

Educational (1897) Department.

ORDINARY MS.

G.O., No. 301

Dated 27. 5. 97

INDEXED.

[Despatch Abstract.]

Sanctioning certain alterations in the
University by-laws.

27/5/97

BACK PAPERS.

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

FURTHER PAPERS.

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

Educational Public Works (1897) Department.

CURRENT No. 549

Read enc 501 & this

No. 30187 27.5.97.

Order

mis

H3

28

18/5/97

RAH

24.5.97

The proposed alterations

in the University by-laws
are sanctioned.

From

The Director of Public Instruction
Madras.

No. 5092

Dated 11th May 1897

Received 12 MAY 1897

Regd 12-5-97

Enclosures 1 (C 500 & 10)

Spare copies

SUBJECT.

Resubmitting letter
from the Registrar, of the
University of Madras, submitting
for the sanction of H.E. the Governor
in-Council certain alterations
in and additions to the by-laws:-

To

The Regs. M. U.
-- S.P. I.

Desp
29/5/97

C 17/97

C 19/97

C 21/97

R 9/7/97

R 10/7/97

R 11/7/97



FURTHER PAPERS.

[$\frac{\text{Edl.}}{5}$]
500-29-7-96

Rno 6336/97

500-29-7-96.
Educational (1897) Department.

CURRENT No. 500

From The Registrar of the
University of Madras

End. No. 99576 - May 1897.

Referred to the Director
of Public Instruction.

No. 176

Stokes
Secretary to Govt.
57.7

Dated 20-4-97

Received 1-5-97

Registered 1-597

Enclosures

Spare copies.

SUBJECT.

Submitting for the Sanction of H.E. the Governor's Council, certain alterations in and additions to the by-laws.

No 5092 c No. 549 Bdl
11th May 1897.

Resubmitted to
Government & recommen-
ded for sanction
J. G. Brown
Director of Public Instruction

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

University of Madras.

No. 176 OF 1897-1898.

SENATE HOUSE, APR 30 1897 189

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS,

To

The Secretary to Government

Local and Municipal Department

Fort St George.

SIR,

I am directed by the Vice-Chancellor and
Syndicate to submit for the sanction of His Excellency the
Governor in Council the following alterations in and additions to
the by-laws adopted by the Senate at the meeting held on the 25th
March 1897.

By-law 175. That subject 'V. Criminal Law' be omitted, that there be two
papers on "Contracts including Negotiable Instruments," that 75 marks be assigned to each
paper, that the time table be altered accordingly, and that 75 instead of 80 marks be
assigned to the paper on the Law of Torts. (To be proposed by the Hon'ble Mr. Justice
Shephard.)

EXISTING BY-LAW.

Candidates for the first examination in law
shall be examined in the following subjects:

- Jurisprudence.
- Roman Law.
- The Law of Contracts, including Negotiable
Instruments.
- The Law of Torts.
- Criminal Law.

Days.	Hours.	Subjects.	Marks.
Monday	10-1 2-5	Jurisprudence Roman Law	100 100
Tuesday	10-1 2-5	Contracts, including Nego- tiable Instruments The Law of Torts	120 80
Wednesday	10-1	Criminal Law	100
Total...			500

PROPOSED BY-LAW.

Candidates for the first examination in law
shall be examined in the following subjects:

- Jurisprudence.
- Roman Law.
- The Law of Contracts, including Negotiable
Instruments. (2 papers.)
- The Law of Torts.

Days.	Hours.	Subjects.	Marks.
Monday	10-1 2-5	Jurisprudence Roman Law	100 100
Tuesday	10-1 2-5	Contracts, including Nego- tiable Instruments Do.	75 75
Wednesday	10-1	The Law of Torts	75
Total ..			425

7. By-law 176. That the tabular statement be altered in accordance with the
above recommendation. (To be proposed by the Hon'ble Mr. Justice Shephard.)

EXISTING BY-LAW.

Register Number.	Number of marks obtained.					Total number of marks ob- tained.	Whether passed or not passed.	If passed, in what class ranked.	Remarks.
	Jurisprudence.	Roman Law.	The Law of Contracts.	The Law of Torts.	Criminal Law.				
100	100	100	120	80	100	500			

PROPOSED BY-LAW.

Register Number.	Number of marks obtained.				Total number of marks obtained.	Whether passed or not passed.	If passed, in what class ranked.	Remarks.
	Jurisprudence.	Roman Law.	The Law of Contracts.	The Law of Torts.				
100	100	150	75		425			

189 —189 .

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS.

No.

Dated

Received

189 .

SUBJECT.

8. By-law 182. That the subject V. "Civil and Criminal Procedure, including the Law of Limitation" be omitted in order to insert the subject "Criminal Law." (To be proposed by the Hon^{ble} Mr. Justice Shephard.)

EXISTING BY-LAW.

Candidates for the B.L. degree examination shall be examined in the following subjects:

- The Theory and Law of Property, including (a) The law of Trusts and Trustees; (b) Transfer of Property.
- Hindu and Muhammadan Law.
- Indian Constitutional Law.
- The Law of Evidence.
- Civil and Criminal Procedure, including the Law of Limitation.

PROPOSED BY-LAW.

Candidates for the B.L. degree examination shall be examined in the following subjects:

- The Theory and Law of Property, including (a) The law of Trusts and Trustees; (b) Transfer of Property.
- Hindu and Muhammadan Law.
- Indian Constitutional Law.
- The Law of Evidence.
- Criminal Law.

Days.	Hours.	Subjects.	Marks.
Monday	10—1	Theory and Law of Property, including Law of Trusts and Trustees, and Transfer of Property.	200
	2—5	Do. do.	
Tuesday	10—1	Hindu & Muhammadan Law.	120
	2—5	The Law of Evidence	100
Wednesday	10—1	Civil and Criminal Procedure, including the Law of Limitation	100
	2—4	Indian Constitutional Law.	80
Total			600

Days.	Hours.	Subjects.	Marks.
Monday	10—1	Theory and Law of Property, including Law of Trusts and Trustees, and Transfer of Property.	200
	2—5	Do. do.	
Tuesday	10—1	Hindu & Muhammadan Law.	120
	2—5	The Law of Evidence	100
Wednesday	10—1	Criminal Law	100
	2—4	Indian Constitutional Law	80
Total			600

9. By-law 183. That the tabular statement be altered in accordance with the above recommendation. (To be proposed by the Hon^{ble} Mr. Justice Shephard.)

EXISTING BY-LAW.

Register Number.	Number of marks obtained.						Whether passed or not passed. If passed, in what class ranked. Remarks.
	Theory and Law of Property, including Law of Trusts and Trustees, and Transfer of Property.	Hindu and Muhammadan Law.	The Law of Evidence.	Civil and Criminal Procedure, including Law of Limitation.	Indian Constitutional Law.	Total number of marks obtained.	
	200	120	100	100	80	600	

PROPOSED BY-LAW.

Register Number.	Number of marks obtained.						Whether passed or not passed. If passed, in what class ranked. Remarks.
	Theory and Law of Property &c.	Hindu and Muhammadan Law.	The Law of Evidence.	Criminal Law.	Indian Constitutional Law.	Total marks obtained.	
	200	120	100	100	80	600	

I have the honour to be

Sir

Your most obedient servant.

G. Hoop Dalvi

Registrar.

(1897.)

FROM

THE REGISTRAR OF THE
UNIVERSITY OF MADRAS.

No. 176

Dated } APR 30 1897

Received } 1 MAY 1897

No.

SUBJECT.

Alterations in & additions to the
by laws:

Submitting certain—
for the sanction of H.E. the
Governor in Council.

Extract from the Madras Times
of 26th March 1897.

UNIVERSITY OF MADRAS.

An adjourned meeting of the Senate was held yesterday evening, at the Senate House. Present:—Sir Arthur Collins (Vice-Chancellor), the Hon'ble Dr. Duncan, the Hon'ble Mr. V. Bhaskiam Aiyangar, the Hon'ble Mr. C. Vijayaraghava Chariar, the Hon'ble Mr. Justice Subramania Aiyar, the Hon'ble Mr. J. Sturrock, Mr. J. Cock, R-v. A. Maffei, Mr. C. R. Pattabhirama Aiyar, Mr. M. Venkayya Chariar, Mr. S. Sathianandan, Mr. B. Hanumantha Row, Mr. C. Nagoji Row, Mr. A. Sankariah, Mr. L. O. Williams Pillai, Mr. D. Keess, Rajah of Parpanad, the Hon'ble Mr. Justice K. S. Benson, the Hon'ble Mr. Justice H. H. Shephard, Dr. Downie, Mr. G. H. Stuart, Rev. F. W. Kellet, the Hon'ble Mr. P. Rangiah Naidu, Mr. R. A. Nelson, Mr. S. Rangiah Chetty, Rao Bahadur V. Krishnama Chariar, Dewan Bahadur R. Ragoonatha Row, Mr. N. Subramaniam, Mr. M. O. Parthasarady Aiyangar, Mr. C. Ramachandra Row Saib, and Mr. A. J. Cooper Oakley (Registrar.)

The B. L. Degree Examination CHANGE OF DATES.

The VICE-CHANCELLOR said that the first business before the meeting was the recommendation of the Syndicate that in bye-law 170 the word "May" be omitted in order to insert the word "January."

Mr. Justice SHEPHARD, in moving the resolution, said that the proposal was to alter the dates of the Law Examinations as recommended by the Law College and by the Director of Public Instruction (Dr. Duncan:—No) in order to obviate the inconvenience and difficulty which arose from the present state of things. Under the present bye laws of the University the first examination in law took place on the 2nd Monday in May, and before a candidate could enter upon that examination he must have attended a course of lectures in the subjects prescribed for three consecutive terms; under bye-law 177 the final examination was held on the 2nd Monday in January, and a candidate before entering upon that examination must have attended a course of lectures in subjects prescribed for that examination for three consecutive terms. The result was that a candidate for the B. L. Degree examination must have, before he arrived at that point, attended lectures for six terms or three years. In the middle of that period of three years came the first examination. A student who entered the Law College in January, 1898, according to the rules of that College, which the Senate had no power to alter, must come on the 2nd Monday in January,—and it was obviously necessary that students who wished to pursue their study in any college should come at the beginning and not in the middle of the term,—would go up for the first examination in May, 1899, and for the final examination in January 1901. It was the rule of the Law College that the candidates must have passed English and Science branches of that Examination before they entered the Law College, and therefore the student who would enter the Law College in January, 1898, would have obtained his B.A. Degree in the year 1897, inasmuch as the results of the B.A. Degree did not come in till the middle of March. The result was that a student who took his B.A. Degree in 1897 would proceed to the Law College in January, 1898, and would not emerge from it till January, 1901. There was thus a period of 3 years and ten months to elapse, and the simple object of the proposal was to diminish the interval which must elapse between the passing of the B. A. Degree and the entering on the law studies. They could not alter the dates on which students should take their degrees, and therefore the only alternative left was to make the first term begin not in January, 1898, but in July, 1898, so that students who passed in March, 1898, would proceed to the Law College in July after an interval of only 3 or 4 months, which would do the candidates no manner of harm. There would be a considerable saving of time by the proposal put forward. If the course should begin as he proposed in July the natural point of time at which the first examination should be held would be in January next but one. A student who began his studies in July, 1898, would go up for the first examination in Law in January, 1900, and for the second examination in May, 1901. Briefly put that was the proposal before the meeting, which was intended solely for the relief of the students. One objection might be raised that the final examination being held in May the successful students would have to wait until March for the taking of their degree. What grievance that could be to any students he failed to appreciate. He could not imagine that any authority which had to deal with questions of that sort and which required the passing of the B. L. as a condition for entering upon any office would refuse to accept the fact of passing the B. L., but would insist upon the actual taking of the degree at the Convocation. That was a technical difficulty which he did not think any authority was likely to put forward. Precisely the same difficulty occurred in regard to Medical degrees, where students who passed in July had to wait till March next. One other observation that he would like to make, not that he thought that it was directly relevant to the question, but by way of anticipation, in case it should be argued that the Senate was not bound by the conditions which were stated in the Rules, and that the three years' course was not an unalterable state of things. First of all he would say that those who advocated that three years' course should be reduced to that of 2 years had a very uphill task. Possibly there might come a time when they might induce people to believe that three years' course in the Law College was excessive

cannot understand all this
1901 January 18

and that a reduction of it was desirable. He doubted whether they would find anybody who knew anything about the matter and who would agree that the time had now arrived for it. The other observation he wished to make was whatever the Senate might think in the matter they had to remember that there were others to be reckoned upon outside that Senate over whom the Senate had no sort of control. It was competent no doubt for the Senate to make their own rules and to prescribe as they liked one year or six months for the B. L. Degree; but he apprehended that a degree would not be of much use to any student unless it was accepted by other authorities as a sufficient test of proficiency. He had no authority to speak on behalf of the High Court, which, however, was one body concerned in this matter; but he thought that he might not improperly suggest that if it came to the point of reducing the period from 3 to 2 years then the High Court might consider whether that degree was a sufficient guarantee of the fitness of the students for being enrolled as a Vakil of the High Court. The issue before the Senate was a perfectly simple one, an issue which had to be decided on the conditions they had, the conditions being the three years' course, admission into the Law College in the beginning of the term, and the compulsory rule about the candidates being required to pass English and Science branches of the B. A. Degree before entering upon the Law College. Assuming that these conditions were unalterable as far as the Senate was concerned, the simple issue was whether the present state of things, the result of which was to make a period of 4 years elapse between the passing of the B. A. and the B. L., was the best or the alternative state of things which would be brought about by the proposal he made. As to the time at which his proposal should come into force, he thought that under the new system the first examination should take place in January, 1900, and the final examination in May, 1901.

Mr. R. A. NELSON, in seconding the proposal, pointed out that there were two reasons why that proposal should be carried. It was essential to give the students of the Law College the full three years' course. Under the present condition of things a student did not join until his first term was practically over, for the reason that the term began in January and the results of the B. A. came out only in the middle of March. In order to prevent them from waiting till January of the following year a proposal was put forward by the Principal of the Law College that the first term should be altered from January to July, and the Director of Public Instruction, in according sanction to it, expressed the opinion that the question must naturally be referred to the University, as it was useless from him to alter the term without reference to the Senate. If the proposal of Mr. Justice Shephard was not carried, the total course would be 4 years and 3 months, but if it was carried it would only be 3 years and 4 months.

Mr. JUSTICE SUBRAMANIA IYER observed that when the University had extended the course from 2 to 3 years it had been understood that a student might pass one year of it in the Law College before he passed his B. A. He would like to know whether a student would not be admitted into the Law College unless he took his degree.

Mr. R. A. NELSON replied that the present practice was that those who passed English and Science branches were admitted to the Law College.

Mr. JUSTICE SUBRAMANIA IYER remarked that it was stated in the bye-law "for 3 consecutive years at least one term of which shall be subsequent to the passing of the degree examination." A great deal of misconception had arisen owing to the conflict of the rules of the Law College with the bye-laws of the University.

The Hon'ble Mr. BHASHYAM IYENGAR observed that if the rules of the Law College were read all doubts would be cleared.

Mr. R. A. NELSON said that the rules of the Law College were very simple. When the college was started there was a rule of the kind pointed out by Mr. Subramania Iyer that anybody could come into the Law College, even though he had not passed his B. A., and if at the end of the first year he passed his B. A., he was allowed to go up for the B. L.; but that was found to work extremely badly, the great mass of students devoting their attention to studying for the B. A. Degree examination instead of for Law. A rule was therefore passed by the Law College Council and sanctioned by Government that nobody who had not passed English and Science should be admitted.

Mr. JUSTICE SUBRAMANIA IYER observed that the rules of the Law College had put the matter on a different footing from what it was intended to be when the bye-laws connected therewith were passed by the Senate.

The Hon'ble Dr. DUNCAN remarked that both the mover and the seconder of the proposition had said that the proposal was approved of by the Director of Public Instruction. There was a slight misunderstanding in that matter. When the proposal had been brought before him he had stated that there could be no objection to the autumn term being made the first term of the Law College, provided the University was prepared to alter its bye-laws.

Mr. PATTABIRAMA IYER enquired if the students who had passed their B. A. this year had not been admitted into the Law College.

Mr. NELSON replied that some were admitted as a special case.

Mr. PATTABIRAMA IYER enquired if that had not been the practice for the last 2 or 3 years, to which Mr. Nelson replied in the affirmative.

Mr. Justice SUBRAMANIA IYER enquired if the students had been so admitted from the time the rules of the Law College were passed. He was asking that question in order that there should be no misconception in the matter. He would assure the Senate that he was not putting the question for the purpose in the slightest degree of lowering the efficiency of legal education, but for the purpose of eliciting information so as to satisfy the people who were anxious to know the exact state of things and who till now were under a misapprehension. Were the students admitted in January? Mr. NELSON replied that they were admitted in March. If the rule of the Law College was to be insisted upon no student could be admitted in March, and it was to prevent that awkward predicament that the proposal was made.

Mr. Justice SUBRAMANIA AIYAR.—Then it goes contrary to the bye-law 173 of the University.

Mr. R. A. NELSON.—That is a matter between the Government and the University.

Mr. Justice SUBRAMANIA IYER observed that under bye-law 173 a student was permitted to pass two terms in the Law College before passing his B.A., but the rules of the Law College quite changed the purpose of the bye-law. The Senate could not place themselves too much in the hands of the Law College. The Law College should endeavour to deal with the University as fairly as the University dealt with them.

Mr. NELSON pointed out that Mr. Justice Subramania Iyer, as a member of the College Council, had passed the rule referred to. He could not understand how that gentleman came to take a different view in the Senate.

Mr. Justice SUBRAMANIA IYER said that he had understood that the students would be allowed to enter the Law College in January and the facts that had been brought before him had justified the view he had now taken. He was anxious that their B.L's. should be efficient, but at the same time, that degree should not be made so difficult as to make it useless for a large majority of people who would otherwise come up for it.

The Hon'ble Mr. V. BASHYAM IYENGAR said that he was glad that bye-law 173 was prominently brought forward at that meeting. He had not been aware when the Law College Council had brought that rule that bye-law had been in existence. It might be that the Law College might say that unless a student had passed the M. A. Degree examination he would not be admitted into the college; but affiliated colleges must abide by the bye-laws of the University. If any difficulty was felt in complying with the University bye-laws, the college concerned should make a representation to the

syndicate suggesting an alteration in the bye-law, and not to say that it would be independent of the University. Bye-law 173 distinctly provided that a candidate applying for F. L. must be one who attended a course of lectures in the subjects prescribed for three consecutive terms, of which one term at least shall be subsequent to the passing of the B. A. Degree examination; the Law College was not quite justified in passing the rule referred to without bringing the matter to the notice of the Syndicate. The Law College should not pass any departmental rule which would practically run contrary to the bye-laws of the Senate, and he thought that the matter was one which ought to be reconsidered by the College council.

Mr. PATTABIRAMA IYER observed that recently there had been too many changes with regard to the B.L. Examination. Why should the Senate conform themselves to the rules of the Law College? Why should not the rules of the Law College be changed so as to bring them into conformity with the bye-laws of the University?

The VICE CHANCELLOR.—The Law College is perfectly independent of us, and the Principal tells me that the Government has sanctioned that rule.

Mr. COOK, of Bangalore, said that he would like to know why an affiliated Law College was altogether independent of the University any more than an Arts College. If so, how so?

The Hon'ble Dr. DUNCAN assured the Senate that the rules of the Law College and the bye-laws of the University were in perfect harmony, though the former might not be in perfect accord with the views of the law faculty which made the bye-law. According to bye-law 173 one term at least must be subsequent to the passing of the B. A. Degree, and that was exactly the regulation of the Law College. A student who applied for admission should have passed English and Science branches before he could be admitted into the Law College, and he should take his degree before he could enter upon his third term.

Mr. NAGOJI ROW said that the students might be allowed to continue studies in the Law College for the first year, and if they passed their B.A., they would continue the second year, if not they would withdraw.

Mr. R. A. NELSON.—That has not been the practice.

Mr. NAGOJI ROW.—That was the practice at one time. Even if it is not the practice, that may be made the practice.

Mr. G. H. STUART, in supporting the resolution, adduced arguments similar to those that had already been urged.

Rev. F. W. KELLETT observed that it was more difficult to alter the bye-laws of the University so as to bring them into conformity with the rules of the Law College than to alter the rules of the Law College so as to bring them into conformity with the bye-laws of the University.

Rao Bahadur V. KRISHNAMA CHARIAR said that considering that the Law College was not a day-college there was no necessity for the proposal brought forward.

Mr. M. VEERARAGHAVA CHARIAR said that the spirit of the motion was altogether bad. Instead of the Law College conforming itself to the rules of the Senate it wanted to overthrow the rules of the University and threatened to refuse admission to students. That being the case the Senate might not affiliate the Law College. Every affiliated college must conform itself to the rules of the Senate.

Mr. Justice SHEPHARD made a brief reply, in the course of which he pointed out that he was rather surprised to see a strong opposition for so simple a proposal as that which he brought forward purely for the relief of students. He was still more surprised that two of his Hon'ble friends should plead ignorance of facts and turned round to oppose the proposition.

The proposition was then put to the vote and lost.

The Vice-CHANCELLOR expressed the hope that Mr. Nelson would stick to his rules.

Mr. NELSON assured him that he would take care that every student took 4 years and 2 months before going up for the examination.

EXAMINATION OF PROCEDURE.

Mr. Justice SHEPHARD moved—

Bye-law 175. That subject V. "Criminal Law" be omitted, that there be two papers on "Contracts including Negotiable Instruments," that 75 marks be assigned to each paper, that the time table be altered accordingly, and then 75 instead of 80 marks be assigned to the paper on the Law of Torts.

Bye-law 182. That the subject V. "Civil and Criminal Procedure, including the Law of Limitation," be omitted in order to insert the subject "Criminal Law."

He hoped that there was no opposition to that proposition. The object of that proposal was to eliminate the subject of procedure and limitation from the curriculum of studies for the B. L. Degree. In consequence of that elimination it was necessary to transfer Criminal Law from the first examination to the second. The main object was to get rid of civil and criminal procedure, including the law of limitation. The reason for that proposal was that procedure was a subject which was exceedingly difficult for students to learn merely from lectures and books. They must remember that the University did not exist for the purpose of creating Vakils, but for the purpose of enabling those who were so desirous to study law among other subjects. If that proposal was carried, the first examination under the new system would be held in May, 1898.

Mr. Justice SUBRAMANIA IYER was glad to support this motion.

The Hon'ble BHASHYAM AYYANGAR observed that the change proposed was a salutary one, and would be a great relief to students going up for the B. L. Degree examination, inasmuch as they would not be compelled to study such an abstruse subject as the Civil and Criminal Procedure, along with the more important subjects of contract, Criminal Law and Equity. He thought that so far as the University was concerned, it was not at all necessary that it should insist upon the knowledge of a technical procedure, on the part of those who wished to obtain a degree in law.

Mr. N. SUBRAMANIAM, in opposing the proposition, pointed out that although the University was not a body to test the qualifications of Vakils, yet their B. L. Degree had been the test for the Vakils of the High Court. They had no other examination in the High Court except the apprenticeship under a Vakil for one year. A question of that kind had cropped up some years ago, when Sir Charles Turner had distinctly stated that if the University should do away with procedure the High Court should insist upon a pass in procedure before the Vakils could be enrolled in the High Court. They ought to follow the policy adopted in years gone by. Under the rules passed by the High Court under the Legal Practitioners' Act a B. L. could at once practice in a mofussil court without any further examination, and it was necessary that any man allowed by the High Court to practice should have some knowledge of procedure.

Mr. PATTABIRAMA IYER observed that a B. L., after a practice of 5 years in a mofussil court, could come and practice at the High Court without undergoing any apprenticeship.

The Vice-CHANCELLOR.—I do not think that the rule will last for a long time.

Mr. Justice SHEPHARD observed that some examination in procedure might be held before admitting B. L.'s as Vakils.

The proposition was then put and carried.