may be necessary to remove any difficulty that may arise in giving effect to the provisions of the Act. In other words, the intention seems to be, as pointed out by Secretary E. & P.H., that there should be a standing residual power to the effect stated in section 46. This raises a question of policy on which a decision has to be taken by the administrative department.

17-1-43

70

This Section (the drafting) may stay as it is. This sentence may be added "In the case of any doubt in the interpretation of any of the provisions of this Act the matter shall be referred to the Chancellor & his decision thereon shall be final. No action in a civil court will lie".

156

47. This section, item (6) of section 14, and sections 23 and 24 shall cease to be part of this Act on the termination of ten years from the date on which section 23 comes into force. Duration of certain sections of the Act.

Amendment

It is proposed to delete this section. This should be deemed to have lapsed with the expiration of the lifetime of the Finance Committee. It is not clear whether a formal amendment is necessary. [It will be observed that the Finance Committee now to be revived is to be a permanent body]. Legal may advise

14.5.43

Legal Department

Although section 47 ceased to be part of the Act at the end of the 10 year period, yet it seems necessary, or at any rate, safer, to remove it from the statute book by a formal repeal. This Department would advise that the section may be formally repealed, as proposed.

K.M. 17-5-43

22/5/43

THE END

Further Sectional Note

Suggestion (i).

"It is desirable, from an educational point of view, to maintain the Academic Council - which itis proposed to abolish as a body for supervising and co-ordinating the academic side of the work. The Faculties or the Syndicate will not be able to discharge this duty adequately."

Secretariat Note.

The proposal in the Bill to abolish the Academic Council has also been commented upon by the HINDU, the INDIAN EXPRESS and the FREE EXPRESS and also by Mr. V.K. Nagaraja Ayyar.

2. The powers of the Academic Council are laid down in section 18 of the present Act and section 31 cites the matters on which it can make regulations. The Founder has explained that the Academic Council has chiefly been concerned with the prescription of text-books, syllabuses, courses of studies and examinations and has also pointed out that there is a good deal of over-lapping of the work of the Academic Council and of the other two bodies, viz., the Boards of Studies and the Faculties, in these matters. One important piece of work which now falls to the Academic Council is the formulation of proposals to the Syndicate for the institution of Professorships, Lecturerships, etc., including the number in each category to be employed and the qualifications expected of them - section 18(a) and 31(d) of the existing Act. This power is not adverted to in the Founder's note.

3. It is observed that in the Amending Bill the Faculties are not given the power to take any initiative in the matter of providing teaching posts - Vide clause 12 of the Amending Bill. That is apparently the main reason why Mr. Nagaraja Ayyar says that the Faculties cannot be considered to be the heir of the Academic Council (and the Boards of Studies) proposed to be abolished. The HINDU also makes similar observations and apprehends that the Faculties will have no initiative and will normally be concerned each only with its own sphere of work. The latter

1(a)

apprehension however overlooks the provision in the Amending Bill which provides for ~~the~~ joint meetings of the Faculties. clause 12(1) of the Bill

As regards the denial of initiative to the Faculties, one of the Syndicate's powers under the present Act is "to institute, subject to the control of the Senate, and abolish or suspend on the advice of the Academic Council, Professorships and other teaching posts" - clause (g) of section 22. The Amending Bill would omit the words "on the advice of the Academic Council". The clause will then read Page 43 of the Calendar

"to institute, subject to the control of the Senate, and abolish or suspend, Professorships and other teaching posts;" clause 14(ii) of Bill

The Faculties do not take the place of the Academic Council in advising the Syndicate in the matter of abolishing or suspending teaching posts. This is apparently intended.

Mr. Nagaraja Ayyar suggests the retention of the Academic Council (and the Boards of Studies) or in the alternative, the vesting of all the powers of the Academic Council in Faculty Councils selected by all the teachers of the University and of the powers of the Boards of Studies in Committees of Faculties elected by Faculty Councils and recognized as authorities of the University in the Act itself. p 11 of

4. Mr. Kedari Rao would retain the Boards of Studies if the Academic Council is to go. p 21 of

5. On the other hand, the 'MAIL' and the 'LIBERATOR' agree with the principle of the amendment, viz., that for a small unitary University like the Annamalai University a very large number of administrative bodies is unnecessary and would only impede smooth administration. The Founder has also cited the instance of the Travancore University which has no Academic Council. pp 1 and 9 of (2) / p 2 of (4) Minutes of Calcutta & Patna. (4)

30.8.43

There seem to be no strong grounds for altering in deciding to abolish the Academic Council. p 25 of (KR & LF)

There is no need in the small unitary University for an Academic Council in addition to the other bodies. 30/8/43 6/9/43

Suggestion (ii). 158-2

"It is desirable that teachers in an institution of University rank should have reasonable representation on the various bodies of the institution, more particularly the Senate and the Syndicate. The present proposal is to take special steps to ensure that, except for one teacher per Faculty, there shall in no circumstances be more teachers on the Senate. Teachers are to be altogether excluded from the Syndicate, the proposed Finance Committee, and the Committee of Selection (proposed sections 23 and 26). There is something to be said for the theory that the body on which teachers should predominate is the Academic Council and that they should not have a predominant voice on bodies like a Syndicate or Executive Council. The proposal is however to abolish the Academic Council, and to exclude teachers altogether from the Syndicate and to give them only a nominal representation on the Senate."

Secretariat Note.

Briefly put, the suggestion here is that if an Academic Council with a predominant teacher element is retained as one of the University authorities, the absence of teachers on the other University authorities may not matter much, but that the Amending Bill, besides scrapping the Academic Council, takes away the teacher element from the other authorities.

The Senate: In the present Act, all heads of Departments of Studies in the University are ex-officio members of the Senate [section 15, class I, clause (7)]; they now number 12. In their place, the Amending Bill makes the Deans of Faculties (three in number) ex-officio members and further provides for the election of a member other than the Dean from each of the three Faculties. In the result, the Senate of the future will have on it only six teachers of the University instead of the present twelve. The Founder has pointed out that under the Amending Bill the total strength of the Senate gets reduced from 72 to 64 and that as against the loss of six seats for "University" teachers, the Amending Bill provides for the coming in of four other teachers, though not necessarily those employed by the University, in the following manner:- Pages 36-37 of the Calendar. clause 8(i)(a) of the Bill 8(ii)(b) p 4-5 of (4)

One Vidwan, One Siromani, One headmaster of a High School and One graduate assistant teacher - clause 8 of the Bill.

This may be deemed a satisfactory compensation so far as the teacher element is concerned. But the new

composition of the Senate has been criticised in other ways. For example, the MAIL does not consider the reduction of the representation of graduates from 12 to 5 satisfactory. It is true that the Bill gives newly ~~two~~ a seats ~~each~~ for Vidwans and Siromanis as pointed out above and another to Sangitha Bhushanas. But the MAIL would retain 12 seats for graduates and Oriental-Title Holders put together. Mr. V.K. Nagaraja Ayyar would, on the other hand, retain the present 12 seats for Registered Graduates, in whose constituency he would re-include graduates of the Madras University living in Tamil districts; alternatively, he would provide three new seats to be filled by election from graduates of University other than Annamalai, resident in Tamil districts. Mr. Kedari Rao also considers that the proposed alterations in the Senate's constitution, except where they provide seats for new constituencies, unsatisfactory.

The Syndicate: The MAIL comments on the reduction of the number of elected members and the increase of nominated members on the Syndicate. The following sets out in one view the Syndicate's constitution under the Act and under the new Bill and the MAIL's suggestion:-

	Under the Act.	Under the new Bill.	MAIL's suggestion.
Ex-officio:	V.C. D.P.I. Deans of Faculties (3)	V.C. D.P.I.	V.C. D.P.I. Secy. to Govt., Fin. Dept.
Nominated:	Chancellor (2) Founder (2)	Chancellor (3) Founder (3)	Chancellor (2) Founder (2)
Elected:	Senate (3) Academic Cl. (1)	Senate (3)	Senate (4)

Mr. Nagaraja Ayyar has also commented on the proposed constitution of the Syndicate. He would introduce a provision to ensure that some at least of the nominated members in the future Syndicate are graduates and that all the Syndicate members attend meetings regularly.

Mr. Kedari Rao points out that although teachers of the University are not represented on the Syndicates of the Madras and the Andhra Universities, the constitution makes possible the presence of teachers other than University teachers on these Syndicates. This happens mostly in the case of persons elected to the Syndicates by the Senates and the Academic Councils of the Universities concerned. The answer to this comment is that some of the nominees to the new Syndicate of the Annamalai University may be ~~the~~ teachers and even one or two of the Senate's representatives may similarly be teachers, although they may not be teachers of the Annamalai University.

The Finance Committee and the Board of Selection:

Mr. Nagaraja Ayyar is of opinion that the revival of the Finance Committee with the powers proposed to be given to it will considerably weaken the Syndicate's authority and reduce its importance. He is further of opinion that a permanent Board of Selection is unnecessary, but if the Board is to be retained, he would lay down for the nominated members and the other co-opted member qualifications similar to those expected of members of Public Service Commissions. He also takes exception to the provision which empowers the Founder to nominate persons to function for him both on the Board of Selection and on the Finance Committee during his absences for a period not exceeding six months at a time.

30.8.63

2(c)

necessary about the Rice brand of Civilian raised.

hp
2
30/8/43

The Rajah Sahib has met the criticism & there is no reason to reconsider.

NM
6.9.43

There is no danger of the teaching profession not being represented; it will not have a conflicting interest. & this Clause is for the benefit of the University.

6/9/43

08

Suggestion (iii). 160 3

"Section 26 proposed to be inserted by clause 16 of the Bill does not define the powers of the Board of Selection, though the marginal note to the section reads "The Board of Selection and its powers"."

Secretariat Note.

The Bill as published defines the powers of the Board of Selection - Vide sections 26(2) and (3) introduced by clause 16 of the Bill.

3
30.8.43

hp
30/8/43

Suggestion (iv).

"As pointed out in the Statementof Objects and Reasons, in the interests of the University and of University administration teachers and other employees should serve the University for a specified minimum period. It is not, however, understood how section 38-A proposed to be inserted by clause 23 of the Bill will secure this purpose. It is also essential that teachers and other employees should have reasonable security of tenure. The proposal to appoint all teachers and other employees on contract not exceeding five years in the first instance appears to run contrary to such a principle and will sooner or later have an adverse effect on the standard of teaching in the University."

Secretariat Note.

This suggestion has reference to new section 38-A which provides that every employee of the University shall be appointed on a written contract for a period not exceeding five years in the first instance but that the contract may be renewed for further periods not exceeding five years at a time. This provision has been criticized by Messrs. R. Srinivasa Ayyangar, President of the District Teachers' Guild, Coimbatore and the Nilgiris, C.S. Raman of Coimbatore and V.K. Nagaraja Ayyar and by one under the name of "CAMFORD" and also by the BHARATA DEVI.

2. The Founder has explained that teachers often make service in the Annamalai University a stepping stone to seek better jobs elsewhere and that it is necessary to bind them to serve at least five years to ensure continuity of instruction. He adds that although the provision in the Bill is for appointments for periods not exceeding five years, the usual mode will be to make appointments for five years. He further points out that sometimes good teachers with experience who have retired either from Government or other University service are prepared to take up appointment in the Annamalai University only for short periods, that their employment even for shorter periods will be to the advantage of the University, that it would not be proper to compel them to serve for the full five-year period and that it is to provide for such cases that the words "not exceeding five years" are employed in the actual drafting of the section.

3. Mr. Nagaraja Ayyar has explained at length how the new provision is likely to affect the interests of teachers who have been made permanent in their appointments after obtaining an undertaking from them that they would "abide by any alteration in the conditions of their service which might be made from time to time", not perhaps fully realizing that these conditions would also a change in the tenure of their appointments. He would therefore exclude these "permanent" teachers from the purview of the new section. Mr. Raman of Coimbatore would similarly exclude teachers of twelve years' service from the scope of the section.

30.8.43

"A"

Suggestion (v).

"As regards the powers that are proposed to be conferred on the Vice-Chancellor, it appears that some of these powers rest mainly with the Syndicate at present and it is apparently not the intention to withdraw them. The result will be that in respect of these matters the Vice-Chancellor and the Syndicate will have concurrent powers of original action and the Syndicate will also have appellate powers where the original action has been exercised by the Vice-Chancellor. Whatever the intention, it seems desirable to set out the powers of the Vice-Chancellor and the Syndicate more clearly. The power to refuse admission proposed in the new section 13(3)(a) conflicts with the provisions of section 5 of the Act. It appears desirable to make the power to refuse admission subject to the provisions of section 5.

Secretariat note.

The first three sentences above have apparent reference to the disciplinary control over the University teachers and members of the University establishment which the Amending Bill now gives to the Vice-Chancellor. So far as teachers are concerned, it is only the lighter punishments that can be imposed by the Vice-Chancellor. On members of the establishment he can impose any punishment including dismissal. Against all these orders of the Vice-Chancellor, an appeal to the Syndicate has also been provided for - see clause 6 of the Bill. To make matters clearer, a new sub-clause may be added as follows to section 22 of the present Act:

"(m) to dispose of appeals preferred under clause (b) of sub-section (4) and under clause (b) of sub-section (5) of section 13."

The suggestion at "A" above was discussed while the drafting of the Bill was under consideration. The orders were that the existing section 5 might remain intact and that a separate provision empowering the Vice-Chancellor to refuse admission to students without assigning reasons might be made. The point has been adverted to by the HINDU, the INDIAN EXPRESS, the FREE PRESS, the SUNDAY OBSERVER, the DHINAMANI, the BHARATA DEVI and by Mr. Nagaraja Ayyar.

30.8.43

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30.8.43

The present system has not prevented teachers from leaving the University when they wanted to. It is work while giving the contract system a trial - doubtless the contracts of good teachers will be renewed.

2 I see no objection to teachers now on the staff, who have undertaken to abide by any alterations in conditions of service, being placed on contract.

6.9.43

6/9/43

Suggestion (v).

"As regards the powers that are proposed to be conferred on the Vice-Chancellor, it appears that some of these powers rest mainly with the Syndicate at present and it is apparently not the intention to withdraw them. The result will be that in respect of these matters the Vice-Chancellor and the Syndicate will have concurrent powers of original action and the Syndicate will also have appellate powers where the original action has been exercised by the Vice-Chancellor. Whatever the intention, it seems desirable to set out the powers of the Vice-Chancellor and the Syndicate more clearly. The power to refuse admission proposed in the new section 13(3)(a) conflicts with the provisions of section 5 of the Act. It appears desirable to make the power to refuse admission subject to the provisions of section 5.

"A"

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The suggestion at "A" above was discussed while the drafting of the Bill was under consideration. The orders were that the existing section 5 might remain intact and that a separate provision empowering the Vice-Chancellor to refuse admission to students without assigning reasons might be made. The point has been adverted to by the HINDU, the INDIAN EXPRESS, the FREE PRESS, the SUNDAY OBSERVER, the DHINAMANI, the BHARATA DEVI and by Mr. Nagaraja Ayyar.

30.8.43

5(a)

my [illegible] [illegible] [illegible]
[illegible] explained that there is no
conflict between the two sections
of Sec. 13, 3, a. is devoted merely
to giving the Minister power as Minister
vested in Principals of Colleges elsewhere;
this latter point finds support in the
[illegible] of the newspaper comments [illegible] of the last
paragraph of the article in the Manchester Guardian.

Sec. 13, 3, a. is made
subject to the provisions of Sec. 5, however,
it would be a point for consideration
(I think the aspect of the matter has not
been discussed) whether the two provisions
would be reconcilable.

Lut
30/8/43

(Y)

On all of this note the Raja Sahib has explained that there is no overlapping. The amendments may stand.

As anticipated by me at pp 15-16 of (A) in L.F., there has been considerable hostile criticism of this additional provision in the Act relating to the admission of students & discipline of students. For this reasons already given by me I would delete this proposed S 13 (3) (a) and (b). When there is no practical need for the inclusion of such provisions in the Act, it is needless to produce hostile dissatisfaction.

SMR
5-9-43

I cannot see how sec 13 (3) (a) can be reconciled with Sec. 5. The Raja Sahib seems to admit that there must be conflict in the case of a student who is refused admission for political belief. I would prefer to omit sec 13(3)(a). I have no objection to 13(3)(b). MR 6-9-43

5(b)

I cannot see any inherent inconsistency between Sec 5 & Sec 13 (3) (a). 163
If Sec no need to omit 13 (3) (b).

6/9/43

Suggestion (vi).

"The new section 47 proposed to be inserted by clause 28, which makes the Chancellor's interpretation of the provisions of the Act final and beyond appeal in a court of law, appears to be unique in Indian University Legislation."

164

Secretariat note.

The question was raised while the Bill was in the drafting stage. The orders were that the transitory provision in section 46 of the present Act might remain but that the new section 47 might be inserted.

30.8.43

The provision may stand.

I would omit new § 47.

SR 5/9/43

I agree with A.S. My objection to Sec 47 is the general one that it places the Govt. outside the Courts. I feel that this is not necessary in such a matter as University administration.

The precedents given at p. 12 ante might have been examined.

As I said on a previous occasion I regard this as a wholesome provision & would retain it.

6.9.43

7

165

Mode of appointing the Vice-Chancellor -
Clause 5 of the Bill.

Mr 3 & 8 of (2)

Comments have been made that the wording is ambiguous. The 'HINDU' and the 'FREE PRESS', for example, write as though the V.C. will virtually be appointed straightaway by the Founder though in consultation with

p 15 of

the Chancellor, whereas Mr. Nagaraja Ayyar appears to feel that under the clause it might be possible for the Chancellor to appoint a V.C. not in consonance with the Founder's recommendation.

30.8.63

9 do wh. kindly ... letters.

No

8
166

Vice-Chancellor's powers:
Clause 6 of the Bill.

The Vice-Chancellor is empowered -

(1) to take cognizance of any misconduct prejudicial to the interests of the University, and

(2) to take disciplinary proceedings against a member of the clerical staff or any other servant of the University if he is guilty of any act prejudicial to the interests of the University.

µ6 of (2)
µ15 of

The 'INDIAN EXPRESS' and Mr. Nagaraja Ayyar would have the expression "prejudicial to the interests of the University" defined. It is obviously not possible to frame any such definition.

30.8.43

9
167

Grants to University:
Clause 26 of the Bill.

The main change made on this clause is to raise Government's recurring grant to the University from Rs.1,50,000 to Rs.1,90,000. Mr. Kedari Rao apprehends that this is binding the future Governments to making a grant of this size. This is based on a misapprehension that the increased grant would be a perpetual charge on the revenues of the Province. In reality, neither the present grant nor the increased grant is a charge on the revenues. It will be open to the future Governments to take steps to reduce the grant if they want it. The suggestion does not require further consideration.

Mr. 1, 6, 8, & 13 of (1) and 19 of

Founder's powers -
Clause 4 of the Bill.

166 10

The HINDU, the INDIAN EXPRESS, the FREE PRESS, the BHARATA DEVI and Mr. Nagaraja Ayyar have commented that the Bill is calculated to enhance the power and authority of the Founder in respect of University administration. Some of them draw particular attention to clause 4 which provides for the regular sending of copies of the agenda of Syndicate meetings to the Founder. As pointed out by Mr. T.P.Vedachalam Pillai, this is not really a power although the provision is embodied in the section relating to "The Founder - His powers". Even under the section as it now stands, the Founder is entitled to call for any information or papers from the University. The provision in question only means that the Founder will regularly obtain copies of the agenda which he might otherwise possibly have to call for and which in any event should be supplied to him if required. The provision merely provides for a piece of administrative routine.

μ 11(a) of (2)

Section 11(2) on page 35 of the University Calendar

30.8.43

Clause 8 of the Bill. 1911

Clause (11) under the heading "Class III - Other members" of section 15, ~~amended~~ introduced by clause 8 of the Bill, now runs as follows:-

"(11) One member, being an Indian Christian, elected by the Catholic Indian Association of the Province of Madras,"

e 732-33

The Founder has asked that this clause may be slightly rewritten as follows to be in keeping with the intention and also to accord with the wording adopted in ~~the case of~~ the preceding clause (10) which relates to the representation of the Indian Christian Association:-

"(11) One member, being an Indian Christian, elected by the Governing Body of the Catholic Indian Association of the Province of Madras,"

The suggestion may be accepted.

2.5.43

4/9/43

Preface

(1) Rates of pays to Professors and [illegible] and Annamalai Universities: —

Post	Pay in the Madras University (Page 189 of the Calendar)	Pay in the Andhra University (Page 218-K of the book)	Pay in the Annamalai University (Page 15 of the book)
		Rs	
Principal	—	Rs 400 - 40 - 600 - 50/3 700 Plus duty allowance of Rs 100	—
Professor	Not less than Rs 750 and not more than Rs 1000	Rs 400 - 40/2 - 600 - 50/3 - 700	Rs 200 - 10 - 400 (Selection Grade Rs 400 - 500 for 6 professors)
Reader	Not less than Rs 400 and not more than Rs 600	Rs 200 - 20/2 - 400	—
Lecturer	Not less than Rs 150 and not more than Rs 300	Rs 125 - 15/2 - 200	Rs 100 - 10/2 - 200
Part-time Lecturer	—	Rs 100	—
Pandit	—	Rs 60 - 5/2 - 100	Senior Rs 75 - 5 - 100 Junior Rs 50 - 5 - 75
Demonstrators	—	—	Rs 50 - 5 - 75.

(2) Rates of pay of Professors and Lecturers in Colleges affiliated to the Madras and Andhra Universities

(a) Madras - Adequacy of teaching staff and conditions of service one of the conditions of affiliation (Page 305 of the Calendar)

A set of scales of pay was recommended by the University Inspection Commission in 1928 - (please see page 8 of the Report put up.) (Page 8 of the Report)

(b) Andhra - ~~Scales of pay~~ Adequate scales of pay one of the conditions of affiliation (Page 111 of the book)

(3) Scales of pay in Govt. Colleges: —

I Professors and Lecturers in the Ll. E. S. (G.O. 11 dt. 31.12.33)

Rs 200 - 30/2 - 260 - 40/2 - 500 - 50/2 - 700.

Asst Professors and Asst Lecturers in the Subordinate Edl Service (G.O. 30 dt. 13.4.33)

Rs 100 - 10/2 - 200.

9/38/44 S

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(1) 4607 P.H. 14-12-39 — Rules - W.P.H. Act of Food - Issued

(2) 4112 P.H. 6-11-39. — Fairs & Festivals control of sourc (1) (b) and 124 fair or festival

(3) 4663 P.H. 18-12-39. — W.P.H. Act ... ements etc

G.O. No. & date — Subject.

Andhra & Annamalai University have similar rules as the Madras University regarding qualifications of teachers employed in affiliated colleges. Vacancies — & list of in Madras.

A.S. II.

C.No. 13372