Educational (1896) Department.

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G.O., No 167

Dated 26th March 1896

INDEXED.

[Despatch Abstract.]

LAW COLLEGE.

Accepting the view of the council of the -- that it is under present circumstances impracticable to work the college as a whole time institution, and requesting Mr. Nelson to report whether he is willing to take up on certain more favourable terms the appointment of Principal for a further period of five years.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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No. 167, Educational, 26th March 1896.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—again G.O., No. 69, Educational, dated 5th February 1896.

Read—also the following papers :—

From the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 19th February 1896, No. 1608.

With reference to G.O., No. 69, Educational, dated 5th February 1896, communicating the sanction of the Secretary of State for the continuance of the Law College on its present footing as a Government institution for a further period of five years and calling for a scheme for working it as a day college, I have the honour to submit the following proposals for the favourable consideration and orders of Government.

2. After a close study of the working of the college during the past few years and of the disadvantages it has been labouring under, I see no sufficient reason to abandon the opinion I have all along entertained, firstly, that the interests of legal education in this Presidency as well as those of the students demand that the college should be worked as a day college like other professional colleges under departmental management, and, secondly, that this is quite possible without increasing the cost either to the State or to the students. But, before formulating my recommendations, I propose to enter into certain facts and figures on which those recommendations have chiefly been based :—

		B.L. Classes.	Pleadership Classes.
1891–92	.. .. ..	310	50
1892–93	.. .. ..	405	107
1893–94	.. .. ..	561	30
1894–95	.. .. ..	604	26

(i) As regards the strength of the several classes. The figures in the margin show that the B.L. classes have been steadily growing in strength. During the last four years the strength of the B.L. classes has been nearly doubled. The annual admissions into the junior B.L. class during the above period were 128, 201, 279 and 217, respectively. Looking back on the past history of the institution, I find that during the four years ending with 1891–92, the rate of increase was even greater, and I have, therefore, little doubt that if the college were worked as a day college, the present rate of annual admissions into the B.L. classes would be kept up.

—		Receipts.	Expenditure.	Balance.
		RS.	RS.	RS.
1891–92	..	30,698	23,971	6,727
1892–93	..	42,458	27,458	15,000
1893–94	..	54,318	41,415	12,903
1894–95	..	60,094	39,634	20,460

(ii) Next as to finance. From the figures in the margin it will be observed that the college has been working at a large profit to the State. My observations with regard to the numerical strength of the institution apply with equal force to its financial condition. The predilection of Brahmins and not a few non-Brahmin Hindus for the legal profession and the public service, coupled with their disinclination—which I much regret—for other walks of life, affords the surest guarantee for the financial prosperity of the institution.

(iii) It may, perhaps, be contended that the conversion of the part-time college into a full-time college would keep out many students who are at present temporarily employed during the day as clerks in public offices or as schoolmasters, and would thus reduce the strength of the institution. With regard to this class of students, no statistics were collected for 1894–95. But if the figures for 1892–93 and 1893–94 regarding the proportion of students returned as employed, viz., 12 per cent. and 17 per cent. in the whole institution, can be taken as fairly accurate, it may safely be assumed that there would be no material fall in the number of annual admissions into the college. It is needless for me to state that such students as would be kept out of employment if college is held during the day would, in the long run, be gainers, since they would not be tempted to neglect their studies, as it is feared they do at present, for the paltry emoluments they generally receive from their employers, who are seldom willing to give high salaries to men who are known to be students of the Law College.

(iv) If the institution were worked as a full-time day college, the length of the course could be curtailed from three to two years, not only without lowering the efficiency of instruction, but with every prospect of raising it. The classes would meet for a larger number of hours every day than they do at present, and it would be possible for the staff to bestow greater attention on the students. An undergraduate of the F.A. standard entering the M.B. and C.M. section of the Medical College, or the Engineering classes of the College of Engineering, completes his studies, theoretical and practical, in five years. If a young man were to enter the Law College after passing the B.A. degree examination, or the English Language and Science divisions of that examination, at the end of his second year of study, the reduction of the B.L. course from three to two years would, with the year of apprenticeship which he has to undergo after passing the B.L. degree examination before he is allowed to practise, make the whole course one of five years, and thus equalize the periods of training for the three great professions. By many a Law College student such a reduction would be hailed as a great boon.

(v) Even granting, for the sake of argument, that the proposed change in the working of the Law College would affect slightly its strength, the fee could be raised so as to make up for any loss in numbers, and so as to be more in keeping with the fees in force in other professional colleges. At present the term fee is fixed at Rs. 50, and a student has to pay on the whole Rs. 300 for the six terms he has to read in the college. If the reduction in the length of the B.L. course were accompanied as I propose by the enhancement of fees to Rs. 75 per term, the lowest figure at which I would fix the strength of the college, viz., 400, or 200 in the junior class and 200 in the senior, would yield in the shape of fees Rs. 60,000 per annum, which is just the figure for which credit has been taken in the budget estimate for 1896–97. Each student would pay the same amount as at present, viz., Rs. 300, for his whole course, but would receive better instruction and would be saved the expense of an additional year's stay in Madras, which would mean a substantial relief to the majority of them. The enhancement I propose would bring the term fee in the Law College up to the level of that now levied in the College of Engineering and the Medical College; in the former of which the fee is Rs. 12 a month or Rs. 72 per term, and in the latter of which the annual fee in the M.B. and C.M. section varies from Rs. 100 to Rs. 155.

(vi) From the following figures, which give the results of the B.L. examination for the last four years, it will be observed that the number of students who appeared for the final degree examination each year was considerably less than the number on the rolls of the senior B.L. class of that year; and that, even of this select number, not more than 33 per cent. on an average met with success:—

B.L. Examination.	Strength of the Senior class.	Number examined.	Number passed.	Percentage.
1891–92	94	63	21	33
1892–93	88	69	25	36
1893–94	115	63	15	24
1894–95	156	79	26	33

The above results are very significant and point to a state of things in connection with the present system of working the institution as a part-time college which ought not to be allowed to continue. It was hoped that the large additions to the staff which have been made since the reconstitution of the college on its present footing would have been followed by a much higher percentage of successful students at the end of the course. But the evil is inherent in the present plan, according to which teachers and students devote a hurried hour in the early morning or a weary hour in the evening to the work of the college. As long as this plan is followed this deplorable state of things will continue, and the majority of the students will continue to find themselves at the end of their course quite unprepared for the final examination. If the college is not to be made a day college, it will, in my opinion, be less efficiently worked after it has entered into possession of the new building than it has been during these past years, when classes have been held partly in the Senate House and partly in the Presidency College. I would invite the special attention of Government to paragraph 5 of Mr. Nelson's memorandum, in which he states that the distance of the college from the abodes of professors and students "will practically prevent the early morning lectures." In other words, the college will become practically an evening college and the result of the great expenditure on the new building will be deterioration instead of improvement in the efficiency of the college. The members of the staff are, with the exception of the Principal, professional men, who have a more or less growing practice at the Bar, and they cannot, after the day's hard work, enter on their professional and tutorial duties in the evenings with that freshness and buoyancy and vigour which are indispensable for efficient instruction. I cannot acquiesce in the conclusion arrived at by the College Council that it is not possible to give effect to the original scheme of the college: not at least until that scheme has been put on its trial and has proved itself by experience to be unworkable. I, therefore, hope that Government will not hesitate in affirming its determination to carry out the original intention of constituting the college a day college. It is with this intention that the present building has been erected at great cost, and it would, to my mind, be a cause of public scandal to have to admit that this heavy expenditure has put the college in a worse plight than it was in before. If attendance at college is to cease to be regarded as a mere farce or as nothing more than a device to meet the requirements of the University as to term certificates, full-time professors must be employed on salaries high enough to attract men of some standing in the legal profession.

3. Assuming that the B.L. course is reduced from three to two years, and that the junior and senior classes have each four hours' work a day (including lectures, tuition and examinations), the total number of hours per week of five working days will be forty. It seems to me that a Principal with professorial duties, two Professors and one Assistant Professor, would be able to overtake all this work. Time would show whether an additional Assistant would be required on the regular staff. To attract and retain the services of thoroughly-competent men for the posts of Professors, I would recommend that their salaries be fixed at Rs. 1,000 and Rs. 750 respectively. A first-class sub-judge draws a salary of Rs. 800 a month and a third-class sub-judge Rs. 500. The rate of salaries of the Senior and Junior Professors should be such as would be attractive to men aiming at such posts. A class of 200 students is no doubt unwieldy, and to afford the necessary help in examination work, &c., an Assistant Professor on Rs. 350 should be provided. The Pleadership classes (which, by the way, have been steadily declining in strength) would, if they continue to exist—which seems doubtful—require some extra teaching and examination. The new building, being large, would require a large establishment to look after it, and the present scale, Rs. 108, may, in view of this circumstance, be raised to Rs. 150.

4. My estimate of charges under the new system of working the Law College is, therefore, as follows:—

	RS.	
Principal at Rs. 1,200	14,400	
Senior Professor at Rs. 1,000	12,000	
Junior " " " 750	9,000	
Assistant " " " 350	4,200	
Establishment at Rs. 150	1,800	
Exchange compensation allowance	2,770	(B. E. for 1896–97).
Library and contingencies	2,830	
Total ..	47,000	

This amount is only Rs. 1,400 in excess of the budget estimate for 1896–97 (Rs. 45,600) and of the above sum Rs. 916 is for the increased outlay on establishment and contingencies which will in any case be necessary on the occupation of the new building. The above figure is well within the budget estimate under fees for the same year, namely, Rs. 60,000, and would leave a wide margin from which honoraria might be paid for any special course of lectures which might be considered necessary or desirable in such branches as Maritime Law, Medical Jurisprudence, &c.

5. Before I conclude, I shall briefly touch upon the objections that have been already raised by the Principal and the Law College Council, or that may hereafter be urged, against the original scheme of working the institution as a full-time day college:—

(i) The first and the strongest of these is the one referred to in the resolution of the College Council passed at a meeting held on the 14th October 1895 and submitted to Government with my letter, No. 398, dated 17th January 1896. The Council, while admitting the desirability of giving effect to the original scheme of working the college as a whole-time college, considers the difficulty of obtaining the services of efficient lawyers to be insurmountable under the present or similar terms of remuneration. It is in view of this difficulty that I have proposed the salaries of Rs. 1,000 and Rs. 750 for the Senior and Junior Professors, respectively, and I feel quite sanguine that these salaries would attract really capable barristers or vakils, who would be ready to devote their whole time to college work. With the exception of the actual leaders and a few of the most prominent members of the Bar, whose services it is not under any circumstances possible to secure, I venture to think that several members of the legal profession who have a fairly good practice would prefer the fixed salaries of Rs. 1,000 and Rs. 750, even without pensionary rights attached to them, to an income subject to the fluctuations which are inevitable in these days of keen competition.

(ii) Another objection that may be urged is that if the Principal and the other members of the teaching staff were required to devote their whole time to college work, they would lose touch with the actual practice of the law, and their efficiency would, in consequence, be impaired in course of time. In reply to this, I may say that permission to take consulting or chamber practice would afford sufficient safeguard against the teaching staff losing touch with the practice of the law, and when it is considered that the staff is to be recruited from the members of the Bar or of the Bench who have already had considerable practice, the staff would be consulted with readiness by those of the litigant public with whom they may have come in contact in the course of their practice. Further, the members of the staff might be appointed only for a limited period—say, for three or four years—and any perceptible loss of efficiency could easily be made good by judicious selection at the end of the period.

(iii) Another objection which may be raised against my proposals is that classes of 200 students are unwieldy, and that with the proposed staff, consisting of a Principal, two Professors and one Assistant Professor, it would be impossible to do the tuition work satisfactorily. There may be some truth in this; though considering the educational standing of the students entering on law studies, I would not attach much importance to it. For, if the efficiency of the present system of tuition in the college is judged by the result of the B.L. degree examination for the last four years, during which period the system has been in force, it will be found to be of very small account indeed. What the students really want is instruction of a superior kind, and when they get this from Professors who devote their whole time to teaching after a fairly large acquaintance with work at the Bar or on the Bench, they will take more interest in their college work and, as a consequence, be more successful at the final examination. Moreover, as far as lecture work is concerned, it makes little difference whether a class is 100 or 200 strong.

6. If my proposals regarding the college and the staff meet with the general approval of Government, it will be necessary, before final orders are passed, to move the University to make the necessary changes in the bye-laws. It is hardly necessary to add that my proposals, if given effect to, will not affect the question as to the future of the college after the lapse of the next five years for which the Secretary of State has sanctioned its continuance as a Government institution.

Ref. No. 409.

The Director of Public Instruction is requested to forward at once copy of Mr. Nelson's memorandum referred to in paragraph 2 (vi) of his letter, No. 1608, dated 19th February 1896, and the two enclosures to his letter, No. 398, dated 17th January 1896, which were returned to him with G.O., No. 69, Educational, dated 5th February 1896.

(Signed) J. F. PRICE,
Chief Secretary.

22nd February 1896.

From the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 24th February 1896, No. 1866.

I have the honour to re-submit Mr. Nelson's letter and its enclosures returned with G.O , No. 69, Educational, dated 5th February 1896, and to state that it will not be practicable to comply with his request if the college is made a day college as recommended in my letter, No. 1608, dated 19th February. The question can be considered only after Government has come to a decision on the future of the college.

ENCLOSURES.

From R. A. NELSON, Esq., B.A., LL.B., Barrister-at-Law, Principal, Law College, to the Chief Secretary to Government (through the Director of Public Instruction), dated Madras, 30th October 1895.

I have the honour to call your attention to the fact that my appointment as Principal of this college terminates under the terms of my agreement with the Secretary of State on 2nd May next, and to request you to inform me whether it is the intention of Government to offer me the appointment again for the ensuing five years during which the connection of the college with Government has been sanctioned.

2. I have the honour further to request you to lay the following application before Government, viz., that, if it is their intention to re-appoint me, they may be pleased to permit me to engage in practice at the Bar during the period of such re-appointment. With reference to this application, I beg to offer the following remarks for consideration:—

(1) That by 2nd May next, I shall have served Government in the capacity of Principal for a period of five years, during which I have been prohibited from taking practice, and that I am ready and willing to continue in such service if this prohibition is removed.

(2) That the judges and lawyers comprising the Council of the Law College have unanimously recorded their opinion that a Law College which is to work within Court hours cannot be established, owing to the impracticableness of securing the services of an efficient staff during such hours, and that consequently the college must continue to work during hours before 11 A.M. and after 5 P.M. (See my letter to the Director of Public Instruction, recording this resolution, dated 19th October 1895, No. 72.)

(3) That all the members of the teaching staff, except myself, are permitted to practise; that the records of the college show that this permission has in no way interfered with their duties in the college, the discharge of which in the future will be facilitated by the college working next to the High Court.

(4) That the work of the Principal differs from that of the Professors only in that he has to perform the administration work of the college in addition to his duties as a Professor. That the college being now fully established and in smooth working order, the administration work is very light, not occupying more than two hours a week, and is of such a nature that it can be performed at any hour of the day.

(5) That a reference to the papers regarding the formation of the college (G.O., No. 634, Educational, dated 7th November 1888, and G.O., Educational, No. 714, dated 13th November 1889) will show that the reasons why it was not considered desirable that the Principal should take private practice were three in number—

(*a*) That his work as Principal would fully occupy all his time (*vide* paragraph 9 of the letter of the Director of Public Instruction, dated 26th August 1889, No. 7282).

(*b*) That the administration work of the college could not be properly performed (*vide* paragraph 21 of the letter of the same officer, dated 12th September 1888, No. 6749).

(*c*) That it was desirable that he should give for a term of years his undivided attention to the working and development of the college (*vide* paragraph 16 of the letter last quoted).

As regards (*a*), undoubtedly my time was fully occupied as Principal during the first two years of my appointment, owing to the work involved in the organization of a new institution, the preparation of several series of lectures in different subjects, and the necessary study of departments of Indian Law which are new to an English Barrister on his arrival in this country. Since then, however, such has naturally ceased to be the case. (*b*) The administration work, at first considerable, is now, as remarked above, very light. (*c*) This end has been fulfilled, since by May next I shall have given my undivided attention to the working and development of the college for a term of five years.

(6) As regards the general question as to whether the Principal of the Law College should be permitted to practise, both the Government of India and the Government of Madras have expressed the opinion that he ought not to lose touch with the actual practice of the law, but whilst the former Government thought that, in order to ensure this, he should be allowed to practise generally, the latter were of opinion that permission to take consulting or chamber practice only would suffice. Consulting or chamber practice is, however, in Madras, practically non-existent in the case of a barrister prohibited from taking court work as well, and consequently this permission, *per se*, is wholly inadequate to the purpose for which it was intended.

(7) For the above reasons, and having regard to the fact that for five years I shall have served in an office to which neither leave nor pension is attached and which leads to no promotion, I hope that Government may be pleased to grant this application and thus afford me that increase in my prospects to which I naturally look after the completion of five years' service.

LAW COLLEGE.

Meeting of the College Council.

A meeting of the College Council will be held at the Senate House, on Monday, 14th October 1895, at 5-15 P.M.

Agenda.

To consider and report on the scheme upon which the college shall be worked for a period of five years dating from May 2nd, 1896.

The Principal herewith submits the following remarks, in connection with the above subject, for the consideration of the members of the Council:—

(1) Whatever scheme is settled upon must be based upon the facts that (i) the connection of the college with Government has been extended by the Secretary of State (on the recommendation of Government) for a period of five years *only* from and after May 2nd, 1896—the date upon which the term of office of the present Principal ends; (ii) the work of the college will be carried on during that period in the new buildings, which are rapidly approaching completion.

(2) The original scheme of the Law College was that it should, like all other Government colleges, carry on its work between the hours of 11 A.M. and 5 P.M. Hitherto it has been found impossible to give effect to such scheme, for the reason that no suitable accommodation has been available during those hours. After, however, the completion of the new buildings, ample accommodation will have been provided. Thus so far as a building is concerned, a "whole time" working college will shortly be quite possible.

(3) The value of the college as an educational institution depends entirely on the nature of the instruction which it affords—in other words, upon the constitution of the teaching staff—and the question is whether an efficient staff can be found to work between 11 and 5 o'clock, having regard to the fact that such a staff must, from the circumstances of the case and on grounds of policy, be formed of lawyers debarred from taking private practice. The requisite strength of the staff would be smaller than it is now, and according to calculations made would consist at the outside of a Principal, two Professors and two Assistant Professors. To secure suitable candidates for these posts it would be necessary to offer, not only ample remuneration for work done, but a fair compensation for their prohibition from practice. The only kind of compensation which would be likely to be deemed adequate would be increased remuneration and pensions, and it would therefore be necessary to create, in effect, a Legal Department of the Educational Service, so long as the college is connected with Government. As however this connection is, as at present laid down, to last for only five years longer, the formation of any such department at present is out of the question.

(4) Until the future status of the college is definitely and permanently settled, the question of whether it is to be a "whole time" college or not cannot be settled. To convert it now, even if such conversion were accompanied by increased remuneration, would, it is believed, result in the resignation of the present staff of Professors and Assistant Professors, to be replaced by a staff of second-rate junior vakils. It takes time to create an efficient teaching staff, even when it is composed of practitioners of ability. The loss of the whole of the present staff would be fatal to the college, from an educational point of view.

(5) It is submitted therefore that the college must, during the next five years, remain a college working during hours before 11 A.M and after 5 P.M. The proximity of the buildings to the High Court will enable the evening work to be commenced at 5 o'clock instead of at 6 as at present. On the other hand, its distance will practically prevent the early morning lectures. That the instruction will have to be given and received during the worst hours of the day, *i.e.*, after the ordinary work of the day of both professor and student has been gone through, is much to be regretted, but seems inevitable.

LAW COLLEGE,
23rd September 1895.

(Signed) R. A. NELSON,
Principal.

Meeting of the College Council, Monday, October 14th, 1895.

PRESENT:

The Hon'ble Mr. Justice PARKER.
The Hon'ble Mr. Justice SUBRAMANYA AIYAR.
The Hon'ble Mr. Justice SHEPHARD.
The Hon'ble Mr. V. BASHYAM AIYANGAR.

Mr. H. G. WEDDERBURN.
Mr. J. G. SMITH.
Mr. C. RAMACHANDRA RAO SAHIB.
Mr. R. A. NELSON (President.)

The Council passed the following resolution:—

"That whilst recognizing that it is highly desirable to give effect to the original scheme of the Law College by establishing it as a whole-time college, in order to secure the undivided attention of its students to their studies, the Council are of opinion that it is not possible to give effect to any such scheme owing to the impracticableness of obtaining the services of an efficient teaching staff during court hours under the present or similar terms of remuneration. The Council therefore recommend that for the next five years, during which the connection of the college with Government has been sanctioned, the lecture hours be continued as at present, viz., before 11 A.M. and after 5 P.M."

(Signed) R. A. NELSON,
President.

From the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 10th March 1896, No. 2806.

In continuation of my letter, No. 1608, dated 19th February 1896, I have the honour to report that for the last B.L. degree examination, sixty-one students appeared from the senior class out of 150 on the rolls, and only one passed in the second class and fifteen in the third class. Three-fifths of the students in the senior class did not appear for the examination, probably because they were diffident about their preparation. These results were poorer than those of 1894–95 and point to the necessity of a radical change in the constitution of the college.

ORDER—No. 167, Educational, dated 26th March 1896.

Upon a full consideration of Dr. Duncan's proposals in his letter read above, His Excellency the Governor in Council agrees with the view of the question unanimously adopted by the Council of the Law College, that it is, under present circumstances, impracticable to work the college as a whole-time institution.

2. Even assuming that the conversion of the institution into a day college would involve no danger of a reduction in the strength of its classes, and that the shortening of the course from three to two years and the other alterations suggested be desirable innovations, there remain several substantial objections to the Director's scheme. His proposals would, in the first place, necessitate so considerable a reduction in the numerical strength of the Professors that adequate tutorial instruction, which the Government regards as a most essential factor in the course, would be out of the question. The salaries suggested for the whole-time Professors, again, are, in the opinion of the Government, insufficient to attract teachers of the requisite experience and knowledge. For, though they appear at first sight to be considerable, it has to be remembered that the continuance of the college on its present footing has been sanctioned only for a very short period and the tenure of the Professors is therefore merely temporary and carries with it no definite leave privileges and no eventual pension. These drawbacks, in the opinion of Government, are in themselves so formidable as to exclude any legitimate hope of securing the whole-time services of competent teachers on a reasonable scale of salary. Nor does it appear to be practicable to enhance the rates of salary suggested, for the calculations upon which the Director bases them leave, as it is, but little profit to Government to recompense it for the very considerable outlay which it has incurred upon the new college buildings.

3. The Director has not, in the opinion of His Excellency in Council, established his statement that the results now obtained by the college at the public examinations are "deplorable," nor does the Government share Dr. Duncan's apprehension that a "public scandal" will be caused by the necessity of admitting that the erection of the new buildings has placed the college in a worse plight than before. Arguments which are based upon the mere numerical results of the examination are apt to be fallacious if they leave out of account the standard demanded by the examiners, and the percentage of success obtained by candidates from outside the college, and other considerations relative to the difficulties which native students must experience in acquiring a knowledge of such a subject as English law. As to the new buildings, the Government shares the hope expressed by the Principal in his special report on the college dated 27th February 1895 that, even while the institution is maintained on its present temporary footing, the existence within easy reach of the High Court of common rooms, comfortable class-rooms and a library will induce many students to make use of the college out of lecture hours in a manner which has not hitherto been possible.

4. At the same time, His Excellency in Council is quite in accord with Dr. Duncan as to the greater efficiency and success which would result if the college were worked as a day institution with a staff exclusively engaged in the business of teaching. But for the reasons which have been explained the Government considers that this is not practicable under existing conditions and that the full scheme which Dr. Duncan advocates must be postponed until the college is established on a permanent basis.

5. The alteration of the college into a day college being thus under existing circumstances impracticable, the Government considers that no valid objection exists to the grant to the Principal of permission to practise in the Courts at Madras. He will be requested to report whether he is willing to take up the appointment of Principal for a further term of five years from 2nd May next on the terms and under the conditions set out in his original agreement with the Secretary of State printed in G.O., No. 360, Educational, dated 18th May 1891, with the modification that he will be permitted to draw exchange compensation allowance, and that he shall be permitted to practice in the Courts in Madras City upon the condition and understanding that such practice shall not in any way interfere with his performance of his duties as Principal, and that, should it at any time be the opinion of His Excellency in Council that such practice is detrimental, it shall be competent to the Government to terminate the concession and require him to restrict himself as at present to chamber practice.

(True Extract.)

G. S. FORBES,
for *Chief Secretary*.

To the Director of Public Instruction.

Exd. A. Raitt.

Govt. of {1896} Madras.
EDUCATIONAL.

Issued

Recd. Encl.

G.O., No. 167, 26th March 1896.

MARCH.

Law College.

Accepting the view of the Council of the Law College that at present it is impracticable to work the college as a whole-time institution, and requesting Mr. Nelson to report whether he is willing to take up on more favourable terms the appointment of Principal for a further period of five years.

Ed. Cor. 17. 2,000—29-3-94.

Educational

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1896.

Educational Department.

CHIEF SECRETARY
20 FEB. 1896
GOVERNMENT OF MADRAS

From

THE DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

THE HONORABLE THE CHIEF SECRETARY
TO GOVERNMENT,
Fort St. George.

DESPATCHED
19 FEB. 96

No. 1608

Dated 19th Feb. 1896
Despatched do.
Received 20 "

Regd 21"

No.

ENCLOSURES. nil

Subject.

Law College, Madras

Submitting proposals for the re-organization of the — on its removal to the new buildings under construction.

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69 : 5 2 96
847-48 : 28 10 95
850 : 28 10 95
Dis : 3 - 7 - 6 95 - S.C
454 : 30 - 5 95
950-50A : 11 - 12 94
842 : 2 - 11 94
163 : 2 - 3 93
863 : 13 12 92
360 : 18 5 91 S.C
303 : 24 - 4 - 91
217 : 19 - 3 91
583 : 15 8 90
132 : 12 2 90
714 : 13 11 90 S.C
634 : 7 11 88 S.C & Org.l

130

NE

Ref only D°. 409
d/ 22.2.96

~~Write ref to his letter~~
~~[illegible]~~.

The D.P.I. is requested to forward at once copy of Mr. Nelson's memo referred to in par 2 (vi) of his letter no 1608 d 19 Feb. 96 and the two enclos of his letter no 398 d 17th Jan 96, which were returned to with G.O. no 69 Ed. d 5th Feb.

WP 21.2.96

21/2

Copied 21/
Desp 22/2

To
The D.P.I.

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OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION,
Madras, 19 February 1896.

No. 1608.

18

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc.,
DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,
FORT ST. GEORGE.

Ed. No. 8—

SIR,

With reference to G.O. No. 69, dated, 5th February 1896, Educational, communicating the sanction of the Secretary of State for the continuance of the Law College on its present footing as a Government institution for a further period of five years, and calling for a scheme for working it as a day college, I have the honour to submit the following proposals for the favourable consideration and orders of Government.

2.

2. After a close study of the working of the college during the past few years and of the disadvantages it has been labouring under, I see no sufficient reason to abandon the opinion I have all along entertained, firstly, that the interests of legal education in this Presidency as well as those of the students demand that the college should be worked as a day college like other professional colleges under departmental management, and, Secondly, that this is quite possible without increasing the cost either to the State or to the students. But, before formulating my recommendations I propose to enter into certain facts

and

and figures on which those recommendations have chiefly been based.

(i) As regards the strength of the several classes. The figures in the margin× show that the B.L. classes have been steadily growing in strength. During the last four years the strength of the B.L. classes has been nearly doubled. The annual admissions into the junior B.L. class during the above period were 128, 201, 279 and 217 respectively. Looking back on the past history of the institution, I find that during the four years ending with 1891-92, the rate of increase was even greater, and I have, therefore, little doubt that if the College were worked as a day college the present rate of annual admissions into the B.L. classes would be kept up.

×	B.L. classes		Pleadership classes.
1891-92.	310		50.
		30%	
1892-93	405		107.
		40%	
1893-94	561		30.
		10%	
1894-95.	604		26.

(ii) Next as to finance. From the figures in the margin× it will be observed that the college has been working at a large profit to the State. My observations with regard to the numerical strength of the institution apply with equal force to its financial condition. The predilection of Brahmans and not a few non-Brahman Hindus for the legal profession and the public service, coupled with their disinclination, which I much regret, for other walks of life, affords the surest guarantee for the financial prosperity of the institution.

×

	Receipts. Rs.	Expenditure Rs.	Balance Rs.
1891-92	30,698	23,971	6727
1892-93	42,458	27,458	15,000
1893-94	54,318	41,415	12,903
1894-95	60,094	39,634	20,460

(iii) It may, perhaps, be contended that the conversion of the part-time College into a full-time College would keep out many students wo are at present temporarily employed during the day as clerks in public offices or as schoolmasters, and would thus reduce the strength of the institution. With regard to this class of students, no statistics were collected for 1894-95. But if the figures for 1892-93 and 1893-94 regarding the proportion of students returned as employed, viz. 12 per cent and 17 per cent in the whole institution, can be taken as fairly accurate, it may safely be assumed that there would be no material fall in the number of annual admissions into the College. It is needless for me to state that such students as would be kept out of employment if College is held during the day, woul(d) in the long run, be gainers, since they

This is apparently an admission that there wd. be some fall.

He means from the present figure. The loss in "employed" students wd. be soon counterbalanced by the annual rate of increment, which has been 30%, 40% & 10% a year for the last 3 yrs.

S. H.

they would not be tempted to neglect their studies, as, it is feared, they do at present, for the paltry emoluments they generally receive from their employers, who are seldom willing to give high salaries to men who are known to be students of the Law College.

A queer way of putting it! They w^d^ have the requisite leisure for their studies
S.V.K

(iv) If the institution were worked as a full time day college, the length of the course could be curtailed from three to two years, not only without lowering the efficiency of instruction, but with every prospect of raising it. The classes would meet for a larger number of hours every day than they do at present, and it would be possible for the Staff to

bestow

Please see para 2 of the report of the Com to revise & redraft the ~~proposed~~ by-laws for the B. L. degree Exam in G.O. $\frac{365}{26-5-94}$ Ed.

bestow greater attention on the students. An undergraduate of the F. A. standard entering the M. B. and C. M. section of the Medical College, or the Engineering classes of the College of Engineering, completes his studies, theoretical and practical, in five years. If a young man were to enter the Law College after passing the B. A. Degree Examination, or the English Language and Science Divisions of that Examination, at the end of his second year of study, the reduction of the B. L. course from three to two years would, with the year of apprenticeship which he has to undergo after passing the B. L. degree Examination before he is allowed to practise, make the

whole

Can hardly be considered part of the course.

whole course one of five years, and thus equalize the periods of training for the three great professions. To many a Law College student, such a reduction would be hailed as a great boon.

~~But~~ the public as well as the law student ~~is~~ has to be considered.
G.S.

(V) Even granting, for the sake of argument, that the proposed change in the working of the Law College would affect slightly its strength, the fee could be raised so as to make up for any loss in numbers, and so as to be more in keeping with the fees in force in other professional colleges. At present the term fee is fixed at Rs 50, and a student has to pay on the whole Rs 300 for the six terms he has to read in the College. If the reduction in the length of the B.L. course were accompanied as I propose by the enhancement of fees to Rs 75 per term, the lowest figure at which I would fix the strength of the College, viz. 400 or 200 in the junior class and 200 in the Senior, would yield in the shape of fees Rs 60,000 per annum, which is just the figure for which credit has been taken in the Budget Estimate for 1896-97.

GO 929 Fin
27-11-95

Each student would pay the same amount as at present, viz. Rs 300 for his whole course, but would receive better instruction and would be saved the expense of an additional year's stay in Madras, which would mean a substantial relief to the majority of them. The enhancement I propose would bring the term

fee

fee in the Law College up to the level of that now levied in the College of Engineering and the Medical College; in the former of which the fee is Rs 12 a month or Rs 72 per term, and in the latter of which the annual fee in the M. B and C. M. Section varies from Rs 100 to Rs 155.

(VI) From the following figures, which give the results of the B. L. Examination for the last four years, it will be observed that the number of students who appeared for the final Degree examination each year was considerably less than the number on the rolls of the Senior B. L. Class of that year; and that, even

of

of this select number, not more than 33 per cent on an average met with success.

B. L. Examination	Strength of the Senior class.	No. Examined	No. passed	Percentage
1891-92	94	63	21	33
1892-93	88	69	25	36
1893-94	115	63	15.	24
1894-95	156	79	26	33

But what about the general percentages?

The above results are very significant and point to a state of things in connection with the present system of working the institution as a part-time college, which ought not to be allowed to continue. It was hoped that the large additions to the staff which have been made since the reconstitution of the College on its present footing would have been followed by a much higher percentage of successful students at the end of the course. But the evil is inherent in the present plan according to which teachers and

students

students devote a hurried hour in the early morning or a weary hour in the evening to the work of the College. As long as this plan is followed this deplorable state of things will continue, and the majority of the students will continue to find themselves at the end of their course quite unprepared for the final examination. If the College is not to be made a day college, it will, in my opinion, be less efficiently worked after it has entered into possession of the new building than it has been during these past years, when classes have been held partly in the Senate House and partly in the Presidency ~~College~~. I would invite the special attention of Government

to

~~Apparently one of the Enclosures to G.O. 69 = 5-2-96 ref? to D.P.I. but which he has not retransmitted to Govt with this letter.~~

The agenda paper in the Resoln of the Law College Council vide enclos. to ano 250

As para 5 of Mr. Nelson's memorandum, in which he states that the distance of the College from the abodes of professors and students "will practically prevent the early morning lectures". In other words, the college will become practically an evening college and the result of the great expenditure on the new building will be deterioration instead of improvement in the efficiency of the college. The members of the staff are, with the exception of the Principal, professional men, who have a more or less growing practice at the Bar, and they cannot, after the day's hard work, enter on their professional and tutorial duties in the evenings with that freshness, and buoyancy and vigour which are

indispensable

indispensable for efficient instruction. I cannot acquiesce in the conclusion arrived at by the College Council that it is not possible to give effect to the original scheme of the College: not at least until that scheme has been put on its trial and has proved itself by experience to be unworkable. I, therefore, hope that Government will not hesitate in affirming its determination to carry out the original intention of constituting the College a day college. It is with this intention that the present building has been erected at great cost, and it would, to my mind, be a cause of public scandal to [illegible] to admit that this heavy expenditure has put the college in a worse plight than it was in before.

If attendance at College is to cease to be regarded as a mere farce or as nothing more than a device to meet the requirements of the University as to term certificates, full-time Professors must be employed on salaries high enough to attract men of some standing in the legal profession.

3. Assuming that the B.L. course is reduced from three to two years, and that the junior and senior classes have each four hours' work a day (including lectures, tuition and examinations) the total number of hours per week of five working days will be forty. It seems to me that a Principal with professorial duties, two Professors and one Assistant Professor, would

would be able to overtake all this work. How about Tuition?

Time would show whether an additional Assistant would be required on the regular staff. To attract and retain the services of thoroughly competent men for the posts of Professors, I would recommend that their salaries be fixed at Rs 1000 and Rs 750 respectively. A first class sub-judge draws a salary of Rs 800 a month and a third class sub-judge Rs 500. The rate of salaries of the Senior and Junior Professors should be such as would be attractive to men aiming at such ×posts. A class of 200 students is no doubt unwieldy, and to afford the necessary help in examination work, &c, an Assistant Professor on Rs 350/ should be provided. The Pleadership

But the posts wd. only be for five years & it is doubtful whether any pleader wd. care to sever himself from his practice with the prospect of having to get it together again at the end of five years.

× It wd. often be more.

Pleadership classes which, by the way, have been steadily declining in strength, would, if they continue to exist, which seems doubtful, require some extra teaching & examination. The new building, being large, would require a large establishment to look after it, and the present scale Rs 108 may, in view of this circumstance, be raised to Rs 150.

4. My estimate of charges under the new system of working the Law College is, therefore, as follows.

		Rs.
Principal @	Rs 1200 . . .	14400
Senior Professor . .	1000	12,000
Junior " "	750 . . .	9,000
Assistant " "	350	4,200
Establishment .	150	1,800
Exchange compensation allowance	. . . .	2770 (B.E. for 1896-97)
Library and Contingencies	. . . .	2830
	Total Rs	47,000

This amount is only Rs 1400 in excess of the Budget Estimate for 1896-97 (Rs 45,600) and

40 931
27-11-95

and of the above sum Rs 916 is for the increased outlay on establishment and contingencies which will in any case be necessary on the occupation of the new building. The above figure is well within the Budget estimate under fees for the same year, namely, Rs 60,000/ and would leave a wide margin from which honoraria might be paid for any special course of lectures which might be considered necessary or desirable in such branches as Maritime Law, Medical Jurisprudence, &c.

5. Before I conclude, I shall briefly touch upon the objections that have been already raised by the Principal and the Law College Council, or that may hereafter be urged against

the original scheme of working the

institution

institution as a full-time day college.

(i) The first and the strongest of these is the one referred to in the resolution of the College council passed at a meeting held on the 14 October 1895 and submitted to Government with my letter No. 378, dated, 17 January 1896. The Council, while admitting the desirability of giving effect to the original scheme of working the college as a whole-time college, considers the difficulty of obtaining the services of efficient lawyers to be insurmountable under the present or similar terms of remuneration. It is in view of this difficulty that I have proposed the salaries of Rs 1000 and Rs 750 for the Senior and Junior Professors respectively, and I feel quite sanguine that these salaries

three to two years & the ~~demand~~ other alteration ~~proposed~~ suggested

~~of enhanced fees to be paid in a~~

~~reduced period of time would~~

Refd to W. P. D. with G.O. 69 of 96 [illegible] with this letter.

[illegible] enc 250

G.O. 69 of 96

capable Barristers or Vakils, who would be ready to devote their whole time to College work. With the exception of the actual leaders and a few of the most prominent members of the Bar, whose services it is not under any circumstances, possible to secure, I venture to think that several members of the legal profession, who have a fairly good practice would prefer the fixed salaries of Rs 1000 and Rs 750, even without pensionary rights attached to them, to an income subject to the fluctuations which are inevitable in these days of keen competition.

x But the appointments will only last a very few years.

(ii) Another objection that may be urged is that if the Principal and [illegible] the teaching

the original scheme of [illegible] devote their

---

their whole time to College work, they would lose touch with the actual practice of the law, and their efficiency would, in consequence, be impaired in course of time. In reply to this, I may say that: permission to take consulting or chamber practice, would afford sufficient safeguard against the teaching staff losing touch with the practice of the law, and when it is considered that the staff is to be recruited from the members of the Bar or of the Bench, who have already had considerable practice, the staff would be consulted with readiness by those of the litigant public with whom they may have come in contact in the course of their practice. Further the members [illegible]

x: papers in the file show that there is practically no chamber practice in Madras.

Moreover. The College lectures do not teach practice so much as the principles of the Law, which alter very little. Practice is picked up in the chambers of a lawyer or by actual experience. G.J.F.

the new buildings has [illegible] college in a worse plight th before. Arguments which are based upon be appointed only for a limited period, say, for three or four years, and any perceptible loss of efficiency could easily be made good by judicious selection at the end of the period.

X This wd. make it more difficult than ever to get good men.

(iii) Another objection which may be raised against my proposals is that classes of 200 students are unwieldy, and that with the proposed staff, consisting of a Principal, two Professors and one Assistant Professor, it would be impossible to do the tuition work satisfactorily. There may be some truth in this; though considering the educational standing of the students entering on law studies, I would not attach much importance to it. For, if the efficiency of the present system

~~disappeared, & to full [illegible]~~ is judged
the ~~on the new buildings will be~~ L degree Examination
~~taken by the students~~.
for

for the last four years, during which period the system has been in force, it will be found to be of very small account indeed. What the students really want is instruction of a superior kind, and when they get this from Professors who devote their whole time to teaching after a fairly large acquaintance with work at the Bar or on the Bench, they will take more interest in their college work and as a consequence be more successful at the final examination. Moreover, as far as lecture work is concerned, it makes little difference whether a class is 100 or 200 strong.

6. If my proposals regarding the College and the staff meet with the general approval of Government, it will be necessary, be three to two years & the ~~demand~~ other alterations
~~proposed~~ suggested
~~of enhanced fees to be paid in a~~
~~reduced period of time would~~

passed, to move the University to make the necessary changes in the byelaws. It is hardly necessary to add that my proposals, if given effect to, will not affect the question as to the future of the College after the lapse of the next five years for which the Secretary of State has sanctioned its continuance as a Government institution.

I have the honour to be,
Sir,
Your most obedient servant,
D Duncan
Director of Public Instruction.

After full consideration of all that the D.P.I. says, I am convinced that the College Council are right in their unanimous opinion that, though it wd be good for legal education if the College could be worked as a whole-time college, this is impracticable at present, while its continuance as a Govt. institution is only sanctioned for 5 years. The D.P.I. does not establish his position that the College has failed so far as the B.L. exam. is concerned, & this is not in accordance with general opinion. The College would undoubtedly be more successful if it were worked as a full-time college with a staff exclusively engaged in its work, but this is not possible, & we must do the best we can otherwise. The D.P.I. is evidently not sure of the success of the whole-time scheme, but recommends that it shd not be discarded "at least until that scheme has been put on its trial & has proved itself by experience to be

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Ed. Dept.

For orders. Currts 229 & 250.

The D.P.I. sends up the scheme asked for in G.O. 69-Ed./5.2.96 for working the Law College as a day college.

Shortly put the scheme proposes to reduce the number of professors at the College, & to pay them salaries enough to make it worth the while of good vakils to take up the appointments, & then to make the professors lecture during the ordinary working hours of the day instead of only in the mornings & evenings.

Dr. Duncan's arguments in favour of the change are (i) that the law course could then be reduced to two years in length, as lectures could be given more frequently & the same number got into a shorter time. It is doubtful whether this is any advantage from many points of view, & the argument in para 2(ii) that this would make the periods of training for medicine law & engineering of equal [illegible] is one that follows as which is hardly part of the training proper. The present proposals would seem therefore to shorten the law course, & make it one year less than the training for medicine & engineering, & not to equalize the periods for all three. ~~periods~~

(ii) Dr. Duncan says the college is not doing well at the B.L. Exam. as it only passes from 20 to 40 per cent. of the candidates it sends up. This is again a fallacious argument unless the standard of the various Exams. & the general average of percentages of passes are also taken into consideration. The percentages of passes for candidates of all institutions are compared with the percentages for Law College students, below, for the years quoted by Dr. Duncan.

	Law College percentage.	General percentage.
1891-2.	33	31.7 ~~30.4~~
1892-3	36	42.6
1893-4	24	24.8

So that in one of the years the College did better than the average, in another about the same, & in the [illegible] [illegible]. It can't [illegible]

& that the percentage of success in the B.L. Exam. is less than at other Exams.

Do the Inns of Court pass more than 50%?
G.V.K.

unworkable." The staff he proposes is insufficient especially as regards tuition, & the salaries he thinks shd be given are not sufficient to attract good men to leave a good practice at the Bar for a short term of years. The building wh. is being erected at a great cost (R 3,41,360 I think) was sanctioned under the idea that the college wd be worked as a full-time college, but though that is impracticable, the building will still be of great use, as shown by Mr. Nelson in words quoted below, & we shan't have to cause "public scandal"
JG

See note below
G.V.K.

And a large percentage of those who passed & were not sent in by the Law College were old students of the college (pg 5 of the Special Report)
JG

admitting that "the heavy expenditure has put the College in a worse plight than it was in before." I think the idea of working the College as a whole time college must be relinquished at all events till its continuance is assured.

It follows that Mr N. may be allowed to practise in the Courts. He has shown that now the initial work of organization &c is done this is ×

This is a mere assertion. I know of no facts supporting it.

I should like to know more about this. Is there any truth in it?
JG
W

× unobjectionable. When he was appointed the Sec of State said it was difficult to get a good man for the place on R 1200 ↗ without allowing him private practice. He has proved himself efficient & shd be reengaged.
JG
29/2/96

I agree with Mr Nelson that the "hours of instruction will be increased & that the existence of common rooms, comfortable class rooms & library will no doubt induce many students to make use of the College for their daily studies between these hours"
JG

He says on the contrary that it will not materially suffer: any present loss in the section of students referred to wd. be very soon made up by the annual increment of growth, according to him.
G.V.K.

It is impossible to compare the standards of the various Exams. in law, medicine, & engineering, but rumour certainly says that the standard of the last ~~latter~~ has been lowered to keep up the number of passes, & that the certificates gained now are getting more & more worthless. If this be so, it is preferable to have a stiff Exam. & fewer passes.

(iii). That the building was erected for a day college, & should therefore be used as such. — If, however, to so use it would be to damage the college as a teaching institution ~~class~~ it would be better to leave it empty for ever.

2. Dr. Duncan practically admits that the strength of the college would suffer under his scheme as many of the present pupils are engaged in occupations in the day time & so could not attend day lectures, & to meet this he proposes to raise the fees. This is the [illegible] the only way of

letter. There are now eight professors & Assistant professors, besides the Principal, who are paid according to the number of lectures they give & earn from Rs 400 to Rs 500 a month. (The exact sums are not here ascertainable.) Dr. Duncan proposes to cut three down to three, one on Rs. 1000., one on Rs. 750., & one (to do examination work) on Rs. 350. That is, there would only be two lecturing professors against eight. At the end of 1894 there were 564 students in the College, & the numbers are annually increasing. The Principal & the two Professors wd. thus seldom have less than 200 students at a lecture, & they would probably have more, as one of them would have to take the pleadership candidates, who only numbered 25, while the other two divided the remaining 539 between them. It is doubtful whether such a crowd could well be [illegible]

"The present staff therefore consists of a Principal, 2 ~~professors~~ professors, 6 assist. professors and an assist. lecturer." (Special Report page 7.)

J.G.

The alterations in the rates of pay would want the Sec. of State's sanction. Please see papers under cover of G.O.

1898. Fin.
18.3.84

I agree generally with the Hon. Mr. Grose. When Dr. D. speaks of cost, he makes no allowance for expenditure on buildings — we require a considerable surplus of fees over salaries & sundry expenditure to compensate for the outlay we have incurred on the College Building.

As to the students who ~~seek~~ combine, or endeavour to combine, attendance at the Law College lectures with the performance of their duty as clerks in offices, it would, in my opinion, be a good thing to order that no ~~student~~ person shall be admitted as a student in the Law College who is a clerk or otherwise

Quite

J.G.

The College was originally sanctioned for 5 years only & the Sec. of State then requested that every endeavour should be made for Govt. to sever its connection with it within that term. He has since consented to let it be continued as a Govt. institution for a further period of 5 years (Despatch 25.7.95 No. 7)

J.G.

X Employed in a Govt. office.

This burning of the candle at both ends is, I think, bad both for the men themselves, their studies in the Law College & the work they are supposed to do in their offices. We are not, perhaps, concerned with the men or their studies, but we are with their office work & are warranted in taking such steps as may be necessary to ensure that it is efficient —

J.M.
3/3/96

I agree with the hon. Mr. Grose as to the College & Mr. Nelson. As long as Govt. continues to run the College on a 5 years' system it must be impossible to get good professors to do its work. Before the expiry of this new course of 5 years, Govt. will have to devise

4. It further seems doubtful whether the Professors wd. be as able as the present staff. The rates of pay are high enough, but the appointment is only for a short time, leads to nothing, & carries no pension. To take it involves relinquishing a practice at the bar which may have taken years to get together with the certainty of having at no distant date to begin getting it together again. It seems unlikely that men in good practice would come even for Rs. 1000. a month.

5. If any change is now thought to be apparently desirable it is submitted that before it is finally ordered the College Council must be consulted. It consists of specialists, in a way, & they are unanimously opposed to Dr. Duncan.

AP. 29.2.96

H.O.

On the decisions of the University [illegible] a failure. The U.S. has shown above that even on the figures the percentage of passes from the College does not compare unfavourably with the general percentage in other examns. To this I would add that in any case it is not a conclusion that can be safely & fairly drawn on a consideration of mere figures. Many other elements wd. have to be taken into account before such ~~[illegible]~~ a verdict should be passed. It is a matter of notoriety that law is the only profession which nine-tenths of the University students look forward to. ~~[illegible]~~ The Hindu student is also apt to mistake his natural gift of fluent speech for legal talent. The College classes are consequently crowded with a heterogeneous flock of students, many of whom are destitute of any real aptitude for law, & what is of greater importance, many are without that knowledge of English & sufficient ideas which is so much more requisite for students of law than in those. [illegible]

Reorganization of the Law College & reappointment of Mr. Wilson

(for orders)

Hm. & circ. -

some plan for dissociating itself from the College and getting it run as a whole time College. I am not sure as to whether we should refuse to admit students, who have other means of employment, to the College lectures - and before agreeing to this proposal, I should like to hear what the Principal has to say on the subject. If it is shown that this class of young men are indifferent students well & good - but it may be a good thing for a man to have two strings to his bow. W
4 Mar

Yes, & this makes tuition cumbrous

that must be weighed, I don't think Dr. Duncan's condemnation is justified, or that Govt. shd. accept it without a much fuller enquiry than a mere office scrutiny of figures. Indeed in the interests of the public it is not desirable that the test for the B.L. degree shd. be other than strict & searching.

To return to Dr. Duncan's scheme. Of the soundness & cogency of many of his arguments there can be no question. Tuition must be more effective when it is the whole occupation & business of the teacher & of the pupil. The College Council quite recognized this; but their objection as well as the difficulty in the way of Govt. accepting the D.P.I.'s scheme is the practical one of securing, as the Council in their Resoln. of 14.10.05 put it, "an efficient teaching staff during

& native, on the Council were unanimously agreed.

Dr. D. now proposes to get over the difficulty by raising the salaries of the professors to R1000 & R750. To obtain the necessary funds, without much exceeding the present cost, he wd. reduce the staff to 2 Profrs. & one Asst Profr., in addition to the Principal: & he wd. also, if necessary, raise the term fee to R75 from R50, reducing the course from 3 years to 2 years.

But will this proposed raising of the salaries secure qualified teachers? I very much doubt it. Dr. Duncan fails to advert to or at any rate to appreciate the difficulty that arises from the fact that while his salaries wd doubtless secure the men he requires, if they cd. look forward to fixity of tenure, the case is entirely altered when it is remembered that the College is

ris. | JG

rs or leave JG

He admits apparently that the men will often be inefficient, but says this could be remedied "by judicious selection" at the end of 3 or 4 years.
JG

JG

Govt. could not be sure of a steady supply of the right class of professor — learned & practised in the law & also young enough to be an enthusiastic teacher —, even on the considerable salaries suggested. To make the difficulty still greater the D.P.I. wd. limit the tenure of appt. to less than the 5 years of the College's probation!

Dr. D's further proposal to reduce the staff of professors seems also to be the reverse of advantageous. With a subject like law, taught in English to native students, it is most desirable that the classes shd. be small & the teachers numerous so that tutorial instruction may elucidate & inculcate the subjects of the more formal part of the lectures.

To reduce the course from 3 to 2 years seems also of doubtful expediency. But it is not an essential part of the scheme. ~~[illegible]~~ The proposal to raise the term fee from R.50 to R.75 is also open the extra year gives the student another year to pay it in & another year's income to pay it out of, & thus its incidence is lighter. Of course there is the set off that he is able to qualify sooner for practice; but then the practice has to come. Time as well as intensity is a valuable element in professional education; and the course sh^d not be shorter than three years.

On the whole then there are so many difficulties in the way of making the College a wholetime Day institution ~~[illegible]~~ so long as it is on a tentative basis, that the proposal may be deferred till the S. of State consents to place it on a permanent footing as a Govt. College. But if Govt. thinks that Dr. D.'s scheme may be tried, further inquiries sh^d be made as to the feasibility of getting the competent Professors

JG

the enhanced salaries, the G. of I. being first propitiated. This will take time, & until then Mr. Nelson (some increase to whose salary may be required involving an increase to Dr Duncan's estimate of cost) may be permitted to practise; & perhaps on the conditions mentioned at the end of my note of 31.1.6

28/1/6

Reorganization of the Law College & Mr Nelson's reappt

H.M. & circ

Early

Ree, please draft
S.A. 4 11/3/6

G.O. No 167 / 28-3-96 Educl

E.V. Educl 167
26/3/96

[G./24.]
200—5-10-95.

Ed DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., dated 5th Feb 1896, No. 69 Ed.

Again G.O., dated 189 , No.

Current No. 229 of 1896, dated , from No. 1608

" " 250 " 1896, " , " 1866 D.P.I.

" " 350 " 1896, " , " 2806.

21P

ORDER.

J S
16/3/96

Upon a full consideration of Dr. Duncan's proposals in his letter read above H.E. the G.-in C. ~~is inclined to~~ agrees with the view of the question unanimously adopted by the Council of the Law College, & that it is under present circumstances impracticable to work the College as a whole-time institution.

2. Even assuming that the conversion of the institution into a day college would involve no danger of a reduction in the strength of its classes, ~~there appears to remain several~~ & that the shortening of the course from three to two years & the ~~demand~~ other alterations ~~proposed~~ suggested ~~of enhanced fees to be paid in a reduced period of time would~~

be desirable ~~alterations~~ innovations, there remain several substantial objections to the Director's scheme. His proposals would in the first place necessitate so considerable a reduction in the numerical strength of the professors that adequate tutorial instruction, (which the Govt. regards as a most essential ~~valuable~~ factor ~~item~~ in ~~part of~~ the course, would be out of the question. The ~~The Next,~~ the salaries suggested for the ~~permanent~~ whole-time professors ~~are~~, again, are, in the opinion of the Govt., insufficient to attract teachers of the requisite experience & knowledge. ~~that are the essential~~. ~~even~~ For, though they appear at first sight to be considerable, it has to be remembered that ~~it~~ the continuance of the college on its present footing has (only) been sanctioned for a very short period ~~so that~~ and the tenure ~~appointments~~ of the professors ~~is it~~ is therefore merely temporary & carries with it no definite leave privileges & no eventual pension. These drawbacks, in the opinion of Govt., are in themselves so formidable as to exclude any legitimate hope of securing the whole-time services of competent teachers on a reasonable scale of salary.

~~have no element of permanence~~
~~lead to no permanent employment and afford no hopes of leave or pension under definite rules or eventual pension, while the acceptance of such appointment by pleaders of practical experience now in actual practice (the class which it is desirable to attract)~~

~~would necessitate the relinquishment of practices which may have taken or would take again many years to establish, & which would at the termination of the appointment, require almost as long to re-establish.~~ Nor ~~is~~ does it ~~not~~ appear to be practicable to enhance the rates of salary suggested, for the ~~Director's~~ calculations upon which the Director bases them leave, as it is, but little profit to Govt. to recompense it for the very considerable outlay which it has incurred upon the new college buildings.

3. The Director has not, in the opinion of H.E. in C., established his statement that the results now obtained by the College at the public examinations are "deplorable", nor does ~~H.E.~~ the Govt. share Dr. Duncan's apprehension that ~~the erection of the new buildings will necessitate the~~ a "public scandal" ~~of~~ will be caused by the necessity of admitting that the erection of

the mere numerical results of ~~the~~ the examination ~~[illegible]~~ ~~[illegible]~~ leave out of ~~consideration~~ account the standard demanded by the examiners, ~~[illegible]~~ & the percentage of success obtained by candidates from outside the College ~~are accepted as fallacies~~ ~~are necessarily fallacious~~ and other

the fallacious if they

considerations relative to the difficulties which native students must experience in acquiring a knowledge of such a subject as English law.

As to the new buildings the Govt. is ~~inclined~~ to share the hope expressed by the Principal in his special report on the college dated 27th Feb. 1895 that, ~~[illegible]~~ even while the institution is maintained on its present temporary footing, the existence within easy reach of the High Court of common rooms, comfortable class rooms and a library will induce many students to make use of the college out of lecture hours in a manner which has not hitherto been possible. ~~; while as soon as the permanent continuance of the college has been sanctioned the circumstances which have now led Govt. to hesitate to convert it into a whole time institution will probably most of them~~

4. At the same time H.E. in C. is quite in accord with Dr. Duncan as to the greater efficiency & success which w[ould] result if the College were worked as a ~~whole time~~ day institution with a staff exclusively engaged in ~~the work~~ business of teaching. But for the reasons wh. have been explained the Govt. considers that there is not practica

~~with~~ must be postponed until the College is established on a permanent basis

~~4.~~ 5 The alteration of ~~the~~ ~~[illegible]~~ College into a day-college being thus under existing circumstances impracticable the Govt. considers that no valid objection exists to the grant to the Principal of permission to practice in the Courts at Madras. He will be requested to report whether he is willing to take up the appointment of Principal for a further term of five years from 2nd May next ~~under~~ on the terms and under the conditions set out in his original agreement with the S. of S. printed in G.O. No. 360 Ed 18.5.91 with the modification, that he will be permitted to draw ~~allowed~~ Exch- Compensation allowance, and that he shall be permitted to ~~[illegible]~~ practice in the Courts in Madras City upon the condition & understanding that such practice shall not in any way interfere with his performance of his duties as Principal, & that ~~the it shall be com~~ should it at any time be the opinion of ~~Govt.~~ H.E. in C. that such practice is ~~so interfering with his duties~~ detrimental it shall be competent the

concession

For orders.

7 6/3/96

To D.P.I. despd 26/3/96

— R.A. Nelson Esq. B.A. LL.B.

Bar. at Law.

× In G.O. 167. F. / 14.3.96

Reorganization of Law College & Mr. Wilson's reappointment. –

Draft
(from orders).

Hon Mr. Grose. C.I.E. }
H.E. the Governor }
please see notes at end of draft.

G.R.

Resubmitted to H.M. with reference to the addition in red ink now made in the last para. of the draft with refce to the notes ~~orders and~~ recorded in the ×note for orders in the Financial Dept. which is placed at the top of the file

W.R. 18.3.96

H.M.

Approved
J.G.
21/3/96

H.E. the Governor & the H.M. are both in favor of the exch. comp. being given, as a part of the remuneration under the new agreement.

Now issue
G.R. 21/3

G.R. 16/3/6

~~Copy for Press~~

Educational Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O.No 69 Educational dated 5th February 1896.
Read also letters from the Director of Public Instruction dated 19th February, 24th February and 10th March 1896 Nos 1608, 1866 & 2806 respectively.

Order No 167 dated 26 March 1896.

Upon a full consideration of Dr.Duncan's proposals in his letter read above His Excellency the Governor in Council agrees with the view of the question unanimously adopted by the Council of the Law College, that it is under present circum-stances impracticable to work the College as a whole time institution.

2. Even assuming that the conversion of the institution into a day College would involve no danger of a reduction in the strength of its classes, and that the shortening of the course from three to ~~to~~ two years and the other alterations suggested be desirable innovations there remain several substantial objections to the Director's ~~Duncan's~~ scheme. His proposals would, in the first place, necessitate so considerable a reduction in the numerical strength of the professors that adequate tutorial instruction which the Government regards as a most essential factor in the course, would be out of the ~~questi~~ question. The salaries suggested for the whole time professors again are in the opinion of the Government insufficient to attract teachers of the requisite experience and knowledge. For though they appear at first sight to be considerable, it has to be remembered that the continuance of the College on its present footing has been sanctioned only for a very short period and the tenure of the professors is therefore merely temporary and carries with it no definite leave privileges and no eventual pension. These drawbacks in the opinion of Government are in themselves so formidable as to exclude any legitimate hope of securing the whole time servoces of competent teachers on a reasonable scale of salary. Nor does it appear to be ~~so~~ practicable to enhance the rates of salary suggested, for the calculations upon which the Director bases them leave, as it is, but little profit to Government to recompense it for the very [illegible] outlay which it has incurred upon the

printed in G.O No 360 Educational dated 18th May 1891 with the modification that he will be permitted to draw Exchange Compensation allowance and that he shall be permitted to practie in the Courts in Madras City upon the condition and understanding that such practice shall not in any way interfere with his performance of his duties as Principal and that should it at any time be the opinion of His Excellency in Council that such ~~pract~~ practice is detrimental it shall be competent to the Government to terminate the concession and require him to restrict himself as at present to Chamber practice.

/True Extract/

Chief Secretary.

The D.P.I.

copy sent to Press.

urned [illegible]r signature.

spatched in print.

NUMBER OF COPIES REQUIRED {
Order complete.
Letter only.
Order complete with Letter.

AIN G O., No. DATED
189

No.

LOSURES TO C. No.

OF GOVERNMENT .. .. ..

OF GOVERNMENT.

TEMENT WITH DITTO.

ERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

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