

LOK SABHA DEBATES

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**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA

Thursday, June 1, 1972/Jyaistha 11, 1894
(Saka).

The Lok Sabha met at four minutes past
Eleven of the Clock.

[MR. SPEAKER in the Chair]

RE QUESTION OF PRIVILEGE (Query)

SHRI P. M. MEHTA (Bhavnagar) : I have to make one submission. I have written to you that breach of privilege of the House has been committed by the Minister of Foreign Trade. Shri L. N. Mishra...

MR. SPEAKER : We have not received it.

SHRI P. M. MEHTA : I gave it to the Notice Office yesterday with the relevant document. I have forwarded to you.

MR. SPEAKER : I have not yet conveyed to you whether I have given my consent or not.

SHRI P. M. MEHTA : May I make the submission now ?

MR. SPEAKER : Not yet.

SHRI R. V. BADE (Khargone) : Anyway he has submitted to the Notice Office. What is the position ? It was given yesterday. It must have reached you.

डा० लक्ष्मीनारायण पांडेय (मंदसौर) : अध्यक्ष महोदय, मैंने कल निवेदन किया था कि मैंने विशेषाधिकार प्रश्न की सूचना दी है। आप ने बतलाया था कि आपने मंत्री महोदय से पूछा है मैं जानना चाहता हूँ आप का निर्णय क्या है। आज सदन का आखिरी दिन है। अभी तक मंत्री महोदय का उत्तर नहीं आया है तो क्या आप उस को उठाने की अनुमति नहीं देंगे ?

अध्यक्ष महोदय : मैंने उस को आज मंजवाया है। देख कर आप को बतलाऊंगा

वैसे जो कुछ बतलाया गया है उसमें से तो कुछ निकला नहीं। जो कुछ भी पता चलेगा आप को दिखला दूंगा।

डा० लक्ष्मीनारायण पांडेय : मामला बड़ा गम्भीर है।

अध्यक्ष महोदय : क्या गम्भीर है आप का मतला ? या तो किसी मिनिस्टर ने रिप्लेस किया हो, या कुछ हो। आप लोग ले आते हैं। Unless I satisfy myself, how can I allow ?

डा० लक्ष्मीनारायण पांडेय : उन्होंने जो कुछ कहा है उस के विपरीत मैंने प्रमाण में फोटो स्टेट कापी दी है। उन्होंने सदन को गलत जानकारी दी है। उस के आधार पर मैंने विशेषाधिकार प्रश्न की सूचना दी है। इसकी अनुमति आप को देनी चाहिये।

अध्यक्ष महोदय : जब तक मैं डिसाइड नहीं करता तब तक कुछ नहीं हो सकता।

डा० लक्ष्मीनारायण पांडेय : यहाँ जो कुछ भी मंत्री द्वारा कहा जाय उसका यह अर्थ तो नहीं है कि सब कुछ ठीक समझा जाये।

श्री आर० बी० बड़े : आज तो लास्ट डे है।

MR. SPEAKER : I have asked for more information. I have to satisfy myself whether it is a privilege matter or not.

श्री जगन्नाथराव जोशी : उन के पास फोटो स्टेट कापीज हैं, वह कहते हैं।

अध्यक्ष महोदय : मैंने देखा है उनकी स्पीच को आप ने पूछा है कि कोई लड़के बहाने गये हैं। उन्होंने कहा कोई लड़के नहीं गये हैं। कोई और इन्तजाम हुआ होगा।

एक धार्मिक सदस्य : उन्होंने कहा कि उड़िया भाषा नहीं जानते। उन्होंने यह नहीं कहा कि गये या नहीं गये।

डा० लक्ष्मीनारायण पांडेय : मैंने स्पेसिफिक चार्ज लगाया था। उसको उन्होंने डिनाई नहीं किया है।

MR. SPEAKER : Unless I am satisfied I cannot also allow it.

डा० लक्ष्मीनारायण पांडेय : आप अनुमति कब दोगे यह तो मालूम हो जाये।

MR. SPEAKER : No, please.

डा० लक्ष्मीनारायण पांडेय : आज तो सदन का आखिरी दिन है। क्या अगले सत्र में दोगे ?

MR. SPEAKER : Let me first satisfy myself.

PROF. MADHU DANDAVATE (Rajapur) : Sir, I had written to you this morning drawing your attention to a very serious matter.

MR. SPEAKER : The question is for the Press to decide what to give and what not to give.

PROF. MADHU DANDAVATE : I am not referring to that issue. I think you are referring to some other thing. I stated that some efforts are being made by the officials to pressurise the press. Certain aspects of the discussion in this House are likely to damage their reputation and, therefore, they do not want the Press to publish them. I will put the evidence before you. I will put that before you to decide how far we are a free society...

SHRI JAGANNATHRAO JOSHI : We are an open society only.

MR. SPEAKER : Now Papers to be laid.

11.08 hrs.

PAPERS LAID ON THE TABLE

MERCHANT SHIPPING (REMOVAL OF DIFFICULTIES) ORDER

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KEDAR NATH SINGH) : On behalf of Shri Raj Bahadur, I beg to lay on the Table a copy of the Merchant Shipping (Removal of Difficulties) Order, 1971. (Hindi and English

versions) published in Notification No. G. S. R. 92 in Gazette of India dated the 8th January, 1972, under sub-section (2) of section 460A of the Merchant Shipping Act, 1958. [Placed in Library. See No. LT-3147/72]

STATEMENT CORRECTING REPLY TO USQ No. 481 RE M. P.S UNCOLLECTED TELEPHONE BILLS

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : I beg to lay on the Table a statement correcting the reply given on the 3rd May, 1972 to Unstarred Question No. 4818 by Shri B. K. Das Chowdhury, regarding telephone bills lying uncollected from Members of Parliament of the last Parliament and giving reasons for delay in correcting the reply.

Statement re uncollected telephone bills against M. P.s

To the reply to the Unstarred Question No. 4818 asked by Shri B. K. Das Chowdhury in the Lok Sabha regarding uncollected telephone bills against Members of the last Parliament, a list at Annexure 'B' showing the outstanding relating to the period of last Parliament in respect of telephones provided at Delhi [under Housing & Telephone Facilities (M.P.s) Rules] to M.P.s. of 4th Lok Sabha, who were re-elected to 5th Lok Sabha, was attached with reference to Part (b) of the Question. In that list against the name of Shri C. C. Desai Rs. 344-28 have been shown as outstanding. The name of Shri C. C. Desai was inadvertently shown in the list of outstanding telephone dues, and it should be deleted as the Hon'ble Member had already settled on 12-4-72 the outstanding amounting to Rs. 344/28 aforesaid. It is regretted the mistake could not be detected earlier.

REPORT OF COMPTROLLER AND AUDITOR GENERAL FOR 1970-71 RE UNION GOVT. (RAILWAYS), APPROPRIATION ACCOUNTS RAILWAYS, 1970-71, PART I-REVIEW ETC.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I beg to lay on the Table :

- (1) A copy of the Report (Hindi version) of the Comptroller and Auditor General of India for the year 1970-71 Union Government (Railways), under article 151. (1) of the Constitution.

(2) A copy of the Appropriation Accounts, Railways, for 1970-71, Part I-Review (Hindi version).

(3) A copy of the Appropriation Accounts Railways for 1970-71 Part II-Detailed Appropriation Accounts. (Hindi version).

(4) A copy of the Block Accounts (including Capital Statements comprising the Loan Accounts), Balance Sheets and Profit and Loss Accounts, Railways, for 1970-71 (Hindi version). [Placed in Library. See No. LT-3149/72]

COFFEE (THIRD AMENDMENT) RULES

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : I beg to lay on the Table a copy of the Coffee (Third Amendment) Rules, 1972 (Hindi and English versions) published in Notification No. G. S. R. 457 in Gazette of India dated the 22nd April, 1972, under subsection (3) of section 48 of the Coffee Act, 1942. [Placed in Library. See No. LT-3150/72]

Trade and Merchandise Marks (Audit) Rules, Review and Report National Newsprint and Paper Mills, Ltd., Nepalnagar, 1970-71, etc.

SHRI KEDAR NATH SINGH : On behalf of Shri Siddheshwar Prasad I beg to lay on the Table :

(1)(i) A copy of the Trade and Merchandise Marks. (Amendment) Rules, 1971 (Hindi and English versions) published in Notification No. S. O. 5789 in Gazette of India dated the 27th November, 1971, under section 134 of the Trade and Merchandise Marks Act, 1958.

(ii) A statement showing reasons for delay in laying the above Notification. [Placed in Library. See No. LT-3151/72]

(2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956 :

(i)(a) Review by the Government on the working of the National Newsprint and Paper mill Limited, Nepalnagar, for the year 1970-71.

(b) Annual Report of the National Newsprint and Paper Mills Limited, Nepalnagar, for the year 1970-71 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-3152/72]

(ii) (a) Review by the Government on the working of the Machine Tool Corporation of India Limited, Ajmer, for the year 1970-71.

(b) Annual Report of the Machine Tool Corporation of India Limited, Ajmer, for the year 1970-71 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-3153/72]

ANNUAL REPORT ON THE WORKING OF EMPLOYEES' PROVIDENT FUND SCHEME AND STATEMENT CORRECTING REPLY TO SQ NO. 584 RE FINANCIAL ASSISTANCE TO RAJASTHAN

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : I beg to lay on the Table :-

(1) A copy of the Annual Report (Hindi and English versions) on the working of the Employees Provident Fund Scheme, 1952 for the year 1970-71. [Placed in Library. See No. LT-3154/72]

(2) A statement correcting the reply given on the 27th April, 1972 to Starred question No. 584 by Shri Dharmarao Sharanappa Afzalpurkar regarding financial assistance to Rajasthan for rehabilitation of refugees from West Pakistan.

Statement re financial assistance to Rajasthan for rehabilitation of refugees

Shri Somchand Solanki asked the following supplementary question to Starred Question No. 584 answered in the Lok Sabha on the 27th April, 1972 :

"The Minister is aware that Rajasthan is not the only border State on the Western side. Gujarat is also there. I want to know the number of refugees who have come to Gujarat and how much financial assistance has been given to Gujarat Government or is going to be given?"

The following reply was given by me to the above supplementary :—

"1861 persons have come over to Gujarat from India-held territory of Pakistan and 441 persons have come from Pakistan to Gujarat. The amount which we have sanctioned to Gujarat Government is Rs. 1.44 lakhs for this purpose".

On verification, I have found that the reply should have been as follows :—

"1861 persons have come over from Pakistan to Gujarat. Out of these, 441 persons have come from India-held territory of Pakistan. The amount which we have sanctioned to Gujarat Government is Rs. 1.44 lakhs for this purpose."

The inconvenience caused to the House is regretted.

ANNUAL REPORTS OF I.I.T., BOMBAY; SCHOOL OF PLANNING AND ARCHITECTURE, NEW DELHI, AND UNIVERSITY GRANTS COMMISSION FOR 1970-71

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV) : I beg to lay on the Table :—

- (1)(i) A copy of the Annual Report of the Indian Institute of Technology, Bombay, for the year 1970-71.
- (ii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Report simultaneously.

[Placed in Library. See No. LT-3156/72]

- (2) A copy of the Annual Report (Hindi and English versions) of the School of Planning and Architecture, New Delhi, for the year 1970-71. [Placed in Library. See No. LT-3157/72.]

- (3) A copy of the Annual Report (Hindi and English versions) of the University Grants Commission for the year 1970-71, under section 18 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-3158/72.]

11.10 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following messages received from the Secretary of Rajya Sabha :—

- (i) "In accordance with the provision of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 30th May, 1972, agreed to the following amendments made by the Lok Sabha at its sitting held on the 26th May, 1972, in the Industrial Disputes (Amendment) Bill, 1972 :

Clause 2

That at page 1,—

for lines 14 to 16, substitute—

"(a) an undertaking in which—

- (i) less than fifty workmen are employed, or

- (ii) less than fifty workmen were employed on an average per working day in the preceding twelve months".

- (ii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 30th May, 1972, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the

Joint Committee of the Houses on the Bill further to amend the Mines Act, 1952. The names of the members nominated by the Rajya Sabha to serve on the said Joint Committee are set out in the motion.

MOTION

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Mines Act, 1952, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee :—

1. Shri Kalyan Roy
2. Shri M. K. Mohta
3. Shri Manoranjan Roy
4. Shri Virendra Kumar Sakhalcha
5. Shri B. K. Mahanti
6. Shri Sita Ram Singh
7. Shri Showale K. Shilla
8. Shri Vinaykumar Ramlal Parashar
9. Shri Mahendra Bahadur Singh
10. Shri Kali Mukherjee
11. Shri Jagan Nath Bhardwaj
12. Shri Qasim Ali Abid
13. Shri Himmat Singh
14. Shri Dwijendralal Sen Gupta
15. Shri Inder Singh."

(iii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st May, 1962, passed, in accordance with the provisions of article 368 of the Constitution of India, without any amendment, the Constitution *(Twenty-eighth Amendment) Bill, 1972, which was passed by the Lok Sabha at its sitting held on the 29th May, 1972".

(iv) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st May, 1972, passed, in accordance with the provisions of article 368 of the Constitution of India, without any amendment, the Constitution *(Twenty-ninth Amendment) Bill, 1972, which was passed by the Lok Sabha at its sitting held on the 29th May, 1972."

(v) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Taxation Laws (Extension to Jammu and Kashmir) Bill, 1972, which was passed by the Lok Sabha at its sitting held on the 20th May, 1972, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.12 hrs.

RE : SCARCITY OF DRINKING WATER IN BIHAR

श्री रामावतार शास्त्री (पटना) : अध्यक्ष महोदय, आप को और सरकार को भी अखबारों से मालूम होगा कि बिहार में पीने के पानी की समस्या बहुत ही गम्भीर हो गई है। मैं अभी सात दिन तक विभिन्न स्थानों का दौरा करने के बाद आया हूँ। मैंने देखा है कि पटना, गया, धनबाद, मुजफ्फरपुर, भागलपुर और मुंगेर में और देहातों में भी स्थिति बड़ी दयनीय है। लोगों को पीने के लिए पानी नहीं मिल रहा है, नहाने और दूसरे कामों के लिए पानी की बात तो दूर रही। बिहार के मुख्य मंत्री यहाँ आये हुए हैं। हम ने उनका और बिहार सरकार का ध्यान इस बात की

*The Bill was introduced in Lok Sabha as the Constitution (Thirty-first Amendment) Bill, 1972

**The Bill was introduced in Lok Sabha as the Constitution (Thirty-second Amendment) Bill, 1972

[रामावतार मास्त्री]

ओर बार-बार खींचा है। मैं चाहता हूँ कि केन्द्र के संबंधित मंत्री उनसे बात करे। अगर उनकी मदद इस समय नहीं की जायेगी तो कब की जायेगी? लोग प्यासे मर रहे हैं। गर्मी के मौसम में जो घान पैदा होता है जिसे हम गर्मा घान कहते हैं, वह भी सूख रहा है। एक तरफ तो फसल नष्ट हो रही है और दूसरी तरफ शहरों और देहातों के लोगों को पीने का पानी मुयस्सर नहीं हो रहा है। अगर हम लोगों को पानी भी नहीं दे सकते हैं, तो फिर उनको और क्या दे सकते हैं? मैं निवेदन करूंगा कि सरकार इस तरफ ध्यान दे कर बिहार सरकार से बात कर के कोई रास्ता निकाले, ताकि वहां के लोगों को पीने का पानी मिल सके, स्थिति को काबू में लाया जा सके और लोगों को परेशानी से बचाया जा सके।

11:14 hrs.

RE : LEGISLATION ON
DEFECTION

SHRI P. K. DEO (Kalahandi) : On the 19th of last month I drew the attention of the House through you and that of the Minister of Parliamentary Affairs that the Prime Minister in a press association lunch on the 21st April, had suggested she will be bringing a Bill thereby debarring the members of various legislatures to defect or to cross floor and if they defect at all they will lose their respective seats. It is more than a fortnight. No reply has come from the Minister as yet. In the meantime to our great distress we come to know that 3 of our MLAs are kept under confinement in the Haryana Guest House and Mr. Yashpal Kapoor is instructed to rush to Bhubaneswar with a bagful of money. Attempts at toppling are taking place in spite of the so-called massive mandate. What will happen if the Prime Minister goes back on her own words? I want a categorical assurance, Since Mr. Raj Bahadur is not present, I want Mr. K. N. Singh to listen. He is talking to some lady there.

MR. SPEAKER : The point raised concerns defections. The item concerns the Minister of Parliamentary Affairs.

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KEDAR NATH SINGH) : I am listening.

SHRI B. P. MAURAYA (Hapur) : Not some lady, an hon. Member of the House, Mrs. Sheela Kaul.

SHRI P. K. DEO : What is the decision, Sir ?

MR. SPEAKER : It will be conveyed to the Minister.

SHRI P. K. DEO : Convey to whom ?

SHRI KEDAR NATH SINGH : I shall convey it to the concerned Minister.

अध्यक्ष महोदय : वह इस पोजीशन में नहीं है कि इतने बड़े सवाल का जबाब वह खुद दे सकें। क्या माननीय सदस्य, श्री पी० के० देव, को हरियाणा की मेहमान नवाजी पर कोई शक है ?

SHRI P. K. DEO : They are in confinement. They have sent a message to us 'Kindly salvage us from the jail; we are in the Haryana guest-house we have been kept in confinement'.

श्री जगन्नाथराव जोशी (शाजापुर) : अध्यक्ष महोदय, ऐसेम्बली के तीन मंत्रियों को जबर्दस्ती पकड़ कर रखा हुआ है और मंत्री महोदय कहते हैं कि वह कनसंडे मिनिस्टर को कनवे कर देंगे।

SHRI P. K. DEO : Through the sweeper a small chit has come, and I can place it on the Table of the House.

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : The hon. Member is making a wild allegation ? On behalf of my party, please permit me to say that our party has nothing to do with defections in any place including Orissa. But if the hon. Member is afraid of his own shadow, Government cannot help it.

SHRI P. K. DEO : Let a parliamentary team go to Haryana guest-house and take evidence from them.

अध्यक्ष महोदय : गेस्ट हाउस में हर कोई ठहर सकता है।

SHRI M. RAM GOPAL REDDY (Nizamabad) : May I make a submission ? . . .

MR. SPEAKER : Why is the hon. Member coming in between ? The Ministers are trying to answer it. Unless he comes on those Benches, why should he come in between ?

11. 17 hrs.

RE : REPORT OF THIRD PAY COMMISSION

SHRI S. M. BANERJEE (Kanpur) : With your permission, I would like to refer to an important matter which is agitating the minds of all the Central Government employees throughout the country.

I would not have referred to this matter had it not been the last day of this session of Parliament. I have come to know reliably, despite the assurance of the hon. Minister, Shri Yeshwantrao Chavan that the Pay Commission is doing its best to submit its report at the earliest opportunity, that they are not going to submit their report in 1972; that would mean that all those who are likely to retire in 1972 will be deprived of this benefit. So, the Central Government employees' organisations, who never wanted to start an all-India struggle have decided to start an all-India agitation in the month of July, 1972. Let it not be taken as a question of prestige on the part of Government. We do not want this thing to come up. I would request the hon. Minister Shri K. R. Ganesh to kindly assure this House that in spite of the fact that the House is adjourning today, the Finance Ministry will see that the report is published or the report is submitted in 1972 and at the latest by July, 1972. I want an assurance from the hon. Minister so that it may allay the fear in the minds of 22 lakhs of Central Government employees that the Pay Commission is delaying the matter.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : I have replied to this question many times. Last Tuesday, in reply to a question in the Rajya Sabha, I had indicated that the Pay Commission had indicated that they were trying to expedite the report as early as possible. Though they could not give any definite indication of a definite date, I feel and I am sure that within this year the Pay Commission would be able to give its report.

RE : DROUGHT, FLOOD, ETC.

श्री चन्द्रिका प्रसाद (बलिया) :

अध्यक्ष महोदय, इस समय हमारा देश एक आपात-कालीन स्थिति में से गुजर रहा है। कहीं सूखा है, कहीं बाढ़ है और कहीं अकाल है। देश के लोगों को अनेक परेशानियों का सामना करना पड़ रहा है। लेकिन विरोधी दल के सदस्य को नागरवाला कांड और पोस्टर कांड आदि से ही फुसंत नहीं मिलती है। महत्वपूर्ण समस्याओं और रचनात्मक कार्यक्रमों की तरफ उनका ध्यान नहीं है। मैं उत्तर प्रदेश और बिहार की बाढ़ के संबंध में आप का और सरकार का ध्यान आकृष्ट करना चाहता हूँ। गत वर्ष इन क्षेत्रों में भयानक बाढ़ से व्यापक क्षति हुई थी और भारत सरकार ने इस संबंध में कुछ पग उठाये थे। अब इन क्षेत्रों में फिर बाढ़ आ रही है। मैं यह जानना चाहता हूँ कि भारत सरकार और प्रदेश सरकारों ने बाढ़ की रोक-थाम के लिए और लोगों की रक्षा करने के लिए क्या कदम उठाये हैं। विशेष रूप से मेरे क्षेत्र, बलिया में गंगा नदी गायपाटा के पास और घाघरा नदी चांदपुर गांव के पास इस क्षेत्र को काट रही है। इन दोनों कटावों से हमारा जिला बर्बाद हो जायेगा। इसी तरह बक्सर भी बर्बाद होने जा रहा है, जो श्री शर्मा का क्षेत्र है।

SHRI K. LAKKAPPA (Tumkur) : I support the point made just now regarding the flood damage caused. In Mysore State also, there has been damage caused by floods due to the recent rains in the State. Some relief should be afforded to the Mysore Government to tackle the situation.

SHRI S. B. GIRI (Warangal) : About the Gratuity Bill, the Select Committee has submitted its report. The labour Minister had assured us that the Bill would be taken up and passed this session.

MR. SPEAKER : I am calling only those members who had sent me prior intimation about points which they wanted to raise. Today is the last day and I have received more than one such request. But in his case, he has abruptly stood up like Shri Lakkappa and raised a point. I had no opportunity of sending intimation to the Minister concerned. Unless he has something in writing by way of intimation, it is impossible for the Minister to reply to the point raised.

SHRI S. B. GIRI : The Labour Minister had said that the Bill would be taken up and passed this session.

MR. SPEAKER : But some notice should have been given to him.

SHRI A. P. SHARMA (Buxar) : I have also a question to ask of the Labour Minister concerning a very important matter. Today is the last day.

MR. SPEAKER : But nothing prevented him from sending a written intimation.

SHRI A. P. SHARMA : I did not know. In future, I will follow this procedure. But today I would request you to entertain this.

MR. SPEAKER : Anyway, both what Shri Giri and Shri Sharma said will be conveyed to him.

SHRI SHYAMNANDAN MISHRA (Begusarai) : I wish to draw Government's attention to rumours circulating that the petro-chemical complex in the Barauni area is sought to be removed from there. Barauni offers conditions for the most economic location of this complex, and this has created a lot of anxiety and concern in that area.

SOME HON. MEMBERS rose—

SHRI A. P. SHARMA : I would remind this hon. House and your goodself also that the Labour Minister while replying to a question in this House had said that the Labour Ministry had not given an assurance regarding reference of the question of granting minimum bonus to the railway employees to the Committee that has been set up to consider the bonus question. In regard to this, we had written to the Labour Minister and the Labour Ministry had assured us about this. We have also made a mention of the re-

cord in this respect. I would like to know whether at this stage he will make a statement that the case of the railway employees will be referred to this Committee.

11.24 hrs.

RE : INDIA-PAKISTAN
SUMMIT MEETING, ETC.

श्री जगन्नाथराव जोशी (शाजापुर) : अध्यक्ष महोदय, अखबारों में पढ़ने को मिला है कि पाकिस्तान के प्रेसिडेंट श्री भुट्टो ने प्रधान मंत्री के बारे में जो अत्यंत असम्भ शब्दों का प्रयोग किया है... (व्यवधान)... अध्यक्ष महोदय, इस महीने के आखिर में शिखर वार्ता होने जा रही है तो जनबुझ कर उस शिखर वार्ता को बिगाड़ने के लिए जो वातावरण तैयार किया जा रहा है उस के बारे में मैं सरकार की प्रतिक्रिया जानना चाहता हूँ।

अध्यक्ष महोदय : एक मेम्बर को मैंने इजाजत दी तो चार मेम्बर खड़े हो गए। थोड़ी बहुत मुझे भी इन्फर्मेशन चाहिए इस के पहले कि कोई सवाल यहाँ उठाया जाय।

श्री जगन्नाथराव जोशी : अध्यक्ष महोदय, जून के आखिरी हफ्ते में यह सदन नहीं रहेगा इसलिए मैं सरकार से इसके बारे में उस की प्रतिक्रिया जानना चाहता हूँ।

SHRI SAMAR GUHA (Contai) : I had written to you drawing your attention to the repercussions of the US-Soviet understanding on arms limitation...

MR. SPEAKER : I did not get anything.

SHRI SAMAR GUHA : It is an important issue which will alter the whole context of international relations. It concerns, us very much. But unfortunately, we find the principal functionaries of Government discussing this matter through their party platform though it is a matter of national concern. It concerns us, it concerns Vietnam and it concerns many other countries. I would ask you to ask Government to make a statement today because we will be meeting again only two months hence.

MR. SPEAKER : In future, I am not going to give a chance to any Member unless I have advance notice in writing. If I relax in one case, others get up.

SHRI A. P. SHARMA (Buxar) : You can use your discretion, Sir.

SHRI P. GANGADEB (Angul) : Sir, I rise on point of information. I had given a call attention notice today, in time, in regard to the reported offensive words used by the President of Pakistan against the Prime Minister of India.

MR. SPEAKER : No question of call attention motion in the House now.

SHRIMATI T. LAKSHMIKANTHAMMA (Khammam) : Sir,...

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (PROF. D. P. CHATTOPADHYAYA) : *rose*—

MR. SPEAKER : How do you know that I have allowed you ? Let the hon. lady Member sit down.

SHRIMATI T. LAKSHMIKANTHAMMA : Let the Minister sit. Otherwise, how can I speak?

MR. SPEAKER : It is a matter between you and him. (*Interruption*) Let everybody sit down. The Minister.

11.28 hrs.

PREVENTION OF FOOD ADULTERATION (EXTENSION TO KOHIMA AND MOKOKCHUNG DISTRICTS) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (PROF. D. P. CHATTOPADHYAYA) : Sir, the Prevention of Food Adulteration Act, 1954 is uniformly applicable to the whole of India.

MR. SPEAKER : It is a very innocent Bill. There is no need for any speech.

PROF. D. P. CHATTOPADHYAYA : I beg to move :

“That the following amendments made by Rajya Sabha in the Bill to extend the Prevention of Food Adulteration Act, 1954, to the Kohima and Mokokchung districts in the State of Nagaland, be taken into consideration :—

‘Enacting Formula

- (i) That at page 1, line 1, for the word ‘Twenty-second’ the word ‘Twenty third’ be substituted.’

‘Clause 1.

- (ii) That at page 1, line 4, for the figures ‘1971’ the figures ‘1972’ be substituted.”

MR. SPEAKER : Normally, in such cases, they are all done by the office. —Anyway, they have come and we have to put it. The Bill was printed last year; instead of ‘1971’, we have to make it ‘1972’. In the same way, if it is the twenty-second Bill, and if some other Bill had come in between, we have to make suitable amendments. These are consequential. This has come from the Rajya Sabha, and I have to put it to the vote.

The question is :

“That the following amendments made by Rajya Sabha in the Bill to extend the Prevention of Food Adulteration Act, 1954, to the Kohima and Mokokchung districts in the State of Nagaland, be taken into consideration:—

‘Enacting Formula

- (i) That at page 1, line 1, for the word ‘Twenty-second’ the word ‘Twenty-third’ be substituted.’

‘Clause 1

- (ii) That at page 1, line 4, for the figures ‘1971’, the figures ‘1972’ be substituted.”

The motion was adopted.

MR. SPEAKER : The question is :

“ ‘Enacting Formula

- (i) That at page 1, line 1 for the word ‘Twenty-second’ the word ‘Twenty-third’ be substituted.’

‘Clause 1

- (ii) That at page 1, line 4, for the figures ‘1971’, the figures ‘1972’ be substituted.”

The motion was adopted.

PROF. D. P. CHATTOPADHYAYA : I beg to move :

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

MR. SPEAKER : I shall put the motion to the House.

श्री सरजू पांडेय (ग़ाज़ीपुर) : अध्यक्ष महोदय, कुछ फायदा नहीं हुआ करता ऐसे विधेयकों से। एडल्टरेशन रकता नहीं। इसलिए मैं चाहता हूँ कि इस को यहीं रखने दिया जाय, और जगह न बढ़ाया जाय। इस से इंस्पेक्टर और घूस खाएगा।

MR. SPEAKER : The question is :

"That the amendments made by Raja Sabha in the Bill be agreed to".

The motion was adopted.

11.30 hrs.

ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL—Contd.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : Sir, yesterday, I had taken the time of the House to explain some of the features of the proposed Aligarh Muslim University (Amendment) Bill which is now before the House. I would like to continue this explanation before saying a few general and wider points which may be of interest to the House.

The other powers of the university are mainly routine except for one important recommendation : declaring a department of studies to be an autonomous department. Then I had explained at length why section 12(a) of the principal Act which gave to the university the power to affiliate colleges is being done away with. In regard to the powers of the visitor, these are more or less what have been continued in most universities, except for one important changes which we propose to introduce now, that before the visitor appoints a committee of enquiry he should give the university a chance to make a representation in that connection.

The Governor of U.P. will continue to be the Chief rector of the university. The post of treasurer is sought to be abolished. In the place of treasurer there will now be a finance officer. Almost 99 per cent of the revenues of the university now comes from the public exchequer and it is therefore essential that the person who is controlling the finances should be obtained in a regular manner and he should

be subject to the control of the executive council because he is answerable to the Accountant General of the Central Revenues. Therefore, the institution of elected treasurer has become a sort of anachronism because when the court was responsible for collecting revenues of the university, it consisted of the representatives of donors and there was some point in having at the head of the accounts branch and financial affairs of the university someone who had been elected by the court. Banaras Hindu University and the Jawaharlal Nehru University the post of treasurer has been abolished and a finance officer has been appointed.

Formerly the chancellor was elected by the court. We are now proposing that the chancellor shall be appointed by the visitor in such a manner as is provided in the statutes and in the statutes it is suggested that out of a panel of three names the visitor may appoint a chancellor. The chancellor should be able to exercise his moral authority in the best interest of the university and should not in any way be associated with any group or faction; therefore he would be above all decisions because he will not be a party to any of the decision.

There is a procedure about the vice chancellor. We are specifying some of the things in the Act. Most of this will remain in the statutes. All the others are more or less consequential changes.

I shall now come to section 18 which makes two changes. First of all, we propose that a new authority should be introduced in the university, called the students' council. The students' council will be a statutory authority of the university which will have to be consulted by the academic council or by the executive council before making any rules and regulations or ordinances which affect the corporate life of the university or which deeply effect the students of the university.

One of the most important changes which this Bill seeks to introduce is regarding the powers of the court. The Gajendragadkar Committee report had suggested that in a university there was no place for a hierarchical organisation, that it is a body corporate which can best function when each of the necessarily connected elements are associated with the process of decision-making at each of the different stages. Therefore, to

provide for a supreme governing body would not be in the best interests of any university. On the other hand, there is justification for having a body where there are teachers, students and those who are likely to be the employers of the students when they go out, so that they can give their advice about the courses of study and about the direction which the university should follow. There should also be representatives of old boys who have quite rightly an emotional attachment with the future and welfare of the university and who can always use their experience to give salutary advice.

Taking all these things into consideration, the powers of the court now proposed are to review from time to time the policies and programmes of the university and to suggest measures for the improvement and development of the university, to consider and pass resolutions on the annual report, annual accounts of the university and the audit report thereon and to advise the Visitor in respect of any matter which may be referred to it for advice. This is something which had not been recommended by the Gajendragadkar Committee report but it is already there in the Aligarh, Act and in the Banaras Act and we felt it is a good measure and it may be continued.

In the light of this particular situation, the executive council is being designated as the principal executive body, because the whole idea is, there should be as much decentralisation as possible, but at the same time, somebody should have the overriding authority in executive matters for purposes of coordination. Similarly academic power is sought to be decentralised considerably and given to faculties, departments of studies, boards of studies, etc., but at the same time, for the purpose of coordination it would be necessary that in academic matters, the academic council be declared as the principal academic body of the university.

The procedures for making statutes and ordinances is not something which introduces many new changes, except that we have provided for the consultation by the students' council in respect of matters which affect definitely the corporate life of the university.

We have added one very important clause. We have provided for an arbitration tribunal for the employees of the university other than teachers. We have

also provided that where a student has been debarred or whose name has been removed from the rolls of the university for more than one year, it should be possible for him to call for a tribunal on the normal chance. There have been the too many cases as hon. members will recall, where teachers and students have had to go to court and there have been dilatory processes. The Education Commission itself felt deeply concerned about prolonged litigation between teachers, students, employees and the university itself. We have, therefore, sought to provide a simplified procedure whereby it will be possible for the removal of grievances to take place.

There is a very formal amendment, which was suggested by the University itself, namely, that any record of the University can be authenticated by the Registrar and it would be admitted as proved under the Evidence Act.

Coming to the Schedule which incorporates the statutes of the University, I have already explained that in the matter of the Chancellor it is best not to subject the Chancellor to the question of an election. The term of the Vice-Chancellor has been reduced from six years to five years, but it has been provided that he may be re-elected for another one more term. The powers of the Vice-Chancellor, pro-Vice-Chancellor and Registrar have been enunciated. There is nothing particularly significant therein.

I will now come to the question of the appointment of the Deans of the faculties and Heads of Departments. We are providing that instead of a Head of a Department being automatically appointed as the Dean by rotation according to seniority, it is provided that the Dean of a faculty shall be appointed by the Vice-Chancellor from among the Professors in a faculty for a term of three years. Similarly, under the present rules of the University, the senior-most Professor is automatically the Head of the Department. Now a provision has been made that in case there is more than one Professor, the Vice-Chancellor will appoint one of them for a specified term of three years and where there is only one Professor it will be open to the Vice-Chancellor to appoint either the Professor or one of the Readers as the Head of the Department,

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as the case may be. But it is also provided that a Professor or a Reader, who does not wish to serve as the Head of the Department, either because he is not interested for he does not have a flair for administrative responsibilities or because he has undertaken administrative responsibility for quite some time, a Professor or Reader can refuse to become the Head of the Department.

I have given notice to move a small amendment, and this is in accordance with the wishes that were expressed to me by many teachers of the university who met me. What I propose is that the Head of the Department, instead of being appointed by the Vice-Chancellor, may be appointed by the Executive Council on the recommendation of the Vice-Chancellor. It is open to the House to accept or not to accept that amendment.

The next very important item for the consideration of the House is the composition of the Court. In the composition of the Court the total number proposed is roughly 104. It includes *ex-officio* members, Vice-Chancellor, Pro-Vice-Chancellor, all Deans of Faculties, Chairman Students' Council, Dean of Students' Welfare, Librarian, Registrar, 19 Heads of Departments (suitably distributed over the various faculties by rotation according to seniority), then representatives of University teachers other than Heads of Departments and Principals, five Professors by rotation, five Readers by rotation and five lecturers by rotation according to seniority, distributed over the various faculties.

Then there is a very important change about representatives of students. There are 14 representatives of students on the Court. Here a word of explanation is needed. The Gajendragadkar Committee has recommended that, as far as possible, where the number of teachers is not unduly large, it would be best to avoid the mode of election and to bring in the principle of rotation. In a University ordinarily there are no major political issues or academic issues on which the teaching community can be divided. Therefore, quite frequently the type of issues that come up are such that they do not add to the healthy functioning of the teaching community. It was, therefore, felt that for each category let us involve people

by rotation, according to seniority, so that as many persons as possible have the chance to render this service.

Among the students there has been a judicious balance between the three types of elements who always constitute any university student community. There are those who are brilliant as students. Then there are those who distinguish themselves in extra-curricular and co-curricular activities, as sportsmen, or taking part in various cultural activities, or in social services which we are trying now to emphasize in the functioning of all universities. Thirdly, there are those who seek to represent the sentiments of the students. Therefore, it was felt, and the Gajendragadkar Committee recommended, that among the students' representatives there should be all these three categories. We have imposed, however, a condition to guard against, what is called, the so-called professional students. The Inter-University Board for many years has defined what are the categories of students who are eligible to represent a University in sports and games. These are that no person who has passed the high school or an equivalent examination eight years earlier, or the pre-University examination more than seven years earlier, or has taken more than one year or the period prescribed for the course for which he is a student shall be eligible to become a member, and no student shall be eligible to become a member of the Court unless he has been on the rolls of the University at least for one year before he enters upon this office as such a member.

Coming to the outside elements, there will be ten representatives of the Old Boys' Association. There is a slight error in the drafting and I am moving an amendment to make that correction because it was a bit of contradiction, about the registered graduates of the Alumni Association. The tradition in Aligarh has always been that those are representatives of the Old Boys' Association and that will be made. There will be five representatives of Members of Parliament, three to be nominated by you, Sir, and two to be nominated by the Chairman of the Rajya Sabha.

Then, there is another category which needs to be explained at length. There will be 20 persons from learned professions and special interests, including the representatives of industry, commerce, trade

unions, banking and agriculture to be nominated by the Visitor. I know that there are many friends who have been telling me outside this House that this is a power which may be abused. I would like to make a submission here that the Gajendragadkar Committee gave this matter very careful consideration. It ascertained views from different parts of the country and it came to the conclusion that if we want to involve persons who have distinguished themselves in industry, agriculture, banking, trade and such activities, then they are not the type of people who are likely to offer themselves for election by any constituency. They will have to be approached and requested to involve themselves to take an interest in the functioning of the university. Their advice would be extremely valuable if the courses are to be brought in line with modern economic activity and if there is to be a greater coordination between the research activities of the universities and economic needs and developmental needs of the country. This is what is demanded everywhere today. To ensure that the ivory-tower character of a university does not remain, it is necessary that such top-ranking persons, particularly, from the public sector of industry which is now controlling the heights of economy are involved in the affairs of the universities. I cannot conceal of a head or a technical director of any of the leading public sector concerns going to a university and offering himself for election to the court. Therefore, taking all these factors into consideration, it was thought proper that this should be a power vested in the Visitor of the University.

At the same time, we also want leading intellectuals of the country belonging to other universities representing various branches of knowledge, especially, those branches of knowledge which the university has been asked to associate themselves with the court of the university.

The next point which needs explanation is the composition of the executive council. In the executive council, there is Vice-Chancellor, pro-Vice Chancellor five Deans, one principal, one professor. There are two innovations here. There are going to be three teachers elected by the academic council of whom at least one shall be a lecturer. There

will be three persons elected by the court of the university from among those who are neither employees nor students of the university. There will thus be six elected persons in the executive council. But the whole idea is that the principle responsibility for running a university should be given to the teachers and with this responsibility, the students may also be associated.

The other matters are not particularly different except that we have sought in these statutes to provide a statutory status which did not exist so far to the teachers' union, to the employees' union and to the students' union. We have given the authority to the university itself to frame the necessary ordinances. It is hoped and I have no reason to suspect that the university will take due note of the constitution which these bodies would like to have for themselves and would incorporate those in the ordinances. You cannot compel, for example, a teacher to become a member of the staff association unless some statutory authority is provided. In the same manner, if a statutory authority is not provided to the students' union, its membership cannot be made automatic which has been recommended by the Gajendragadkar Committee.

I would not like to take very much more of the time of the House except to refer to two or three points which have been raised. First of all, a demand was raised that this university should now be declared to be a minority institution in terms of article 30(1) of the Constitution.

Sir, this is a demand which is neither in the national interest nor in the interest of the University itself, nor, if I may venture to suggest, of any section of our population, including the Muslim community. The responsibility for the educational development of every section of the population has been taken by the State. May be, it is that some part of it is with the Union Government and the other part of it is with the State Governments. If the educational development of the entire country and of all sections of the population is to be ensured, it would be necessary to see that the State plays its due part. Any single institution cannot be maintained by the Central Government for the benefit exclusively of one community or to be run by a single community.

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The second point is that the Government does not wish to interfere with the historical character of this University. Every university, over a period of years, acquires certain distinctive features and characteristics. If I may give a foreign example, the Universities of Oxford and of Cambridge have both a similar type of Constitution; they have both a similar type of a political outlook and yet, any student of one University or the other knows that there is something distinctive about the Oxford as there is something distinctive about Cambridge. It is a subject of good-natured joke, one telling the other—cracking at the expense of the other. A university does develop its own cultural atmosphere. Aligarh has developed its own atmosphere and there is no reason why that atmosphere should be interfered with except to ensure that, in the name of tradition, progress is not barred. After all, a university stands for certain values as Jawaharlal Nehru himself had said more than once. It has to be a university, a seat of learning, a place of tolerance and humanism, a place where a scientific attitude on life has to be developed and promoted. It has to be a place where the beauties of our national culture which is essentially composite in nature are brought out and that its students are able to put across to the general public, after leaving the portals of the university, the richness of academic life, the training of mind, of discipline and a sense of dedication to the service of the entire community.

Therefore, I commend this Amendment Bill to the House, and I hope that it will receive general support.

SHRI SAMAR GUHA (Contai) : On a point of submission. This relates to what the Minister said:

MR. SPEAKER : Kindly sit down. This is not the stage when you should say. Do not got up any time and start speaking.

SHRI SAMAR GUHA : I am not raising any particular amendment. The amendments are coming like monsoon rains. Sir, already more than 30 amendments have been circulated.

MR. SPEAKER : Will you please keep sitting ? It is a very bad habit. Kindly sit down. You must know the procedure. I will just say : Motion moved :

“That the Bill further to amend the Aligarh Muslim University Act, 1920 be taken into consideration.”

Now there are quit quite a few amendments. There is an amendment for referring the Bill to a Select Committee. Another amendment for Joint Select Committee.

12 hrs.

SHRI SAMAR GUHA : Yesterday, under the name of ‘Corrigenda’ some 25—30 amendments were given. Actually, they were not ‘Corrigenda’. They are some kind of amendments. Now, to-day 30 amendments from the side of the Government have come to this new Bill. It is almost a history. I don’t know whether in the case of any other Bill from the side of the Government so many amendments have come and so quickly.

MR. SPEAKER : What is wrong about it ?

SHRI SAMAR GUHA : The difficulty for us is that it betrays, I don’t know, some kind of unholy haste on the part of the Government to hustle this Bill through in this manner... (*interruptions*) We can submit to you that it is an unusual procedure. So many amendments have come. It never happened in the case of any other Bill. We seek your protection whether the Bill should be hustled through in this manner.

SHRI G. P. YADAV (Katihar) : I beg to move :

That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th July, 1972. (1)

DR. LAXMINARAYAN PANDEYA (Mandsaur) : I beg to move :

“That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Select Committee consisting of 9 members, namely :—Shri R. V. Bade, Shri Bhagirath Bhanwar, Shri Khemchandbhai Chavda, Shri M. C. Daga, Shri Samar Guha, Prof. S. Nurul Hasan, Shri Dhan Shah Pradhan, Shri Phool Chand Verma; and Shri G. P. Yadav, with instructions to report by the first day of the next session.” (2)

SHRI PHOOL CHAND VERMA (Ujjain) : I beg to move :

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Select Committee consisting of 11 members, namely:—Shri R. V. Bade, Shri Bhagirath Bhanwar, Shri Ishwar Chaudhry, Shri M. C. Daga, Prof. S. Nurul Hasan, Shri Prasannbhai Mehta, Dr. Laxminarayan Pandeya, Shri Dhan Shah Pradhan, Shri Shiv Kumar Shastri, Shri Rana Bahadur Singh; and Shri G. P. Yadav with instructions to report by the first day of the next session" (3).

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : I beg to move :

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—Shri Ziaur Rahman Ansari, Shri Frank Anthony, Shri Jyotirmoy Bosu, Shri C. K. Chandrapan, Shri C. Chittibabu, Smt. Marjorie Godfrey, Shri A. K. Gopalan, Shri Indrajit Gupta, Shri M. M. Joseph, Shri Ramachandran Kadannappalli, Dr. Karni Singh, Choudhari Tayyab Hussain Khan, Shri Krishnan Manoharan, Dr. G. S. Melkote, Shri Shyamnandan Mishra, Shri Pilloo Mody, Shri Mohammad Tahir, Shri Muhammed Sheriff, Shri Amrit Nahata, Shri N. Sreekantan Nair, Shri Sarjoo Pandey, Shri R. Balakrishna Pillai, Shri S. Radhakrishnan, Shri Jagannath Rao, Shri Shibban Lal Saksena, Shri P. M. Sayeed, Shri Era Sezhayan, Shri P. Venkatasubbaiah, Shri G. Viswanathan, Shri Ebrahim Sulaiman Sait

and 15 from Rajya Sabha :

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee ;

that the Committee shall make a report to this House by the 30th August, 1972 ;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make ; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee." (4)

2—2 LSS/72

SHRI ZIAUR RAHMAN ANSARI (Unnao) : I beg to move :

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Select Committee consisting of 20 members, namely:—Shri Ziaur Rahman Ansari, Shri Muhammed Khuda Buksh, Shri M. C. Daga, Prof. S. Nurul Hasan, Shri A.K.M. Ishaque, Shri Md. Jamilurrahman, Shrimati Subhadra Joshi, Shri Sat Pal Kapur, Haji Lutfal Haque, Shri B. P. Maurya, Shri Jagannath Mishra, Shri Mohammad Tahir, Shri Mohammad Yusuf, Shri Narsingh Narain Pandey Maulana Ishaque Sambhali, Dr. Sankata Prasad, Shri Ram Shekhar Prasad Singh, Shri Nawal Kishore Sinha, Shri Tulmohan Ram; and Shri R. P. Yadav with instruction to report by the first day of the next session." (134).

श्री शिव कुमार शास्त्री (अलीगढ़) :
अध्यक्ष महोदय मैं ने संशोधन दिये बिना ही आप से बोलने के लिये समय मांगा है, क्या आप मुझे को अवसर देंगे ?

अध्यक्ष महोदय : जरूर देंगे ।

श्री फूलचन्द वर्मा (उज्जैन) : मैं ने भी अमेंडमेंट दिया है प्रवर समिति को सौंपने के संबंध में ।

अध्यक्ष महोदय : आप की पार्टी से जो नाम आया है उन को ही बुलाऊंगा ।

श्री जगन्नाथराव जोशी (शाजापुर) :
आज ही का दिन है और यह विधेयक भी चलना है और दूसरा विधेयक भी आ गया है। मैं जानना चाहता हूँ कि इस के लिये कितना समय है और उस के लिये कितना समय है ।

अध्यक्ष महोदय : मैं ने कहा था कि चूँकि उस दिन टाइम नहीं था, इस लिये दोनों ही आज रक्खे जायेंगे ।

डा० लक्ष्मीनारायण पांडेय (मंदसौर) :
प्रवर समिति के लिये जो संशोधन दिया गया है वह कब लिया जायेगा ?

अध्यक्ष महोदय : मैं यहां पर प्रोसिडिंग्स कंस्ट्रक्ट करने के लिये बैठता हूँ, अब आप युद्ध से सलाह भी लेने लगे हैं। Why don't you read the Rules ?

श्री फूलचन्द वर्मा : यह प्रवर समिति के लिये भेजा जाय इसके लिये मैं ने संशोधन दिया है, मैं इस पर कुछ कहना चाहूंगा।

अध्यक्ष महोदय : आप की तरफ से श्री जगन्नाथराव जोशी ने नाम दिया हुआ है।

श्री फूलचन्द वर्मा : संशोधन तो मैं ने दिया है।

अध्यक्ष महोदय : सारे संशोधन थोड़े ही जा जाते हैं।

श्री फूलचन्द वर्मा : एक एक संशोधन पर बोलने का मौका तो दिया ही जाना चाहिए।

अध्यक्ष महोदय : यह जरूरी नहीं है।
Mr. Jagadish Bhattacharyya.

SHRI JAGADISH BHATTACHARYYA (Ghatal) : I will speak in Bengali.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : Yesterday, the Bill was taken up....

MR. SPEAKER : I have called the Member. He is on his legs. How can I ask him to sit down? Please sit down unless he yields.

***SHRI JAGADISH BHATTACHARYYA :** Mr. Speaker, Sir, today the Aligarh Muslim University (Amendment) Bill has been introduced in a peculiar way in this House. I do not know whether any important Bill, has ever been introduced in this House with such a haste as has been done in this case. Sir, this Bill is intended for a central university and for the obvious reason when other central universities like Delhi and Banaras are taken up for consideration then this Bill will be the

*The original speech was delivered in Bengali.

model for them all ! It is natural that if this Bill is passed in a haste and if the defects and loopholes are not removed then the defective provisions of this Bill will be made applicable to other Central Universities and even State Governments would like to follow this Bill in regard to their own universities. While this being the importance of the Bill, we find that we have not been given enough opportunity to consider the various provisions in detail, nor we have been given the details of the practical working of the Aligarh Muslim University. The net result is that many defects have gone into the Bill, many things have been kept hazy, many inconsistencies are there and because of all these I will impress upon the hon. Minister that there is an urgent need to refer this Bill to a Select Committee before we take it up for consideration here. If this is not done then before long we will find that amendments to the Bill will become necessary to meet the shortcomings of the Bill. Sir, the hon. Minister himself has given notice of a very large number of amendments. One of the hon. Member of this House has pointed out that they are 30 in number but I think that they will be many more. Sir, it was pointed out in this House yesterday that there were many printing mistakes and as such a list of corrigenda was issued. Today we have received a list containing a large number of amendments at 8'0 clock in the morning and we did not have sufficient time to study the amendments nor we could compare them with the provisions of the original bill. Therefore, I feel that the Bill should be referred to a Select Committee and unless it is done we will be doing an injustice to the cause of education and show neglect to the University. Therefore, for a detailed scrutiny, the Bill should be referred to the Select Committee.

Sir, the Bill is a long awaited one. It has been delayed by 7 years and in fact it should have been introduced much earlier. The hon. Minister while introducing the Bill referred to some incidents in Benaras and Aligarh Universities. I do not know if he had communal incidents in mind while making those references but I can say that communal feelings owe their origin some where else and it is not possible to eradicate the communal feelings only by passing laws. Even if the University is abolished, it would not eliminate communalism from the country. Unless we are able to evolve a national education

policy, unless we are able to democratise the functioning of the University and the educational institutions, unless we make education job oriented and science based, we would never be able to deal with the problem effectively nor we can achieve any measure of success. Therefore, only to rely on legislation to combat the menace would not be sufficient.

Under Clause 4(ii)(b) of the Bill we find that in addition to the existing provisions the following will be added: "To promote the study of the religions, civilisation and culture of India." The existing provisions of the Bill to which the above additions are sought to be made read as follows: "To promote Oriental and Islamic studies and give instructions in Muslim theology and religion and to impart moral physical training." I feel that the word 'religion' in the present Bill is completely redundant when we read the word with 'Civilisation and culture of India'. Therefore, I feel that it is unnecessary to add this provision. I have also suggested that in Clause 4 or 11(B) the following should be substituted: "To create non-teaching posts and to make appointments thereto". The non-teaching posts comprise persons rendering services of administrative and ministerial nature and those employed in quasi-commercial concerns of the University and the number of such employees are quite a few thousand but unfortunately they have not been taken care of under this Bill. Therefore, instead of administrative and ministerial posts if we use the word nonteaching posts then the difficulty would be over. Sir, I will now refer to the clause 15 of the Bill which *inter alia* provides that "any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within fifteen days from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor." I feel that the time limit of 15 days is too small and it should be at least three months. Moreover, it is not sufficient to give an opportunity to an aggrieved party only to represent against the decisions taken against him but it is equally important to see how the grievances of the aggrieved party are being looked into. The hon. Minister, in his speech has referred to the Report of the Gajendragadkar Committee. The Com-

mittee has made a detailed study and has made observations about the job security of the employees but looking at the provisions of the Bill I find that the views of the Committee have not been taken seriously by the hon. Minister. The report *ibid* says: "Though this position is clear, it would, we think, be wise for the university system itself to devise an adequate machinery to deal with grievances either of students or of teachers or members of the administrative staff in respect of all matters, academic or administrative, and the machinery should be so devised that all persons concerned would have confidence in its impartiality and independence so that the ultimate decision reached by the final authority within such machinery would be regarded as acceptable by everyone....."

"We feel confident that if the university system devises such a reasonable and satisfactory domestic machinery to deal with grievances of the constituents of the university system, occasions for recourse to courts of law may not arise, and even if parties do have such recourse, ordinarily the courts should be reluctant to interfere with the decision of the tribunal...by the university system."

But we find that under the present provision there will be an executive council to which the aggrieved party can make an appeal only and the Bill makes no provision for an inquiry committee. The aggrieved party, I feel Sir, should be given sufficient opportunity to scrutinise and examine the documents that have been used or cited against him and even he should have the opportunity to cross examine the witnesses who had given evidence against him so that the aggrieved party can get proper opportunity to present his case and also to get impartial justice. Apart from this I also feel that clauses 32, 33, and 34 of the present Bill should be deleted because they are wholly undemocratic in nature. Firstly we find that there are students unions in the University. These unions have their own constitutions, they are democratic constitutions and are recognised by the University. As such I do not quite understand why the present set up should be disturbed. I also feel that the provisions to constitute such unions through ordinance under clause 32(3) is not wholly democratic. In a similar way there are teaching staff associations in the university. These institutions are not only democratic but they have article of association and are

[Shri Jagadish Bhattacharyy?]

recognised by the University. As in the earlier case, so here I do not think proper to disturb the present arrangement. Apart from this we also find that the Aligarh Muslim University Employees Union which comprise more than two thousand low paid employees have not been recognised for the purpose of representation. To argue that these low paid staff are illiterate and they would not be able to present and argue their cases before the Court and to deny them the right of representation of this plea would not only be doing injustice to them but it would amount to stretching a point to absurdity. These employees can have teachers as their representatives. What I suggest is that all these low paid employees of the University should have representation in the Court. Even in the case of teachers' representation it would not be proper to restrict it on the basis of age and seniority but the element of the election has to be introduced in their case also. The teachers should be represented from each faculty and if necessary a few faculties may be grouped for the purpose of forming an electoral college and the representatives should be elected. As regards the Dean of the Faculty, the hon. Minister has stated that the Vice-Chancellor can nominate one of the Professors but the present practice is that the senior most Professor is chosen as a Dean. The hon. Minister has referred to Gajendragadkar Committee Report but we find that the recommendations of the Committee have not been accepted in making provisions in the Bill for selection of the Dean of the Faculty. The Gajendragadkar Committee says that the Dean of the Faculty should be appointed from amongst the senior Professors on the basis of seniority and by rotation for a period of two years. But we find that the Government have not accepted the recommendations of this Committee in toto but they have accepted only those which have suited them. Therefore, I suggest that the present practice should be allowed to continue.

As regards the Pro-Vice Chancellor, the provisions made in the Bill says that the Executive Council will appoint him on the recommendation of the Vice Chancellor. Why should it be so? It is difficult to think that a person appointed by the Executive Council will not be able to carry on with the Vice Chancellor. Moreover, the procedure of appointing a person on the recommendation of the Vice Chancellor is likely to be exposed to favouritism.

We also find Sir, that through Government, amendments which have been circulated to us this morning, Government have made provisions for gratuity, provident fund etc., which were not there in the amending Bill. Even here the provisions are not very clear and as such I feel that the Bill should be referred to a Select Committee for detailed consideration.

I would now like to say a few words, about the provisions for superannuation. The Bill has suggested that after 60 years of age a Professor can be given three years extension. This provision is however less beneficial than the present practice obtaining in the Universities all over the country of giving five years extension after the age of 60. Obviously this is going to be hard on the teachers. Sir, I had said earlier that this Bill is likely to be accepted by other Universities also and this may be made applicable to Benaras and Delhi Universities, I suggest that this provision of the Bill should be amended and the present system of giving 5 years extension after the age of 60 should be allowed to continue.

These are some of the matters which need to be looked into in greater detail and in view of the fact that there are many loopholes inherent in the Bill. I would once again urge upon the Government to refer this Bill to a Select Committee so that the various provisions of the Bill are considered in greater detail there. With these words, Sir, I conclude my speech.

SHRI Y. S. MAHAJAN (Buldana) : Mr. Speaker, Sir, I congratulate the hon. Minister of Education for providing through this Bill a most up-to-date constitution for the Aligarh Muslim University. It is true that the hon. Minister has been rather late in bringing forward this legislation but there was justification for it, there were reasons for it, which he had explained at great length.

This Bill deserves our support I commend it for the acceptance of the House because it has two basic, important, characteristics, namely, it is democratic in structure it given representation to all the different categories of teachers, students and sections of the community which are connected with the university. Secondly, it has the very important characteristic, namely that it minimises the elections in the university. We know from experience how elections create friction,

bad blood, and spoil the working of the university. In this Bill Professors are made Deans or are given representation according to the principle of rotation, and therefore, the number of elections have been minimised in the constitution of this university.

Then, the most controversial feature of this Bill is that it deletes section 12A which previously allowed the university to affiliate new colleges. This has been done in pursuance of the recommendation made by the Gajendragadkar Committee. There was a demand that the university should be declared a minority university. First of all, the Supreme Court of India had declared in the *Azeez Pasha V. the Union of India*, that this university cannot be considered a minority university because it was started as a result of a Central legislation.

Secondly, it is maintained and developed by finances from the central exchequer. For these two reasons, it cannot be considered a minority university; these are also the reasons which prompted the Gajendragadkar Committee to maintain the present character of the university. Their advise was to keep it as a national university as a central university. In the view of the Committee, central universities have an important role to play in the national development; they have to act as path finders and pace setters in educational development. They have also to correct educational imbalances in our country by giving preference in admission to students coming from educationally backward areas. They have also to serve as a model to state universities. The state universities are slightly different; they have some requirements to fulfil as regards their regional needs whereas the central university has to act as an All India institution. To declare it as a minority university would be to detract from its present high status, and to reduce it to the status of the very unimportant institution in the country. If we do so, the central exchequer cannot pay for its maintenance and development. In America they have colleges and universities maintained for negroes; their expenses are paid for by the negroes; even then whites sit on the governing council of the institutions. There are catholic universities in America maintained and developed by catholics, but negroes sit on the governing bodies of such universities.

MR. SPEAKER : Do not use the word 'negro', instead you can say coloured people (*Interruptions*) There is reason.

SHRI Y. S. MAHAJAN : It is expected that along with the other central universities, the Aligarh University will help build the corporate intellectual life in this country, further national integration and help correct educational imbalances in the country.

One defect which I find in the Act is that it unnecessarily proliferates the number of dignitaries. There is the visitor. There is a chancellor who is almost functionless; he is to only to preside over in convocations. There is a vice-chancellor, who is the key man. There is a chief rector. He has no function. Some dignitaries can be dispensed with. Then it is my personal view, that the name vice-chancellor is rather grandiloquent. I think we can dispense with it in our country and it is better to call him president. The word has very great associations; it means a great scholar, a great administrator and a great fundraiser. In our country we find that there are vice chancellors who are not scholars and if they are good scholars they have no capacity for administration... (*Interruptions*). I said : sometimes. It is better to call him president, it will be more business like and in keeping with our practices.

The student's participation is a novel feature of this Bill. The Kerala University was the first to have student participation. This is the second university to have this feature. It is my personal view that the Bill gives rather too great a voice to the students in the affairs of the university.

The court consists of 104 members out of whom ten represent old students. Out of the balance of 94 fifteen will be student representatives. The Gajendragadkar Committee says that not more than 10 to 15 per cent of the membership of the court should go to the students. Out of 95, you have given 15 for student representation. I think it is too much. They expect that students should have an effective voice in the affairs of the university.

If the students are given an effective voice, what will other people like the teachers do in the court? I feel there is too great a representation given to the students. Of course, I agree in our country there are no proper channels of communication at present between the teachers

[Shri Y. S. Mahajan]

and students. Very often students cannot get their difficulties solved. So, it is advisable to provide for such participation, because it will make for more purposeful learning and more fruitful activity.

With these words, I support the Bill.

श्री इसहाक सम्मलो (अमरोहा) : स्पीकर साहब, अलीगढ़ मुस्लिम यूनीवर्सिटी बिल सात साल के इन्तजार के बाद आया है। इस के बारे में काफ़ी असे से कहा जा रहा था, बार बार यहां पर सवाल उठे और हर बार यही कहा गया कि जल्दी लाया जायगा। मुझे खुशी है कि मेरे साथियों को इसे यहां पर जल्द लाने के लिये काफ़ी जद्दोज़हद करनी पड़ी। स्पीकर साहब, यह हकीकत है, इस से इन्कार नहीं किया जा सकता कि अलीगढ़ मुस्लिम यूनीवर्सिटी बिला-शुद्धा मुसलमानों को मोडर्न तालीम पढ़ाने के लिये कायम की गई थी और जिस जमाने से एजुकेशनल इंस्टीच्यूशन शुरू हुए, उस जमाने में एंग्लो-मोहमडम कालिज सब से पहले कायम हुआ था, बाद में उस ने अपनी सारी प्रापर्टी, तकरीबन 30 लाख रुपये के एसेट्स जमा कर के इस यूनीवर्सिटी के हवाल कर दिये और यूनीवर्सिटी बनवाई।

जहां तक इस यूनीवर्सिटी का सवाल है आप सब जानते हैं, यकीनन इस की मंशा यह थी कि मुसलमान जो तालीम में पिछड़े हुए हैं उन के अन्दर तालीम की जानिव एट्रैक्शन पैदा हो, उन को इस में आगे लाया जाय, उन को मोडर्न दुनिया से भी वाक़िफ़ कराया जाय। मैं यह भी कह सकता हूँ कि अलीगढ़ मुस्लिम यूनीवर्सिटी शायद हिन्दुस्तान की आज़ादी की जद्दोज़हद पैदा करनेवालों में, आज़ादी की जद्दोज़हद में हिस्सा लेनेवालों को पैदा करने में किसी से पीछे नहीं रही। अलीगढ़ मुस्लिम यूनीवर्सिटी सैक्यूलरिज्म की एक मिसाल रही है। यह हकीकत है और इस यूनीवर्सिटी को फ़ख़ है कि

इस की सब से पहला प्रॉजुएट एक हिन्दू था। हमें फ़ख़ है कि इस यूनीवर्सिटी ने मरहूम रफ़ी अहमद किदवई, डा० जाकिर हुसैन, राजा महेन्द्र प्रताप, श्री एस० के० डी० पालीवाल जैसी शख़सियतें पैदा की। मैंने सिर्फ़ उन के नाम लिये हैं जो इस दुनिया में नहीं ह, अगर जिन्दा लोगों के नाम लिये जाँ तो एक बहुत बड़ी लिस्ट बन जायगी। यह भी अपनी जगह सही है कि सन 1921 में, जिस वक़्त महात्मा गांधी ने नान-कोआपरेशन के लिये आवाज़ बुलन्द की तो ख़्वाजा अब्दुल मजीद बैरिस्टर, श्री एस० के० डी० पालीवाल, रफ़ी अहमद किदवई और सैकड़ों की तादाद में उस वक़्त के वहाँ के स्टूडेन्स निकल कर आये और नान-कोआपरेशन मूवमेन्ट में, मुल्क की आज़ादी की तहरीक में हिस्सा लिया। इसी तरह से आज हिन्दुस्तान में शोशालिज्म के लिये जद्दोज़हद करनेवाले तरक्की पसन्द लोगों में जितने लोग अलीगढ़ मुस्लिम यूनीवर्सिटी के पुराने स्टूडेन्ट्स नज़र आयेंगे क्या कोई उन को भुला सकता है ख़्वाजा अहमद अब्बाम, अली सरदार जाफ़री, डा० जेड० ए० अहमद, जिन का इस जमाने में बहुत बड़ा कन्ट्री-ब्यूशन है।

स्पीकर साहब, जैसा मैंने शुरू में जिक़्र किया था कि इस यूनीवर्सिटी को मुसलमानों की तालीमी तरक्की के लिये कायम किया गया था, हिन्दुस्तान जैसे बड़े और सैक्यूलर देश में, जहां मुसलमानों की इतनी बड़ी आबादी है, यकीनन उन को माडर्न जिन्दगी से वाक़िफ़ कराने के लिये, उन की तरक्की-पसन्दगी को हमकिनार करने के लिये जरूरी है कि ऐसी इंस्टीट्यूशन्स कायम हों और हमारी सरकार को चाहिये कि फ़राख़दिली के साथ ऐसी इंस्टीच्यूशन को, अगर्ब माइनोरिटी यूनीवर्सिटी है, खुले दिल से मदद दे और अगर कुछ ऐसे कानून दरमियान में आते हैं जो उस की तरक्की को रोकने में मदद देते हैं, तो उन्हें बदलना चाहिए।

स्पीकर साहब, हम ने देखा है और हम उसमें आप भी वहां जा चुके हैं, हमारे यहां जो भी बड़ी बड़ी शक्तियुक्त हैं, वे वहां जा चुकी हैं, वहां के लड़के डिस्प्लिण्ड हैं, वहां के लड़कों का हड़तालों से बाहर रहना काबिले तारीफ बात है। लेकिन यह भी अपनी जगह हकीकत है कि ऐसे लोगों की कमी नहीं जो उनको भड़काते हैं। एक तरफ कुछ ऐसे मुसलमानों का एक तबका है जो अपनी लीडरो चमकाने के लिये उनको फिरकेवारी का शिकार बनाते हैं, उनको प्रोवोक करने की कोशिश करते हैं और दूसरी तरफ जनसंघ है, जिसकी कोशिश यह है कि जो एक बहुत बड़ा इदारा अकलियतों का है, उसको तबाह करने के लिये तैयार रहते हैं। हमें खुशी है कि इस बदलते हुए जमाने में अलीगढ़ मुस्लिम यूनिवर्सिटी में हमारे हिन्दू छात्रों की तादाद, हिन्दू विद्यार्थियों की तादाद 40 परसेंट से ऊपर पहुंच चुकी है। बाज बाज फैंकल्टीज में तो हमारे हिन्दू विद्यार्थियों की मंजोरिटी है। बहुत सी फैंकल्टीज में हमारे हिन्दू भाई स्टाफ में बहुत ऊंची जगहों पर काम रहे हैं और बाज फैंकल्टीज में तो वे मंजोरिटी में हैं, इस बात की हमें खुशी है और फख्र भी है। इस बात से हमें कोई शिकायत नहीं है, शिकायत उस वक्त पैदा होती है जब एक तरफ अलीगढ़ मुस्लिम यूनिवर्सिटी के बारे में बार बार सवाल किये जाते हैं—मुझे हैरत होती है, जब हमारे बाज भाई खड़े हो कर कहते हैं कि वहां कांस्टीचूशन के मुनाबिक वहां का वाइस-चांसलर मुसलमान होगा। अगर मैं उनका नाम ले दूंगा तो आप हंस पड़ेंगे। मैं उनका नाम नहीं लेना चाहता, लेकिन इस तरह की बातें कही जाती हैं। लेकिन मैं आपको बतलाना चाहता हूँ कि अब तक का जो कानून रहा है, सन 1921 से लेकर 1971 तक का, ऐसा नहीं था कि सिर्फ मुसलमान ही वाइस-चांसलर रहा हो। यह सही है कि मुसलमानों का उससे बहुत बड़ा अटेचमेन्ट रहा है, लेकिन उस के नाते

वह एक मजहबवी यूनिवर्सिटी बन गई हो या सिर्फ मुसलमानों की इजारेदारी बन गई हो ऐसी बात नहीं थी। उसने अपने सैक्यूलर किरदार को कभी खोने नहीं दिया। सर संयद के जमाने से, जो 1920 का प्रियम्बल हमारे सामने था, उस वक्त से लेकर आज तक उसने अपने सैक्यूलर किरदार को नहीं खोया और मैं साफ तौर पर बतलाना चाहता हूँ कि 1920 के जमाने का मुसलमान अब बहुत आगे बढ़ चुका है। अगर कुछ नोब सिर्फ यह समझते हों कि यह किसी एक खास तबके की बन कर रहेगी, उनको मायूस होना पड़ेगा। यह एक माडर्न यूनिवर्सिटी बनेगी और आगे बढ़ेगी, सैक्यूलरिज्म की एक शानदार मिसाल बनेगी, जो इस वक्त है उससे भी बेहतर मिसाल बनेगी। अब इस बात से जाहिर है कि जो हमारे मुसलमान फिरकापरस्त भाई हैं और दूसरे वे फिरकापरस्त भाई जिनकी नुमाइन्दगी जनसंघ करता है, उनको मायूस होना पड़ेगा। अब इस यूनिवर्सिटी को पोछे नहीं धकेला जा सकता, इसके किरदार को बदला जा सकेगा, यह आगे बढ़ेगा और फिरकापरस्तों को ठोकर लगाते हुए सैक्यूलरिज्म एक शानदार मिसाल बनेगी। लेकिन इस के साथ यह भी जरूर देखना होगा कि एक तरफ जहां इसको माडर्न बनाने की कोशिश की जायेगी, सैक्यूलर बनाने की कोशिश होगी, वहां सरकार यह भी सोचे—मुझे खुशी है प्राइम मिनिस्टर साहबों यहाँ बैठी हुई हैं, वह भी इस पर गौर करेंगी कि अलीगढ़ यूनिवर्सिटी से जो लड़के पढ़ कर निकलते हैं, उन निकलनेवाले लड़कों के साथ, उन मुसलमान और हिन्दू लड़कों के साथ कितनी परेशानियाँ सामने आती हैं। उनको किस तरह से हर डिपार्टमेंट में, हर जगह पर सर्विस से महकूम करने की कोशिश की जाती है, उनसे बह सवालनाद किए जाते हैं जिनको सुनकर शर्म आती है, एक सैक्यूलर स्टेट में इस तरह के सवालनाद महज इस ज़ुर्म में कि वह स्टूडेंट अलीगढ़ यूनिवर्सिटी का पढ़ा है, किए जायें और उनके

[श्री इसहाक सम्मल]

साथ डिस्ट्रिक्मिनेशन बर्ता जाये, मैं पूरी जिम्मेदारी के साथ कह सकता हूँ कि अलीगढ़ मुस्लिम यूनिवर्सिटी के हिन्दू और मुसलमान स्टूडेंट्स के साथ जो वहाँ से पढ़ कर निकलते हैं डिपार्टमेंट्स में, मुख्तलिफ कार्मिशियल इंस्टीट्यूशन्स में डिस्ट्रिक्मिनेशन बर्ता जा रहा है, उनको नौकरियाँ नहीं दी जा रही है। मैं चाहूँगा कि सरकार इसकी तरफ पूरी तवज्जह दे।

एक तरफ जहाँ बहुत जोर के साथ अलीगढ़ यूनिवर्सिटी के बारे में कहा जाता है, यह स्वाहिसा की जाती है कि वहाँ के वाइस चांसलर हिन्दू हों, मैं पूरी जिम्मेदारी के साथ कहता हूँ कि हमारे मुल्क में ऐसे हिन्दूओं की कमी नहीं है जोकि मुसलमानों के मफाद की हिफाजत मुसलमानों की तरह से ही नहीं बल्कि उनसे भी आगे करते हैं। मेरी पार्टी ऐसे लोगों से भरी है। इस देश में ऐसे हिन्दूओं की कमी नहीं है। हमारे सामने सबाल इसका है कि जो मुकाबला किया जाता है और कहा जाता है तो कुछ लोगों को वहाँ के स्टूडेंट्स और मुसलमानों के जज्बात से भी खेलने का मौका मिलता है, जब सामने आता है कि बनारस यूनिवर्सिटी में स्टाफ में माइनारिटी की मुसलमानों की बात नहीं करते वहाँ पर माइनारिटी का क्या रिप्रेजेंटेशन है, स्टूडेंट्स में माइनारिटी का क्या रिप्रेजेंटेशन है तो यकीनन उस वक्त सोचना पड़ता है कि क्या हो रहा है। मैं चाहूँगा कि जिस तरह से एक माडर्न बिल की शकल में इसको लाने की कोशिश की गई है, यकीनन इसको सेक्यूलरिज्म के उपर बनाने की कोशिश की गई है, इसी तरह से बनारस यूनिवर्सिटी को भी बनाने की कोशिश की जायेगी। मैं तार्ईद करूँगा और मैं समझता हूँ मेरी पार्टी तार्ईद करेगी अगर बनारस यूनिवर्सिटी से लफ्ज हिन्दू और अलीगढ़ यूनिवर्सिटी से लफ्ज मुस्लिम निकाल दिया जाये। इसमें कोई भी आब्जेक्शन नहीं होगा लेकिन यह एकतर्फी ट्रैफिक नहीं

होगा। पहले जरा मेजारिटी को आगे बढ़ना होगा। मैं समझता हूँ आम इनसानों को लफ्ज हिन्दू और लफ्ज मुस्लिम से कोई खास मोहब्बत नहीं। लफ्ज मुसलमान बढ़ा देने से वहाँ पर पढ़ने वालों को कोई तरबकी नहीं मिलती या महज लफ्ज हिन्दू बढ़ा देने से वहाँ पर पढ़ने वालों को कोई उन्नति नहीं मिलती। इस लिए जरूरत इस बात की है कि इसपर गौर किया जाये। मैं चाहूँगा कि आप इसपर गौर करें। इसके बारे में वक्तन फवक्तन साज्जश होती रहती है। बार बार अलीगढ़ यूनिवर्सिटी को बदनाम करने की कोशिश की गई। आपने देखा कि गवर्नमेंट आफ इंडिया ने कई कमेटीज वहाँ के बारे में इन्क्वायरी के वास्ते बनाई लेकिन किसी का चेरमैन मुसलमान नहीं था। चटर्जी कमेटी बनी, दूसरी कमेटी बनी और उन्होंने जो रिपोर्ट दी वह आखें खोलने के लिए काफी है अगर इन्साफ से काम लिया जाये। चटर्जी कमेटी, गजेन्द्रगदकर कमेटी ने डिक्लेयर किया कि वहाँ पर पूरी तरह सेक्यूलरिज्म है। वहाँ पर स्टाफ में हिन्दूओं को वही अधिकार हैं, वह सारी बातें मयस्सर है जोकि दूसरे लोगों को मयस्सर है। चटर्जी कमेटी ने यहाँ तक कह दिया कि वहाँ का इन्तजाम, वहाँ का डिस्प्लिन दूसरी यूनिवर्सिटीज के लिए मिसाल बन सकता है यह चटर्जी कमेटी के अल्फाज है। मेरे नहीं अगर टाइम होता है आपको पूरा पढ़कर सुनाता।

ऐसी हालत में आज यकीनन इस बिल की जरूरत है। इसका जो हिस्टारिकल बैकग्राउंड है, मालूम नहीं हमारे जनसंघी भाई हिस्टारिकल बैकग्राउंड का क्या मतलब निकालते हैं, सर सैयद अहमद से लेकर आजतक इसका सेक्यूलरिज्म का ढाँचा रहा है। आजतक मुसलमानों का इससे काफी अटेचमेंट रहा है काफी इसमें पैसा लगाया है, अपनी इनर्जी लगाई है, अपनी कोशिशें लगाई हैं उस चीज को पूरी तौर पर बाकी रखा जाये। हमको इससे कोई शर्म नहीं कि हमारे इतने बड़े

मुल्क में 56 करोड़ में सात करोड़ मुसलमान हैं वे महसूस करें कि हमको पूरी आजादी है अपनी ज़बान की हिफाजत करने के, अपनी तहजीब व तमद्दुन की हिफाजत करने की और अपने एजुकेशनल इंस्टीट्यूशन्स की हिफाजत करने की। हमको आजादी होनी चाहिए और इसलिए यह बहुत बड़ी बात होगी अक्सरियत के लिए।

एक चीज़ की तरफ में तबज़हह दिला-उंगा। जो यूनिवर्सिटी कोर्ट का गठन किया गया है ज़रूरत है कि इसको देखा जाये। कोई बज़ह नहीं है कि इतने बड़े इंस्टीट्यूशन्स में कोर्ट में औरतों का रिप्रेजेंटेश लाज़मी न किया जाये, कोई बज़ह नहीं है कि हरिजनों की नुमाइन्दगी लाज़मी न की जाये और नोनटीचिंग स्टाफ की नुमाइन्दगी लाज़मी न की जाये। बड़ा ज़रूरी है कि बाला दर्जे के अरेविक स्कालर, उर्दू स्कालर, पशियन स्कालर, यूनानी सिस्टम आफ मेडिसिन के एक्सपर्ट, डाक्टर, लाइयर, जर्नलिस्ट्स और खास तौर पर नानटीचिंग स्टाफ और हरिजनों का रिप्रेजेंटेशन हो।

इसी तरह से जो पार्लमेंट से 6 सीटें रखी गई हैं उनको बढ़ाकर 10 कर दिया जाये ताकि उसमें साउथ बंगाल, उड़िसा, काश्मीर सभी जगहों के नुमाइन्दे रखे जा सकें। इसके लिए ज़रूरी है कि कम से कम दस की नुमाइन्दगी इस पार्लमेंट से की जाये। मैं उम्मीद करता हूँ कि इस बिल में मैं ने जो तरमिमों पेश की है उनको मिनिस्टर साहब मंज़ूर करेंगे। फिर्कापरस्तों के नुमाइन्दे इस यूनिवर्सिटी में चाहे इस दरवाजे से चाहे उस दरवाजे से आकर जो इसको तबाह करने की कोशिश कर रहे हैं उनकी साज़िश को नाकाम किया जायेगा। इन अल्फाज़ के साथ मैं इस बिल पर अपने खयालत का इज़हार करता हूँ।

[**श्री اسحاق سمیعی (اردوہ):**
 سپیکر صاحب علیگڑہ مسلم یونی
 ورسٹی بل سات سال کے انتظار
 کے بعد آیا ہے۔ اس کے بارے میں
 عرصے سے کہا جا رہا تھا۔ اور بار بار
 یہاں پر سوال اٹھے اور ہر بار
 یہی کہا گیا کہ جلد لایا جائے گا۔
 مجھے خوشی ہے کہ میرے ساتھیوں کو
 اسے یہاں پر جلد لانے کیلئے کافی
 جدوجہد کرنی پڑی۔ سپیکر صاحب
 یہ حقیقت ہے۔ اس سے انکار نہیں
 کیا جاسکتا کہ علیگڑہ مسلم یونی
 ورسٹی بلاشبہ مسلمانوں کو
 ماڈرن تعلیم پڑھانے کیلئے قائم کی
 گئی تھی اور جس زمانے سے ایجوکیشنل
 انشٹیٹیوشنز شروع ہوئے اس
 زمانے میں اینٹلو موڈرن کالج سب
 سے پہلے قائم ہوا تھا۔ بعد میں اس
 نے اپنی ساری پراپرٹی تقریباً
 تیس لاکھ روپے کے اسٹیٹس
 جمع کر کے اس یونیورسٹی کے
 حوالے کر دیئے اور یونیورسٹی
 بنوائی۔ جہاں تک اس یونی
 ورسٹی کا سوال ہے آپ سب

[شری اسحاق سلہلی]

جانتے تھے یقیناً اس کی منشاء یہ تھی کہ سلمان جو تعلیم میں پکڑے ہوئے ہیں ان کے اندر تعلیم کی جانب ایٹریکشن پیدا ہو۔ ان کو اس میں آئے لایا جائے۔ ان کو ماڈرن دنیا سے بھی واقف کرایا جائے۔ میں یہ بھی کہہ سکتا ہوں کہ علی گڑھ مسلم یونیورسٹی شاید ہندوستان کی آزادی کی جدوجہد پیدا کرنے والوں میں۔ آزادی کی جدوجہد میں حصہ لینے والوں کو پیدا کرنے میں کسی سے پیچھے نہیں رہی۔ علی گڑھ مسلم یونیورسٹی سیولوزم کی ایک مثال رہی ہے۔ یہ حقیقت ہے اور اس یونیورسٹی کو محض یہ کہ اس یونیورسٹی نے مرحوم رفیع احمد قہدوانی۔ ڈاکٹر ذاکر حسین۔ راجہ ہند پر تاپ۔ شری ایس۔ کے۔ ڈی پالی وال جیسی شخصیتیں پیدا کی۔ میں نے صرف ان کے نام لئے ہیں جو اس دنیا میں نہیں ہیں۔ اگر زندہ لوگوں کے نام لئے جائیں تو ایک بہت بڑی لسٹ بن جائے گی۔

یہ بھی اپنی جگہ صحیح ہے کہ سنہ ۱۹۲۱ میں جس وقت ہمارا کانہ ہی نے خان کو آپریشن سے لے کر اور بلذ کی تو خواجہ عبدالمجید بیرسٹر۔ شری ایس۔ کے۔ ڈی پالی وال۔ رفیع احمد قہدوانی اور سیکرٹری کی تعداد میں اس وقت کے وہاں کے سٹوڈنٹس نکل کر آئے اور خان کو آپریشن یونینٹ میں۔ ملک کی آزادی کی تحریک میں حصہ لیا۔ اسی طرح سے آج ہندوستان میں سٹوڈنٹس کے لئے جدوجہد کرنے والوں۔ ترقی پسند لوگوں میں جتنے لوگ علی گڑھ مسلم یونیورسٹی کے پرانے سٹوڈنٹس نظر آئیں گے کیا کوئی ان کو جلا سکتا ہے۔ خواجہ احمد عباس۔ علی سردار جعفری۔ ڈاکٹر زیڈ احمد جی کا اس زمانے میں بہت بڑا کنٹریبیوٹن ہے۔

سپیکر صاحب جیسا میں نے شروع میں ذکر کیا تھا کہ اس یونیورسٹی کو مسلمانوں کی تعلیمی ترقی کے لئے قائم کیا گیا تھا۔ ہندوستان

جیسے بڑے اور سیکولر دیش میں
 جہاں مسلمانوں کی اتنی بڑی آبادی
 ہے یقیناً ان کو ماڈرن زندگی سے
 واقف کرانے کیلئے۔ ان کی ترقی
 لینہٹی کو ہم کنار کرنے کے لئے فردی
 ہے کہ ایسے انسٹی ٹیوشنوں کو اگرچہ
 مانیورٹیز یونیورسٹی ہے۔ کھلے دل
 سے مدد اور اگر کچھ ایسے قانون
 درمیان میں آئے ہوں جو اس کی
 ترقی کو روکنے میں مدد دیتے ہوں
 تو انہیں بدلنا چاہئے۔

سپیکر صاحب نے دیکھا اور
 اس عرصے میں آپ بھی وہاں
 جا چکے ہیں ہمارے یہاں جو بھی بڑی
 بڑی شخصیتیں ہیں وہ وہاں جا چکی
 ہیں۔ وہاں کے لڑکے ڈسپلنڈ ہیں
 وہاں کے لڑکوں کا ہڑتالوں سے
 باہر رہنا قابل تعریف بات ہے۔
 لیکن یہ بھی اپنی جگہ حقیقت ہے کہ
 ایسے لوگوں کی کمی نہیں جو ان کو
 بوڑھاتے ہیں۔ ایک طرف کچھ ایسے
 مسلمانوں کا ایک طبقہ ہے جو اپنی
 لیدری چمکانے کیلئے ان کو زکوٰۃ پرستی

کا شکار بناتے ہیں۔ ان کو پروک
 کرنے کی کوشش کرتے ہیں۔ اور
 دوسری طرف جن سنگھ ہے۔ جسکی
 کوشش یہ ہے کہ جو ایک بہت بڑا
 اور اقلیتوں کا ہے اسکوتباہ
 کرنے کیلئے تیار رہتے ہیں۔ ہمیں
 خوشی ہے کہ اس بدلتے ہوئے زمانے
 میں علیگڑھ مسلم یونیورسٹی کے ہمارے
 ہندو بھائیوں کی تعداد ہندو
 ودیارتھوں کی تعداد چالیسی
 پرنسٹ سے اوپر پہنچ چکی ہے۔
 بعض بعض فیکلٹیز میں تو ہمارے
 ہندو ودیارتھوں کی جیسورٹی ہے
 بہت سی فیکلٹیز میں ہمارے ہندو
 بھائی سٹاف میں بہت اونچی جگہوں
 پر کام کر رہے ہیں اور بعض فیکلٹیز
 میں تو وہ جیسورٹی بھی ہیں۔
 اسی بات کی ہمیں خوشی
 ہے اور تخریبی ہے۔ اس بات سے
 ہمیں کوئی شکایت نہیں ہے۔ شکایت
 اس وقت پیدا ہوتی ہے جب ایک
 طرف علیگڑھ مسلم یونیورسٹی کے
 بارے میں بار بار سوال کئے جاتے
 ہیں۔ بے حیرت ہوتی ہے جب
 ہمارے بعض بھائی کھڑے ہو کر کہتے

[شہری استحقاق سنبھلی]

ہیں کہ وہاں کانسی ٹیوشن کے مطابق
وہاں کا وائس چانسلر مسلمان ہوگا
اگر میں ان کا نام لے دوں تو
آپ عسلی پڑیں گے۔ میں ان کا
نام لینا نہیں چاہتا لیکن اس طرح
کی باتیں کہی جاتی ہیں۔ لیکن میں
آپ کو بتلانا چاہتا ہوں کہ اب
تک کا جو قانون رہا ہے سنہ ۱۹۲۱
سے دیکھو ۱۹۷۱ تک کا۔ ایسا نہیں
تھا کہ مسلمان ہی وائس چانسلر
رہا ہو۔ یہ صیح ہے کہ مسلمانوں
کا اس سے بہت بڑا ایشیمنٹ
رہا ہے۔ لیکن اس کے خاتمے وہ
ایک مذہبی یونیورسٹی بن گئی ہو
یا صرف مسلمانوں کی اجارہ داری
بن گئی ہو ایسی بات نہیں تھی۔
اس نے اپنے سیکولر کردار کو بھی
کوئے نہیں دیا۔ سرسید کے زمانے
سے جو ۱۹۲۰ کا پرمیبل ہمارے سامنے تھا اس
وقت سے دیکھو آج تک اس نے اپنے
سیکولر کردار کو نہیں کھویا۔ اور میں
صاف صاف طور پر بتلانا چاہتا
ہوں کہ ۱۹۲۰ کے زمانے کا مسلمان
اب بہت آئے بڑھ چکا ہے۔ اگر
کچھ لوگ صرف یہ سمجھتے ہوں کہ یہ
کسی ایک خاص طبقے کی بن کر رہے

گی۔ ان کو مایوسی ہونا پڑے
گا۔ یہ ایک ماڈرن یونیورسٹی بنے
گی اور آئے بڑھے گی۔ سیکولرزم کی
ایک شاندار مثال بنے گی۔ جو اس
وقت ہے اس سے بھی بڑی مثال بنے
گی۔ اب اس بات سے ظاہر ہے
کہ جو ہمارے مسلمان فرقہ پرست
بھائی ہیں اور دوسرے وہ فرقہ
پرست بھائی جن کی نمائندگی
جن سنگھ کرتا ہے۔ ان کو مایوس
ہونا پڑے گا۔ اب اس یونیورسٹی
کو پیسے نہیں ڈھکیلا جا سکتا۔
اس کے کردار کو بدلا جائے گا یہ
آئے بڑھے گی۔ اور فرقہ پرستوں
کو ٹوکے لگاتے ہوئے سیکولرزم کی
ایک شاندار مثال بنے گی۔ لیکن
اس کے ساتھ یہ بھی ضرور دیکھنا
ہوگا کہ ایک طرف جہاں اس کو
ماڈرن بنانے کی کوشش کی جائے گی
سیکولر بنانے کی کوشش ہوگی۔ وہاں
مہرکار یہ بھی سوچے۔۔۔ مجھے خوشی ہے
پرائیم منسٹر صاحبہ یہاں بیٹھی ہوئی
ہیں۔ وہ بھی اس پر غور کریں

گی کہ علیگڑھ سے جو ٹرکے پڑھ کر نکلتے ہیں ان نکلنے والے ٹرکوں کے ساتھ ان مسلمان ادھر دھند ٹرکوں کے ساتھ کتنی پریشانیاں سامنے آتی ہیں۔ ان کو کسی طرح سے ڈپارٹمنٹ میں ہر جگہ پر سردس سے محروم کرنے کی کوشش کی جاتی ہے۔ ان سے وہ سوالات کئے جاتے ہیں جن کو سن کر شرم آتی ہے۔ ایک سیلو لرسٹیٹ میں اس طرح کے سوالات محض اس جرم میں کہ وہ سوڈینٹ علیگڑھ یونیورسٹی کا پڑھا ہے کئے جاتے ہیں۔ اور ان کے ساتھ ڈسٹری مینٹیشن بڑھتا جائے۔ میں پوری ذمہ داری کے ساتھ کہہ سکتا ہوں کہ علیگڑھ مسلم یونیورسٹی کے ہندو ادھر مسلمان سوڈینٹس کے ساتھ جو وہاں سے پڑھ کر نکلتے ہیں ڈپارٹمنٹس میں مختلف کمرشل انسٹی ٹیوشن میں ڈسٹری مینٹیشن بڑھتا جا رہا ہے۔ ان کو نوکریاں نہیں دی جا رہی ہیں۔ میں چاہوں

گا کہ سرکار اس کی طرف پوری توجہ دے۔

ایک طرف جہاں بہت زور کے ساتھ علیگڑھ یونیورسٹی کے بارے میں کہا جاتا ہے یہ خواہش کی جاتی ہے کہ وہاں کے وائس چانسلر ہندو ہوں۔ میں پوری ذمہ داری کے ساتھ کہتا ہوں کہ ہمارے ملک میں ایسے ہندوؤں کی کمی نہیں ہے جو کہ مسلمانوں کے مفاد کی حفاظت مسلمانوں کی طرح سے ہی نہیں بلکہ ان سے بھی آگے بڑھ کر کرتے ہیں۔ جیری پارٹی ایسے لوگوں سے بھری ہے۔ اسی دیش میں ایسے ہندوؤں کی کمی نہیں ہے۔ ہمارے سامنے سوال اس کا ہے کہ جو مقابلہ کیا جاتا ہے اور کہا جاتا ہے تو کچھ لوگوں کو وہاں کے سوڈینٹس اور مسلمانوں کے جذبات سے بھی کھیلنے کا موقع ملتا ہے۔ جب سامنے آتا ہے کہ بنا اس یونیورسٹی میں سٹاف میں مانیورٹینر کی مسلمانوں کی بات نہیں کرتے۔ وہاں پر مانیورٹینر کا کیا

[شہی اسحق سلہلی]

ریپریزنٹیشن ہے۔ سوڈینس میں مانیورٹی کا کیا ریپریزنٹیشن ہے۔ تو یقیناً اس وقت سوچنا پڑتا ہے کہ کیا مورہا ہے۔ میں چاہوں گا کہ جس طرح سے ایک بل کی شکل میں اس کو لانے کی کوشش کی گئی ہے۔ یقیناً اس کو سیکولرزم کے ادھر بنانے کی کوشش کی گئی ہے۔ اسی طرح سے بنارس یونیورسٹی کو بھی بنانے کی کوشش کی جائے گی۔ میں تائید کرونگا۔ ادھر میں سمجھتا ہوں کہ ہیری پارٹی تائید کرے گی۔ اگر بنارس یونیورسٹی سے لفظ ہندو ادھر علیگڑھ سے لفظ مسلم نکال دیا جائے اس میں کوئی بھی اور جکس نہیں ہوگا لیکن یہ ایک طرفہ ٹرننگ نہیں ہوگا۔ پہلے ذرا میجورٹی کو آئے بڑھانا ہوگا۔ میں سمجھتا ہوں کہ عام انسانوں کو لفظ ہندو ادھر لفظ مسلم سے کوئی خاص محبت نہیں ہے۔ لفظ مسلمان بڑھا دینے سے وہاں پر پڑھے والوں کو کوئی ترقی نہیں ملتی۔ یا محض لفظ ہندو بڑھا دینے سے وہاں پڑھے والوں کو کوئی آہنی نہیں ملتی۔ اس لئے ضرورت اس بات کی ہے کہ اس پر غور کیا

جائے۔ میں چاہوں گا کہ آپ اس پر غور کریں۔ اس کے بارے میں وقتاً فوقتاً سازش ہوتی رہتی ہے۔ بار بار علیگڑھ یونیورسٹی کو بدنام کرنے کی کوشش کی گئی۔ آپ نے دیکھا کہ ڈورنٹ آف انڈیا نے کئی کمیٹیز دہاں کے بارے میں انٹرویو کے واسطے بنوائیں لیکن کسی کا چیئر میں مسلمان نہیں تھا۔ چیئر جی کمیٹی بنی اور دوسری کمیٹیز بنیں اور انہوں نے جو رپورٹ دی وہ انہیں کونے کیے کا فی ہیں۔ اگر اتنا انصاف سے کام لیا جائے۔ چیئر جی کمیٹی۔ گاجیندر گمگر کمیٹی نے ڈیکلیر کیا کہ دہاں پر پوری طرح سیکولرزم ہے۔ دہاں پر اسٹاف میں ہندو کو بھی وہی ادھیکار ہے۔ وہی ساری باتیں میٹر ہیں جو کہ دوسرے لوگوں کو میٹر ہیں۔ چیئر جی کمیٹی نے یہاں تک کہہ دیا کہ دہاں کا انتظام وفاق کا ڈسپلین دوسری یونیورسٹیز کے لئے مثال بن سکتا ہے۔ یہ چیئر جی کمیٹی کے الفاظ ہیں

بیرے نہیں ہیں۔ اگر ٹائم ہوتا
تو میں آپ کو پورا پڑھ کر سناتا۔

ایسی حالت میں آج یقیناً اس

بیل کی ضرورت ہے۔ اس کا جو
ہسٹوریکل بیک گراؤنڈ ہے۔

معلوم نہیں ہمارے جن سنگھی بھائی

ہسٹوریکل بیک گراؤنڈ کا کیا مطلب

نکالتے ہیں۔ سر سید احمد سے لیکر

آج تک اس کا سیکولرزم کا دھانچہ

رہا۔ آج تک مسلمانوں کا اس

سے کافی ایچ مینٹ رہا ہے۔ کافی

اس میں پیسہ لگایا ہے۔ اپنی

امرتی لگائی ہے۔ اپنی کوشش

لگائی ہے۔ اس چیز کو پوری

طور پر باقی رکھا جائے۔ ہم کو

اس میں کوئی شرم نہیں کہ

ہمارے اتنے بڑے ملک میں ۵۶

کروڑ میں سات کروڑ مسلمان

ہیں۔ وہ محسوس کریں کہ ہم

کو پوری آزادی ہے۔ اپنی

زبان کی حفاظت کرنے کی

اپنی تہذیب و تمدن کی حفاظت

کرنے کی اور اپنے ایجوکیشنل

انسٹی ٹیوشن کی حفاظت کرنے کی۔

ہم کو آزادی ہونی چاہئے۔ اور اس

لئے یہ بہت بڑی بات ہوگی۔ اکثریت

کے لئے۔ ایک چیز کی طرف میں توجہ

دلوادوں گا۔ جو یونیورسٹی کو رشا کا

گھٹن کیا گیا ہے۔ ضرورت ہے کہ

اسی کو دیکھا جائے۔ کوئی وجہ نہیں

ہے کہ اتنے بڑے انسٹی ٹیوشن میں۔

کوٹ میں عورتوں کا ریپرینٹیشن

لازمی نہ کیا جائے۔ کوئی وجہ نہیں

ہے کہ مریجنوں کی نمائندگی لازمی

نہ کی جائے۔ اور خانہ شیپنگ

سٹاف کے میجسٹریٹ کی نمائندگی لازمی نہ کی جائے

بڑا ضروری ہے کہ اعلیٰ درجے کے عربک سکولر

اردو سکولر۔ پرنسپل سکولر۔ یونانی سٹم آف

میڈیشنز کے ایکسپرٹ ڈاکٹرز اور جرنلسٹ

اور خاصی طور پر نان شیپنگ سٹاف اور

ہری جنوں کا ریپرینٹیشن ہو۔

اسی طرح سے جو پارلیمنٹ سے

چھ ریٹیں رکھی گئی ہیں۔ ان کو بڑھا

کر دیا جائے۔ تاکہ اسی میں

سادتو۔ بنگال۔ اڑیسہ۔ کشمیر

سبھی جگہوں کے نمائندے رکھے جا

سکیں۔ اسی کے لئے ضروری ہے کہ

کم سے کم دس کی نمائندگی اس

پارلیمنٹ سے کی جائے۔ میں امید

[شہری اسحاق سنجلی]
 کرتا ہوں کہ اسی بل میں میں نے
 جو ترمیمیں پیش کی ہیں ان کو
 منسٹر صاحب منظور کریں گے۔
 فرقہ پرستوں کے نمائندے اسی یونی
 ورٹی میں چاہے اسی دروازے سے
 چاہے اُس دروازے سے آکر جو اس
 کو تباہ کرنے کی کوشش کر رہے ہیں
 ان کی سازش کو ختم کیا جائے
 گا۔

ان الفاظ کے ساتھ میں اسی بل پر اپنے
 خیالات کا اظہار کرتا ہوں۔ [

SHRI MUHAMMED KHUDA
 BUKHSH (Murshidabad) : Mr. Speaker,
 Sir, there is a persian saying :

تا مہے سولن نگو فتا بشارت،

اے بو ہنرش نہ ہفتا بشارت ا

تا مردے سفن نکتہ باشد

و ہنرش نہفتہ باشد

Translated in English, it means, until a person has spoken, his qualities and shortcomings remain concealed. Therefore, it is a warning not to open one's mouth in such a critical gathering and presided over by you, Sir. But the time comes in the life of every Member when he is seized with an uncontrollable urge to say something which he feels must be said. Such a day has dawned today for me, for good or for evil. I am launched on a course the result of which is utterly unpredictable for me and also, I presume, Sir, for the entire House.

I am thankful to you, Sir, that you have called me to unburden my soul. Before I come to the particular matter under discussion, I have to make one or two passing observations. You would kindly recall that you welcomed me back to this House after an absence of a number of years; you made a mention of my earlier

membership. When I came here in 1952, it was with great pleasure and I found that this House belonged to Members. But now, when I return after a long period of 10 years, I find that, over these years, this House has come to belong more and more to the Government. The rules are relaxed, waived, and other concessions are made in favour of Government causing great inconvenience to us, relatively more to ignorant Members like me and, therefore, we are not able to come prepared for saying what we would have liked or desired to say, to make ourselves a little more intelligible to the House. We feel that our rights have, over these years, eroded and have been curtailed.

The things which happen in the House are amazing. Names are mentioned of persons who are not present in the House and who are not here to defend themselves. Two wrongs do not make a right. If a wrong has been committed by one side, it should be condemned by every side of the House; every side of the House should rally round the hon. Speaker to bring that offender to book. But what I have seen now in this House is that we retaliate by committing the same wrong. Pardon me, Sir, and my friends who have been making these remarks.

Now I shall come to the Bill. Even here I am under great difficulties because even upto a few minutes ago the Bill was under private discussion among the hon. Minister who is piloting this Bill and certain members who are taking an intelligent interest in it. A basketful of amendments are coming before us. We have not had the time to study and relate them to the original Bills. You would notice, Sir, that in order to understand what is what, one has to go back to the original Bill and perhaps go still further back to those endowments. After all, it relates to the religious endowments. Even today in India we concede this that we shall hold the wishes and desires of the waqif, the man who has founded the endowment, to be sacrosanct, sacred and inviolable. When that concept is still agreed to by this hon. House, we must be able to relate all these amendments, to see whether they are in consonance with those desires the waqifs expressed in the original endowment. They are not before us. So, we take it that whatever they are doing is for the benefit of the endowment, for the benefit of the wakf. we are proceeding on that basis because we believe in our Government, we believe

in our Party, but when we say that, we cannot concede, I am unable to concede even to my own conscience, that all the members of the House are that intelligent or that interested in the Aligarh Muslim University that they would take that quantum of interest to dig up the relevant papers. I have no personal relationship with Aligarh Muslim University; I belonged to the Calcutta University. The Calcutta University is good enough for me, and my recommendation to my people and children has been that what has been good enough for me should be good enough for them and that they should not look up to this or that particular University in India. But I am speaking on this Bill only for this reason that a feeling has been generated in this House that the Muslims all over India have a feeling that something that belonged to them is sought to be taken away. If that is so, I am here to raise my humble voice of protest against this. And if, in my ignorance or my defective understanding of the reasons of the Bill, I have moved certain amendments, I shall perhaps withdraw those amendments if those doubts are cleared up in the meantime by the Government. I am being carried by people who are perhaps better qualified to speak or to think or to advise me. I must confess that I am an outsider so far as the ambit or the limits set by this Bill are concerned. Therefore, I am still looking up to the Government to try and accommodate the feelings of the House. When we have reposed our confidence in the Government and when we have accepted the version that whatever they do will be for the ultimate benefit of the Aligarh University and that nothing will be done that will be to the detriment of the interests of the wakf, the original founders, their wishes will also be respected as also modern humanistic education, that is in keeping with the trends of to-day's life, will be imparted to the students of that University, I shall be very happy. The Gajendragadkar Committee said, taking all the Universities in its ambit, in its purview, there should be no place for donors. The Inquiry Committee set up for the University of Aligarh, the Chatterjee Committee, recommended a certain set up which is being sought to be disturbed by the Gajendragadkar Committee.

I congratulate the Minister that he has made a judicious blending, a marvellous melange of the two Committees. I would further urge upon him that he should take from both the Committees what is bene-

ficial and keep in view the peculiar circumstances, the peculiar conditions, the peculiar psychosis, if I may be permitted to use that word, and devise something which will be conducive to the good of the University.

SHRI B. R. SHUKLA (Bahraich) :
I extend my support to the provisions of this Bill which was long overdue.

In order to appreciate the essential features of this Bill it would be necessary to look into the history of the Aligarh University. The University was founded at a time when the British rule in this country was supreme and when the members of the Muslim community having lost their rule in the country, were neglected, isolated and were not allowed to have their full share in the administration of this country under the British rule.

The founder of the Anglo-Muhammadan College, the great Sir Syed Ahmed Khan was motivated by a benevolent desire to help the community to get into the orbit of modernism, to share in the fruits of British administration and also, at the same time, to retain the character of the institution as a Muslim one. There was nothing wrong about it. Many leading intellectuals of this country belonging to the Hindu fold or Brahma Samaj or other religious communities had also similar motivations and desires and they established different institutions in this country where the teaching of religion was provided for and, at the same time, the modern type of education was also provided for so that they may come into the orbit of modern life and share the benefits of technical knowledge of the modern era.

The Aligarh Muslim University has been criticised time and again by the extremists belonging to the Hindu community on the ground that it is the citadel of Muslim communalism. I would humbly submit that this is simply a perverted view taken of this great institution. Communalism was a disease spread by the interested imperialists in the country. Some leaders were divided on the basis of caste and creed and on the basis of religion. The Britishers were interested to perpetuate their rule and politicians were recruited and inspired in a manner that the country

[Shri B. R. Shukla]

should be divided on these lines, so that the British rule should remain here in perpetuity.

13 hrs.

There is no wonder that some elements inspired by these very considerations also crept in in this Institution, although that was not in accordance with the wishes of the Founder. Many of our Institutions which did not bear the name of any religion or community also were the victims of casteism, communalism and sectarianism.

Therefore, it would be a very wrong approach to criticise the functioning of this great institution that it was an arsenal of communalism.

My friend Mr. Ishaque Sambhali has highlighted the achievements of this University. Despite all these historical handicaps, Aligarh University and Benaras University have produced giants in the field of intellectual attainments. They have produced leaders whose patriotism could not be questioned and cannot be questioned. But another extreme section, belonging to the Muslim community, is raising its voice that this Bill is seeking to nullify its essential Muslim character. I do not question their motives but I certainly doubt their wisdom. Those who are propagating the cause of exclusive culture, the propagation of exclusive religion, are doing service neither to their community nor to the country at large.

The necessities and the exigencies of the time require that we should cultivate an outlook of secularism and democracy and socialism in this country. But secularism does not mean an abolition of religion in this country. All the great religions of the world—in which Islam is also included—have made significant contributions and they have to be retained if democracy in this country is to function. But that does not mean that the promotion of the study of a particular religion means bigotry or narrowing of the intellectual vision. It does not mean a practice of intolerance at the cost of other religions.

We have been sharing this view. Those who are not sharing this view should see the writing on the wall that they are no longer required in this country. They have to bring themselves into the mainstream of national and emotional integration.

Against this background, this Bill has to be viewed in its proper perspective. Sir, very significant changes are being introduced through this Bill. Previously in the existing Act there is the provision for the study of Mohammadan religion, culture and civilisation. By amendment, an addition is to be made that there would be provision for the study of religion, culture and the civilisation of India. That is a very notable contribution.

My Muslim friends who are criticising this Bill say that it is going to put an end to the Muslim character of this great institution. They should note that the cultivation and the study of Muslim religion is going to be retained.

They should also remember that there is a provision for continuation of the faculty of theology, which has been amplified in the statute thereby providing for the study of theology, that is, the study of the two branches of the Islamic religion, namely Shia and Sunni. Then, there is provision also for a faculty of Islamic Studies. Then, there is the provision for the study of history, geography etc., which is common in other universities also. Thus, there is provision for the study of the Islamic history also there is also provision for the study of Muslim religion. So, why should they be afraid merely because a provision is going to be made for the study of other religions, and the civilisation and culture of India. There is no ground for their being fear-stricken. Does this not show that they are interested only in the exclusive study of a particular religion? I think that they would be benefited by the light and wisdom coming forth from other religions and other philosophies.

One thing which is intriguing to me is this. There is a provision for the faculty of West Asian States. I do not know why when there is provision for the study of Islamic religion, when there is provision for the study of Islamic history, a faculty of West Asian States has also been inserted. What is West Asia today? West Asia starts from our next door on the west. On the west there is Pakistan and West Asia extends up to Syria.

There is provision for the study of the conditions and civilisation of all these countries beginning from West Pakistan, and now that is the only Pakistan, up to Syria. I do not know why this is necessary. This is only superfluous. The critic,

and detractors of this Bill may say that there is something hidden and something concealed is being introduced in this Bill in order to retain Muslim communalism. Why should there not be a study of Asia as a whole? I could understand the study of East Asia also? Why should there be this special reference to the study of West Asia? We know how West Asia had behaved in the crisis out of which we have come victorious very recently. Therefore, in all humility, I would appear to the Education Minister not to make any provision separately for the study of West Asia.

So far as the question of the deletion of the provision regarding affiliation of colleges to the university is concerned personally I would welcome it because every university which is a residential one should not have affiliation of colleges.

SHRI R. D. BHANDARE (Bombay Central) : Let him not detest knowledge either of the West or of the East or of the North or of the South.

SHRI B. R. SHUKLA : There are a number of colleges functioning within the limits of Aligarh city itself. For instance, the Varshneya College and the Dharma Samaj College are going to be affiliated to the Agra University, far away from this great centre of learning. Probably the lurking fear is that these colleges although secular in character and open to members of all communities, are not having the same historical background as the Aligarh Muslim University and therefore they would influence Aligarh University. Therefore, there is a salutary provision which was introduced in the Act of 1965, and numbered as 12A which is going to be deleted.

That might be the approach of person who are not so secular as we declare ourselves to be. Personally, I see no harm even in deletion. However, I want that every university which is a residential one—Aligarh, Banaras or Jawaharlal Nehru University—should be a disaffiliating university and all these colleges should be affiliated only to an examining university. The more the number of affiliated colleges, the greater is the problem. Those Colleges in which there is no provision for stay in the hostel, within the precincts of the university itself should not be affiliated. This is my personal approach about the character of a residential university.

The third main distinctive feature and contribution of this Bill is the compromise between election and selection regarding the appointment of Chancellor, Vice-Chancellor and Pro-Vice Chancellor. Selfish politicians and narrow-minded teachers who are increasing in numbers in the country have converted the sacred precincts of the temples of learning into hotbeds of corruption, politics and intrigue. Therefore the retention of the system of direct election for these posts simply breeds intrigue and narrow politics; it does not promote the growth of learning in such institutions. Hence, the provision that there should be a panel of not less than 3 persons recommended by the Executive Council out of which the Visitor is empowered to select one as Chancellor is healthy. Similarly, there would be a committee consisting of two nominees of the Executive Council and one nominated by the Visitor. These three would draw up a panel of names not less than 3 out of which the Visitor would have the option to appoint one as Vice-Chancellor. These are very welcome features of the Bill and these would go a long way to satisfy the basic urges and aspirations of the Muslim community. It would also help in bringing the community into the wider mainstream of national life in this modern era through which we are passing and any community practising separatism exclusiveness or narrowness is bound to be doomed. Hence the Muslims should welcome this bill. The extremists, in spite of their antagonism and prejudice against this historical institution should also welcome it. It is a compromise between conflicting interests and ideologies and is perfectly in keeping with the ideals of secular democracy and socialism which we have adopted as the main pillars of our Constitution.

***SHRI C. T. DHANDAPANI** (Dharampuram) : Mr. Speaker, Sir, on behalf of the Dravida Munnetra Kazhagam, I would like to express my views on the Aligarh Muslim University (Amendment) Bill. When the Bill was introduced in the House a few days ago, it was urged by the Members of my Party that the Bill should not be hustled through and that sufficient time must be allowed so that the various provisions of the Bill might be considered dispassionately and carefully.

*The original speech was delivered in Tamil.

[Shri C. T. Dhandapani]

Though the Bill relates to the structure of a University it has other significant aspects as well. The Aligarh Muslim University has a special connotation to the minority community. It is, therefore essential that the doubts and apprehensions that the minority community may have in relation to this Bill have got to be understood and cleared. So far as my party, DMK, is concerned, it has no faith in any religion or caste. But at the same time it is our earnest desire that the interests of the minority community should be protected in our country. We have in our midst Muslims, Christians, Jains and Sikhs who may be termed as belonging to the minority communities. It is necessary that before we contemplate any action connected with the interests of the minority communities we have to ensure before hand that doubts and fears are removed. Only after clearing the doubts and apprehensions of the minority community, a Bill of this nature should be enacted. Such action alone would be in keeping with the democratic norms and traditions.

In our country there are socially weak communities, linguistic minorities, non-Hindi knowing people and so on. If their interests are not to suffer or they are not to be handicapped, it is essential that the fears and doubts they may have should be removed. Such steps alone would be in the interest of the Government and the country as a whole.

We have been talking for years the need for national integration. If national integration is to be achieved, the interests of the minority community have got to be protected to their satisfaction. It is therefore necessary that the doubts the minority may have about this Bill have to be set at rest.

The Minister of Education has stated while introducing the Bill that this Bill is one the same pattern of Banaras Hindu University Act. I would like to state that a distinction has got to be made between the Banaras Hindu University and the Aligarh Muslim University. The Aligarh Muslim University has a special significance in as much it as concerns the interests of the minority community.

Sir, the Prime Minister, Shrimati Indira Gandhi has said recently, I quote : "If this demand is conceded, the Government cannot resist similar demands from other

minorities, religious as well as linguistic." This statement of the Prime Minister which was made in connection with the Aligarh Muslim University, has appeared in the newspaper, the *Hindu*. I would like to know from the Government whether the genuine demands of the religious and linguistic minorities would not be considered on this grounds. If the Muslim community have any grievances will the Government ignore them on the plea that similar grievances might be voiced by other communities? It is the minority community which knows its problems. Because of its strength the majority community may not be able to appreciate the grievances of the minorities. For the unity and development of our country the weak has got to be protected. That is why our Constitution has provided for guarantees and if these provisions of the Constitution have any meaning we have to ensure that the rights and interests of the minorities are not allowed to suffer in any way.

Sir, as the Minister has stated, the Aligarh Muslim University (Amendment) Bill has been on the anvil since 1967. It has taken the Government seven long years to bring forward this legislation. In the statement of objects and reasons of this Bill it has been stated by the hon. Minister of Education that "The proposed long-term legislation could not be introduced on account of certain developments beyond the control of the Government." I am not able to appreciate the difficulties the Government had in finalising this legislation. After having delayed the Bill for so long a time the Government are now extremely anxious to get this Bill passed. Many members of this House have voiced as demand that either the Bill should be referred to a Select Committee or in the alternative it must be taken up for discussion during the next session. If this was done it would have provided some time to make a careful study of the various provisions contained in the Bill.

Sir, coming to various provisions of the Bill, I would like to point out that this Bill contemplates the constitution of a number of councils in the Aligarh Muslim University, such as the executive council, the academic council and so on. The Bill also provides for participation of the students in the activities of the University. This is a welcome feature and I am happy about it. But I regret to point out that the hon. Minister has failed to ensure that where representation of the students

ought to be, it is there and where it ought not to be, it is not there. Sir, that the Bill provides for the setting up of an Executive Council in the Aligarh Muslim University. This Executive Council, according to clause 17(2), "shall in addition to all other powers vested in it have the following powers, namely :—

- (i) to appoint the Registrar, Finance Officer, Librarian, Principals of Colleges and institutions established by the University and such Professors Readers, Lecturers...." etc.

In this Executive Council there is no representation from the student community. But the Bill provides for representation of students in the Academic Council. What are the functions of the Academic Council? According to clause 19 of the Bill, "the Academic Council" shall, in addition to all other powers vested in it, have the following powers, namely :—

- (a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-operative teaching among colleges, evaluation of research or improvements in academic standards...." and so on.

It is clear from this provision that the main function of the Academic Council is to determine the academic policies of the University and also the methods of instructions and improvements in academic standards. It is indeed strange that in the Council of this nature there should be representation from the student community. Are we to understand that it is the function of the students to dictate in the Academic Council as to the kind of education or instructions they should have or syllabus or curriculum the University should adopt? The moment they become the members of the Academic Council they automatically get their right to have their say in such matters. If, for example, the student members demand a change in the syllabus will the Academic Council concede that

demand? Is it the function of the students? Whereas there can be representation in the Finance Committee or the Executive Council, there is none. Surprisingly representation to students is given in the Academic Council. I, or a moment, do not say that the students should have no say at all in these matters. But the Academic Council, in my view, is not the proper forum. In the matters of academic policies, instruction, and syllabus it is the teachers who have the necessary qualification to determine. Therefore, Sir, I would request the Minister to see that no representation for the students is given in the Academic Council.

Mr. Speaker, Sir, the Bill also contains provisions for the Constitution of Court. Our hon. friend from the Communist Party has demanded that representation should be given in the Court for trade unions. According to Clause 14 (1)(xiv), the Court, apart from other members; shall consist of

"Twenty members from learned professions and special interests including representatives of Industry, Commerce, Trade Unions, Banking and Agriculture to be nominated by the Visitor."

I, for one, am unable to appreciate the connection between the University Court and Trade Unions and the need for associating the Trade Unions with the University activities. We know the types of activities in which our Trade Unions are engaged. The Trade Union leadership has never thought of constructive programmes conducive to the development of our country. I wonder whether it is intention of hon. Minister that the University Court should be turned into a place of squabbles. I am of the view that there should be no representation of the trade unions in the University Court. If representation is to be given to the workers, such representatives must be chosen from the University employees associations.

[Shri C. T. Dhandapani]

In the end, as many of our hon. members have demanded in the House, I feel the Bill should be referred to a Select Committee. Such a reference to the Select Committee would enable the Members of the Committee to elicit the views of eminent educationists and others interested in the welfare of the Aligarh Muslim University. I would appeal to the Minister to agree to the reference of the Bill to a Select Committee. With these words, I conclude my speech.

SHRI SYED AHMED AGA (Bara-mulla) : I heard the hon. Minister's speech quite attentively. He said in clear terms that the basic character of the Aligarh Muslim University is going to remain unchanged; its historical character will also remain as it is. He said that this would continue to be a residential university and colleges will not get affiliated to it. I therefore feel that the burden of the amendments are only the result of some suspicions which perhaps are not justified. I feel that these amendments show some lack of confidence in one's ownself. They want that it should be declared as a minority institution. To do so is not perhaps in the interest of the minority itself. I feel it would be harmful to Muslims as such if it is declared as Muslim minority University. I ask : why did it come into existence ? The point was that mullas here in India wanted the Muslim community not to go to the modern education and, therefore, very correct method was taken for the benefit of the Muslims that they must get modern education and, therefore, this university came into being. This university has done very good work in the past. It has brought out great intellectuals including say Dr. Zakir Hussain and others.

13.25 hrs.

[MR. DEPUTY SPEAKER *in the Chair.*]

That has been done and that is the position which it should be enabled to maintain and that it can maintain by remaining a university at a national level and not by reducing its status to a sectarian level.

I want to make a point in regard to Gajendragadkar Commission Report which has been generally followed by the Minister while drafting this Bill. It has been referred somewhere in that Report that Panditji was addressing the

Graduates at Allahabad. He said that the university should be for the onward march of the human race. That is the guiding principle which must be there. We have to see to that. What are we facing to-day ? We are to-day struggling to usher in a society of equals. Our requirements to day are very much different from the requirements of the time when Aligarh University came into being. What did the Government of India or the country need then ? They wanted the intellectuals of course. They wanted scholars, no doubt. They wanted very intelligent boys who could compete in the I.C.S. examination. But they also wanted a large number of babus to fill up vacancies in the Secretariat. Beyond that there was no other requirement. Our requirements to day are complex. We want technocrats. We want development. We want those who can give education which is job oriented. We want to create jobs for development and development that would further create jobs.

Muslim University, Aligarh, to-day should do that work which can be done only at a national level. All other work has to be done at the regional level. Therefore, this type of education that is needed to-day is going to be done at the local regional level. For example, to day we want doctors, we want engineers, we want technocrats and people who can look after the industries. All this can be done by the State Universities in different regions and not by one single university for the entire country. There are say something like 4 crore Muslim, boys. If we take the entire community we have a student population in India something like 22 crores. All boys want education—all types of education. To-day education will have to be such that it is co-related to the needs of the day. Therefore, all these universities at the national level and at the regional level have to do something like co-ordinated effort to bring about such type of education in the country which can enable us to develop. I am reminded of a few verses. I would like to quote them :

नई जिन्दगी है नया आसमां नया माहोल
नये शहर, नई जिन्दगी की बात करो ।
तुम अपने अरमो अमल से जहाँ का रुख बदलो
नई सहर से नई रोशनी की बात करो ॥

نئی زندگی ہے نہا آسان نیا ماحول
 نئے شعور نئی زندگی کی بات کرو
 تم اپنے عزم و عمل سے جہاں کا رخ بدلو
 نئی سحر ہے نئی روشنی کی بات کرو

To-day our requirements are not those of the ages that have gone by. To-day our requirements are not which perhaps we wanted 50 years ago. To-day our needs are not that we should be wanting and attempting to remain in isolation and have separatist tendencies. These tendencies are not going to help us to-day. We have to be in the main stream only. If we go for swimming in isolated places, say swimming pools, perhaps we might get isolated and get drowned also. Nobody will try to pick us up. We have to swim in the main stream. There is no other way. There are millions who want jobs to-day. I am reminded of a verse :

लाख पिन्हां हो इन्कलाब मगर
 वक्त के तौर नजर आते है।

लाक पینھاں ہو انقلاب مگر
 وقت کے طور نظر آتے ہیں

We must understand that there are millions of people, both educated and uneducated, who want jobs. So, we have to start developmental works and create more jobs. We cannot be bogged down by sentiments. Of course, Aligarh boys have a sentiment and I accept it. But we cannot forget everything else because of this sentiment. We have to take the totality of the picture today into consideration and go ahead.

It was asked, why is it that Government are rushing through the Bill and not referring it to a Select Committee ? Since 1971 when the Gajendragadkar Committee report was placed on the Table of the House, we have been reading it and waiting for this Bill. The hon. member who said he did not have enough time to study the Bill, showed so much knowledge while speaking that he must have read every word of the Bill and given full thought to every item. So, Government is not rushing through the Bill. On 18th May the boys wanted that the Bill should be passed immediately and they threatened that they will not

participate in the examinations. The examinations were postponed. The Golden Jubilee celebration was postponed. Therefore, it is fit and proper that the Bill is being discussed today and it should be passed.

To those who want that Aligarh should be declared a minority institution, I want to quote a verse again. Perhaps they will like it :

दिन निकलने से काम क्या उठे,
 ज़िन्दगी की अंधेरी रात है यह,
 असर हाज़िर से क्या ग़ज़ उन को,
 अह्दें माज़ी के वाक़ियात है यह।

دن نکلنے سے کام کیا اُٹھے
 زندگی کی اُندھیری رات ہے یہ
 عصر حاضر سے کیا غرض اُن کو
 عہد ماضی کے واقعات ہیں یہ

If we go back to a century-old thinking we cannot go ahead. Today man has landed on the moon and knowledge is fast developing. What we know today will be out of date tomorrow. What we knew yesterday is out of date today. So, all the universities in this country including the Banaras Hindu University and the Aligarh Muslim University have to work together and make a coordinated effort for the development of the country. We have to forget the words "Hindu" and "Muslim", though I am not questioning those words remaining in the names of these Universities. But the approach of all of us should be for the development and advancement of the Indian Union.

In conclusion, while supporting the Bill, I would like to quote a verse again because of the suspicion that some people have :

हां, इसी आलम-इमका में यकी पैदा कर
 जब यकी होगा तो इमका बदल जाते हैं।
 हाں اسی عالم امکن میں یقین پیدا کر
 جب یقین ہوگا تو امکن بدل جاتے ہیں

श्री जगन्नाथराव जोशी (शाजापुर) :
 उपाध्यक्ष महोदय, वास्तव में आज का दिन
 इस लिये बढ़ाया गया कि यह अलीगढ़
 मुस्लिम विश्वविद्यालय विधेयक पारित हो

[श्री जगन्नाथराव जोशी]

जाय। इस में संदेह नहीं कि यह बड़े महत्व का विधेयक है, केवल अलीगढ़ विश्वविद्यालय ही नहीं, आज देश के कई विश्वविद्यालयों में घाघली चालू है, गडबड़ा चालू है। अब शिक्षा का जहां तक सवाल है, हम यह कह कर चुप रहते हैं कि वह प्रदेश का मामला है, केवल जहां तक सेंट्रल यूनिवर्सिटीज का सवाल है, उस को हम देख लेंगे। किन्तु मुझे लगता है कि शिक्षा—जिस से आदमी सुसंस्कृत हो जाता है, एक जीवन-दर्शन दिया जाता है, उस में केन्द्र की भी जिम्मेदारी है। इस लिये गडबड़ा केवल अलीगढ़ यूनिवर्सिटी में ही नहीं, अन्य यूनिवर्सिटीयों में भी चालू है, तो उन सब को एक ठीक मार्ग दिखलाने की दृष्टि से सोच समझ कर एक आदर्श विधेयक सामने आता तो आगे चल कर दूसरों को भी उस से कुछ बातें मिल जातीं।

अभी जैसा हमारे सम्माननीय सदस्य, जिन का महाविद्यालयों के प्राचार्यों के नाते बड़ा संबंध है, ने कहा कि केवल चुनाव की वजह से काफी गडबड़ी पैदा होती है। चुनाव की वजह से मन-मुटाव पैदा होता है, चुनाव को कम कर के कोई अलग तरीका ढूँढा जाता है तो वहां गडबड़ी कम होती है। तो इस दृष्टि से एक आदर्श बिल के रूप में इस को हमारे सामने लाते तो उस का लाभ होता, लेकिन समझ में नहीं आता कि इतनी जल्दी क्या है। आखरी दिन में इस को लाया गया, एक दिन में पारित हो रहा है और जिस पर केवल हमारे मंत्री महोदय के ही 46 संशोधन हैं और आज जब से हम यहां बैठे हैं, 11 बजे के बाद तीन संशोधन आये। हम को इतना भी समय नहीं दिया गया कि पुराना बिल क्या है, नया क्या है, क्या डिलिट किया गया है, क्या एडिशन की गई है, उस को देख सकें। सब को देख कर अपना मत प्रकट करने का समय है क्या? यह फिजिकली इम्पॉसिबल है। 46 संशोधन आप के हैं, सदस्यों ने अलग संशोधन दिये हैं, सब संशोधनों को सामने

रख कर उनका क्या परिणाम निकलता है, क्या नहीं निकलता है, जब तक इस का अभ्यास नहीं करेंगे, तब तक हम क्या राय दे सकते हैं। केवल एक दिन में क्यों पास करें, यह बात मेरी समझ में नहीं आती है। अगर पास कराना या तो आठ-दस दिन पहले लाते, किसी ने रोका नहीं था।

श्री आर० डी० भण्डारे : पंडित को ज्यादा समय नहीं लगना चाहिये।

श्री जगन्नाथराव जोशी : यह अकेले की बात होती तो फिर डेमोक्रेसी की बात नहीं रहेगी। इस लिये सब को इस पर ध्यान देना है, सब को विचार करना है। मुझ को कोई शिकायत होगी तो हो सकता है मेरे सम्माननीय मित्र शमीम जी को भी शिकायत हो सकती है और अभी भी कुछ लोगों ने संशोधन दिया है कि इस को प्रवर समिति में भेजा जाय। यह बड़ा महत्वपूर्ण विधेयक है, इस लिये इस पर पूरा विचार किया जाय, इस लिये मेरी समझ में नहीं आता कि इतनी जल्दी क्यों की जा रही है।

इस यूनिवर्सिटी में जिस बात को लेकर गडबड़ी शुरू हुई, वह इस के माइनीरिटी करक्टर को लेकर शुरू हुई। आप विभाजन के बाद 25 सालों में भी यह तय नहीं कर पाये हैं कि माइनीरिटी का मतलब क्या होता है? या तो इस बात की स्वीकार कर के चलिये कि यह हिन्दुस्तान है, यहां हिन्दू ही हैं और इन के अलावा जो हैं वे माइनीरिटी हैं। अगर आप इस बात को मान लेते हैं तो जैसे नेपाल है—वह एक डिक्लेअर्ड हिन्दू राष्ट्र है तो इस का मतलब यह नहीं होता है कि वहां केवल हिन्दू ही हैं, दूसरे मतों को माननेवाले भी हैं। उसी तरह से हिन्दुस्तान के अन्दर कोई भी ऐसा नहीं कहता कि जो अलग अलग मत और पंथ के माननेवाले हैं, वे बाहरवाले हैं, वे सब इसी राष्ट्र के निवासी हैं। कई मित्रों ने कहा कि संकुलरिज्म क्या है? संकुलरिज्म केवल ईसाई या मुसलमानों के साथ ही जुड़ा हुआ नहीं है।

जब वे भारत में नहीं थे, तब भी ऐसे झगड़े होते थे—शैव, वैष्णव, गणापत्य, अनेकों देवी-देवताओं के माननेवाले थे, तो उस समय भी देश के आचार्यों को रास्ता दिखलाना पड़ा। उन्होंने कहा कि झगड़ा क्यों करते हो—

आकाशत पतितम् तोयम् यथा गच्छति सागरम्
सर्वं देव नमस्कारम् केशवं प्रति गच्छते ।

उन्होंने पंचायतन् पूजा प्रारम्भ की। हम जिसको माइतीरिटी कहते हैं, वह क्या है? कोई कहेगा कि मैं मूर्ति पूजा में विश्वास नहीं करता, मत करिये, कोई रोक नहीं है; यहां के जैनी मूर्ति पूजा में विश्वास नहीं करते। आर्य समाजी विश्वास नहीं करते या सिख मूर्ति पूजा में विश्वास नहीं करते, तो संविधान की धारा 25 में जहां हिन्दू का वर्ण किया है—इट इज ए डिस्टिन्क्शन, नाट ए डेफिनीशन—जिस के अन्तर्गत आपने स्वीकार किया है, कि सिख, जैन, बौद्ध हिन्दूओं में आते हैं। तो मैं पूछना चाहता हूँ कि और क्यों नहीं आते, एक नाम क्यों नहीं देते, कोई भी नाम दीजिए, हिन्दू कहिये, भारतीय कहिये, आर्य कहिये, इस का मतलब एक ही निकलता है।

इस लिये मैं कहना चाहता हूँ कि कुछ महाराई से विचार करे, जब तक नहीं सोचिये तब तक ऐसी समस्याएँ पैदा होती रहेंगी जिनका हल करना मुश्किल हो जायगा। जब हम इस देश के हैं तो हमारे अन्दर कोई न कोई समानता होनी ही चाहिए। हम इस के नागरिक हैं, यह समानता नहीं है, यह रिजल्ट है, काज नहीं है। हम जब कहते हैं कि हम राष्ट्रीय हैं तो इस का मूल आधार कौन सा है, जिस के आधार पर मैं कहूँगा कि हम सब एक हैं। वह होती है देश की संस्कृति। इसी आधार पर हम कहते हैं केवल भूमि और जन्म से नहीं होता। हमारे विदेशी राजदूतों के बच्चे कहीं वाशिंगटन में जाकर पैदा होंगे, कहीं रूस में पैदा होंगे तो फिर वे भारत के क्यों

समझे जायेंगे। इसका आधार कौन सा है? इसलिए कुछ न कुछ आपको तय करना पड़ेगा। यह जो छोटी छोटी बातें हम करते हैं, ऐसी लूज बाँटि करते हैं सेक्यूलेरिज्म का मतलब कोई इसाई हो, कोई मुसलमान हो, यह सवाल नहीं है। यह एक जीवन का दृष्टिकोण है मैं किसी एक पंथ को मानता हूँ इसका मतलब सभी उसी को माने यह नहीं।

“Democracy is not only a framework. It is an attitude of the mind where you are prepared to accept and understand the other, man's point of view and if you agree accommodate completely and identifying yourself with it”.

यह होती है डिमाक्रेंसी, यह है प्रजातन्त्र, जीवन दर्शन जिसकी खुली छूट देता है।

MR. DEPUTY SPEAKER : Are we discussing secularism and democracy or Aligarh Muslim University ?

SHRI JAGANNATHRAO JOSHI : As a matter of fact, the whole question arose only because of this factor. Many people would like to maintain its minority character. They have deleted Section 12(A) and they would like to make it a completely residential University. What for ? The right to affiliate other colleges has been deleted. Why ?

यानी दोनों को एक साथ मिलाने की कोशिश हो रही है। यही तो महत्वपूर्ण सवाल है। बाकी और क्या है? झगड़ा तो इसी में हो रहा है। इसलिए अभी कई लोगों ने कहा हिन्दू, मुसलमान लेकिन उसका सवाल ही नहीं है। नाम में क्या है?... (व्यवधान)... सवाल आता है काम का, नाम का सवाल ही नहीं आता है। आखिर सब आप निकाल दीजिए लेकिन मैं जगन्नाथराव जोशी ही रहूँगा और मेरे मित्र श्री शमीम अहमद शमीम ही रहेंगे क्या यह भी बदलने की जरूरत है? क्या इससे पहचाना नहीं जाता कि वे मुसलमान हैं मैं हिन्दू हूँ। यह क्यों बदलना चाहिए? कोई सनातन धर्म कालेज में जाता है तो क्या हम कहेंगे कि वह सनातनी है या डी० ए० बी० कालेज में कोई जाता है तो क्या हम

[श्री जगन्नाथराव जोशी]

समझेंगे कि वह आर्यसमाजी है? इसलिए इसमें सवाल है मनोवृत्ति का और दृष्टिकोण का। अलीगढ़ यूनिवर्सिटी से बड़े बड़े अच्छे लोग निकले, मुझे इस बात की खुशी है। किन्तु अलीगढ़ यूनिवर्सिटी के जो वाइस चांसलर रहे अली यावर जंग उन्होंने जो इसमें कहा है :

"But an institution must justify its self by being a real University and not a home of obscurantism, reaction and violence. It must either accept the world of India"—

—This is very important, Sir—

"or be extinguished."

यह मेरे शब्द नहीं हैं, यह तो श्री अली यावर जंग के शब्द हैं।

इसी प्रकार से हमारे भूतपूर्व शिक्षा मंत्री श्री वी० के० आर० वी० राव— इस समय वे सदन में नहीं हैं—उनके विषय में जमायते इस्लामी के "दावत" अखबार में छपा कि एक प्रतिनिधि मण्डल मिलने गया। उस प्रतिनिधि मण्डल ने कहा कि अलीगढ़ यूनिवर्सिटी का करैक्टर वैसा ही रहे। राव साहब ने जो कहा उसको मैं उद्धृत करना चाहता हूँ : यदि आप अलीगढ़ विश्वविद्यालय का मुस्लिम एवं अल्पसंख्यक चरित्र बनाये रखना चाहते हैं तो आपको जनरल याहिया खां को हमें जीतने के लिए बुलाना होगा। इस प्रकार अलीगढ़ विश्वविद्यालय की जो मांग रही है यह देश के बटवारे के लिए उत्तरदायी है। यह मेरा कहना नहीं है बल्कि हमारे भूतपूर्व शिक्षा मंत्री डा० वी० के० आर० वी० राव का कहना है। इसलिए मैं ने कहा सारा झगड़ा इसी की वजह से है। जब तक आप इस बातको समझेंगे नहीं तबतक काम नहीं चलेगा कि आखिर हम चाहते क्या है? कोई आत्मिक उन्नति चाहते हैं तो उसकी खुली छूट है। बाकी जहांतक सोशल, एको-नामिक, पोलिटिकल प्रॉब्लस हैं, हमारा संविधान सबको खुली छूट देता है।

If there is a violation of the provision of the Constitution, I will be the first man to sacrifice.

आखिर जो हमने स्वीकार किया है उसको हम व्यवहार में लाये हैं या नहीं, यह सवाल है। इसलिए मैं ने कहा सेक्यूलरिज्म का मतलब हिन्दू मुसलमान नहीं है। नाम से कुछ नहीं होता है। रामपुर का मतलब यह नहीं है कि प्रभु रामचन्द्रजी वहां रहते थे, सीतापुरी का मतलब यह नहीं कि वहां सीताजी रहती थीं यह कुछ नहीं है। नाम केवल पहचानने के लिए होते हैं, बाकी कुछ नहीं होता। इसके पीछे जो जीवन दर्शन है, देह को लेकर हम खड़े रहेंगे और जो संस्कृति है उसको भूल जाते हैं। देह जैसे देश होता है और आत्मा जैसे संस्कृति होती है।

Everybody must have a soul. One may realise it; one may not realise it because of ignorance. But that is a different thing.

आप मूल से पूछेंगे तो बताऊंगा कि आखिर यह मेरी आकृति है और मेरी स्वयं की इंद्रिया है और उसी की वजह से विकृति पैदा होती है। उस विकृति को समझकर दूर करना यह मूल आकृति में छिपी प्रकृति को प्रकट करना है। आकृति पर आई हुई विकृति को दूर करने की प्रक्रिया, इसका नाम संस्कृति है। इसको समझना चाहिए।... (व्यवधान)... इसलिए जो विश्व में आता है उसका मानवता की सेवा करने की दृष्टि से मन इतना विशाल हो कि विश्व कुटुम्ब की भावना उसके मन में स्थिर हो जाये। यह हम चाहते हैं। इसमें संकुचित भाव न तो हमने लिया है और न कोई और ही लेगा।

Let us not live on prejudices; let us try to understand ourselves.

आज 25 साल के बाद भी रेजिडेंशल यूनिवर्सिटी के नाम पर जो कालेज एफीलियेट करने की बात थी, वह छोड़ दी गई? आज आपका जो कहना है और गरीबी हटाने की बात जो हो रही है वह बात इसमें आ जाता है

अलीगढ़ में तीन कालेजेज हैं। कई बार वे मांग करते आये हैं कि उनको एफिलिएट किया जाये क्योंकि अलीगढ़ यूनिवर्सिटी में 8 हजार विद्यार्थी पढ़ते हैं और जो अनुदान सरकार की तरफ से मिलता है वह है 5,36,25,000 रुपया। और जो दूसरे तीन महाविद्यालय में जिनमें 5,325 विद्यार्थी हैं लेकिन सरकार का अनुदान मिलता है केवल 5 लाख 86 हजार। अब आप हिसाब लगायें तो पता चलेगा कि एक विद्यार्थी पर कितना आता है। आज जो सामान्य विद्यार्थी वहां हैं वे क्या बड़े ग्रंथालय का लाभ लेना नहीं चाहेंगे? क्या वे प्रयोगशालाओं का लाभ उठाना नहीं चाहेंगे? क्या वे अच्छे प्राध्यापकों का लाभ उठाना नहीं चाहेंगे? आखिर उनको उससे क्यों वंचित किया जा रहा है? यदि उन तीन महाविद्यालयों को वहां पर अलीगढ़ विश्वविद्यालय के रहते हुए आगरा यूनिवर्सिटी से एफिलिएट किया जाये तो उसका मतलब यही है कि दाल में कुछ काला है।... (व्यवधान)...

इसमें जहां शिया और सुन्नी, दोनों फंक्लटीज दी है तो सूफी जोकि हिन्दूस्तान में शुरू हुआ उसकी चिन्ता नहीं करेंगे? उसकी हम चर्चा नहीं करेंगे? जिसने बड़ा आदर्श पैदा किया और वास्तव में जिन्होंने एसिमिलेट करने और इंटिग्रेशन का बड़ा भारी प्रयत्न किया उसको हम ऐसे ही छोड़ देंगे? ... (व्यवधान) ...

इसलिए अध्यक्ष महोदय, वहां पर कम से कम तीन कालेजेज जो हैं उनको एफिलिएशन क्यों नहीं दिया जाता।

दूसरी बात यह है कि जो रेजिडेंशल किया जा रहा है, लगभग 50 परसेंट विद्यार्थी हैं जिनके लिए हास्टेल्स में जगह नहीं, वे बाहर से आते हैं। They are not hostellers; nearly 50 per cent of students' population, तो ऐसी स्थिति में रेजिडेंशल किस आधार पर करना चाहते हैं। दूसरे 25 किलोमीटर के दायरे में जो प्रयोगशालाये बनाने का प्रयत्न

कर रहे हैं तो क्या 25 किलोमीटर में अलीगढ़ नहीं आता। जब आप उसका दायरा बढ़ा करना चाहते हैं, 25 किलोमीटर, तो अलीगढ़ के तीन कालेजेज को क्यों नहीं लेते। हाई स्कूल तक आप लेते थे और कालेजेज छोड़ दिए। वह ठीक नहीं है। इसपर हमको थोड़ा गौर करना पड़ेगा।

अब यह बंगला देश में जो बिहारी मुसलमानों का सवाल आया, यह क्यों आया?

MR. DEPUTY-SPEAKER : How do you bring Bihari Muslims here ?

श्री जगन्नाथराव जोशी : इसलिये बता रहा हूँ कि अलीगढ़ मुस्लिम यूनिवर्सिटी ने क्या किया।

MR. DEPUTY-SPEAKER : I am not cutting you out. How are Bihari Muslims and Bangla Desh connected with Aligarh University ?

SHRI JAGANNATHRAO JOSHI : Why have Government brought forward this new Bill, Sir ? Because of minority character ? They have played havoc, I would like to tell.

जो मनोवृत्ति पैदा हुई है इस की वजह से बंगला देश में मुसलमान होने के बाद भी They are not accommodating themselves with Bengali Muslims. Sir ? Because of minority character ? They have played havoc, I would like to tell. What did we do for the last 25 years ? यह क्यों हो रहा है ? दोनों मुसलमान होने के बाद भी बिहारी मुसलमान बंगला देश के मुसलमानों के साथ रहने को तैयार नहीं हैं तो आखिर यहां क्या होगा ? यह हमारी गलती है, उन की नहीं है। मैं उन को बिल्कुल दोष नहीं देता। हम ने 25 साल तक क्या किया ? हमने कुछ संस्कार में परिवर्तन किया, कुछ शिक्षा में परिवर्तन किया ? क्या किया ? आखिर सब को अलग-अलग दूर दूर रखना चाहते हैं तो यही पैदा होगा और कुछ नहीं पैदा होगा। सवाल सब को ऊंचे आदर्श देने का है। सवाल माइनारिटी

[श्री जगन्नाथराव जोशी]

कैरेक्टर का नहीं है, सवाल सब तरह की शिक्षा देने का है। कोई फंकेल्टी अछुती न रहे, दुनिया की सारी भाषायें पढ़े, सारा इतिहास पढ़े सैशियो इकनामिक प्रोबलम का अध्ययन करें। किसी को किसी बात के लिये वंचित करने की जरूरत नहीं है। विश्वविद्यालय के माध्यम से हम यही चाहते हैं।

जैसे कहा जाता है यह रशियन प्रौढ है :

For a fuller development of a man, one should spend six years in a college..

DR. RANEN SEN (Barasat) : You accept it ?

SHRI JAGANNATHRAO JOSHI : Yes. If today Russia is prepared to exchange its rocket science with India because of this Treaty, we do welcome it; we can utilise it to go to the Moon. As I was saying, six years in a college, four years in a gymnasium and two years in a jail.. (Interruption)

आखिर फुल डेवलपमेंट आफ ए मैन के लिये यह तीन चीजें जरूरी हैं। तो जिस कालेज में 6 साल बिताते हैं, क्यों बिताते हैं? क्यों कि लाइफ के प्रति एक ब्रौडर आउटलुक पाते हैं। विश्वविद्यालय के नाम ही में है "विश्व" वहां यूनिवर्स होता है। वहां जा कर हम छोटे दायरे में, छोटी सी कम्प्यूनिटी में बैठेंगे तो ब्रौडर पर्सपेक्टिव कहां हम देखेंगे। इसलिये यह जरूर सोचें। आखिर अहं ब्रह्मास्मि ब्रह्म और मेरा संबंध रहता है। मेरे और ब्रह्म में कई चीजें आ जाती हैं। इसलिये विश्वविद्यालय में जाने के बाद अहं से लेकर ब्रह्म तक सारी बातें जहां पर विचार कर सकते हैं, जहां ब्रौड माइन्डेडनेस आ सकती है वह विश्वविद्यालय है, और इसलिये हम विश्वविद्यालय में जाते हैं। इसलिये जो आर्टिकल 12 डिलिट किया है इस का मैं विरोध करता हूँ। उस को बदलने की कोशिश करनी चाहिये, क्यों कि आखिर जो आप उत्तरदायित्व निभाना चाहते हैं

वह इसी से होगा। अलग रखने से कुछ नहीं होगा। आखिर हम सब को मिल कर एक देश के नागरिक, बन्धुओं के नाते साथ साथ चलना है और रहना है। जितना हम दूर रहेंगे That will be to the total detriment not only of the country but also of the community.

इसलिए अपने खुद के हित में है।

मैं मानता हूँ मंत्री महोदय ने स्वयं इस बात को स्वीकार किया है कि : It is not in the larger interest of the community also इसलिए आखिर देश और हम खुद, सब की दृष्टि को ध्यान में रखते हुए, मुझे अर्थात् मैं ऐसा लगता है कि इस पर पूरा विचार हो बड़े गौर से इस पर विचार करें। इसलिये प्रवर समिति को इस विधेयक को सौंपा जाय जहां इस पर पूरा विचार ही और अगले सत्र में हम बड़े गौर से इस पर विचार कर सकें।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Mr. Deputy-Speaker, Sir, I am grateful to you for giving me this opportunity of intervening in a debate which has ranged over a wide field where not merely the provisions of the Bill or questions of education and policy but also wider questions of Indian policy have been discussed. I do not want to go into the details of provisions of the Bill which have been dealt with by my colleague, the Minister of Education. Shri Syed Ahmed Aga, in his very lucid speech, has already placed the salient features before the House. As the House knows, Prof. Nurul Hasan has very intimate association with the Aligarh University. He has spent many years of his life in building up that institution. He is an educationist of eminence and in fact, it is fortunate in a way that a professor who has spent the good years of his life in building up an institution should come here before the House with a Bill which will shape the institution in the years to come, I think it is a fortunate coincidence and I hope that all sections of the House will at least concede that he, above all, will have the true interests of the University at heart and that he will not bring any-

thing in this Bill which he thinks will either harm the University or its students because both he has served for many years of his life.

I have just listened to the speech of my hon. friend, Shri Joshiji and he has made the charge that somehow in this Bill the minority character of the institution has been preserved. And, on the other hand, we are being attacked precisely for not preserving the minority character of the institution. This provides, the two extremes of opinion on this Bill. I don't know he arrives at this conclusion, ... (Interruptions) यह भी कहा कि माइन्सट्रि कैरेक्टर को प्रीजर्व नहीं किया। आप बीच-बीच में अंग्रेजी में बोल रहे थे।

So Sir, as I said, it is amazing that from the same Bill two opposite conclusions have been drawn. One that we find is that we have preserved the minority character and the other is that we have not preserved the minority character. So, really, it is the question of attitude with which one approaches the Bill and what one reads into the Bill.

The Bill is an attempt to preserve the historical character of the University and, at the same time, to bring modern academic ideas into play in shaping the future of this University: In a nutshell that is what is being attempted. Yet, all kinds of things are being read into it. Here, Shri Joshiji, just now in his definition of 'secularism' tried to ignore the existence of the minorities. Why bring in the minorities into the concept of communalism? It is this kind of talk that creates the suspicion. After all you talk as if there is uniformity in this country. You ignore the existence of minorities. How can we ignore the existence of minorities. There are two communities, the majority community and there are minority communities. That is a fact of life and any attempt to side-step the central fact and to build a thesis around it cannot succeed. And it is precisely this attempt to build up a thesis around all these problems that creates complications and distortions and as a reaction we have other kinds of communalism in this country. That is why a learned man like Joshiji should consider the impact of what he says when he talks of uniformity in this country as if everybody is reduced to the same scale and as if there are any separate cultures....

SHRI JAGANNATHRAO JOSHI : I never talked about uniformity. I have talked about assimilation,

श्री कृष्ण चन्द्र पन्त : एक समानता क्या होती है What is the meaning of 'Ek Samanta'.

SHRI JAGANNATHRAO JOSHI : I never said.

SHRI K. C. PANT : The word you used is 'Ek Samanta'.

श्री जगन्नाथराव जोशी : मैंने यह नहीं कहा था। मैंने कहा दोनों को साथ लाने की कुछ कोशीश हुई है।

SHRI K. C. PANT : His whole thesis is that secularism has always been there in the country and there is no question of minorities and majority. Therefore, I am saying that it is this kind of talk which creates suspicion and, as a reaction, creates communalism also.

Therefore, I would ask him to deeply consider this matter. Similarly, he says, what is the basis for the unity of this country? Culture. What is your concept of that culture? You have not spelt it out... (Interruptions)

SHRI JAGANNATHRAO JOSHI : Either you have not understood it, but don't charge me that I did not explain it. If you don't agree with me on the definition, then you should not charge me.

14 hrs.

MR. DEPUTY SPEAKER : Different people draw different conclusions. Others can draw different things from your speech.

SHRI K. C. PANT : Ours is a composite culture in which different castes and religions have contributed. On such a rich tapestry of culture there are many threads in it. It is a combination of all cultures. This is what we should emphasise when we talk of culture. Joshiji emphasised a sort of dull uniformity in that culture.

SHRI JAGANNATHRAO JOSHI : I never said that, (Interruption).

MR. DEPUTY SPEAKER : Order please, this thing cannot go on.

SHRI JAGANNATHRAO JOSHI : Let him say whatever he wants to say, but let him not attribute to me certain things which I had not said. Let him not put them in my mouth.

MR. DEPUTY-SPEAKER : Debate cannot go on in this way.

SHRI JAGANNATHRAO JOSHI : I seek your protection.

MR. DEPUTY-SPEAKER : It is permissible once or twice to intervene but one should not jump up at the end of every sentence; it is not the way to conduct the proceedings.

SHRI JAGANNATHRAO JOSHI : I never interrupted; I just wanted to put the record straight.

MR. DEPUTY-SPEAKER : I don't think anybody interrupted you when you spoke. Now you are jumping up at the end of every sentence.

SHRI JAGANNATHRAO JOSHI : I am not in the habit of intervening.

SHRI K. C. PANT : This is the impact on me; it would be wrong on my part to present a different picture. He quoted Ali Yuvar Jung. He talked of obscurantism and so on, with reference to Aligarh Muslim University. I am at one with him if he says we should modernise the university we should root out the evils from all segments of the Indian society.

SHRI JAGANNATHRAO JOSHI : I referred to all the universities; I never singled out.

MR. DEPUTY-SPEAKER : This is funny. You are an old and tried Member of this House. You know the procedure of the House.

SHRI JAGANNATHRAO JOSHI : I never interrupted.

MR. DEPUTY-SPEAKER : You say I never interrupted, but then you are doing first that very thing. Order please.

SHRI JAGANNATHRAO JOSHI : He is making allegations.

SHRI K. C. PANT : I am not making allegations. He quoted Ali Yuvar Jung in relation to a particular university and he has taken it out of context, which seems to

suggest that what he is saying is in relation to a particular community. Now, is it wrong of me to say, this kind of thing creates an impression which is deleterious, which is harmful ?

SHRI JAGANNATHRAO JOSHI : I cannot hear. I go out.

Shri Jagannathrao Joshi then left the House.

SHRI HAMENDRA SINGH BANERA (Bhilwara) : We cannot hear.

(Shri Hamendra Singh Banera then left the House)

SHRI K. C. PANT : I shall not refer to his speech any more. Why should he leave the House ? It is not fair, Sir.

डा० लक्ष्मीनारायण पांडेय : उपाध्यक्ष महोदय, जो बात कही ही नहीं गई है, उसको कौट क्यों किया जाता है ? अगर कौट करेंगे तो उन को डिफण्ड करने का पूरा अधिकार है।

SHRI K. C. PANT : My trouble is, Aligarh Muslim University has come to mean different things to different people; there is a long history behind it. Over 100 years ago, leaders of Muslim opinion were terribly concerned over the condition of Muslims in the country at that time. It is a matter of history that in 1857 struggle for independence, the Muslims did incur the special wrath of the British Government. It was after that that the Muslim leaders started thinking about this problem and in 1970 Sir Syed Ahmed Khan said, the backwardness of the Muslim community should be removed, and he recognised that liberal education in arts, sciences etc, combined with facilities for acquiring knowledge in Islamic culture and traditions and civilisation should be promoted in an Institution. He took up this idea and developed it and the Mohammedan Anglo-Oriental Fund Committee was founded. Subsequently, the Mohammedan Anglo-Oriental College was founded, and these were the results of his initiative. I do not want to go into the long history of this institution. I would only like to urge the House to consider that the basic vision behind the founding of this institution was to have a modern institution of education in the sciences, in the humanities, and along with it, as I said, the particular aspects of Muslim culture, civilisation and so on. This vision was there. The vision was that the

Muslims should not be left behind in the race to acquire this modern knowledge and to acquire all the tools of modern knowledge and to benefit from them. This basic idea was as valid then as it is today, whether it be for the Muslims or for any other community. It is not a community matter. In general this was true then as it is today. But then, the times were somewhat different. Without going into the history of this institution, we have to recognise that this institution has come to occupy a special place of affection in the minds of the Muslims in the country. The contribution of the Aligarh Muslim University has also been there in our history, and I need not repeat it. It has produced great men, to which reference has been made by various speakers, so, I do not want to go into that question. But it is not just a question of the Muslim community.

Today, it is a national university and not merely Muslims but others are proud of the contribution that it has made, and the personalities that it has produced. So, the greatness of this institution does not merely lie in its past. We have to consider the present. We have to look to the future, and we have to see that its promise and potential are fully achieved and that today when we are considering this Bill we accept measures which are going to help it to achieve its promise and help it to achieve its true stature in the fullest sense of the term, and it should become one of the best institutions of higher learning in the country, and that should be the objective.

I can assure all hon. Members that none of us on this side of the House, least of all, the Government, has ever thought in terms of denying or even forgetting the special place of this great institution in our country. The Prime Minister has repeatedly said that the historical character of this university will be preserved and this Bill is our attempt to redeem that pledge.

The hon. Minister of Education has explained the basic principles underlying the legislation before the House. But before I go into that, I would like to remind hon. Members that the situation is different today from what it was when this university was founded.

It was a unique university for a period of time, when it catered to the special needs of Muslim boys or when it was regarded as the prime and unique institution of Muslim learning. Today, there are so many universities. There is no distinction between Hindus, Muslims, Christians, Sikhs and Parsis. They are all getting education in various institutions, and we want that each one, every citizen of this country, regardless of his religion, must get this opportunity to get educated and must get the opportunity to develop his personality to the maximum, and if he is intelligent, if he can make use of university education, regardless of his wealth or position in life or his birth, he should have the opportunity to take full advantage of our institutions of learning. This is the broad concept today. We have sixty odd universities in the country. So, today, we have to view this in the present context, and we have to see that the Aligarh Muslim University is an institution which imparts a high quality of education to the boys.

After all, the point is raised that Muslims are backward in education. We do not want them to be backward in education. But the Aligarh Muslim University alone cannot cater to the needs of the entire Muslim university in the matter of higher education. Every university must do its bit.

Similarly in the case of Aligarh, the complaint is that the boys who come out of it do not get jobs, as many jobs as they should, or that in the matter of employment, the Muslims do not get the opportunities they should. Which is also correct. But we have to go into the root of the matter, the reasons. One is that perhaps the quality of education needs to be improved so that students who come out of Universities including Aligarh are automatically picked up for various jobs. Therefore, the object of the Bill must be to improve the quality of education. After all, that is the primary object of founding any university. As Shri Aga said, the kind of education we impart, must be correlated to the needs of today and, if I may say so, tomorrow. Within this framework, we have to consider the provisions of the Bill.

One basic concept here is that the universities should not be regarded as battlegrounds between various committees of the institution. There are the Aca-

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demical Council, the Executive Council and the Court. The basic idea put forward by the Gajendragadkar Committee which went into this matter was that these three bodies are not there to fight one against the other but to work to fulfil a common task. Each has a separate function and it is its duty to discharge it.

The second concept was that they should not be hierarchical as at present, as if one were superior to the other. Each body should discharge its function without having that hierarchical complex. This is one basic concept behind the Committee's recommendation and I really do not see why there should be any controversy over it. It is not a question of applying it only to Aligarh; it is meant to be applied to all universities.

So I felt, when I was discussing this morning this matter with some colleagues, that this was not properly understood. Objection to this can only stem from a failure to appreciate the reasons which prompted the Gajendragadkar Committee to make this recommendation or from a resistance to any change brought about in the university. After all, this must be considered on academic grounds and if it holds water on that ground, merely because it has not been done before should not be adduced as an argument for not having it done now.

As far as I can understand, one of the misgivings felt was that powers were being withdrawn from the court which was derogatory to it. This is not so. The Court is there, the Executive Council is there and the Academic Council is there. It is not as though power is being taken away from them and reposed in some outside body. These bodies are there. I have already spelled out what the Gajendragadkar Committee has recommended. Those who are directly connected with our universities can testify to the fact that many of our troubles in universities are because of the rivalries and interference between these bodies, one into the other, the Court, the Academic Council and the Executive Council. So it is in the interest of the University that this is being done, and as I said, it is proposed to be extended to other universities also.

There are three or four demands being made in relation to the Bill. The first pertains to what Shri Joshi called the minority character of the institution or its being declared a minority institution. I would go into this a little later, but as I said earlier, it is our sincere belief, that while everything should be done to preserve the historical character of the University, its special role vis-a-vis the aspirations of the Muslims to make it a centre of modern learning. While continuing to be a centre for oriental studies and Muslim theology and religion which has been spelt out in detail by Shri Shukla earlier—he referred to the provisions in detail—nothing should be done which would affect the right of Parliament to make good laws for the Aligarh Muslim University. This is the crux of the matter, and I shall spell it out a little later.

Another demand is that the democratic functioning of the university should be restored. This Bill seeks to restore the democratic functioning of this university; and democracy in a university is a function of harmony. This must be understood. If this is accepted, then, then democratic functioning is restored in a manner which should be acceptable to all sections of the House.

The third demand is that there should be adequate representation for the academic community of the university and the importance and influence of non-academic external factors should be reduced. This is also another demand. This again has been amply provided in the legislation before us, as has been pointed out by various hon. Members who spoke earlier.

The fourth demand has been that the Aligarh Muslim University should be a residential university. Now, the Gajendragadkar Committee have recommended that the Aligarh Muslim University should be a residential university, but when Joshiji talked of this problem, he did not know the basic fact why is this being made into a residential university. The Gajendragadkar Committee has gone into this matter and has made this recommendation, and yet, he seemed to suggest that there was some other motive for doing so. There was no motive. The Gajendragadkar Committee has said so, and we have accepted the recommendation, and therefore, the

question for everyone to consider is whether we have not really stretched ourselves to the full in trying to meet the various points of view consistent with what should be in the best interests of the university. That comes first. Consistent with that, we have tried to accommodate various points of view.

The criticism of Joshiji, unfortunately, is very difficult to meet, because he is perhaps differently motivated. He said that it should not be residential university, and the way he spoke, it aimed as though the Aligarh Muslim University was the only residential university in the country. That is far from the truth. There are other universities also which are residential universities, and which are not opposed by anybody at all. Why this opposition particularly in respect of this university? I would like to remind Joshiji and other friends that after all, education is a State subject. Education as a whole including universities is the State's responsibility, except or entry 63 in the Union list.

SHRI R. V. BADE (Khargone) : The objection was, why don't you make it residential-cum-affiliating? Within 25 yards, there are three colleges which are affiliated to other universities. Is it not very inconvenient for the students? That was the objection.

SHRI K. C. PANT : I heard him very carefully, and I explained that it is the Gajendragadkar Committee which went into this question and made its recommendation. As my colleague explained earlier today, we have been largely following the Gajendragadkar Committee's recommendations in this matter.

Then, as I was saying, except for entry 63, education is a State subject, and entries 63, 64, 65, 66 and 25 in the Concurrent list are aimed at only bringing the institutions of national importance into the union sphere co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions; these are matters of national policy and the administration of education otherwise is left to the States. So, it being the scheme of our education, I would like hon. friends to consider whether the scheme and the spirit of this Bill is not in conformity with this basic provision in the Constitution, with the basic spirit

and the idea in the Constitution, because, if the Central university has powers of affiliating various colleges, is it not encroaching upon the States' field? This is the point to be considered. So far as the university is concerned, you legislate for the university here. It is a university of national importance; it is a Central university. When you go beyond that and start affiliating a number of colleges, are you not going beyond the original intention of the framers of the Constitution. That is a point for you to consider. Therefore, we feel that the proposal to make the Aligarh Muslim University a residential university is a step in the right direction and we can now expect that the university would flower into centre of higher learning without being subjected to unhealthy pressures to which non-residential affiliating universities are sometimes exposed.

My trouble is that if the criticism, if the insistence on making it an affiliating university was only on academic grounds, one could perhaps understand it. It seems to stem from an ambition to dominate and this creates problems. If this ambition to dominate was not there, I think resistance to affiliation would be much less. That goes really to the root of the matter.

The problem in dealing with my friends from Jan Sangh is the way they deal with this question immediately arouses so much suspicion; as a reaction all these questions about the minority character of the institution these are insisted upon by the other side. Two kinds of forces food on one another and that is the whole problem... (*Interruptions.*) We are not a party to it. I am not accepting the proposition that it should be an affiliating university; Government is also not accepting the proposition that it should be a minority university... (*Interruptions.*) Government does not use my hon. friend's language.

I know there is a great deal of feeling and sentiment over the minority character of this institution. But different people seem to have different things in mind when they speak of the minority character of the institution. One is to take a positive view of the matter. Does this Bill in any way come in the way of the institution taking care of the interests of the minorities or the institution devoting

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its special attention to the advancement of the minorities? This aspect has to be borne in mind. This Bill does not come in the way of that. One of the objects of the Aligarh Muslim University has been :

“to promote oriental and islamic studies, to give instructions in Muslim ideology and religion”

This will continue as one of the objects. There is no quarrel with that.

Some persons feel that Muslim students may not go there. I do not see the reason for this. Muslim students have been patronising this university for a long time and I have every hope that they will continue to do so.

SHRI SAMAR GUHA: By this you mean modern, national education as against obscurantist education ?

SHRI K. C. PANT: Certainly.

SHRI SAMAR GUHA: Only certain type of theology and the exclusion of other kinds of national character, national education.

SHRI K. C. PANT: You said theology. The study of theology is carried on in many universities in the world.

SHRI SAMAR GUHA: Theology of not one particular religion only, but theology of all religions. That shows that you have accepted a universal idea of education, not a particular parochial ideal. The education which you are asked to give, you do not give.

SHRI K. C. PANT: Will he get some time to speak, Sir ?

MR. DEPUTY-SPEAKER: Yes.

SHRI K. C. PANT: Sir, I would like to ask deeply from those who speak of making this a minority institution whether their demand is for the abrogation of the right of this Parliament to legislate from this university. Have they considered it ? It will lead to abrogation of the right of the Parliament to legislate for this university. If your answer is, you do not want that, then I do not see why do you want this particular declaration. Positive aspects are already there. I am sure nobody in this House will accept the proposition that

the Parliament's right to legislate for this university should in any way be abrogated or should be minimised or diminished. My understanding is that everybody here would like to see that Parliament continues to legislate for the university. Parliament provides a lot of money for this university and shall continue to provide money for this and naturally this Bill is the Parliament's thinking on the subject, is the Parliament's direction to the university. If this basic conception is accepted, the two cannot be mixed. Hon'ble friends on consideration will see that there is really no need for insisting on something that will possibly harm the university. That will possibly harm the Muslim community also because any perpetuation of the separatism is not what we require to-day. After all we have a long history and in that long history we have lived by and large as a secular society. All the communities have lived together in friendship. It is only an aberration of recent times. During British days they allowed to grow friction between the different groups for their purpose. After 25 years of independence we should not hang over those frictions but build in future in which our vision for society takes shape firm shape, and the heavy responsibility rests on the leaders of the Muslim community in particular or those who regard themselves as leaders of the Muslim community on the attitude they adopt towards this measure. If they adopt a forward looking attitude, they are in tune with the winds of change that are sweeping this country, if they should consider that in countries like Pakistan, U. A. R. and other countries winds have swept the society in those countries. Why ? Only because in the process of modernising their society, they have felt it necessary to make these changes. We are not making these changes. It is for the Muslim leaders themselves to consider what changes are necessary society or the muslim segments of our society has to go ahead to modernise, to take full advantage of a modern State to help in making a modern state and to help the community. This applies equally to Hindus. It applies equally to others all segments of society must modernise and, therefore, particularly heavy responsibility rests on the Muslim leaders to-day because they are standing on a water shed and the whole country is watching them and the direction they take to-day will be very meaningful towards development of our secularism in the future.

In the end I would like to say that the object of the Bill is to bring about harmonious functioning in different university bodies, to restore democratic functions and autonomy of the university to give the academic community consisting of teachers and students their due place of importance in the administration of this important centre of learning.

I would like to emphasize the matter now, the representation of students in this particular Bill, in the Court. I may agree with all sections of the House who are always stressing for the association, for involvement of the students in running of these universities they will welcome these provisions and these are desirable reforms for all universities. Apart from these basic uniformities, the Bill before the House does not seek to change the historical character of the University. The courses of its endeavour are the cherished field of its specialisation. The Bill has been designed to serve the best interests of the University and deserve the unanimous support of all sections of the House.

SHRI SATYENDRA NARAYAN SINHA (Aurangabad): Sir, I have listened to the speech of the minister with great attention and I must say he has tried to explain the provisions underlying the principles and objectives lucidly. Still it has to be admitted that Muslims in this country look upon the Aligarh University with emotion as a centre of learning and culture. The Gajendra-gadkar Committee has admitted that over the years, this university has made a notable contribution to the education of Muslims, study of their culture and by writings, academic works and speeches, the scholars of this university have "consistently emphasised the fact that Indian culture is composite in character and to the enrichment of this composite culture, Muslims have made a significant contribution." So, Aligarh University has been serving a great need.

The minister rightly observed that at one time it was felt that there ought to be an institution specially for Muslims exclusively, where they can have education because Muslims were not having adequate opportunities for educational advancement. We all recognise that it is the responsibility of Government to provide education to everybody. We all know that despite the Constitutional responsibility that by 1962 there

should be universal free and compulsory primary education, it could not be done and the dead-line had to be extended. Even now there is need for private bodies to come forward and do their bit for starting educational institutions. Although it has nothing to do with this measure, we know that colleges are started by private donors, which help the expansion of education. Aligarh University was founded through endowments and donations and when it was founded it was said that when this college expands in to a university, the sons of the university will go forth "to preach the gospel of free enquiry, large-hearted toleration and pure morality". If we judge it from that angle, there will be no dispute on this point that the university has to a large extent fulfil the objectives with which it was founded. We know and see that many of the products of Aligarh University have held and are holding prominent positions in the public life of the country.

It is against this background that I plead with the Government to approach this question with care and caution so as not to offend against the sentiments of the Muslims.

There is an apprehension in the minds of the Muslims that by not providing for the reservation, which was once adopted by the Academic Council, under which a particular percentage of the students was to be from the minority community, they felt that in course of time the minorities may not be outnumbered in this university by the majority communities and the special features of this university and the objectives for which it was started might be lost. The Minister has rightly observed that over the years this University has acquired a special personality, its own characteristics, as each university does and it should be our endeavour to see that the personality of this University is not disrupted.

Aligarh University has, therefore to be looked upon as a symbol of the enrichment of our composite culture and a test of our secularism. Secularism does not mean that there would be no religion or that the State will not allow imparting of religious instruction to such of the students as want it. It means that the State has to adopt an attitude of equality between different religions and, if I may say so, has to remain

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completely neutral so far as different religions are concerned. This is what Vinobaji calls rightly as *Sarva Dharma Sam Bhava*. The State should concern itself only with the moral values which ennoble life and enrich our culture and which are common to all religions.

It is from this viewpoint that we wanted that this particular measure should be considered at leisure and in depth. The entire opposition was united in this demand for postponement of the consideration of this Bill, though for different reasons. But you will appreciate that even after the Speaker had used his discretion in waiving the rule providing for seven days' notice, this morning we got a large number of amendments and even in this House the Minister has circulated some amendments to us. Is it possible for any one of us to apply our minds to these amendments in such a short span of time? Therefore, there is a demand for the reference of the measure to the Select Committee. Judging from this fact that it has roused sentiments and emotions of different types, as the hon. Minister, Shri K. C. Pant, just now observed, it would be in the fitness of thing that this measure is referred to a Select Committee, where it can be considered in depth so that the viewpoints of those whose sentiments and emotions are affected might find adequate and reasonable accommodation.

It has been made out that since the government provides the finances, it has the right to carry on the administration or take over the administration of the university. So far as this principle is concerned, it is all right. But, in regard to this particular institution, we have to look at one aspect. It was founded with a special purpose and since then it has been functioning to perform that particular function. It has made some significant contribution. Both the Gajendragadkar Committee as also the Chatterjee Committee referred to the role of this University in our national life. This University has a national status and even now it has to play a significant role in our life. So, we should not approach this question from this angle that since government are providing finances, they have the right to call the tune. It should never be our intention, you are aware that it is in the national interest that our Constitution has provided certain specific rights to linguistic and religious mino-

rities. Therefore, I would once again plead with the Minister that he should consider the almost unanimous demand of the opposition for referring this Bill to the Select Committee where it will be considered.

As far as certain important features of this Bill are concerned, I agree with those. I do not agree with the view-point put forward by my hon. friend Shri Joshi that this institution should have the character of a teaching cum affiliating University. It is very rightly going to be made into a teaching cum residential University. If the three colleges which are mentioned by the hon'ble Member Shri Joshi, are affiliated to the University, the entire character and personality of the University would be diluted. Therefore, I welcome this provision that this University be made into a unitary teaching University as recommended by the Gajendragadkar Committee. It will ensure the integrity of the institution as also its development both as an academic institution of high standard and as a centre of learning and culture.

I welcome the provision for participation of students and the association of students in the administration of the University. But, I have not been able to understand one thing. It is for the Government to shed light on it. I want to know why they have not provided for the representation of those who made donations and founded religious endowments. They are not represented in the Court. Let them not be there on the Executive Council. But, in the Court, they ought to have been represented. These people are not represented and for which no clarification has been offered by the Minister while moving the Bill for consideration. Therefore, I would like to submit before the Minister, for his consideration, that this is an omission which should be made good.

In the end, I will say that the Visitor has been given large powers, because, apparently it appears that first statutes have been made and it has been provided that the Executive Council can amend these. Provision has to be made here that when the Visitor refers a matter for the consideration of the Executive Council and the Executive Council after re-consideration refers back the same amendments there would be no option for the Visitor but to accept the amendment made by the Executive Council. This is a suggestion I want to make.

Lastly, I would say that the Visitor had to function as Visitor, because there is confusion everywhere in the country, in the States as well as in the Centre. In the States, for instance, Governors are Chancellors. They wait for the advice of the Ministry. Governor functions in the capacity as Chancellor of the University. While dealing with his functions, in his capacity as Chancellor, he is not bound by the advice of the Government. This also may be made clear whether these Visitors and Chancellors are to function as such, or are they to function on the advice of the Government?

In the latter case, it will be a direct interference in the administration of and encroachment upon the autonomy of a university.

SHRI SAMAR GUHA (Contd.):

Mr. Deputy-Speaker, Sir, if we were to change the Hindu name of the Banaras Hindu University, perhaps, it would have been easy for me, with a free conscience, to advocate what I feel a very fundamental principle of our national life that is involved in characterisation of this Bill.

Sir, in this House, two other Education Ministers, Mr. M. C. Chagla and also Dr. V. K. R. V. Rao, perhaps, later, when the Banaras Hindu University Bill was being discussed, agreed with the Members in the House that the Hindu character of the Banaras Hindu University and the Muslim character of the Aligarh Muslim University should not be there and that it will be completely nationalised in a sense that it will be given a national character, not a minority character, not a theocratic character, not a religious character.

The hon. Minister has tried to advocate that the Aligarh Muslim University should be given no minority character but a character of national university. At the same time, he has advocated that the historical character of the Aligarh Muslim University should be maintained. I ask one question to the hon. Minister because it appears to me hardly such a proposition or such an exposition to be more hypocritical in a sense that the name of the University has both the minority character as also the national character. He said that the historical character should be maintained.

What is the historical character of the Aligarh Muslim University and of the university, like, the Banaras

Hindu University? Sir Syed Ahmed built this University at that time against the views of those theological obscurantist Muslims to give progressive ideas to Muslim community when he knew that, after 1857, the British imperialists were opposed to any kind of progressive movement, not only not to give any benefit to Muslim community but they pitted Hindu community against Muslim community. It was a "divide and rule" policy. At that time, certainly, Sir Syed Ahmed fulfilled a historical objective. But after that, what developed into a character of the Aligarh Muslim University? It was nothing but, I should say, bed of culture for the virus of communalism. And it has reacted also, in the formation of the Banaras Hindu University, just to make a competition of Hindu communalism and Muslim communalism; Hindu education and Muslim education; Hindu ideas and Muslim ideas.

When I speak on this rare occasion in this House, I feel so emotional about it. Although being in the Opposition, at least, I have that faith in the Prime Minister that she has the courage to take certain decisions at a certain strategic moment which her predecessor failed to do. Here is a strategic moment when the communal virus, the diabolical communal politics, should be annihilated and completely liquidated. After the liberation of Bangladesh that situation, that strategical moment, to take a courageous decision, has come. I appeal to the Prime Minister with all sincerity that I command to think afresh. Let her think afresh because a strategic moment in the life of a nation does not come always—that is the reason why the word "strategic" is there.

When I speak in relation to this Bill, the procession of events of the last 30 to 40 years come before my mind's eye. Sir, I remember those days, the days of Calcutta killings, the Calcutta killings led to Noakhali killings, Noakhali killings led to Binar killings, Bihar killings led to Punjab killing. They ultimately led to the killing of national aspiration, the killing of nationalism, and led to the diabolical rise of politics of theocracy. The politics of theocracy took the shape of the theocratic State of Pakistan. It did not end there. Our leaders thought that, by making compromise with communal ideology, they would be able to

[Shri Samar Guha]

kill the communal ideology for good, but what happened? On 15th August 1947 when Indians were celebrating their Independence in Delhi and when Muslims were celebrating their Independence in Karachi—it has been recorded by Mr. Mosely, a British author—five lakhs of Hindus, Muslims and Sikhs were killed in Punjab alone two lakhs mothers and sisters belonging to Hindu, Muslim and Sikh communities were looted; only a few thousand might have been recorded. Then what followed was the exchange of population. People had to give up their ancestral homes. The Hindus who were in Peshawar and the Muslims who were in Delhi and in eastern Punjab area had to leave their ancestral homes in the exchange of population. Then migration of minorities started. How many millions were leaving their ancestral homes—millions from this side to Pakistan and millions from Pakistan to this side. There, the matter did not end. In the last 25 years, what happened in our country and in Pakistan? Communal killing after killing, murder after murder, looting after looting the communal riots did not end in 25 years. This has been the history of India, this has been the history of Pakistan.

I say with all feelings because I thought that at least our Government would not allow the martyrdom of Mahatma Gandhi to go in vain; the Father of our Nation sacrificed his life. (Interruption) For what? Because he could not stop the upsurge of communalism. Therefore, he died so that our future at least can have a new life. I want to ask the Government what lesson they have derived from Bangala Desh, what lesson they have derived from the millions of freedom fighters of Bangala Desh. Thousands of them sacrificed their lives in defence of secularism. What will be the reaction in Bangala Desh if we retained the communal character of Aligarh University here, when in Bangala Desh the Nizam-e-Islam, Jamiat-e-Islam, Muslim League—all communal political parties—have been banned and they have been trying to fight out communalism here?

Some people look to the problems of Binari Muslims from a particular perspective. I take philosophically a different perspective. Something also is coming out in Sindhi where 15 lakhs of the Indian Muslims have not been rehabilitated even after 25 years.

Those who have gone there from UP Bihar, and other areas have not been assimilated either in Bangla Desh or Pakistan. They could not be absorbed. What does it mean? It means the triumph of nationalism in India. It means the triumph against the two nations theory. It means the triumph that religion is not a binding force to constitute a nation. That is the reason why the Bihari Muslim when to come to India. The day is not far off when all these people against whom demonstrations and violence have already started in Sind I mean against the UP, Punjab and Delhi Muslims there the day is coming when they will also be helplessly feeling to come back to India.

I see in such a probability a new light and the vindication of our concept of secularism and nationalism. In the morning yesterday, I was very pleased to see one of the directive that the Congress is going to urge its members to "live upto the ideals of socialism, secularism and democracy."

SHRI S. A. SHAMIM (Srinagar): If possible.

SHRI SAMAR GUHA: I ask, Madam Prime Minister, what will happen if students belonging to the Yuva Congress, the Youth Congress and your Chatra Parishad who are living in the Muslim Aligarh Muslim University, can they live upto the ideals of secularism?

MR. DEPUTY-SPEAKER: You have taken almost 15 minutes, but you have yet to conclude.

SHRI SAMAR GUHA: I have almost concluded.

DR. RANEN SEN: Let me rise above passion. As he is passionate and emotional, that is why he has not come to the point. Let him rise above passions.

SHRI SHYAMANANDAN MISHRA (Beguwarai): The Prime Minister seems to have inspired him to rise to greater heights.

SHRI SAMAR GUHA: It is said by the Minister that they do not want to maintain the minority character of the Aligarh Muslim University. They just want to reorient it according to our national concept of educational ideals. It is strange. By changing the name 'Muslim' you don't say you do not maintain the minority

character. At the same time, you want to inculcate the spirit of national education, secular education among the students there. What a hypocritic contradiction. Hardly I could understand the spirit of the compromise that has been so regarding.

MR. DEPUTY-SPEAKER : No elaboration please.

SHRI SAMAR GUHA: I am concluding. This Bill is—if you permit me to say it—like the *Narasimha Avatar*. It is neither '*Nara*' (man) nor '*Simha*' (lion). It is a churichical educational Bill. It is neither national nor minority in character. But he wants to fuse the two. Don't cheat yourself. Don't cheat the minority community. Don't cheat the secular nationalism. Withdraw this Bill and bring forward a Bill best to change the name Hindu from the Banaras Hindu University and bring that those whose "monthly income is below Rs. 300 will get free education for their children upto the secondary stage and then all meritorious students belonging to all communities should have free education upto the higher secondary stage so that real social benefit can be bestowed not only on the backward Muslim community but also every other backward community to the highest level of education :

MR. DEPUTY SPEAKAR : After emotion comes logic.

श्री एस० ए० शमीम (श्रीनगर) : सबसे पहला बात यह है कि यह बहस जो हो रही है यह अलीगढ़ यूनिवर्सिटी के ह। बारे में नहीं है यह अलीगढ़ तहरीक के मुतालिक बहस हो रही है। चूकि अलीगढ़ यूनिवर्सिटी का है वह अलीगढ़ तहरीक का पैदावर है। अलीगढ़ तहरीक क्या था और आज क्या है? गदर के बाद जब मुसलमान इतने फेस्ट्रड थे कि वे कोमा इदारे से अलग होकर जिन्दगी से मायूस हो चुके थे तो एक तरफकी पसन्द मुसलमान सर सयद अहमद खां ने मुसलमानों को नया जिन्दगी से जिन्दगी के नये तकाजों से हबिनाश करने के लिए कालेज की बुनियाद डाली मुसलमान अंग्रेजी पढ़े माडर्न एजुकेशन से फायदा उठायें और नये नये खयालात को अपनयें यह

अलीगढ़ तहरीक का बुनियादी मकसद था। इसी मकसद के लिए कालेज का तामीर हुई। इसी मकसद को वाज्य करते हुए पं० जवाहरलाल नेहरू ने कहा था अपना आटोबायोग्राफी में जो गालिवन श्री सनर गुहा ने नहीं पढ़ा है।

Sir Syed's decision to concentrate on western education for Muslims was undoubtedly a right one. Without it they could not have played any effective part in the building up of Indian nationalism of the new type and they would have been doomed to play second fiddle to the Hindus with their better education and for stronger economic position.

यह पं० जवाहरलाल नेहरू की तशरीह है कि अलीगढ़ यूनिवर्सिटी क्यों वजूद में आई सवाल यह है कि क्या आज अलीगढ़ यूनिवर्सिटी जिस मकसद के लिए कायम हुई थी और जिन हालात को बेहतर बनाने के लिए कायम हुई थी वह हालात आज बदस्तूर कायम हैं या नहीं? हम चाहते हैं कि तरफकी पसन्द सेक्यूलर सोशलिस्ट हिन्दुस्तान में मुसलमान तरफकी पसन्द मुसलमानों की तरह अपना हिस्सा अपना रोल अदा करे। उन्हें इस रोल के लिए तैयार करने के लिए आज भी एक दर्सगाह को जहरत है या नहीं? तालिम के लिहाज से वे आज बैकवर्ड है या नहीं? मैं मुसलमान रेलिजस माइनारिटी का बात नहीं कर रहा हूँ वे एक कल्चरल माइनारिटी है या नहीं। इस्लामी कल्चर का हिन्दुस्तान का मुश्तकी कम्पोजिट तहजोब जिसे आप कहते है उसमें कन्ट्रिब्यूशन है या नहीं? उसको एक सेक्यूलर हिन्दुस्तान में जिन्दा रहने का हक हासिल है या नहीं? जिन लोगों का जबाब हां है उन्हें अलीगढ़ यूनिवर्सिटी का माइनारिटी करेक्टर नहीं लेकिन स्पेशल करेक्टर मानना पड़ेगा।

कुछ लोग बात करते हैं कि अलीगढ़ बाकी यूनिवर्सिटीज की तरह से है। मैं इस बात को तस्वीम नहीं करता। अलीगढ़ का एक मुत्तलिफ

[श्री एस० ए० धर्माज]-

किरदार है एक स्पेशल करेक्टर है। हिन्दुस्तान की आबादी के एक हिस्से को बाका आबादी की सतह पर लाने के लिए जरूरी है कि उन्हें खास सहूलियतें दी जायें तालीम के मैदान में। यह मकसद अलीगढ़ उस वक्त भी पूरा कर रहा था यह अलीगढ़ इस वक्त भी पूरा कर रहा है।

कहा जाता है कि इसका नाम जो मुस्लिम यूनिवर्सिटी है इससे कम्युनलिज्म की बू आती है। अगर जोशी जी और समर गुहा जी दोनों की बात को मान लिया जाये तो सारा कम्युनलिज्म जो है वह लफ्ज मुसलमान में कम्यूनिजिट है। (व्यवधान)... जोशी जी ने बदकिस्मति से यहीं बात कही लेकिन डर डर कर कही श्री समर गुहा ने जरा बजाहत से कही। नाम से फर्क नहीं पड़ता है। कम्युनलिज्म जो आपके दिनों में है वह अहम बालद है नाम चाहे कुछ भी हो। अलीगढ़ का तारीखी किरदार जो है वह तारीखी नाम जो है, मुसलमानों ने यह यूनिवर्सिटी बनाई थी मुसलमानों को माइनाइज करने के लिए। आज कुछ लोग मुतालबा करेंगे कि शाहजहां ने चूक ताजमहल बना दिया लिहाजा ताजमहल का नाम ताजमहल नहीं होना चाहिए। जोशी जी की जमात के कुछ हमदर्दों ने यह साबित करने की भी कोशिश की है कि ताजमहल शाहजहां ने नहीं बनवाया था किस। घनवन्तरी रामनाथ ने बनवाया था। कुतुब मीनार का नाम बदलने की कोशिश करेंगे, लालकिले का नाम बदलेंगे क्योंकि किसी मुगल बादशाह ने उनको बनवाया था। यह तारीखी हकायक है। जिस तरह से ताजमहल हमारी तहजीब और हमारी कल्चर का एक खूबसूरत नमूना है उसी तरह से अलीगढ़ मुस्लिम यूनिवर्सिटी हमारा मुश्तकी तहजीब, हमारी मुश्तकी कल्चर को एक जिन्दा जावद यादगार है, निशानी है। इसके नाम को इसलिए नहीं बदलना चाहिए कि यह उस तारीखी तसलखूल, हिस्टारिकल कन्टिन्यूटी

को जाहिर करती है जोकि कल्चरल मैदान में हमारा हिस्सा रही है।

आपका यह कहना कि नाम से किसी इंस्टीट्यूशन के किरदार को मुतासिर किया जा सकता है, मैं हिन्दुस्तान के एक साबिक सदर जिनकी नीयत पर कोई शक नहीं कर सकता—मेरी नीयत पर शक करने वाले बहुत से लोग मौजूद है

—जाहिदे तंग नजर ने मुझे काफिर जाना काफिर यह समझते हैं मुसलमां हूं मैं।

लेकिन मैं उसकी बात करता हूं जिनकी दयानत पर किसा इन्सान को शक करने की जरूरत नहीं हो सकती है, अलीगढ़ के इस किरदार का जिक्र करते हुए डा० जाकिर हुसैन कहते हैं जोकि अलीगढ़ के एक तालिबबइल्म थे, जमहूरिया हिन्द के एक सदर थे और उसके अलावा एक अजोम हिन्दुस्तानी थे :

“It is possible in a secular republic, according to our present Constitution to have a hundred per cent Hindu institution and a hundred per cent Muslim institution. The Constitution does not say anything against it. From various remarks that I have heard, I am inclined to believe that some people think that the Constitution does not allow the existence of such purely Muslim or purely Hindu institutions. A secular republic will have a Hindu university and a Muslim university as Central universities because only a secular republic has the large-heartedness, the tolerance and the vision to have them both.”

डा० जाकिर हुसैन की नीयत पर कोई शक नहीं करता था, उनके मुतासिक कोई यह नहीं कह सकता था कि वे मुस्लिम यूनिवर्सिटी को फिकरपरस्ती की आमांदागाह बनाना चाहते थे। यह सही है कि इल्जाम लगाए गए हैं कि अलीगढ़ से सेप्रेटिस्ट मुवमेन्ट उभरा, अलीगढ़ ने पाकिस्तान नवाज लोगों को जन्म दिया यह जो इल्जाम है, यह इतिकाम है मैं इसकी पुरजोर तरदीद करता हूं। जिस यूनिवर्सिटी ने प्रो० हबीब, डा० जाकिर हुसैन सैयद भहमूद और अगर

आप बुरा न माने तो शमीम अहमद शमीम जैसे लोगों को पैदा किया है (व्यवधान) इरादा आज सिर्फ यह कहने का है कि यूनिवर्सिटी को पहचाना जाता है उन शख्सियों से जिन्होंने तनाम दुनिया में अपना नाम पैदा किया हो। उस यूनिवर्सिटी में किसी अब्दूल करीम, किसी अब्दुल्ला ने तालांम पाई और उसके बाद उस ने स्मगलिंग की हो, कोई चोरों चकारी की हो तो उससे यूनिवर्सिटी पर हर्फ नहीं आता। बनारस हिन्दू यूनिवर्सिटी के मुकद्दस इदारों से बड़े बड़े कातिल पैदा हुए हैं, बड़े बड़े चोर बंदा हुए हैं लेकिन इससे न हिन्दू धर्म पर हर्फ आयेगा न बनारस हिन्दू यूनिवर्सिटी पर हर्फ आयेगा। मुसलमानों को कौमी इदारे के साथ शामिल करने के लिए जहनी तौर पर तैयार करना है, उनकी तालीम की सतह को, उनकी जहनी सतह को इतना बुलन्द करना है कि चाहे वह प्रोपेगंडा पाकिस्तान से हो, चाहे किसी और क्वार्टर से हो, उनकी जहनी सलाहियत इतनी हो कि वे उस प्रोपेगंडे को रेजिस्ट कर सकें। इसके लिए आपको उन्हें बहतरान तालिम देना होगा।

पंत जी ने ठीक बात कही— कभी कभी वह भी ठीक बात कह सकते हैं कि—जो लॉग तकाजा करते हैं कि मुस्लिम का नाम हटाओं वे रिएक्शन जेनरेट करते हैं, जरूर कुछ दाल में काला है। लेकिन काले में भी दाला हो सकता है जिस तौर से यह बात कही जो इनका मतालबा कर रहे हैं। आज अगर जनसंघ के नेता और उस तरह से सोचने वाले लोग इस बात का मतालबा नहीं करते कि मुस्लिम नाम को हटाना चाहिए, आप यकीन जानिये मुसलमानों के जहन में भी यह बात नहीं होती कि मुसलमान लफ्ज वहां रहना चाहिए। उन्हें नहीं मालूम अपनी गलत रविश से, गलत तरीके कार से न सिर्फ अपनी कम्प्युनिटी का गुमराह कर रहे हैं बल्कि उस कम्प्युनिटी को भी गुमराह कर रहे हैं जिसको अपने कौमी इदारे के साथ मिलाना चाहते हैं।

कहा जाता है कि मैंने आप से अर्ज किया कि मैं यूनिवर्सिटी के लिये माइनारिटीस किरदार का मतालबा नहीं करता हूँ। माइनारिटी किरदार का मतालबा करने वाले माननीय सुलेमान सेट साहब अभी तकरीर करेंगे। लेकिन मैं जाँ मतालबा कर रहा हूँ मैं अर्ज कर रहा हूँ कि मैं मानता हूँ कि मुसलमानों की तालांम राह में, इकतसादी राह में मुश्किलत है। सेक्यूलरिज्म हमारा आइडियल है, हमारा नस्बुलएन है, लेकिन अपने सीने पर हाथ रख कर बताइयें कि क्या वाकई हमारी रोजमर्रा की जिन्दगी में सेक्यूलरिज्म को रखा जाता है? आज भी मुसलमानों के साथ कालेजों के दाखिले के बारे में, तरक्की पाने के बारे में डिस्क्रिमिनेशन मौजूद है। (व्यवधान)....

MR. DEPUTY-SPEAKER : He is going a little too far, beyond the scope of the Bill.

SHRI S. A. SHAMIM : If I am saying something inconvenient to the Treasury Benches, they must have the large heartedness to listen to me.

MR. DEPUTY-SPEAKER : I am not concerned with anybody's convenience but with relevancy. I would request him to confine himself to the Bill.

श्री एस० ए० शमीम : मैं अर्ज कर रहा था मुस्लिम अलागडू यूनिवर्सिटी में मुसलमानों को छात्र सहायता देने की वजूहात मतदर्ज जैल है। सेक्यूलरिज्म हमारा कौमी आदर्श होने के बावजूद मैंने जब कहा था कि क्या मुल्क के सियासी और समाज्वा ढांचे में पूरी तौर पर सेक्यूलरिज्म का एहेतराम होता है, कुछ लोगों का खयाल है कि हाँ है। मेरा खयाल है नहीं होता है। जम्हूरियत में नाच, जकां भां अपनी राय जाहिर करने का हक है। इसलिए यह बात जो है आप जरा इत्मीनान से मूनिये मैं मुसलमान होने का हैसियत से जानता हूँ, शंकर दयाल सिंह जी नहीं जानते हैं, कि मुसलमानों के साथ नोकरीयों के मामले में कालेजों में दाखिले के बारे में, अभी तक इन्साफ नहीं हो रहा है। और अगर इजाजत

[श्री एस० ए० शमीम]

आप दें, जज्वाती तीर पर प्रोवोक न करें हों। मैं इस से ज्यादा जाने के लिये तैयार हूँ, लेकिन मुनासिब यहाँ होगा कि आप मुझको अपनी बात कह लेने दीजिए उस के बाद आप उस से डिसएग्रोमेन्ट जाहिर काजिए। यह मेरा जाती तजुर्बा और मुशाहिदा है।

मुझे यकीन है, यह बात मैंने नहीं कही है बल्कि हिन्दुस्तान के वजीरेअजम ने कहा है कांग्रेस के लीडरों ने कही है; तरक्की पसन्द लीडरों ने कही है कि अभी तक सेक्यूलरिज्म के ढांचे पर सही भावों में अमल नहीं हो रहा है। समर बाबू और कई दोस्तों ने कहा कि नेशनल स्ट्रिम, बांगला देश के बाद सारे ममूने हल हो गये। मैं सब से ज्यादा खुश हूँगा अगर वाकई यह मसला हल हो गया होता। सब से ज्यादा तकलीफ मुझे होती है, कम्प्युनलिज्म को वजह से सब से ज्यादा नुकसान मेरी कम्प्युनिटी को पहुँचता है। मैं इस कम्प्युनलिज्म का लाश को दबाने के लिये पेश हूँ। लेकिन जब तक इस लाश का वजूद है आप मुझे मजबूर नहीं कर सकते कि यह मौजूद नहीं है (व्यवधान)....

मैं आप से अर्ज करना चाहता हूँ अपने दास्तां से गुजारिश करना चाहता हूँ कि एसे हालत मुल्क में हैं, इनका तवज्जह भवजूल कर रहा हूँ कि एसा नहीं होना चाहिये। इस में नाराजगं का बात नहीं है। बिजनेस बन्समें, प्राइवेट कारखानों में, सरकारों दफ्तरों में मुसलमानों को बराबर की नुमाइन्दगी नहीं मिल रही है। फ़ौज में नहीं मिल रही है, पुलिस में नहीं मिल रहा है।

मैं इस बात से मुत्तफिक हूँ कि अलागड का एक तरक्की पसन्द मुसलमानों की जहना बियन के लिये एक बेहतरीन लेबोरेटरी और दरसगाह बनाना चाहिये। उसे फ़िरका परस्त मुसलमानों के तसल्लुत से आजाद करना चाहिये। लेकिन अलागड में पढ़ने वाले

तालेबिन्नों को, अलागड में अपने बच्चों को भेजनेवाले वालिदेन को इस बात की यकीन दिहानी होनी चाहिये कि इस सेक्यूलर हिन्दुस्तान में, इस सांशोलिस्ट हिन्दुस्तान में उन्हें बराबर के हकूक मिल रहे हैं जो हिन्दुस्तान के आईन में मौजूद हैं। अलागड मुसलमानों के जज्वात ही की नहीं, मुसलमानों के मुस्तकबिल का भा निशानदेही करता है। इसलिमे मैं एक तजवीज पेश करता हूँ, यह बिल ज्यों का त्यों है इसे रहने दिया जाय। मैं ने एक तरमीम पेश की है इस बिल में इस हकूकत को स्टेट्यूटर; रिकग्नीशन मिलना चाहिये कि The Aligarh Muslim University was established by the Muslim of India. By accepting this fact, you will be accepting the reality, that the Muslim in this modern era also need certain facilities, certain concessions, so that they come on par with the rest of the population.

[شہری شمیم احمد شمیم (سری نگر):

سب سے پہلی بات یہ ہے کہ یہ بحث جو حورمی ہے۔ یہ علیگڑھ یونیورسٹی کے ہی بارے میں ہمیں ہے۔ یہ علیگڑھ تحریک کے متعلق بحث حورمی ہے۔ چونکہ علی گڑھ یونیورسٹی جو ہے وہ علیگڑھ تحریک کی پیادار ہے۔ علیگڑھ تحریک کیا تھی اور آج کیا ہے۔ غدر کے بعد جب مسلمان ایف ڈی سٹریڈ تھے کہ وہ قومی ادارے سے الگ ہو کر زندگی سے باہر ہو چکے تھے تو ایک ترقی پسند سلطان سرسیتہ احمد خان نے مسلمانوں کو نئی زندگی سے زندگی کے نئے تقاضوں سے روشناسی کرنے کیلئے کالج کی بنیاد

ڈالی۔ مسلمان انٹرنری پڑھے۔ ماڈرن
ایجوکیشن سے فائدہ اٹھائیں اور نئے
نئے خیالات کو اپنائیں۔ یہ علیگڑھ
تحریک کا بنیادی سلسلہ تھا۔ اسی
مقصد کیلئے کالج کی تعمیر ہوئی۔ اسی
مقصد کو جامعہ کرتے ہوئے پنڈت
جوہر لال نہرو نے کہا تھا۔ اپنی اُو
بائی کرائی میں جو غالباً شری سمر ڈوا
نے نہیں پڑھی۔

Sir Syed's decision to concentrate on
Western education for Muslims was un-
doubtedly a right one. Without it they
could not have played any effective part
in the building up of Indian nationalism
of the new type and they would have
been doomed to play second fiddle to the
Hindus with their better education and
far stronger economic position.

یہ پنڈت جوہر لال نہرو کے
تشریح ہے کہ علیگڑھ یونیورسٹی
کیوں وجود میں آئی۔ سوال یہ
ہے کہ کیا آج علیگڑھ یونیورسٹی
جس مقصد کے لئے قائم ہوئی تھی
اور جن حالات کو بہتر بنانے کے لئے
قائم ہوئی تھی۔ وہ حالات آج
بدستور قائم ہیں یا نہیں۔ ہم
پرچھے ہیں کہ ترقی پسند سیکولر
شوٹلسٹ ہندوستان میں یہ

مسلمان ترقی پسند مسلمانوں کی
طرح اپنا حصہ اپنا رول ادا کریں۔
انہیں اسی رول کے لئے تیار کرنے
کیلئے آج بھی ایک درس گاہ کی
ضرورت ہے یا نہیں۔ تحلیم کے لحاظ
سے وہ بیک ورڈ ہیں یا نہیں۔
میں مسلمان ریلیجیئس مانیورٹینز
کی بات نہیں کر رہا ہوں۔ وہ
ایک کلچرل مانیورٹینز ہیں یا نہیں
اسلامی کلچر کا ہندوستان کا
عشقی لکچوزٹ تحریک جسے آپ
کہتے ہیں اس میں کنٹریبیوشن ہے
یا نہیں۔ اس کو ایک سیکولر ہندو
ستان میں زندہ رکھنے کا حق حاصل
ہے یا نہیں۔ جن لوگوں کا جواب
ہاں ہے انہیں علیگڑھ یونیورسٹی
کا مانیورٹینز کرکیر نہیں لیکن
سپیشل کرکیر ماننا پڑیگا۔

کہ لوگ بات کرتے ہیں کہ
علیگڑھ باقی یونیورسٹیز کی طرح
ہے۔ میں اس بات کو تسلیم
نہیں کرتا۔ علیگڑھ کا ایک
مختلف کردار ہے۔ ایک سپیشل

[شری شمیم احمد شمیم]

کریکٹ ہے۔ ہندوستان کی آبادی کے ایک حصے کو باقی آبادی کی سطح پر لانے کیلئے ضروری ہے کہ انہیں خاصی سہولتیں دی جائیں اور تعلیم کے میدان میں یہ مقصد عملی کئے۔ اس وقت بھی پورا کر رہا تھا۔ یہ علیحدہ اس وقت بھی پورا کر رہا ہے۔

کہا جاتا ہے کہ اس کا نام جو مسلم یونیورسٹی ہے اس سے کیونٹرم کی بوائے ہے۔ اگر جوشی جی اوٹر سسرگواہ جی دونوں کی بات کو مان لیا جائے۔ تو سارا کیونٹرم جو ہے وہ لفظ مسلمان میں کیونٹرم ہے۔ جوشی جی نے بہ نسبتی سے یہی بات کہی۔ لیکن ڈر ڈر کر کہی۔ نام سے فرق نہیں پڑتا ہے۔ کیونٹرم جو آپ کے دلوں میں ہے وہ اہم بات ہے۔ نام چاہئے کہو بھی ہو۔ علیحدہ کا تاریخی

کردار جو ہے۔ وہ تاریخی نام جو ہے مسلمانوں نے یہ یونیورسٹی بوائے کیا۔ مسلمانوں کو ماڈرنائز کرنے کے لئے۔ آج کے لوگ مطالبہ کریں گے کہ سناہ جہاں نے چونکہ تاج محل بنا دیا

لہذا تاج محل کا نام تاج محل نہیں ہونا چاہئے۔ جوشی جی کی جماعت کے کچھ ہمدردوں نے یہ ثابت کرنے کی بھی کوشش کی ہے کہ تاج محل سناہ جہاں نے نہیں بنوایا تھا۔ کسی دھونڈی رام ناتھ نے بنوایا تھا۔ قطب مینار کا نام بدلنے کی کوشش کریں گے۔ لال قلعے کا نام بدلیں گے۔ کیونکہ کسی محل بادشاہ نے ان کو بنوایا تھا۔ یہ تاریخی حکایت ہے۔ جسی طرح سے تاج محل ہماری تہذیب اور ہماری کلچر کا ایک خوبصورت نمونہ ہے۔ اس طرح سے علیحدہ مسلم یونیورسٹی ہماری مشترکہ تہذیب۔ ہماری مشترکہ کلچر کی ایک زندہ جاوید یادگار ہے۔ نشانی ہے۔ اسی کے نام کو اسی نے نہیں بدلنا چاہئے کہ اسی تاریخی تسلسل۔ ہسٹوریکل کنٹینیٹیٹی کو ظاہر کرتا ہے جو کہ کلچرل میدان میں ہمارا حصہ رہا ہے۔

آپ کا یہ کہنا کہ نام سے کسی انسٹیٹیوشن کے کردار کو منسوخ کیا

جاسکتا ہے۔ میں ہندوستان کے ایک سابق صدر جن کی نیت پر کوئی شک نہیں کر سکتا۔ میری نیت پر شک کرنے والے بہت سے لوگ موجود ہیں۔

زائد تنگ نظر نے مجھے کافر جانا کافر یہ سمجھے ہیں کہ مسلمان ہوں میں لیکن میں اس کی بات کرتا ہوں جن کی دیانت پر کسی بھی انسان کو شک کرنے کی جرت نہیں ہو سکتی ہے۔ علیحدہ ہونے کے اس کردار کا ذکر کرتے ہوئے ڈاکٹر ذاکر حسین کہتے ہیں جو کہ علیحدہ ہونے کے ایک طالب علم تھے جمہوریہ ہند کے ایک صدر تھے۔ اور اس کے علاوہ ایک عظیم ہندوستانی تھے۔

"It is possible in a secular republic according to our present Constitution, to have a hundred per cent Hindu institution and a hundred per cent Muslim institution. The Constitution does not say anything against it. From various remarks that I have heard, I am inclined to believe that some people think that the Constitution does not allow the existence of such purely Muslim or purely Hindu institutions. A secular republic will have a Hindu university and a Muslim university as central universities, because only a secular republic has the large-heartedness, the tolerance and the vision to have them both."

ڈاکٹر ذاکر حسین کی نیت پر کوئی شک نہیں کرتا تھا۔ ان کے متعلق کوئی یہ نہیں کہہ سکتا تھا کہ وہ مسلم یونیورسٹی کو فرقہ پرستی کی امانگاہ بنانا چاہتے تھے۔ یہ صحیح ہے کہ الزام لگانے کے ہیں۔ کہ علیحدہ ہونے سے سیرپیشٹ حومینٹ اُجرا۔ علیحدہ ہونے پاکستان نواز لوگوں کو جنم دیا۔ یہ جو الزام ہیں میں اس کی پُر زور تردید کرتا ہوں۔ جس یونیورسٹی نے پردفسیر حبیب۔ ڈاکٹر ذاکر حسین۔ سید محمود اور اگر آپ بُرا نہ مانیں تو شمیم احمد شمیم جیسے لوگوں کو پیدا کیا ہے۔ ارادہ آج صوف یہ کہنے کا ہے کہ یونیورسٹی کو پہچانا جاتا ہے ان شخصیتوں سے جنہوں نے تمام

دنیا میں اپنا نام پیدا کیا ہے۔ اس یونیورسٹی میں کسی عبدالکریم۔ کسی عبداللہ نے تعلیم پائی اور اس کے بعد اس نے سمکنگ کی ہے کوئی چوری چکاری کی ہے تو اس سے یونیورسٹی پر حرف نہیں آتا۔ بنارس ہندو یونیورسٹی کے عقد میں دو اداروں سے بڑے بڑے قتال پیدا ہوئے ہیں۔ لیکن اس سے نہ ہندو دعوام پر حرف آئے گا اور

[شری شمیم احمد شمیم]

نہ بنارس ہی ہندو یونیورسٹی پر حرف
آئے گا۔ مسلمانوں کو قومی ادارے
کے ساتھ شامل کرنے کے لئے ذہنی
طور پر تیار کرنا ہے۔ ان کی تعلیم
کی سطح کو۔ ان کی ذہنی سطح کو
وہنا بلند کرتا ہے کہ چاہے وہ
پروٹیکٹڈ پاکستان سے ہو۔ چاہے
کسی اور کورٹرس ہو ان کی ذہنی
صلاحیت اتنی ہو کہ وہ اس
پروٹیکٹڈ کو ریجسٹر کر سکیں
اس کے لئے آپ کو انہیں بہترین
تعلیم دینی ہوگی۔

پنھنوجی نے ٹھیک بات کہی
کبھی کبھی وہ بھی ٹھیک بات کہہ سکتے
ہیں۔ کہ جو لوگ تقاضہ کرتے ہیں
کہ مسلم کا نام ریری ایکشن پیدا
کرتے ہیں۔ ضرور کچھ دال میں کالا ہے
لیکن کال میں بھی دالا ہو سکتا ہے۔
جسی طور سے یہ بات کہی جو اس
کا مطالبہ کر رہے ہیں۔ آج اگر جن
سنگھ کے نینا اور اس طرح سے سرچنے
وے لوگ اس بات کا مطالبہ نہیں
کرتے کہ مسلم نام کو ہٹانا چاہیے
آپ یقیناً جانیئے مسلمانوں کے ذہن
میں یہ بات نہیں ہوئی کہ مسلمان
لفظ دھاں دھنا چاہیے۔ انہیں
نہیں معلوم اپنی غلط روش سے

غلط طریقہ کار سے نہ صرف اپنی
کیونٹی کو گمراہ کر رہے ہیں بلکہ اس
کیونٹی کو بھی گمراہ کر رہے ہیں جس کو
اپنے قومی ادارے کے ساتھ دلانا
چاہتے ہیں۔

کہا جاتا ہے کہ میں نے آپ
سے عرض کیا کہ میں یونیورسٹی کیلئے
مانیورٹیز کر دار کا مطالبہ نہیں کرتا
ہوں۔ مانیورٹیز کر دار کا مطالبہ
کرنے والے ماننیہ سلیمان سیٹ صاحب
ابھی تقریر کرینگے۔ لیکن میں جو
مطالبہ کر رہا ہوں۔ میں عرض کر رہا
ہوں کہ میں مانتا ہوں کہ مسلمانوں
کی تعلیمی راہ میں اقتصادی راہ
میں مشکلات ہیں سیکولرزم ہمارا
آئیڈیل ہے۔ ہمارا نصب العین ہے
لیکن اپنے سینے پر ہاتھ رکھ کر دیکھو
کہ کیا واقعی ہماری روزمرہ کی
زندگی میں سیکولرزم کو روا رکھا
جاتا ہے۔ آج بھی مسلمانوں کے
ساتھ کالجوں میں داخلے کے بارے
میں۔ ترقی پانے کے بارے میں
ڈسکریمینیشن موجود ہے۔

MR. DEPUTY-SPEAKER : He is going a little too far, beyond the scope of the Bill.

SHRI S. A. SHAMIM : If I am saying something inconvenient to the Treasury Benches, they must have the large heartedness to listen to me.

MR. DEPUTY-SPEAKER : I am not concerned with anybody's convenience but with relevancy. I would request him to confine himself to the Bill.

شرعی ایسی۔ اے شمیم : میں

عرض کر رہا تھا۔ علیگڑھ مسلم یونی
ورسٹی میں مسلمانوں کو خاص سہولت
دینے کی رجوعیات مندرجہ ذیل ہیں۔
سیکولرزم ہمارا قومی آدرش ہونے کے
بادوجود میں جب کہا تھا کہ کیا منگ
کے سیاسی اور سماجی ڈھانچے میں
پوری طور پر سیکولرزم کا احترام ہوتا
ہے۔ کچھ لوگوں کا خیال ہے کہ ہوتا
ہے۔ میرا خیال ہے نہیں ہوتا ہے۔
جمہوریت میں ناچیز کو بھی اپنی
رائے ظاہر کرنے کا حق ہے۔ اس لئے
یہ بات جو ہے آپ ذرا اطمینان
سے سنئے۔ میں مسلمان ہونے کا
حیثیت سے جانتا ہوں۔ ٹھنڈے دیاں
سنگوں سے نہیں جانتے کہ مسلمانوں

کے ساتھ نوکریوں کے معاملے میں
کامجور کے داخلے کے بارے میں ابھی
تک انصاف نہیں ہو رہا۔ اور اگر
اجازت آپ دینا جڑ جاتی طور پر
پرودہ نہ کریں تو میں اس سے زیادہ
جانے کے لئے تیار ہوں لیکن مناسب
پہی ہوگا کہ آپ مجھ کو اپنی بات کہہ
نے دیجئے۔ اس کے بعد آپ اس سے
ڈس ایگریمنٹ ظاہر کیجئے۔ یہ
میرا ذاتی تجربہ اور مشاہدہ ہے۔

مجھے یقین ہے یہ بات میں نے
نہیں کہی ہے بلکہ ہندوستان کے
وزیر اعظم نے کہی ہے۔ کانگریسی کے
پیڈروں نے کہی ہے۔ ترقی پسند لیڈروں
نے کہی ہے کہ ابھی تک سیکولرزم کے
ڈھانچے پر صحیح معنوں میں عمل نہیں
ہو رہا ہے۔ سرگواہ اور کئی دوستوں
نے کہا کہ نیشنل اسٹریٹجی منگ دیش
کے بعد سارے مسئلے حل ہو گئے۔ میں
سب سے زیادہ خوش ہو ڈنگا اگر
واقعی یہ مسئلہ حل ہو گیا ہوتا۔
سب سے زیادہ تکلیف مجھے ہوئی ہے۔
کیونیلینزم کی وجہ سے سب سے زیادہ

[شری شمیم احمد شمیم]

نقصان پر کامیونٹی کو پہنچتا ہے۔
میں اس کمیونٹیزم کی راس کو دبانے
کے لئے پستی پستی ہوں۔ لیکن جب
تک اس راس کا وجود ہے آپ مجھے
مجبور نہیں کر سکتے کہ یہ موجود
نہیں ہے۔

میں آپ سے عرض کرنا چاہتا
ہوں۔ اپنے دوستوں سے گزارش
کرنا چاہتا ہوں کہ ایسے حالات ملک
میں ہیں ان کی توجہ مبذول کر رہا
ہوں۔ کہ ایسا نہیں ہونا چاہیے۔
اس میں ناراضگی کی بات نہیں
ہے۔ بزنس کسٹرز میں۔ پرائیویٹ
کارخانوں میں۔ سرکاری دفتروں
میں مسلمانوں کو برابر کی ٹائیڈنگ
نہیں مل رہی ہے۔ فوج میں نہیں
مل رہی ہے۔ پولیس میں نہیں مل
رہی ہے۔

میں اس بات سے متفق ہوں

کہ علیگڑھ کو ایک نئی لپڈ
مسلمانوں کی ذہنی تربیت کے لئے
ایک بہترین لیبریری اور درسگاہ
بنانا چاہیے۔ اسے فرقہ پرست

مسلمانوں کے تسلط سے آزاد کرنا
چاہیے۔ لیکن علیگڑھ میں پڑھنے
والے طالب علموں کو علیگڑھ میں
اپنے بچوں کو بھیجنے والے والدین
کو اس بات کی یقین دہانی ہونی
چاہیے کہ اس سیکولہ ہندوستان
میں۔ اس سٹوڈنٹ ہندوستان
میں انہیں برابر کے حقوق مل
رہے ہیں۔ جو ہندوستان کے
آئین میں موجود ہیں۔ علیگڑھ
مسلمانوں کے جذبات ہی کے نہیں
مسلمانوں کے مستقبل کی بھی نشان
دہی کرتا ہے۔ اس لئے میں ایک
پریزپیشن کرتا ہوں۔ کہ یہ
جیلوں کا ہے۔ اسے اٹھ
دیا جائے۔ میں نے ایک ترمیم
پیش کی ہے۔ اس بل میں میں
اسی حقیقت کو سٹیٹوٹری ریکگنیشن
ملنی چاہیے۔

The Aligarh [Muslim University was
established by] the Muslims of India. By
accepting this fact, you will be accepting
the reality, that the Muslims in this
modern era also need certain facilities,
certain concessions, so that [they come on
par with the rest of the population.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : Mr. Deputy-Speaker, Sir, while I stand to speak on this detrimental and objectionable piece of legislation—the Aligarh Muslim University (Amendment) Bill,—I am reminded of the two verses of Dr. Iqbal said. He said :

اوروں کا ہے یہام اور میرا یہام اور ہے
عشق کے دردمند کا طرز کلام اور ہے
طاثر زہر دام کے نالے تو سن چکے ہیں آپ
یہ بحث سنو کہ نالہ طاثر یہام اور ہے

Sir, it is my great misfortune that I have to stand here today in this august House to deliver a funeral oration at the murder of the Aligarh Muslim University through this Bill, at the hands of those who consider themselves to be the sole custodians and only champions of secularism and democracy in this country. (Interruptions) Sir I am really sorry to use such harsh words, but you must understand the sentiments, and my heart is bleeding when I say so. The Aligarh Muslim University is lost today. The Aligarh Muslim University is not any more a Muslim University, maintaining its character and culture. It is just another Central university of its kind, and as a Central university we must accept it as a fact. Let there be no deception. As a Central national university we accept it and let us declare it as such; and then we will have no objection if you call it as a Central national university.

Sir, with the passage of this Bill, all the rights and guarantees given to the minorities in our sacred Constitution and the aspirations of the 80 million Muslims of this country and all the devoted and pioneering efforts of Sir Syed Ahmed Khan in the educational field for the regeneration of Indian Muslims, and all the hopes of the students of the Aligarh Muslim University will also be shattered and destroyed for times to come.

Sir, permit me to point out that it was Sir Syed Ahmed Khan who was the greatest nationalist ever born in this country who declared that Hindus and Muslims are the two eyes of India; two eyes of this country, comparing our motherland to be a beautiful lady. Today, it is a tragedy that one eye which

is ailing and weeping, is sought not to be healed but is sought to be injured in a very wrong manner. Surely, the beauty of India cannot remain with such a merciless action.

I would emphatically say that secularism does not mean destruction of one community, their culture, their tradition and identity. All the communities in our great country have to live with harmony; they will have to prosper equally. India is really a garden with flowers of different colour and variety representing different cultural and linguistic entities. The beauty of this garden cannot remain if all these communities do not have equal opportunity to flourish because then alone the garden can be said to be in full bloom and said to be beautiful and attractive.

چمن چمن ہی نہیں جس کے گوشے گوشے میں
کہیں بہار نہ آئے کہیں بہار آئے
یہ میسرے کی ساقی گری کی مئے تو نہیں
کوئی ہو جام بکف کوئی شومسار آئے

Do not deprive us, the minorities of their right which is stated in the Constitution; they have a right to have a university of their choice. The Aligarh Muslim University with its minority character will be a shining example of secularism in this country for which we can rightly be proud. As the House is aware, this University has a history and tradition and an objective. There was a purpose for which it was established. The Aligarh Muslim University was in fact founded for, and at the initiative of the Muslim community. It was in 1910 that a decision was taken by the All India Muhammadan Educational Conference to establish a university. In 1911 a memorandum was submitted to the then Government of India for the establishment of the Aligarh Muslim University. All the funds collected for, and the assets and endowments belonging to the Mohammadan Anglo Oriental College were transferred to this University and the Aligarh Muslim University Act came into force on 1-12-1920.

This university was established with the purpose and objective of preserving the religious and cultural heritage of the community and to inculcate in Muslim youth scientific and technical knowledge in which they were very much behind the other communities. I have here

[Shri Ebrahim Sulaiman Sait]

booklet published by the All India Aligarh Muslim University Old Boys Convention Council and permit me to read a paragraph from this booklet :

"In May 1911 a memorandum was submitted to the Government of India by the Muslims praying for necessary action for achieving the object of establishing a Muslim University at Aligarh and a deputation met the then Education Member of the Government of India. The result of these negotiations was a despatch from the Government of India to the Secretary of State for India in November, 1911, embodying the various provisions of the scheme which had been settled between the Government of India and the Muslim University Association."

The matter was thus settled. It was a contract between the Government and the Muslims of this country. Then the university came into existence. The Government of India finally agreed to the aspirations of the Muslim community and the final outline of the scheme was published in the Gazette of India, Part VI dated 11 September, 1920 and I quote :

"Such an outline is the scheme which we recommend to your Lordship. It represents the result of considerable discussions and of somewhat long negotiations. The spirit that has animated both parties to the negotiations has, we are glad to be able to inform your Lordship, been excellent and we trust that Your Lordship is sanctioning a University at Aligarh will share the hope which we, confidently, entertain, that this new and interesting educational experiment supported by the confidence of the Government and Mohammadan community will be the source of enlightenment and prosperity to that community and will fitly crown and carry on the noble work and the lofty hopes of Sir Syed Ahmad Khan."

Ultimately a Bill was finally published in the Gazette of India, dated 31st July, 1920. The statement of aims and objects in that Bill stated, *inter alia* :

"The Muslim University Association having requested the foundation of a University on certain funds and property being available to this end,

it is proposed to dissolve that Association and the Mohammadan Anglo Oriental College, Aligarh and to transfer the property of these societies to the new body called, 'The Aligarh Muslim University'. Special features of the University will be the imparting of Muslim religious education to Muslims and inclusion of Departments of Islamic studies."

By quoting all this and giving the background what I desire is to impress on the hon. and respected colleagues in this House that Aligarh Muslim University should not be treated as any other university in the country because this university has a significantly and basically different position and standing. It is an endearing monument to the culture of the Muslims of the country raised, created and founded by the labour and great sacrifices of the Muslim community and held by it as a trust and bequeathal for the future generations. Sir, therefore, any attempt to change the basic character of the university will create a feeling of frustration in the minds of minority. It will create a feeling of suspicion in the mind of minority. It will not only shake the secularism and democracy in which we have fundamental faith, but it will also have serious repercussion and reactions which may some times take a serious turn. In spite of this it is tragic that serious attempts are being made to destroy the minority character of the Aligarh University, and wipe out the objects for which this was founded. The present Aligarh Muslim University Amendment is the culmination of all this attempt. With the passage of this bill the Aligarh Muslim University will be dead and from the ashes will emerge just an additional central university which you are to accept as a fact.

It has been admitted in very clear terms that AMU Amendment Bill is based on the report of the Gajendra-gadkar Committee, which made recommendations on the governance of universities. It has no particular reference to Aligarh Muslim University. The statement of objects and Reasons very clearly says :

"The report of the Gajendra-gadkar Committee on Governance of Universities was received by Government in July, 1971. Recommendations of the Committee were accepted both by the University Grants Commission and the Government in principle . . .

Based on the recommendations of the Committee and taking into account other relevant factors, Government, decided to introduce comprehensive legislation for the Aligarh Muslim University. The Bill seeks to achieve this purpose."

The basis is the Gajendragadkar Committee. It cannot take into consideration anything else. No consideration has been given to the particular history and objection which led to the establishment of Aligarh Muslim University. What was the basis of negotiation between the Muslim Community and the then Govt. of India before 1920, what are the guarantees given to the minorities, what were the declarations of Pandit Jawaharlal Nehru, and Dr. Zakir Hussain. What were the pledges given by the ruling Congress Party in the election manifesto? All have been thrown to winds and the Gajendragadkar Report has become more valuable and is treated as sacred by our Education Minister.

I would like to point out what Pandit Jawaharlal Nehru,—illustrious son of India, the greatest national democrat wanted to say. He wanted to preserve the character of the university. Pandit Jawahar Lal Nehru in his Autobiography has applauded the efforts of Sir Syed Ahmad Khan in the following words :

"Sir Syed's decision to concentrate on western education for Muslims was undoubtedly a right one. Without it that they could not have played any effective part in the building of Indian Nationalism of the new type, and they would have been doomed to play second fiddle to the Hindus with their better education and far stronger economic position."

Now, Sir, I have got here a letter of the late lamented President of India, Dr. Zakir Hussain. He has been quoted by my learned friend here—"proud to be the product of Aligarh Muslim University". It is possible in a Republic according to our present Constitution to have a 100% Hindu institution and 100% Muslim institution. Here I have got a letter written by Shri Lal Bahadur Shastri. The letter was written in 1965. It says that the character of the Aligarh Muslim University will be maintained. University will also remain the same. I think there should not be any further misgiving in the matter of the Aligarh Muslim University.

Here is the Election Manifesto of the Indian National Congress issued in 1971. On page 12 it says. It is mentioned at page 12 :

"Secularism is one of the basic tenets of our Constitution. In accordance with this constitutional imperative, the Congress will strive to ensure that all minorities have full freedom to establish, manage and run educational and other institutions."

It goes on to say :

"The Congress will strive to ensure the democratic functioning and protect the autonomous character of educational institutions including those established at the instance of and for the benefit of minorities."

I have with me here the report of the Chatterjee Committee. Unfortunately, I do not have much time to quote it.

It is being argued that the judgment of the Supreme Court has gone against the demands and aspirations of the community, as the Supreme Court has said that the Aligarh University was established by the government and not by the community. I can say with due respect to the Judges of the Supreme Court that the Supreme Court took a very narrow view. I would quote here the comment made on the judgment by Shri H. M. Seervai, the Advocate-General of Maharashtra who said :

"It is submitted that this is the first case in which the Supreme Court has departed from the broad spirit in which it had decided cases on cultural and educational rights of minorities... In the present case, the Supreme Court has on narrow technical grounds which are erroneous held that a minority community which had striven for and obtained the establishment of a Muslim University and endowed it with considerable property and money had not established the University, and the provision of Act of 1920 vesting the supreme government of the University exclusively in Muslims did not vest the administration in Muslims."

In addition to this, Parliament has got the power to nullify the effect of the judgment given in the case of Aligarh Muslim University. Just now Shri Pant was referring to the power of Parliament to legislate. We want Parliament to

[Shri Ebra'him Sulaiman Sait]

legislate to rectify and nullify the effect of the Supreme Court judgment. Parliament has got the power to do that. If we could amend the Constitution to nullify the effect of the famous Golaknath case, if we can give protection to the Kerala Land Reform Bill by including it in the Ninth Schedule of the Constitution, what prevents Parliament from bringing forward a Bill, as suggested by Shri Shamim, for which I have also given notice of an amendment, which will protect the minority right and nullify the effect of the Supreme Court judgment by adding a clause in the body of the Bill which says that notwithstanding any judgment, decree or order of any court to the contrary, the Aligarh Muslim University shall be deemed to have been established by the Muslim minority community.

Finally, I want to say this. As you all know, the Muslims have great respect for the Prime Minister of this country, Shrimati Indira Gandhi. We hold her in high esteem. It was because of our high faith in her that in the 1971 elections the Muslims completely voted for her and supported her so that secularism may be saved in this country, democracy may be saved in this country. That is why we supported her programme.

But here I have to express our deep concern and anguish at the statement reported to have been made by the Prime Minister on the 29th, while addressing a meeting of the newly-elected executive of the Congress Parliamentary Party. This is reported in *The Hindu* and other newspapers. *The Hindu* says :

"The Prime Minister Mrs. Indira Gandhi made it clear here today that it was not possible for the Government to declare any university financed by it as a 'minority institution'.

Addressing the first meeting of the newly-elected Executive of the Congress Parliamentary Party, she said that after the Aligarh University Act of 1965, a section of the people had put forward the demand that the Government should declare the Aligarh Muslim University a 'minority institution'.

"If this demand is conceded, the Government cannot resist similar demands from other minorities—both re-

ligious as well as linguistic' she added."

This statement is considered very sorrowful and shocking by the Muslim community because it goes against the fundamental right enshrined in article 30(2) of the Constitution which says very clearly :

"The State shall not, in granting aid to educational institutions, discriminate against any educational institutions on the ground that it is under the management of a minority, whether based on religion or language."

I have got the Chatterjee Committee Report, but I am not dealing with it for want of time. But I will certainly refer to one point. It has been stated by the learned Education Minister that we have got safeguards for Muslim interests, we have got autonomy and democracy. Nothing of that sort is there. No Muslim interest is safeguarded. The name 'Muslim' appears only in the title. Representation to learning Muslims culture has been given up, representation to the donors who make wakfs endowments have been removed and the representation of the old boys of Aligarh Muslim University has been reduced. Now the representation in the Court and the Council is no representation; we have got only a signboard and nothing else. Then there is talk of autonomy. What is this autonomy? The whole thing has been reduced to a debating society; nothing more than that. The Executive Council has got 8 representatives of the Visitors. Others are those people chosen by the Vice-Chancellor. So, there is no democracy or autonomy there. The Executive Council has been loaded with powers, but out of 19 members, 8 are nominees of the Visitor and the rest are creatures of Vice-Chancellor. The Vice-Chancellor is again nominated by the Visitor. All the powers rest with the Government and not with the University.

To be frank and very clear, the Muslims have been given a skeleton without life. I do not think any purpose could be served and any interest safeguarded by just retaining the word "Muslim" in the name of the University. It is, as I said earlier, just a Central University as any other and nothing more. This is the reality which should be accepted.

Lastly, the Bill is being hurried through and rushed through, creating suspicion. This is undemocratic. I have tabled moved a motion for referring the Bill to a Select Committee, so that the committee can study the problems and find out some meeting ground. In the Select Committee amendments could be given and an agreed Act can emerge, which will give confidence to the Muslim minority, which has got a very great emotional attachment for the Aligarh Muslim University. Therefore, I request the minister to agree to refer the Bill to a Select Committee.

श्री शिव कुमार शास्त्री (अलागढ़) :
उपाध्यक्ष महोदय, मुझे पहले हुए तीन भाषणों में सभी ने वायुमंडल को गर्म कर रखा है। किन्तु मैं अपने उत्तरदायित्व को समझते हुए किसी भावावेश में बहे बिना अपने विचार बड़े संक्षेप में और कुछ आवश्यक बातें जो अलागढ़ का जनता के प्रतिरूप हैं, प्रकट करना चाहता हूँ। मैं मंत्री जी से कहना चाहता हूँ कि जैसा कि कहा गया उस समय के महान सुधारक और सामाजिक कायकर्ता सर सैयद अहमद खान ने मुसलमानों में जागृति का एक नया अध्याय उत्पन्न करने के लिए इस संस्था की नींव डाली। पर उस समय के सारे के सारे वातावरण और वाक्य का विश्लेषण करने से यह प्रतीत होता है कि जिनका जागृति और उत्थान के लिए इस संस्था की नींव डाला गई थी उनको अपने इस महान कार्य में उन से हों बहुत बड़ा विरोध प्राप्त हुआ और उसके लिए मैं कुछ प्रमाण देना चाहता हूँ उस समय के महान विचारक उर्दू के बहुत बड़े शायर अकबर के कुछ शेरों के द्वारा जिससे आपको पता चलेगा कि क्या कठिनाइयाँ थीं कि इस संस्था के उस स्वरूप को आगे बढ़ाने के लिए, जिसका चित्र सर सैयद अहमद खान के मन में था। एक जगह लिखा है, अकबर इलाहाबाद। ने—

ईमान बेचने पर हैं सब तुले हुए,
लेकिन खरोद हो जो अलागढ़ के भाव से।
यह सीधा आक्रमण अलागढ़ के ऊपर है।
दूसरे शेर सुनिये—

सैयद उठो जो गजट ले के तो लाखों लाये
और शेख कुरान दिखाता फिरा, घेला न मिला
इसके साथ ही आगे लिखा है—

कल्ल से बच्चों के वो बदनाम न होते,
अफ़सोस कि फ़रऊन को, कालेज की न मूझी।

मैं दसियों इस प्रकार के उद्धरण आपको दे सकता हूँ। तो इन कठिनाइयों के अन्दर यह आवश्यक था कि जो रुपरेखा और रुढ़ियाँ मुसलमानों के मस्तिष्क में जमी हुई थीं उन रुढ़ियों का पालन भी इस संस्था में किया जाता वह चंचल चलती रही। जो बात यह कहते हैं कि वहाँ साम्प्रदायिक वातावरण रहा, मैं इन सब चीजों को देखते हुए उस वातावरण को क्षम्य मानता हूँ। जो बात राष्ट्रवादी संघर्ष में भाग लेने वाली हमारे सम्भला साहब और शमीम साहब ने कही, न जाने कितनी रिसर्च के बाद यह कुछ नाम उन के दिमाग में आये होंगे। मैं कहता हूँ कि :

बुलबुल मैं जानता हूँ जो है तेरो हकीकत
एकमुश्त उस्तखा पर दो पर लगे हुए हैं।

क्योंकि मैं वही का रहने वाला हूँ इस लिये मैं सारी की सारी स्थिति को जानता हूँ। इस लिये मुझे कहने की आवश्यकता नहीं है कि वहाँ पर साम्प्रदायिकता है अथवा नहीं। मैं तो यह कहना चाहता हूँ कि उस साम्प्रदायिक स्वरूप को बदलने की आवश्यकता है इस स्वतंत्र भारत में। नहीं तो क्या कारण था कि डा० जाकिर हुसेन संग आ कर उस संस्था को छोड़कर चले गये? (छब्रधान) इस स्थिति के ऊपर एक पत्र श्री अली यावर जंग ने उस समय के शिक्षा मंत्र श्री चागला को लिखा था। वह पत्र मैंने पढ़ा है, और उस में आप देख सकते हैं कि क्या क्या कठिनाइयाँ थीं जिन के कारण से जो काम वह करना चाहते थे वह नहीं हुआ। मैं इस बात को बढ़ाना नहीं चाहता।

मैं कहना चाहता हूँ कि सरकार का महान उद्देश्य और पवित्र उद्देश्य, जिस के आधार पर देश प्रगति कर सकता है, भावनात्मक एकता

[श्री शिव कुमार शास्त्री]

है। वह भावनात्मक एकता सरकार के प्रयास से नहीं होगी, बल्कि मस्तिष्क बनाने का काम युवकों और बच्चों का, जो शिक्षण संस्थायें होतां हैं वह किया करती हैं। वहां भावनात्मक एकता बन सकती है, किसी दूसरे स्थान पर नहीं। यह दुर्भाग्य है हमारे देश का कि जब एक व्यक्ति दूसरे से मिलता है हिन्दुओं में तो वह यह देखता है कि यह ब्राह्मण है, ठाकुर है, बनिया है या हरिजन है। यह बात उसके मस्तिष्क में नहीं आती कि मैं अपने भाई से मिल रहा हूँ, मैं एक भारतीय से मिल रहा हूँ। यदि कोई राजनीतिक क्षेत्र में काम करता है तो वह देखता है कि यह उत्तर भारत का है या दक्षिण भारत का। अगर आप उस से भी आगे जायेंगे तो वह यह देखता है कि यह हिन्दू है या मुसलमान है या ईसाई है या फिर किसी दूसरे सम्प्रदाय का मानने वाला है। वास्तव में जो हमारा लक्ष्य है उस के अनुसार यह सब बातें माननी चाहिये और एक ही दृष्टिकोण होना चाहिये कि भारत हमारी माता है, हम सब इस के पुत्र हैं। यदि मेरे और मेरे भाई के विचारों में भेद है तो समझा बुझा कर एक दूसरे के अनुकूल बनाये, यह एक नया परिवर्तन होना चाहिये और यह काम शिक्षण संस्थाओं के द्वारा ही हो सकता है, वह सरकार के प्रयत्नों से नहीं हो सकता।

सरकार के यह चार विश्वविद्यालय इसी के प्रतीक होने चाहिये और यहां पर इस प्रकार की शिक्षा दी जाये जो इस विचार-धारा को सामने रखे। अगर यह बात हों तो फिर दूसरे कलेज भी उन का अनुकरण करेंगे। लेकिन यहां जो बात अधिक विशेषता रखती है वह यह कि जो सरकार का लक्ष्य है वह सारे का सारा अधूरा रह जाता है। इस में मेरा यह अभिप्राय नहीं कि वहां किसी शोध का काम न हो। ऊंचे से ऊंचा धार्मिक अनुसंधान कार्य, भाषा में अनुसंधान कार्य होना चाहिये, जैसा अपने भाषण में प्रो० नूरुल हसन साहब ने संस्कृत के अध्ययन के बारे में कहा। वह सब कुछ होना चाहिये। पर मैं एक सुझाव देना चाहता

हूँ कि उन में जो दृढ़ विचार-धारा है वह आप के केन्द्रीय विश्वविद्यालयों में विशेष रूप से सुरक्षित होनी चाहिये और वह प्रतीकस्वरूप दूसरे विश्वविद्यालयों में जानी चाहिये।

संकोर्णतायें सब जगह हैं। हिन्दुओं में भी हैं और मुसलमानों में भी हैं। मुझ को काश्मीर की एक बार की बात याद आती है। मैं खूइरट्टा से कोटली जो अब पाकिस्तान के हिस्से में हैं, जा रहा था। रास्ते में पैदल का सफर था। एक मुसलमान बुढ़िया मुझे मिली जो मुझ से पूछ रही थी कि पानों का चश्मा कितनी दूर है। मेरे पास पानी की बोतल थी। मैंने कहा माताजी अगर आप को प्यास लगी है तो मेरे पास पानी है। वह मेरी धोती को देख कर कहने लगी कि तू कोई हिन्दू मालूम पड़ता है। मैंने कहा कि हूँ। उसने कहा कि चूँकि तुम हिन्दू हो इस लिये मैं तुम्हारा पानी नहीं पिउंगी।

श्री इसहाक सम्यली : बिल्कुल गलत है, यह झूठ है। मुसलमान कभी इन्कार नहीं करता। हिन्दू मुसलमान की दुकान से नहीं खरीदता, लेकिन मुसलमान जानते हुए भी हिन्दू की दुकान से खरीदता है।

شری اسحاق سمیہلی : — بالکل غلط ہے، یہ جھوٹ ہے۔ مسلمان کبھی انکار نہیں کرتا۔ ہندو مسلمان کی دوکان سے نہیں خریدتا لیکن مسلمان جانتے ہوئے بھی ہندو کی دوکان سے خریدتا ہے۔

श्री शिव कुमार शास्त्री : इसी तरह की साम्प्रदायिक बातें हिन्दुओं में भी हैं, वह भी इसी प्रकार की बातें करते हैं।

श्री एस० ए० शमीम : धोती ठोक से नहीं बांधी होगी इस लिये कहा होगा।

श्री शिव कुमार शास्त्री : मैं आप से कहना चाहता हूँ कि इस में परिवर्तन की आवश्यकता है। हिन्दुओं में भी, हिन्दुओं के स्मृति शास्त्रों में भी इस प्रकार की बात है कि :

नवदेत् यावनीम् भाषाम्,
प्राणैः कथं गतेरिव

अर्थात् चाहे प्राण कंठ में आ जायें, लेकिन यवनों की भाषा, फ़ारसी और अरबी, न बोलें—और अपने घर में भी, दूसरी जगह नहीं। "हस्तिना ताड्यमानो पि न गच्छेत् जैनमन्दिरम्" अर्थात् चाहे हाथी ठोकर मारे, फिर भी जैनियों के मंदिर में न जायें। (ब्यवधान)

श्री इस्हाक सम्मली : यह बिल्कुल गलत बात है। यह बिल्कुल बर्दाश्त नहीं होगा। यह पूरा कम्प्युनिटी... (ब्यवधान)

شوری استحقاق سنہیلی : یہ بالکل غلط بات ہے۔ یہ بالکل برداشت نہیں ہوگا۔ یہ پوری کمیونٹی... (بہودھمان)

श्री शिव कुमार शास्त्री : इस प्रकार का बात हमारे यहां लिखी है। (ब्यवधान)

SHRI S. M. BANERJEE (Kanpur) : I rise on a point of order... (Interruptions)

MR. DEPUTY-SPEAKER : Order, Order, I will hear your point of order.

Mr. Shastri, there might be odd individuals here and there. Why bring in here controversial things while speaking on this Bill? I would request you to confine yourself to the Bill. There might be odd individuals here and there. Don't bring in here such things.

SHRI S. M. BANERJEE : On a point of order, Sir.

My point of order is this. When Shri Shamim was speaking, I heard you to observe that he was not delivering a relevant speech. The speech that he is delivering is not relevant to the Bill. He is talking about Muslims and all that. This is a speech of an Arya Samaji and nothing else. These are the persons who create communalism. (Interruptions) These are the people who are creating communal riots. (Interruptions)

MR. DEPUTY-SPEAKER : Order, order. Let me deal with the point of order. If all Members were to kindly cooperate in being relevant, nobody will be happier than the person sitting in the Chair. But there are degrees of relevancy or irrelevancy. Where an irrelevancy provokes a furore in the House, then I have got to intervene.

श्री फूलचन्द वर्मा : उपाध्यक्ष महोदय, "आर्य समाजो" शब्द एक्सपंज करा दीजिए। (ब्यवधान)

श्री एस० एम० बनर्जी : वह आर्य समाजी है और साम्प्रदायिक कम्प्युनलिस्ट, भी है। (ब्यवधान)

MR. DEPUTY-SPEAKER : Mr. Shastri, what you say is not relevant to the Bill. Don't proceed with that; confine yourself to the Bill.

श्री शिव कुमार शास्त्री : मैं अपनी बात को समाप्ति की ओर ले जाता हुआ निवेदन कर रहा था कि नये भारत के स्वरूप को बनाने के लिए हमें क्या प्रयत्न करना चाहिए।

मैं थोड़ा सा बात अलागढ़ को जनता के विषय में निवेदन करना चाहता हूँ। बात बिल्कुल छोटा सा है। कहा जाता है कि गजेन्द्रगडकर समिति का सिफारिश यह है कि यह आवासीय विश्वविद्यालय रहे और इस के साथ कालेज संबंध न किये जायें। लेकिन कल मंत्री महोदय ने अपने भाषण में कहा था कि हिन्दू विश्वविद्यालय, बाराणसि, को केवल चार कालेजों से संबद्ध करने की अनुमति दी गई है। मैं उन से प्रार्थना करना चाहता हूँ कि अलागढ़ में दो कालेजों को ही अनुमति दे दी जाय। अगर वह दो कालेजों को अनुमति दे देते हैं, तो इस समय जो रोष और असंतोष है, वह सारे का सारा दूर हो जायेगा। ऐसा करने से कोई आफ़त तो नहीं आ जायेगी।

शायद ही कोई ऐसा विश्वविद्यालय हो, जिस में हाई स्कूल को पराक्षा भा उसी को अपना लां जाती हो। अलागढ़ में ऐसा हीता है और उस से अनेक प्रकार की शिकायतें पैदा होती हैं। मंत्री महोदय वहां हाई स्कूल की परीक्षाएँ बोर्ड की करवा दें।

अगर मंत्री महोदय में दो बातें स्वीकार कर लेते हैं, तो वहां का सारा रोष और असंतोष समाप्त हो जायेगा।

इन शब्दों के साथ मैं आप का धन्यवाद करता हूँ।

SHRI H. N. MUKERJEE (Calcutta-North-East): I am grateful for your generosity in permitting me to participate in this important discussion.

I have heard with much interest the speeches made by the members of this House, especially the two Ministers of the Government, my young friends, the Minister for Education, whom I have known since he was that high and the Minister of State for Home Affairs, and I felt I could agree with a great deal of what they had said. But I felt at the same time that it was exactly on account of the importance of the subject under discussion, it was exactly on account of the kind of emotion which has been evoked by this measure being placed before the House in the manner that it has been, that the request for a reference to a Select Committee, either of this House or a Joint Committee, was one which Government, in all propriety, should have accepted.

I say this because when I agree almost with everything that there is in this Bill, I would not like Parliament to divest itself of its jurisdiction in so far as the desirability of going through the Gajendra-gadkar Committee's report is concerned. It is good that the report submitted by an eminent academic committee has been accepted nearly wholesale by Government, but, even so, we are dealing not merely with academic matters; everything in this country, whether in the academics or elsewhere, is mixed up with larger national issues. Even though we may have no eminence in academic matters, we have to bring to bear on the academic discussion a certain sense of proportion, a certain sense of national understanding, which an exclusively academic committee is not always able to muster. That is why, while it is a good thing that the Gajendra-gadkar Committee has been supported, so to speak, by this Government measure, it would have been very much better if this House through its committee or through the process of a longer discussion,—when so many issues have been raised—had an opportunity of going into the essentials of the position that is placed before us.

We have had a variety of speeches to which I am tempted to make a little reference, and I should perhaps say at his point of time that, when my friend, Shri Samar Guha, was speaking, I had a feeling that it was a very simplistic proposition he was trying to put forward even though he was bringing in a great deal of

historic material in support of his contention. What he proposed, what it really boiled down to, what that if you deleted the word 'Muslim' from the title of this measure and from the banner of the University in Aligarh and if you did likewise in the case of Banaras, then everything would be lovely in the garden. Sir, this is a simplistic formulation I would not say that there is guile behind what obviously appears to be simplicity; but nothing is so simple as that; everything is complicated. If it was that simple, the declaration in our Constitution that untouchability stands abolished, a sublime declaration, that intention would have been sufficient and we would have been spared the spectacle of so many discussions in regard to the grievances of the Scheduled Castes and Scheduled Tribes and allied matters. Therefore, what is necessary is a new temper in this country which would make it unnecessary . . .

SHRI SAMAR GUHA : My learned Professor misses that simplicity also means fundamental motivation; it is a question of fundamental motivation behind that.

SHRI H. N. MUKERJEE : May be, it is a fundamental motivation with which I am in complete agreement. But we live in work-a-day world that fundamental motivations, however ardently held, not lead to results.

The same kind of feeling I had when I listened to my friend, Mr. Jagannathrao Joshi, who propounded the idea which was so apparently unexceptionable that a University suggests universality.

“यत्र विश्वं भवन्येक नीडं ।”

“where the world become a single nest”. That was the vedic motto with which Viswa Bharati was founded. He talked of a University embracing everybody and all that sort of thing. It is a wonderful formulation. But we live in a work-a-day world, an objective and concrete world which we cannot change the way we want by merely wishing it to be changed and that is why, Sir, we find in all Hindu formulations such wonderful sublime concepts like Brahma and Jiva being the same and that sort of thing.

श्लोकाद्यंतं प्रवक्ष्यामि यदुक्तं ग्रन्थकोटिभिः
ब्रह्म सत्यं जगत् मिथ्या जीवो ब्रह्मेति
नापरः ॥

Jeeva and *Brahma* are the same and yet after this kind of formulation, inequality and all sorts of social injustices go on. *Varnashram* is sought to be equated with social justice. *Hindutva* is sought to be equated with humanism. All that goes along with sublime formulations about the soul being such that the human soul and the soul of the universe is identical in operation.

These fundamental formulations, howsoever wonderful they may sound, would lead us a world no where. That is why I say, Sir, let us not be idealistically affected by this sort of thing. As Karl Marx had said, history is a cruel goddess whose chariot goes ahead, and unless we know the path in which that chariot is moving, we shall be crushed and our skulls would remain as evidence of our lack of knowledge with regard to the social process. Try to understand the social process. Try to deal with the social process objectively and that is the thing we have to keep in mind.

I cannot go on with this theme. But I was telling all these things because these questions were brought up in the course of the discussion. Aligarh has a special character. Aligarh like every other place has had a dialectical process of development, contradictions often emerging in its career. There is no need to go back to the old days. Aligarh produced at one time a lot of communalism. Aligarh produced at the same time that wonderful band of leaders among whom I must name at least two, the great Maulana Muhammad Ali and Shaikat Ali who might have committed mistakes later on but they led the freedom movement and their banner was carried by other people who followed later on. They came forward to start the *Jamia Milia* in 1920. They came forward to break the old Aligarh University which was very much influenced by the obscurantist ideas of people who had made their peace with the British imperialist power. They wanted to make Aligarh something very different and that is why we got men like Zakir Husain and Rafi Ahmed Kidwai who at a later date tried to do something in regard to Aligarh. That is the image of Aligarh, not merely an image of obscurantist adherence to theological disputation. The image of Aligarh is not that only Muslim discussions took place. The image of Aligarh is that of a really and truly cultured community which would try and imbibe all the best in life. My first acquaintance with Aligarh was when I came to Banaras as a student

of Presidency College, Calcutta to take part in an Inter-University debate and I discovered that the politest people had come from the Aligarh University. From that time onwards Aligarh evokes in my mind a special quality, because Muslim culture upholds certain values, there is a feeling for life, there is a feeling for the equality of man. That is why Islam to-day has adapted itself to the winds of change all over the world from Algeria to the Pacific. We find new winds blowing. To these new winds if Islam to-day does not adapt itself and tries to hide its head in the sand because of the obscurantism of certain medieval minded people, they would have to pay the price which the chariot of history going across and history being a cruel goddess would extract from them. That is why those who have cared for Banaras, those who have cared for Aligarh have to remember these things and it is no good saying, let us try to bring about a proper atmosphere.

Our friend, Shri Shivkumar Shastri was interrupted, by some one who said he was an 'Arya Samaji' whether Arya Samaji for no everybody has a right to speak in this House. But they must contribute to the totality of this country's advance. They must say something which would help our going forward. This is the 700th year of the birth of Amir Khusru a man who calls himself Dehlavi, a man who coined the word 'Hindustani', who was the first encyclopedist of this country, who was a great musician, who was a composer, who was a poet, who was a writer, who was a statesman, a man who embodied in himself the synthesis of Hindu and Muslim culture.

This is the country of Kabir who has seen even in his times how Hindus and Muslims were fighting each other.

अरे इन दुह राह न दाई ।
हिन्दू की हिन्दूवाई देखी तुरुकन् कं ।
तुरुकाई ।

These are the twin evils to which our people have been accustomed; they have tried to fight it; but they have not succeeded so far. This is why even today we have to fight. That is why we have to fight the inferiority complex of men like Ibrahim Sulaiman Sait who was speaking a little while ago. If I were a Mussalman, I would feel proud of my contribution to the culture of this country. I would feel

[Shri H. N. Mukerjee]

proud to have had given India men like Hazrat Nizamuddin Aulia, one of whose successors in his shrine used to say :

हिन्दूस्तान के दो पैगंबर राम और कृष्ण ।

That was the kind of effulgent demonstration of the tolerance which is behind the truth, which is there in all kinds of sublime sentiments. If I were a Mussalman, I would repeat what I have said before in this House, which was said at a meeting in Calcutta in 1941 by a Muslim leader who wanted partition at that time. He said: When a Hindu dies, his body is burnt and his ashes are thrown into the river to be carried by the current, God knows where. When a Muslim dies, he wants six feet by three feet of Indian soil. He belongs to this country in life and in death. That would be the attitude of the Mussalman in India. He should feel that he has made his contribution and a great one, to the life of India.

16 hrs.

We have a culture which is a synthesis. There is no doubt about this. This synthesis is the biggest thing in so far as our life is concerned.

I am sorry I am getting into these details; but I am provoked by certain of the observations which have been made. But I feel that we have to preserve not the minority character but the national character of Aligarh and of Banaras. If they want to keep the minority character, they are welcome to go and subscribe and have a different foundation and I am not going to enter into a footling little legislastic discussion as to what was the agreement with the British Indian Government in relation to those gentlemen who supplied some funds for the establishment of the Muslim Educational Society or whatever else might have been the progenitor of Aligarh Muslim University. If you want a minority institution, go ahead with it. You are at liberty to have your own institution, but this is a national institution where the priority in emphasis is on Muslim culture, in so far as it has made its contribution, its specific creative contribution, to the development of composite Indian culture. Similarly in Benaras and other places, I would want special studies to be conducted, because the atmosphere is conducive.

I was born a Hindu and I know the Hindu roots of Indian culture are important. I cannot deny them, even though I am a marxist—I claim to be a marxist, perhaps I am not a good enough marxist, I cannot deny the soil on which I stand. I belong where I belong.

It was no good listening to Shri Jagannathrao Joshi who, the other day talked about *Hinduwa* and other things. Now he is talking about *Manataloa* which is a good stick to beat the Aligarh Muslim University with. But, if we have to stand on the foundations where we belong, we have to know our past, our own culture and the legacy of our ancestors. Our legacy is so terribly heavy. It is dangerous to be an heir to 4,000 years of civilisation. That is why we confront the complicated problems of modern India. That is why we have to try and understand where we stand. It is no good making twenty-first century speeches in Parliament and having to go back to areas where Maharaja Mandhatta might still be the ruler, because from the look of things, nothing appears to have happened many arts of this country since 4,000 years ago. That is why we have to come to terms with the modern world. That is why Aligarh Muslim University, like the Benaras Hindu University, has to be put on the right rails. That is why the Bill has to be considered properly. That is why I say Government refusing a select committee has been wrong; it has been perverse.

The Prime Minister accidentally is present here on this occasion. She should give her guidance to the Education Minister. She should give a directive even at this late hour. And, the heavens would not fall if a reference is made to a Joint Select Committee or a select committee or whatever it is. This Parliament must consider the Gajendragadkar Committee report properly and see what changes are necessary. It would not require too much time for it. The Committee can easily finish its labours, they can report on the first day of the next session of Parliament. And before the 15th August, you can easily have this Bill passed, and no celebration would be prejudiced by this delay. If there is any answer to this argument for a slight delay in the passage of this Bill, I would like to listen to the Minister, but as far as I am concerned, there is no answer. Government should agree to reference of this Bill to a Joint Committee or a Select Committee, whichever they like.

श्री ज्ञानेश्वर प्रसाद यादव : (कटिहार)
उपाध्यक्ष महोदय, मेरा पहला संशोधन था कि
अलीगढ़ मुस्लिम विश्वविद्यालय (संशोधन)
विधेयक को जनमत जानने के लिए प्रसा-
रित किया जाय।

MR. DEPUTY-SPEAKER : We have
not come to that stage yet.

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(PROF. S. NURUL HASAN) : I am
extremely grateful to many hon.
Members for the support that they have
given to this Bill in principle. I am par-
ticularly grateful to my hon. friend who has
contributed so much to the development of
my own thought; I am referring to Prof.
Mukerjee; he has come to my rescue and
given all the arguments which I would
have had to give.

SHRI S. A. SHAMIM: He should
be in the hon. Minister's place and the
hon. Minister should be in his place.

PROF. S. NURUL HASAN: The
most important point that has been raised
is : why not refer the Bill to a Joint Com-
mittee or a Select Committee? I shall try
to convince you why we have, after due
consideration, decided not to refer this
Bill to a Select Committee. First of all, in
this House, you must have heard that no
points of view are so different that no
Select Committee can ever come to an
agreed conclusion.

SHRI S. M. BANERJEE : That is
the reason why it should be sent.

PROF. S. NURUL HASAN : These
are fundamental issues, issues on which an
agreement does not seem to be possible at
all.

Secondly, the Gajendragadkar Com-
mittee report, as I ventured to point out
earlier, was placed before this House
some months ago, practically six months
ago, and it was stated by my predecessor
that Government accepted it. If any
hon. Member wished to move for its
consideration in the House, he could have
easily done so. I am not challenging or
denying the authority of this House to
consider any academic report, whether it
be the Gajendragadkar Committee re-
port or the Kothari Commission's report
or any other. After all, the ultimate res-
ponsibility to the Indian people rests with
their duly elected representatives, and the
democratic principle implies the control

over every aspect of the life of the people
including academic life, by the elected re-
presentatives of the people. Therefore,
democratisation also means the power of
the elected representatives of the people
to review the functioning of any academic
institution, but it is the wisdom of this
Parliament, and in my opinion, a correct
decision on the part of this Parliament,
that academic institutions should be given
autonomy in academic matters and that
there is no dichotomy between the two,
between the right and authority and in fact
the duty of Parliament to the people of
India and at the same time, the desire of
Parliament to ensure the academic auto-
nomy of the educational institutions and
research institutions, because without an
atmosphere of freedom and liberty, our
knowledge will not prosper and research
and creativity will not go forward. There-
fore, I would submit that I am not ques-
tioning the right of Parliament. I am asser-
ting it, but I am saying that in its wisdom,
Parliament has given a great deal of res-
ponsibility to the University Grants Com-
mission. The University Grants Commis-
sion appointed an expert body which
came to a consensus and this consensus is
represented in this Gajendragadkar Com-
mittee report which has been before the
House.

My third point is that if hon. member
will apply their minds to the Bill in ac-
cordance with the Gajendragadkar Com-
mittee's report, they will find that it leaves
a great deal of autonomy with the Uni-
versity, a great deal of flexibility. Only
few of the clauses of the Act are being
amended. The bulk are the statutes and
even if at anytime the Executive council
of the University were to feel that in ac-
ademic interest or in the interest of the
University any particular statute needs to
be amended, they have only to propose
the amendment and if Government also
agree, then the statute can be amended.
Therefore, if you pass this Bill in its pre-
sent form, it does not mean that no chan-
ges even when considered necessary for the
academic development of the institution
can be brought about. This elasticity, flexi-
bility, is the result of present-day acade-
mic thinking not only here but in many
other parts of the world.

I have very little time in which to
attempt a point-wise answer to the points
raised. But I think it would be necessary
to make a few points of explanation. It
was asked why was there the need of a
centre of West Asia studies. The hon.

[Shri S. M. Banerjee]

member would perhaps be interested to know that the UGC has a scheme of area studies. It is felt that in view of the growing contacts of our country with different parts of the world, it is necessary to develop expertise in different areas of the world. Under this programme of area studies, a special committee of the UGC has selected certain universities to specialise in economic, political, social and historical developments taking place in different parts of the world. This committee of the UGC has chosen Aligarh along with two other universities to specialise in West Asia studies. It is an inter-departmental, inter-disciplinary programme under the auspices of the Centre of West Asian Studies.

I would also like to clear a confusion in the mind of the hon. member of the D.M.K. He did not want students to be given representation in the Academic Council. In fact, there is no representation for students in the Council. But I was a little surprised when he made the statement that the trade unions had nothing to do with Universities. I hope there are enough hon. members of this House who realise that labour has to play a very important part in the development of higher education.

The question of affiliation has been raised by several members and I think it has been effectively answered. Therefore, I will not take time on that. The point is that till now Aligarh has not had any institution affiliated to it. Therefore it is decided that in future also it should not have. Before 1966 Banaras Hindu University had 4 affiliated institutions. In 1966, Parliament decided that Banaras would not affiliate any other institution. It could not, for obvious reasons, pass a law that these institutions which are affiliated should be disaffiliated because that would have led to a number of difficulties.

Then there should be a clear understanding of the difference between an institution established by the University and maintained by it and an institution which is managed by a private authority and which is only affiliated to the University. In fact, the technical term used in the former Act was 'admitted to the privileges of the University' and the other was 'an institution maintained by the University'.

I was a little surprised. In fact, it should not have been surprised, and in fact, I should have expected it, when the hon. Member from the Congress organisation pleaded for the representation of donors on the court of the university. We rightly or wrongly, have now pledged ourselves to move towards socialism.

श्री फूलचन्द वर्मा : उपाध्यक्ष महोदय, मेरा प्वाइंट आफ आर्डर है माननीय मंत्री जो जबाब दे रहे हैं और इसी समय सदन में फिर से अमेंडमेंट्स दिये जा रहे हैं।

MR. DEPUTY-SPEAKER: It is not a point of order. I will deal with it. The Minister is replying to the main debate. When this particular amendment, comes, at that time, perhaps there may be something which I shall deal with at that time.

श्री फूलचन्द वर्मा : उपाध्यक्ष महोदय, हमें पढ़ने को समय नहीं मिलता है। बिना पढ़े हम कैसे बोल सकते हैं। . . . (व्यवधान)

MR. DEPUTY-SPEAKER: Order please. I have given my ruling. When this particular amendment comes, at that time, you raise this point. I am not ruling it out.

SHRI S. A. SHAMIM: I would only like to be assured that this is the last amendment. (Interruption).

MR. DEPUTY-SPEAKER: Will somebody explain to the hon. Member what I said? Perhaps he could not follow me.

श्री फूलचन्द वर्मा : आप हमसे कानून का पालन करने के लिये कहते हैं, आप स्वयं उसका पालन नहीं करते हैं। कम से कम आप हमें विश्वास दिलायें कि भविष्य में ऐसा नहीं होगा।

MR. DEPUTY-SPEAKER: Unfortunately, I cannot convey to the hon. Member in the language that he would readily understand.

PROF S. NURUL HASAN : Sir, I was referring to the question of the representation of donors. This Government, and I beg to submit that the country as such, stand pledged to socialism. We can-

not give any extraordinary authority to men of property, only on the ground that at one stage or the other they were philanthropic in their outlook.

AN HON. MEMBER : Except for the elections.

PROF. S. NURUL HASAN: It was also asked why the Visitor has been given the power to disallow amendments to the statute. Among other things, so far as the expenditure of the university is concerned, it being a Central university, it is the responsibility of the University Grants Commission to pay 100 per cent deficit grants to the University. Now, if the University were to establish a new department or to establish a new centre without first consulting the University Grants Commission and finding out whether funds were available or not, then it can lead to a very serious and difficult situation. Therefore, the Visitor has been given the right to disallow a statute framed by the executive council.

I want to deal rather briefly with the point which my hon. friend Shri Samar Guha made. After what Prof. Hiren Mukherjee said, it was not perhaps necessary for me to do so. I entirely agree with him that this university has, and should have a national, and not a minority, nor theocratic character. There is no intention at this stage, nor was the intention at any stage in the past, to give it a theocratic character. It has a historical character which had been explained in my introductory speech. All universities over a course of time acquire certain characteristics and features and certain peculiarities of their own, certain traditions and so on. Some of these traditions are very good traditions and must be honoured. Occasionally there are some traditions which are backward looking, traditions which cease to have any validity in the changing circumstances and these traditions should be given up. The Aligarh Muslim University, like any other educational institution, has had to face two types of attitudes, reactionary attitude and progressive attitude. I am happy that in Aligarh, the struggle inside the university against reactionary ideology has been far more vigorous than in many other institutions and it should be our duty to assist the forces of enlightenment and assist those forces which lead to further growth and development of progressive ideas, of scientific outlook and which

desire to serve the common people and the masses of this country so that they may move forward.

16.22 hrs.

[MR. SPEAKER *in the Chair*]

Event today, barely three per cent of our youth has the honour or privilege of going to any institution of higher learning. The bulk of the people, 97 per cent, are denied this opportunity. It is therefore the duty of the teachers and students of every university and college to repay this debt to the masses of India who in the last resort are financing higher academic activity in the country. Aligarh as a central university has a special responsibility. The per capita expenditure on Aligarh is higher than the per capita expenditure in many of the State Universities. Therefore, Aligarh, like all the other central universities has to be a pace setter in making contribution to knowledge in the service of the people of India.

Reference has been made to the interests of Muslims. I belong to a Muslim family. I do not have any complex; I have no hesitation and I can attack Muslim communalism and I can attack Hindu communalism also. I should like to make a submission to you, that most of the Muslims will move forward educationally and in other things only when the rest of the country moves forward. It is the duty of this Government and it has pledged to do so. I am very happy that the Prime Minister is here; in all her election speeches she has gone out of her way to assert that her party and her Government would do everything that lies in its power to work for the advancement of the most deprived sections of our population, irrespective of the caste or community to which they belong. Unless this general development takes place, I am afraid that discrimination which is seen at some places against the weaker sections of the community, be they Muslims somewhere, be they untouchables in other places, be they the Scheduled Tribes, be they the members of the other communities, that discrimination, that moving away from the spirit of national integration, that will continue and therefore, let us diagnose the malady. The struggle has to be waged. It has to be waged on the socio-economic front. It has also to be waged in the front of education and the entire educational system has to be changed and modified so that none remain backward and none suffer.

[Prof. S. Nurul Hasan]

Sir, my hon. friend Shri Ebrahim Sulaiman Sait talked of funeral oration. I have the honour to make a statement before this House that this Bill will contribute appreciably to the growth and development of the Aligarh Muslim University and not to its demise. I hope that this Bill will enable those persons who are enlightened, those persons who are struggling for a more progressive order in the country to play a more effective part in the affairs of the university so that this university moves forward, so that it cannot be brought down by the passivity in the action of the reactionaries and obscurists. These are there in the preamble. In Section IV and in Section V. These have not been altered. No proposal has been made by the Government to alter either the preamble or Section IV or Section V and therefore this is what has been sought to be created in the minds of the minority for political purposes and not for the purpose of saving the academic life of the university.

I am surprised that it was said that Gajendragadkar Committee Report made no specific reference to Aligarh. Permit me to quote a few sentences :

'The Aligarh Muslim University has over the years made a notable contribution in the education of Muslims and has contributed to the study of Muslim culture and philosophy as one of its prominent academic activities and the academic work, writings and speeches of its scholars have consistently emphasized the fact that Indian culture is composite in character and to the nourishment of this composite culture. Muslims have made a significant contribution.

After referring to the Banaras Hindu University, it says, these two universities are national institutions and must always remain as such.

Reference was made to the late Prime Minister Pandit Jawaharlal Nehru. The hon. Member might recall that soon after independence, during the time of the Primeministership of Pandit Jawaharlal Nehru and of the Education Minister Maulana Abdul Kalam Azad a proposal was made to both these universities—Aligarh and Banaras—that their names might be changed. Aligarh University agreed to change the name. Banaras Hindu University did not. Therefore, Pandit Nehru dropped the proposal.

A reference was made to the Congress Manifesto of 1971. The Government is following the manifesto of 1971 and has not departed from it. It does not refer to the Aligarh Muslim University. It refers to educational institutions which have been established and administered by minorities, whether based on religion or in accordance with article 30(1). It was also stated that the Executive Council has 8 representatives of the Visitor. I am afraid something has gone wrong with the arithmetic somewhere. I remember having put only 4 nominees of the Visitor. But I would explain the difference between representatives and nominees. A nominee is not a representative of the Visitor. A nominee is a person distinguished in academic life, who has been nominated by the Visitor and who does not act at the behest of the Visitor. It has been the tradition of all Education Ministers never to interfere with the absolute independence of their nominees. In fact, persons of academic eminence who have been nominated by the Visitor all along would not have agreed to serve on the Executive Council or the court or the selection committee of any university if they had been told that they have to act in accordance with the wishes of the Minister of Education.

Shri Shiv Kumar Shastri made a speech to which it is best that I should not refer. We both belong to the same town—Aligarh—and we can have a private debate among ourselves. Perhaps in the next election also he and I will both have the occasion of working on two opposite sides. But for his information, I may add that for a very long time, B. H. U. conducted admission test which was the equivalent of a high school examination. Therefore, Aligarh continuing to have the high school examination is not doing anything which is very unusual. In fact, we are thinking of taking rather seriously the views expressed by the Education Commission that you cannot really artificially divide education everywhere by stages. There has to be some unity, some integrity, some innovation, some capacity to involve university professors and readers with the lower levels of education. I had the occasion to visit the Tata Institute of Fundamental Research, a place where there are hardly any students except some who are taken on a voluntary basis by some of the scientists. I found many of these distinguished scientists being involved with

school education in the municipal schools of Bombay. Therefore, if Aligarh is maintaining high schools and is attempting to experiment with new ideas of school education, there is no impropriety involved in this at all.

With these words, I move the Bill having offered my apology for sending cart-loads of amendments. These amendments have been sent because I have made myself accessible not only to hon. members of this House and the other House but also to the delegations of students and teachers of Aligarh and other universities. In the light of whatever important suggestions they gave, in order to satisfy them, I have ventured to bring forward these amendments.

SHRI H. N. MUKERJEE : The Minister has made a rather dangerous formulation when countering the unanimous opposition amendments for referring the Bill to a select committee or joint committee. He says, because there are fundamental differences, this reference need not take place. That goes right against the grain of parliamentary activity. I know I have my differences with Shri Jagannath Rao Joshi and he would give a different note of dissent from the one I may have to give and that sort of thing. But it is the essence of parliamentary life that you get this. In order to avoid notes of dissent, or whatever it is, he says, we do not want to refer it to a select committee. That smacks of germinating authoritarianism in parliamentary democracy.

MR. SPEAKER: I will now put the question. . . .

SHRI H. N. MUKERJEE: Sir, I want a clarification from the Minister. He said in his own words "I have replied to the debate", but he does not even give an answer to that point. Sir, I ask for a clarification. You, Sir, as the guardian of parliamentary affairs and proprieties should say something about it, if you feel like that. Otherwise, you have to say that there is no point in what I have said. You have to say something.

MR. SPEAKER: Why do you frown upon me also?

SHRI H. N. MUKERJEE: As you are in the chair, you represent the whole House. It is becoming a little difficult nowadays.

PROF. S. NURUL HASAN: I have given the arguments the day when it was introduced. I gave this argument when I moved for consideration of the Bill. I thought I will not repeat the points which I have already made. I am quite prepared to repeat all the points, if it is so desired.

SHRI H. N. MUKERJEE: In a parliament with an opposition you should be pleased to give a ruling on points like this.

MR. SPEAKER: There are a few amendments to the motion for consideration, either for circulation or reference to a Select Committee or Joint Committee. I will have to dispose of them first. The first one is Amendment No. 1 by Shri G. P. Yadav for circulation to elicit public opinion. I will put it to the vote.

Amendment No. 1 was put and negatived.

MR. SPEAKER: I will now put to the vote amendment No. 2 by Dr. Laxminarayan Pandeya for reference to the Select Committee.

Amendment No. 2 was put and negatived.

MR. SPEAKER: I will now put Amendment No. 3, moved by Shri Phool Chand Verma to the vote of the House.

The question is :

"That the Bill further to amend the Aligarh Muslim University Act, 1970, be referred to a Select Committee consisting of 11 Members, namely: Shri R. V. Bade, Shri Bhagirath Bhanwar, Shri Iswar Chaudhary, Shri M. C. Daga, Prof. S. Nurul Hasan, Shri Prasannbhai Mehta, Dr. Laxminarayan Pandeya, Shri Dhan Shah Pradhan, Shri Shiv Kumar Shashtri, Shri Rana Bahadur Singh; and Shri G.P. Yadav with instructions to report by the first day of the next session. (3).

The Lok Sabha divided

AYES

Division No. 21]

[16.44 hrs.

Bade, Shri R.V.
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Bhagirath Bhanwar, Shri
Bhattacharyya, Shri Jagadish
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.

Chandra Shekhar Singh, Shri
 Chandrappan, Shir C. K.
 Chowhan, Shri Bharat Singh
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Dandapani Shri C. T.
 Giri, Shri S. B.
 Guha, Shri Samar
 Gupta, Shri Indrajit
 Haldar, Shri Madhuryya
 Hazra, Shri Manoranjan
 Jha, Shri Bhogendra
 Jaorder, Shri Dinesh
 Joshi, Shri Jagannatharao
 Kathamuthu, Shri M.
 Madhukar, Shri K. M.
 Malik, Shri Mukhtia Singh
 Mayavan, Shri V.
 Mehta, Shri P. M.
 Modak, Shri Bijoy
 Mohanty, Shri Surendra
 Muhammed Sheriff, Shri.
 Muruganatham, Shri S. A.
 Nayak, Shri Baksi
 Nayar, Shrimati Shakuntala
 Pandeya, Dr. Laxminarain
 Parmar, Shri Bhaljibhai
 Ramkanwar, Shri
 Rao, Shri M. Satyanarayan
 Roy, Dr. Saradish
 Saha, Shri Gadadhar
 Sait, Shri Ebrahim Sulaiman
 Saksena, Prof. S. L.
 Sambhali, Shri Ishaq
 Saminathan, Shri P. A.
 Sen, Dr. Ranen
 Shamim, Shri S. A.
 Shastri, Shri Ramavatar
 Subravelu, Shri
 Swatantra, Shri Teja Singh
 Ulaganambi, Shri R. P.
 Verma, Shri Phool Chand
 Vijay Pal Singh, Shri
 Yadav, Shri G. P.

NOES

Afzalpurkar, Shri Dharamrao
 Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna

Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Ambesh, Shri
 Ansari, Shri Ziaur Rahman
 Austin, Dr. Henry
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishniah, Shri T.
 Banerji, Srimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri H. K. L.
 Bhandare, Shri R. D.
 Bhargava, Shri Bhasheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandrakar, Shri Chandulal
 Chaturvedi, Shri Rohan Lal
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Chaudhary, Shri B. E.
 Daga, Shri M. G.
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Dasappa, Shri Tulsidas
 Daschoudhary, Shri B. K.
 Desai, Shri D.D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dharia, Shri Mohan
 Doda, Shri Hiralal
 Dwivedi, Shri Nageshwar

| | |
|----------------------------------|------------------------------|
| Engti, Shri Biren | Lutfal Haque, Shri |
| Gandhi, Shrimati Indira | Mahajan, Shri Vikram |
| Ganesh, Shri K. R. | Mahajan, Shri Y. S. |
| Ganga Devi, Shrimati | Maharaj Singh, Shri |
| Gangadeb, Shri P. | Mahishi, Dr. Sarojini |
| Gautam, Shri C. D. | Majhi, Shri Kumar |
| Ghosh, Shri P. K. | Malaviya, Shri K. D. |
| Gill, Shri Mohinder Singh | Malhotra, Shri Inder J. |
| Godara, Shri Mani Ram | Mallikarjun, Shri |
| Gogoi, Shri Tarun | Mandal, Shri Jagdish Narain |
| Gohain, Shri C. C. | Mandal, Shri Yamuna Prasad |
| Gokhale, Shri H. R. | Marak, Shri Karnesh |
| Gamango, Shri Giridhar | Marandi, Shri Iswar |
| Gopal, Shri K. | Maurya, Shri B. P. |
| Gowda, Shri Pampan | Melkote, Dr. G. S. |
| Hansda, Shri Subodh | Minimata Agamdas, Shrimati |
| Hari Kishore Singh, Shri | Mirdha, Shri Nathu Ram |
| Hashim, Shri M. M. | Mishra, Shri Bibhuti |
| Ishaque, Shri A. K. M. | Mishra, Shri Jagannath |
| Jagjivan Ram, Shri | Mohammad Yusuf, Shri |
| Jamilurrahman, Shri Md. | Mohan Swarup, Shri |
| Jeyalakshmi, Shrimati V. | Mohsin, Shri F. H. |
| Jha, Shri Chiranjib | Muhammad Khuda Bukhsh, Shri |
| Jitendra Prasad, Shri | Mukerjee, Shri H. N. |
| Joshi, Shrimati Subhadra | Munsi, Shri Priya Ranjan Das |
| Kadam, Shri J. G. | Murthy, Shri B. S. |
| Kadannappalli, Shri Ramachandran | Nahata, Shri Amrit |
| Kader, Shri S. A. | Nanda, Shri G. L. |
| Kailas, Dr. | Negi, Shri Pratap Singh |
| Kakodkar, Shri Purushottam | Nimbalkar, Shri |
| Kamakshaiah, Shri, D. | Oraon, Shri Kartik |
| Kamala Kumari, Kumari | Oraon, Shri Tuna |
| Kamala Prasad, Shri | Painuli, Shri Paripoornanand |
| Kamble, Shri T. D. | Palodkar, Shri Manikrao |
| Kapur, Shri Sat Pal | Pandey, Shri Narsingh Narain |
| Kasture, Shri A. S. | Pandey, Shri Tarkeshwar |
| Kaul, Shrimati Sheila | Pandit, Shri S. T. |
| Kavde, Shri B. R. | Panigrabi, Shri Chintamani |
| Kedar Nath Singh, Shri | Pant, Shri K. C. |
| Kinder Lal, Shri | Paokai Haokip, Shri |
| Kisku, Shri A. K. | Parashar, Prof. Narain Chand |
| Kotoki, Shri Liladhar | Partap Singh, Shri |
| Krishnan, Shri G. Y. | Patel, Shri Natwarlal |
| Kulkarni, Shri Raja | Patil, Shri Krishnarao |
| Kumaramangalam, Shri S. Mohan | Patil, Shri T. A. |
| Kureel, Shri B. N. | Patnaik, Shri J. B. |
| Lakshmikanthamma, Shrimati T. | Peje, Shri S. L. |
| Laskar, Shri Nihar | Pradhani, Shri K. |

Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Prakash, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Rama, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Antony
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Roy, Shri Biswanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Satish Chandra, Shri
 Savant, Shri Shankarrao
 Savitri Shyam, Shrimati
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.

Sharma, Dr. Shankar Dayal
 Shahstri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shiva Chandika, Shri
 Shivappa, Shri N.
 Shivanath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Tewari, Shri Chandra Bhal Mani
 Tewari, Shri Shankar
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Vekaria, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Sukhdeo Prasad
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadav Shri D. P.
 Zulfiqar Ali Khan, Shri

MR. SPEAKER : The result* of the decision is: Ayes: 51; Noes 231.

The motion was negatived.

MR. SPEAKER: Now, I put Amendment No. 4 to the vote of the House. The question is :

*The following Members also recorded their votes for NOES.

Sarvashri Karan Singh Yadav, Shashi Bhushan, Shri Krishan Modi, and T. Sohan Lal.

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely : Shri Ziaur Rahman Anasari, Shri Frank Anthony, Shri Jyotirmoy Bosu, Shri C.K. Chandrappan, Shri C. Chittibabu, Smt. Marjorie Godfrey, Shri A.K. Gopalan, Shri Indrajit Gupta, Shri M. M. Joseph, Shri Ramachandran Kadannappalli, Dr. Karni Singh, Choudhari Tayyab Husain Khan, Shri Krishnan Manoharan, Dr. G. S. Melkote, Shri Shyamandan Mishra, Shri Pilo Mody, Shri Mohammad Tahir, Shri Muhammed Sheriff, Shri Amrit Nahata, Shri N. Sreekanth Nair, Shri Sarjoo Pandey, Shri R. Balakrishna Pillai, Shri S. Radhakrishnan, Shri Jagannath Rao, Shri Shibban Lal Saksena, Shri P. M. Sayeed, Shri Era Sezhiyan, Shri P. Venkatasubbiah, Shri G. Viswanathan, Shri Ebrahim Sulaiman Sait.

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 30th August, 1972;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make ; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee." (4)

The Lok Sabha divided :

AYES

Division No. 22] [16.46 hrs.

Bade, Shri R. V.
Banera, Shri Hamendra Singh
Banerjee, Shri S. M.
Bhagirath Bhanwar, Shri
Bhattacharyya, Shri Jagadish
Bhattacharyya, Shri S. P.
Bhaura, Shri B. S.
Chandra Shekhar Singh, Shri
Chandrappan, Shri C. K.

Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu
Dhandapani, Shri C. T.
Giri, Shri S. B.
Guha, Shri Samar
Gupta, Shri Indrajit
Haldar, Shri Madhuryya
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Joshi, Shri Jagannathrao
Kathamuthu, Shri M.
Malik, Shri Mukhtiar Singh
Mayavan, Shri V.
Mehta, Shri P. M.
Modak, Shri Bejoy
Mohanty, Shri Surendra
Muhammed Sheriff, Shri
Mukerjee, Shri H. N.
Muruganatham, Shri S. A.
Nayak, Shri Baksi
Nayar, Shrimati Shakuntala
Pandeya, Dr. Laxminarain
Parmar, Shri Bhaljibhai
Ramkanwar, Shri
Rao, Shri M. Satyanarayan
Reddy, Shri B. N.
Roy, Dr. Saradish

*Rudra Pratap Singh, Shri
Saha, Shri Gadadhar
Sait, Shri Ebrahim Sulaiman
Saksena, Prof. S. L.
Sambhali, Shri Ishaq
Saminathan, Shri P. A.
Shamim, Shri S. A.
Shahstri, Shri Ramavater
Subravelu, Shri
Swatantra, Shri Teja Singh
Ulaganambi, Shri R. P.
Verma, Shri Phool Chand
Vijay Pal Singh, Shri
Yadav, Shri G. P.

NOES

Afzalpurkar, Shri Dharamrao
Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Ahmed, Shri F. A.

*Wrongly voted for Ayes.

Ambesh, Shri
 Austin, Dr. Henry
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Bajpai, Shri Vidya Dhar
 Balakirshniab, Shri T.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Basappa, Shri K.
 Besra, Shri S. C.
 Bhagat, Shri H. K. L.
 Bhandare, Shri R. D.
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bhuvarahan, Shri G.
 Bisht, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandrakar, Shri Chandulal
 Chaturvedi, Shri Rohan Lal
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri
 Choudhary, Shri B. E.
 Daga, Shri M. C.
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anandi Charan
 Dasappa, Shri Tulsidas
 Daschoudhaury, Shri B. K.
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dharia, Shri Mohan
 Doda, Shri Hiralal
 Dwivedi Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganesb Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Gautam, Shri C. D.

Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gamango, Shri Giridhar
 Gopal, Shri K.
 Gawda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Kishore Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Jeyalkashmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kamakshaiah, Shri D.
 Kamala Kumari, Kumari
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Kapur, Shri Sat Pal
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavde Shri B. R.
 Kedar Nath Singh, Shri
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Krishnan, Shri G. Y.
 Kulkarni, Shri Raja
 Kumaramangalam, Shri S. Mohan
 Kureel, Shri B. N.
 Lakshmikanthamma, Shrimati T.
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini

Majbi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Marak, Shri Karnesh
 Marandi, Shri Iswar
 Maurya, Shri B. P.
 Melkote, Dr. G. S.
 Minimata Agamdas, Shrimati
 Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri Jagannath
 Modi, Shri Shrikishan
 Mol ammad Yusuf, Shri
 Mohan Swarup, Shri
 Mohsin, Shri F. H.
 Muhammad Khuda Bukhsh, Shri
 Munsii, Shri Priya Ranjan Das
 Murthy, Shri B. S.
 Nahata, Shri Amrit
 Nanda, Shri G. L.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Narsingh Narain
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Paokai Haokip, Shri
 Parashar, Prof, Narain Chand
 Partap Singh, Shri
 Patel, Shri Natwarlal
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhani, Shri K.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Prakash, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri

Ramji Ram, Shri
 Ramshekhari Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Parasada
 Rao, Shri Pattabhi Rama
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Ravi, Shri Vayalar
 Reddi, Shri P. Anotny
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Richhariya, Dr. Govind Das
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathc, Shri Vasant
 Satish Chandra, Shri
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Shenoy, Shri P. R.
 Shiva Chandika, Shri
 Shivappa, Shri N.
 Shivanath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.

Sinha, Shri Nawal Kishore
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Tewari, Shri Chandra Bhal Mani
 Tewari, Shri Shankar
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwary, Shri K. N.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Vekaria, Shri
 Venkatsubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma Shri Sukhdeo Prasad
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadav, Shri D. P.
 Zulfiquar Ali Khan, Shri

MR. SPEAKER : The result* of the division is : Ayes : 50, Noes : 229

The motion was negatived.

MR. SPEAKER : The next is amendment No. 134 moved by Shri Ziaur Rahman Ansari for reference to a Select Committee to the vote of the House.

SHRI ZIAUR RAHMAN ANSARI : I withdraw the amendment.

Amendment No. 134 was, by leave, withdrawn

MR. SPEAKER : The question is :
 "That the Bill further to amend the Aligarh Muslim University Act 1920, be taken into consideration.

The motion was adopted.

MR. SPEAKER : We now take up clause-by-clause consideration of the Bill.

Clause 2—(*Substitution of new section for Section 2.*)

SHRI S. A. SHAMIM : I beg to move :
 Page 2, line 20, —

add at the end—

"Established and maintained by Muslims of India" (82)

SHRI SAMAR GUHA : I beg to move :
 Page 2,—

for line 20, substitute—

"(k) "University" means the Aligarh University." (95)

SHRI MUHAMMED KHUDA BUKHSH : I beg to move :

Page 2, line 20, —

after "University" insert—

"which shall, notwithstanding any judgement, order, decree, order or observation of any Court to the contrary be deemed to have been established by the Muslim minority in India as an educational institution of its choice." (135)

SHRI SAMAR GUHA : I beg to move :
 Page 1, line 7, —

omit "Muslim" (160)

SHRI ZIAUR RAHMAN ANSARI : I beg to move :

Page 2, line 20, —

add at the end—

"Notwithstanding any judgement, decree or order of any Court or tribunal to the contrary the Aligarh Muslim University shall be deemed to have been established by the Muslim minority community as an institution of its choice as provided for in article 30 of the Constitution of India." (164)

MR. SPEAKER : Now, I first put amendment No. 82 moved by Shri Shamim to the vote of the House.

Amendment No. 82 was put and negatived.

MR. SPEAKER : I then put amendment No. 95 moved by Shri Samar Guha to the vote of the House.

The question is that Amendment No. 95 be accepted by the House. Those in favour may say, Aye.

The following Members also recorded their votes for NOES. : Sarwashri Bedabrata Barua, K.K. Shetty, Ziaur Rahman Ansari and Rudra Pratap Singh.

SHRI SAMAR GUHA : Aye.

MR. SPEAKER : Those against may say, No.

SEVERAL HON. MEMBERS : No.

MR. SPEAKER : The Noes have it; the Noes have it....

SHRI SAMAR GUHA : Ayes have it.

अध्यक्ष महोदय : जो प्रो० समर गुहा के एमंडमेन्ट के हक में हैं, वे खड़े हो जाएं।

SHRI EBRAHIM SULAIMAN SAIT : What about Amendment No. 64 ?

MR. SPEAKER : That is to clause 1. I am now putting amendments to clause 2 to the vote of the House. Why are you confusing it ?

Those in favour of Amendment No. 95, moved by Shri Samar Guha, will please rise in their seats.

SHRI SAMAR GUHA : I want a Division.

खड़े होने की क्या बात है।

अध्यक्ष महोदय : अगर स्पीकर का ऐसा ख्याल हो कि एमंडमेन्ट के फेवर में बहुत कम लोग हैं, तो वह ऐसा करा सकता है। यह हल में दिया हुआ है।

The question is :

"Page 2, —

for line 20, substitute—

'(k) "University" means the Aligarh University.' (95)

Those in favour of the motion will please rise in their seats. I hardly find any one. The motion is negatived.

Amendment No. 95 was negatived.

MR. SPEAKER : Amendment No. 135 by Shri Muhammed Khunda Bukhsh.

He wants to witl draw his amendment.

Amendment No. 135 was, by leave, withdrawn.

MR. SPEAKER : I now put Amendment No. 160 by Shri Samar Guha to the vote of the House.

Amendment No. 160 was put and negatived.

MR. SPEAKER : Amendment No. 164 by Shri Ziaur Rahman Ansari, Shri Mohammad Tahir, Shri Jamilurrahman and others.

They want to withdraw the amendment.

Amendment No. 164 was, by leave, withdrawn.

MR. SPEAKER : Now, Amendment No. 190 by the Government.

SHRI SAMAR GUHA : Sir, on a point of order. Is it not a violation of the parliamentary practice and convention and is it not extra-ordinary and which has never happened that more than 65 amendments have been placed by the Minister in a single day? It shows how hurriedly, I don't know, I should say it is some kind of an intriguing haste. Otherwise, it should be gone into, it should be examined and it should be thoroughly examined and discussed. It is such a Bill. What is the urgency that he did not even give us time? The Bill was not circulated seven days before. Now in a day more than 65 amendments in quick succession have been tabled. I want to know whether there is any other instance where such an important Bill was hustled through like this.

MR. SPEAKER : It is not a point of order.

Amendment made :

Page 2, —

after line 2, insert —

'(c) "Chancellor," "Pro-Chancellor" and "Vice Chancellor", mean respectively, the Chancellor, Pro-Chancellor and Vice-Chancellor of the University'; (190)

(Prof. S. Nurul Hasan).

MR. SPEAKER : Now, the question is :

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—(Substitution of new section for Section 3).

SHRI SAMAR GUHA : I beg to move :

Page 2, line 26, —

omit "Muslim" (96)

MR. SPEAKER : Now I will put amendment No. 96 of Prof. Samar Guha to the vote of the House.

Amendment No. 96 was put and negatived.

Amendment made :

Page 2, line 23, —

after "Chancellor" insert—

"the Pro-Chancellor"; (191) (Prof. S. Nurul Hassan)

MR. SPEAKER : Now, the question is :

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4— (Amendment of Section 5)

Amendments made :

Page 3, —

for lines 16 to 19, substitute —

'(viii) for clause (9), the following clause shall be substituted, namely:—

"(9) to institute and maintain within a radius of twenty-five kilo metres of the University Mosque, halls and hostels and to recognise places of residence for the students of the University within the said limits and to withdraw such recognition accorded to any such place of residence ;". (5)

(Prof. S. Nurul Hasan)

Page 3, line 15, —

after "University"

insert "for a specified period" (53)

(Prof S. Nurul Hasan)

SHRI INDRAJIT GUPTA (Alipore) : Sir, I beg to move :

Page 2, line 36, —

after "India" insert —

"in general, and of Indo-Muslim culture and history in particular" (161)

SHRI ZIAUR RAHMAN ANSARI : Sir, I beg to move :

Page 2, —

omit lines 29 to 31. (165)

17 hrs.

MR. SPEAKER : I will not put Amendment No. 161 moved by Shri Indrajit Gupta on to the vote of the House.

Amendment No. 161 was put and negatived.

SHRI S. M. BANERJEE : On amendment you have not allowed anybody to speak.

MR. SPEAKER : We already made it quite clear. The time for General Discussion was extended simply because there will be no time during clause-by-clause discussion.

SHRI SAMAR GUHA : Nobody said so. It is a question of Parliamentary procedure. Nobody said so.

SHRI S. A. SHAMIM : Nobody said so. I was sitting since 11 O'clock in the morning.

MR. SPEAKER : We normally made it quite clear that if they want more time, that can be extended, provided this is shortened during this stage.

SHRI S. A. SHAMIM : With whom?

SHRI SAMAR GUHA : It can't be done; it is violation of Parliamentary Procedure.

MR. SPEAKER : If you want just one or two minutes, I can allow it.

SHRI SAMAR GUHA : It is some kind of unusual and extraordinary innovation. Even if it is proposed and agreed to, there is the discretion of the Chair. It cannot be held that there will be no discussion on amendments. If anybody wants to say something on an amendment he has to be allowed; he can't be deprived of the opportunity in any way. That is against rules.

MR. SPEAKER : It is the House which decides.

श्री० आर० बी० बड़े : यह क्या बात है हमारे अमेन्डमेंट मूव नहीं हो रहे हैं, लेकिन मिनिस्टर साहब जो अमेन्डमेंट देते हैं उन को आप मूव करने देते हैं, जब कि हम को मालूम भी नहीं होता कि वह क्या है। आप को मजारिटी है आप चाहे जो पास कर ले, लेकिन पालिया-मैंट में हमारे आने का कोई फायदा तो होना चाहिये ।

श्री जगन्नाथराव जोशी : पहले आपने कहा था कि अमेंडमेंट मूव होने के समय लोग बोल लेंगे, अब जब अमेंडमेंट मूव हो रहे हैं तब आप कहते हैं कि बोलने की इजाजत नहीं है। इस तरह से कैसे चल सकता है ?

SHRI S. A. SHAMIM : If the House decides by majority that the Bill must be passed without discussion, will you allow it? It cannot be done.

MR. SPEAKER : If you can have it in one or two minutes, I have no objection.

SHRI EBRAHIM SULAIMAN SAIT : I want division on Amendment No. 64.

AN HON. MEMBER : It was not moved.

SHRI ZIAUR RAHMAN ANSARI : I want to move Amendment No. 165

MR. SPEAKER : That is already moved.

SHRI ZIAUR RAHMAN ANSARI : I want to move this amendment because in the Aligarh Muslim University there was no correspondence course. That is why I say, that in page 2, we may omit lines 29 to 31.

PROF. S. NURUL HASAN : I accept the amendment.

श्री जगन्नाथराव जोशी : यह क्या बात है ? वह कह देते हैं कि हम ने यह अमेंडमेंट मूव किया और आप उस को मूव करने देते हैं और वह मंजूर हो जाता है। हम को पता ही नहीं चलता कि अमेंडमेंट क्या है और क्या नहीं।

MR. SPEAKER : The amendment has been circulated, it is before you.

I shall now put amendment No. 165 to the vote of the House.

The question is :

Page 2,

omit lines 29 to 31. (165)

The motion was adopted.

MR. SPEAKER : I shall now put the clause to vote.

SHRI SAMAR GUHA : I have an amendment to this clause, namely amendment No. 97.

MR. SPEAKER : In the very beginning, I had asked hon. Members who wanted to move their amendments just to mention the numbers of their amendments.

SHRI SAMAR GUHA : But you did not mention No. 97.

MR. SPEAKER : The hon. Member should have uttered the number of the amendment. Why should I utter it ?

I had asked hon. Members to mention the numbers of the amendments which they were moving. The hon. Member should then have got up and moved it.

SHRI SAMAR GUHA : I be to move :

Page 2, for lines 35 and 36, substitute—

“(b) to promote the study of comparative religious, and theologies, civilisation and culture of India and the humanities at large;” (97)

The clause as it stands reads :

“to promote the study of the religion, civilisation and culture of India”.

I want to replace these words by the amendment which I have suggested.

This provision as it stands is a contradictory one.

The Annexure to clause 44 lists under the Faculty of Social Sciences the following :

- (i) Department of Economics,
- (ii) Department of Education,
- (iii) Department of History,
- (iv) Department of Islamic Studies,
- (v) Department of Library Science,
- (vi) Department of Political Science,
- (vii) Department of Psychology,
- (viii) Department of Sociology,
- (ix) Department of West Asian Studies.”

I can understand the Department of West Asian Studies being there, but I cannot understand how the Faculty of Social Sciences can include the Department of Islamic Studies. Again, under the Fa-

[Shri Samar Guha]

culty of Theology, we have the Department of unni Theology and the Department of Shia Theology only.

In the clause it has been said 'the study of the religions', which means more than one religion. But in the annexure which I have quoted, only one religion has been mentioned, which means that there is no scope for the study of any religion other than the Islamic religion.

The hon. Minister said that the whole idea was to develop a synthesis of religions, a synthesis of ideas, a synthesis of philosophies and a synthesis of culture. But I find that under the Department of Theology, only the study of Sunni and Shia Theologies has been mentioned which means that only a particular theology has to be studied and no other theology and no other religion could be studied.

Therefore, I have suggested in my amendment that there should be a study of comparative religions, as is prevalent in other universities in the country, and similarly a study of comparative philosophies, both at the post-graduate and at the graduate level. It is only by study of comparative religions and the study of comparative philosophies that you can develop the concept of synthesis of philosophy and synthesis of religion. That is the reason why I have moved my amendment.

As I have already pointed out, the provision as it stands is wholly contradictory. I want the hon. Minister to reply and make the position clear and tell us what it means.

Further, he has used the word 'religions'. The word 'religions' is a plural word. The hon. Minister himself has not framed any amendment to this provision and submitted it before the House. Therefore, I presume that it means the study of more than one religion, that is, the study of more than one theology and the study of more than one religion.

But we find that he has clearly mentioned in the faculty of social sciences the department of Islamic studies, in the faculty of theology, the department of Sunni theology, Shia theology. I should not be misunderstood as impolying any disregard for these faculties. I have very regard for the Shia and Sunni theologies. But it is the duty of the researcher to go into the comparative aspects of all religions. But the Minister

has excluded all other religions from this study except Islamic religion and Islamic theology. Is it not denying the secular concept of education, the democratic concept of education? Is it not denying the human concept of education (*interruptions*). This is completely contradictory. One clause is a negation of the other. I want a clarification from the Minister how with this scheme of studies he can claim that the national character of this institution can be maintained.

PROF. S. NURUL HASAN : For the first time, this House is today providing for the study of a religion. Let us see in what manner the University proposes to organise the study of other religions. Only when proposals come from the Academic Council, this can be considered. What the hon. member referred to are well-established departments which have been there since a long time ago.

SHRI SAMAR GUHA : This is forming part of the law. Kindly see clause 32. Can the Minister escape by making this kind of observation? He has categorically said that there is no scope for creating any more faculties than have been enunciated here. So his statement is completely contradictory. Where is the scope for addition? This Bill has to be amended for the purpose.

PROF. S. NURUL HASAN : Under section 29, centres of study and specialised centres can be established by the University.

Similarly, power has been given to the university, with the previous approval of the Visitor, to amend the statutes also. Therefore, this can be covered by the statute and the ordinances.

MR. SPEAKER : Now, I shall put amendment No. 97 moved by Shri Samar Guha to the vote. (*interruption*).

SHRI S. M. BANERJEE : Sir, what he read is something else. Clause 29 inserting a new section 36A is something else. It relates to "procedure of appeal and arbitration in disciplinary cases against students."

SHRI SAMAR GUHA : This is in relation to the terms and conditions of service of teachers.

SHRI S. M. BANERJEE : That was about procedure of appeal in relation to students. (*interruption*).

MR. SPEAKER : You can correct it later on. Have you read it. I think you can correct this part later on. You can make it clear later on.

PROF. S. NURUL HASAN : The power is there with the university to start teaching under....

AN HON. MEMBER : Which section? (*Interruption*)

MR. SPEAKER : Some section was wrongly quoted. He says 29 is not the same section. You can find it out later on and correct it. You quoted it from a section. You can find it out and later on correct it.

PROF. S. NURUL HASAN : Yes, Sir.

SHRI SAMAR GUHA : Then clause 4 is not going to be passed now.

MR. SPEAKER : Not that. He read the section, but the number was wrongly given. He will correct it.

SHRI SAMAR GUHA : I am sorry to say that you are also in the dark as we are in passing this Bill. (*interruption*).

MR. SPEAKER : I am not there to obstruct him. If the Minister has made a mistake in reading the number of the section, he can correct it. What is wrong about it?

SHRI SAMAR GUHA : I have to point out the glaring contradictions between the two. He could not quote the clauses. (*interruption*).

SHRI S. A. SHAMIM : May God help him.

MR. SPEAKER : You mention the number of the page, at the top. We could find it out.

श्री जगन्नाथराव जोशी : मंत्री महोदय को जब इतनी कठिनाई है तो आप हमारी कल्पना कर सकते हैं कि हमारी क्या हालत होगी।

AN HON. MEMBER : Utter confusion.

MR. SPEAKER : Meanwhile, I will postpone voting on this.

PROF. S. NURUL HASAN : Sir, I would like to refer you to the power to make statutes under section 25 in which

the creation, composition and functions of any other body which is considered necessary for meeting the academic needs of the university can be created by statute.

MR. SPEAKER : Now it is all right.

SHRI SAMAR GUHA : It is not all right. What kind of faculty can be created; it is also enunciated.... (*interruption*).

MR. SPEAKER : He has given a reply.

SHRI S. M. BANERJEE : It is on page 9, sub-clause (m) 'the establishment of Centres of Study'. I think he has quoted clause 25.

SHRI SAMAR GUHA : It says here : "...to make recommendations to the Executive Council in matters connected with academic work....." where is it? It has no relevance at all. It is a strange thing.

SHRI B. S. MURTHY (Amalapuram) : It is the inherent right of the university to create any chair for any subject.

SHRI SAMAR GUHA : It should be in the form of a schedule.

PROF. S. NURUL HASAN : It is on page 9; the wording is :

"...the establishment of Centres of Study, Boards of study, inter-disciplinary committee, special centres, specialised laboratories...."

If the University wishes, it can do so.

MR. SPEAKER : After all, it has been found. I shall put amendment No. 97 to the vote of the House. The question is :

Page 2, —

for lines 35 and 36, substitute—

"(b) to promote the study of comparative religions and theologies, civilisation and culture of India and the humanities at large," (97)

The Lok Sabha divided.

AYES

Division No. 23]

[17.27 hrs.

Bade, Shri R. V.

Banera, Shri Hamendra Singh

Bhagirath Bhanwar

Chowhan, Shri Bharat Singh

Giri, Seri S. B.

Guha, Shri Samar

Joshi, Shri Jagannathrao
 Malik, Shri Mukhtiar Singh
 Pandeya, Dr. Laxminarain
 Ramkanwar, Shri
 Saksena, Prof. S. L.
 *Shivappa, Shri N.
 Verma, Shri Phool Chand
 Yadav, Shri G. P.

NOES

Achal Singh, Shri
 Afzalpurkar, Shri Dharamrao
 Aga, Shri Syed Ahmed
 Agarwal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Alagesan, Shri O. V.
 Ambesh, Shri
 Ansari, Shri Ziaur Rahman
 Azad, Shri Bhagwat Jha
 Aziz Imam Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhandare, Shri R. D.
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhucharahan, Shri G.
 Bisht, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Buta Singh, Shri
 Chakleswar Singh, Shri
 Chanda, Shrimati Jyotsna
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Chellachemi, Shri A. M.
 Chhotey Lal, Shri

Choudhary, Shri B. E.
 Daga, Shri M. C.
 Dalip Singh, Shri
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Dasappa, Shri Tulsidas
 Daschowdhury, Shri B. K.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dixit, Shri Jagdish Chandra
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Ganga Deb, Shri P.
 Gautam, Shri C. D.
 Ghosh, Shri P. K.
 Gill, Shri Mohinder Singh
 Godara, Shri Mani Ram
 Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Singh, Shri
 Ishaque, Shri A. K. M.
 Jamilurrahman, Shri Md.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Chiranjib
 Jitendra Prasad, Shri
 Joshi, Shrimati Subhadra
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kamakshaiab, Shri D.
 Kamala Kumari, Kumari
 Kamla Prasad, Shri
 Kamble, Shri T. D.

*Wrongly voted for *Ayes*.

| | |
|-------------------------------|---------------------------------|
| Kapur, Shri Sat Pal | Panigrahi, Shri Chintamani |
| Kasture, Shri A. S. | Pant, Shri K. C. |
| Kaul, Shrimati Sheila | Paokai Haokip, Shri |
| Kavde, Shri B. R. | Parashar, Prof. Narain Chand |
| Kedar Nath Singh, Shri | Partap Singh, Shri |
| Kinder Lal, Shri | Paswan, Shri Ram Bhagat |
| Kisku, Shri A. K. | Patel, Shri Natwarlal |
| Kotoki, Shri Liladhar | Patil, Shri Krishnarao |
| Krisbnan, Shri G. Y. | Patil, Shri T. A. |
| Kulkarni, Shri Raja | Patnaik, Shri J. B. |
| Kureel, Shri B. N. | Peje, Shri S. L. |
| Lakkappa, Shri K. | Pradhani, Shri K. |
| Lakshminanthamma, Shrimati T. | Raghu Ramaiah, Shri K. |
| Lutfal Haque, Shri | Rai, Shrimati Sabodrabai |
| Mahajan, Shri Vikram | Raj Bahadur, Shri |
| Maharaj Singh, Shri | Rajdeo Singh, Shri |
| Mahisbi, Dr. Sarojini | Ram Prakash, Shri |
| Majhi, Shri Kumar | Ram Sewak, Ch. |
| Malaviya, Shri K. D. | Ram Surat Prasad, Shri |
| Malhotra, Shri Inder J. | Ram Swarup, Shri |
| Mallikarjun, Shri | Ramji Ram, Shri |
| Mandal, Shri Jagdish Narain | Ramshekhar Prasad Singh, Shri |
| Mandal, Shri Yamuna Prasad | Rana, Shri M. B. |
| Marandi, Shri Iswar | Rao, Shrimati B. Radhabai A. |
| Maurya, Shri B. P. | Rao, Shri Jagannath |
| Minimata Agamdas, Shrimati | Rao, Shri M. S. Sanjeevi |
| Mirdha, Shri Nathu Ram | Rao, Shri Nageswara |
| Mishra, Shri Bibhuti | Rao, Shri P. Ankineedu Parasada |
| Mishra, Shri Jagannath | Rao, Dr. V. K. R. Varadaraja |
| Mohammad Yusuf, Shri | Rathia, Shri Umed Singh |
| Mohan Swarup, Shri | Ravi, Shri Vayalar |
| Mohapatra, Shri Shyam Sunder | Reddi, Shri P. Antony |
| Mobsin, Shri F. H. | Reddy, Shri M. Ram Gopal |
| Mubammad Khuda Bukhsh, Shri | Reddy, Shri P. Narasimha |
| Muhammed Sheriff, Shri | Reddy, Shri P. V. |
| Murthy, Shri B. S. | Richhariya, Dr. Govind Das |
| Nahata, Shri Amrit | Roy, Shri Bishwanath |
| Nanda, Shri G. L. | Rudra Pratap Singh, Shri |
| Negi, Shri Pratap Singh | Sadhu Ram, Shri |
| Nimbalkar, Shri | Saini, Shri Mulki Raj |
| Oraon, Shri Kartik | Sait, Shri Ebrabim Sulaiman |
| Oraon, Shri Tuna | Salve, Shri N. K. P. |
| Pabadia, Shri Jagannath | Samanta, Shri S. C. |
| Painuli, Shri Paripoornanand | Sankata Prasad, Dr. |
| Paldokar, Shri Manikrao | Sant Bux Singh, Shri |
| Pandey, Shri R. S. | Sarkar, Shri Sakti Kumar |
| Pandey, Shri Tarkeshwar | Sathe, Shri Vasant |
| Pandit, Shri S. T. | Satish Chandra, Shri |

Savant, Shri Shankerrao
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shankar Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shasbtri, Shri Raja Ram
 Shastri, Shri Ramanand
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shiva Chandika, Shri
 Shivanath Singh, Shri
 Shukla, Shri B. R.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Shri
 Singh, Shri V. N. P.
 Sinha, Shri Dharam Bir
 Sohan Lal, Shri T.
 Sokhi, Shri Swaran Singh
 Stephen, Shri C. M.
 Sunder Lal, Shri
 Surendra Pal Singh, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swaran Singh, Shri
 Tewari, Shri Chandra Bhal Mani
 Tewari, Shri Shankar
 Thakre, Shri S. B.
 Tombi Singh, Shri N.
 Tula Ram, Shri
 Unnikrishnan, Shri K. P.
 Vekarai, Shri
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind

Verma, Shri Sukhdeo Prasad
 Vikal, Shri Ram Chandra
 Yadav, Shri Chandrajit
 Yadav, Shri Karan Singh
 Yadav, Shri N. P.
 Yadav, Shri R. P.
 Yadav, Shri D. P.
 Zulfiqar Ali Khan, Shri

MR. SPEAKER : The result* of the division is : Ayes 14; Noes 233.

The motion was negatived.

MR. SPEAKER : The question is :

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 5—(Amendment of Section 8)

MR. SPEAKER : Those who want to move their amendments may kindly mention the numbers of their amendments. No one is moving any amendment. I will put the clause now.

SHRI SAMAR GUHA : In the printed list submitted to us, no clause is mentioned. Only the page number and the serial number are mentioned. When you say clause 5, we do not know which is our amendment to clause 5.

MR. SPEAKER : If you see List No. 9, everything is written.

SHRI SAMAR GUHA : Where is it printed? I want to show you.

MR. SPEAKER : I have seen it.

SHRI SAMAR GUHA : I am sorry.

MR. SPEAKER : Now, I put clause 5 to the vote of the House.

The question is :

"That Clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 9 were added to the Bill.

*The following Members also recorded their vote for Noes :

Sarvashri Pattabhi Rama Rao, Ram Dhan, and N. Shivappa.

Clause 10—(*Amendment of Section 13*)

MR. SPEAKER : Those who want to move their amendments may please give their Nos. No amendments are moved.

The question is :

“That clause 10 stand part of the Bill”.

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12—(*Amendment of Section 16*).

PROF. S. NURUL HASAN : I beg to move :

Page 5, —

omit line 11; (192)

Page 5, line 12, —

omit “(ii)” (193)

MR. SPEAKER : The question is :

Page 5, —

omit line 11; (192)

Page 5, line 12, —

omit “(ii)” (193)

The motion was adopted.

MR. SPEAKER : The question is :

“That clause 12, as amended, stand part of the Bill”.

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13—(*Substitution of new Section for Section 17*).

SHRI EBRAHIM SULAIMAN SAIT : I beg to move :

Page 5, —

for lines 18 and 19, substitute —

“17.(1) The Chancellor of the University shall be elected by the Court.” (6g)

MR. SPEAKER : I put amendment No. 6g moved by Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendment No. 6g was put and negatived.

MR. SPEAKER : The question is :

“That Clause 13 stand part of the Bill”.

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14—(*Omission of Section 18*).

PROF. S. NURUL HASAN : I beg to move :

Page 5, for clause 14, substitute

“Substitution of new 14. For section 18 of Section for section 18 the principal Act, the following section shall be substituted, namely :—

The Pro-Chancellor. “18.(1) The Pro-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Pro-Chancellor shall, in the absence of the Chancellor, preside over the convocations of the University held for conferring degrees”.(194)

MR. SPEAKER : The question is :

Page 5, for clause 14, substitute

“Substitution of new 14. For section 18 of section for section 18 the principal Act, the following section shall be substituted, namely :—

The Pro-Chancellor. “18.(1) The Pro-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Pro-Chancellor shall, in the absence of the Chancellor, preside over the convocations of the University held for conferring degrees.” (194)

The motion was adopted.

MR. SPEAKER : The question is :

“That Clause 14, as amended, stand part of the Bill”.

The motion was adopted.

Clause 14, as amended was added to the Bill.

Clause 15—(Substitution of new section for section 19).

MR. SPEAKER : There is an amendment in the name of Shri Jagdish Bhattacharyya. But he is not here.

PROF. S. NURUL HASAN : We are prepared to accept Amendment No.114 in his name.

MR. SPEAKER : But he is not here. You may move it as your own.

PROF. S. NURUL HASAN : I beg to move :

Page 6, line 7, —

for "fifteen days" substitute —

"three months" (114)

SHRI JAGDISH BHATTACHARYYA : I have come, Sir.

MR. SPEAKER : He has already moved it.

I shall now put the amendment moved by Prof. S. Nurul Hasan and Shri Jagdish Bhattacharyya to the vote of the House.

The question is :

Page 6, line 7, —

for "fifteen days" substitute—
"three months" (114)

The motion was adopted. ✓

MR. SPEAKER : The question is :

"That Clause 15, as amended, stand part of the Bill".

The motion was adopted. ✓

Clause 15, as amended, was added to the Bill.

Clause 16 was added to the Bill. ✓

Clause 17—(Substitution of new section for section 21).

Amendment made :

Page 6, line 30, —

after "Chancellor" insert—

"the Pro-Chancellor" (195) ✓

(Prof. S. Nurul Hasan)

MR. SPEAKER : The question is :

"That Clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

Clause 19—(Substitution of new Section for Section 23) :

SHRI EBRAHIM SULAIMAN SAIT : I beg to move :

Page 7, —

For lines 1 to 12, substitute—

"(2) The court shall be supreme governing body of the University and shall exercise all powers of the University not otherwise provided by this Act, the statutes, the Ordinances and the Regulations. It shall have powers to review the Act of executive and the Academic Council save where such Councils have acted in accordance with the powers conferred on them under this Act, the statutes and the ordinances.

(3) Subject to the provisions to this Act, the Court shall exercise the following powers and perform the following duties, namely:—

- (a) of making statutes and of amending or repealing the same;
- (b) of considering Ordinances;
- (c) of considering and passing resolutions on the annual report, the annual accounts and financial estimates;
- (d) of electing such persons to serve on authorities of the University and of appointing such officers as may be prescribed by this Act or statutes; and
- (e) of exercising such other powers and performing such other duties as may be conferred or imposed upon it by this Act or statutes." (70)

MR. SPEAKER : I shall now put Amendment No. 70, moved by Shri Ebrahim Sulaiman Sait, to the vote of the House.

Amendment No. 70 was put and negatived.

MR. SPEAKER : The question is :

"That Clause 19 stand part of the Bill."

The motion was adopted. ✓

Clause 19 was added to the Bill.

Clause 20 was added to the Bill.

Clause 21—(*Amendment of section 25*)

MR. SPEAKER : There being no amendments to clause 21, I shall put clause 21 to the vote of the House.

The question is :

“That Clause 21 stand part of the Bill.”

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22 was added to the Bill.

Clause 23—(*Substitution of new section for section 27*)

Amendment made :

Page 7, line 38, —

after “teachers” insert—

“and other academic staff” (6)
(Prof. S. Nurul Hasan)

MR. SPEAKER : The question is :

“That clause 23, as amended, stand part of the Bill.”

The motion was adopted. ✓

Clause 23, as amended, was added to the Bill.

Clause 24—(*Substitution of new section for Section 28.*)

Amendment made :

Page 8, —

after line 23, insert—

“Provided that the provisions of Statutes 29 to 45, both inclusive of the University (relating to provident fund, pension and gratuity for the employees of the University), as in force immediately before such commencement, shall be deemed to be included in the Statutes set out in the Schedule and shall, until new Statutes are made under sub-section (2), continue in force subject to such modifications (being modifications necessary for bringing them into accord with the provisions of this Act as amended by the Aligarh Muslim University (Amendment) Act, 1972) as the Executive Council may, with the approval of the Visitor, make.” (7)

(Prof. S. Nurul Hasan)

SHRI JAGADISH BHATTACHARYA : I beg to move :

Page 8, —

after line 38, insert—

“Provided that if the Visitor does not signify his assent or disapproval, or direct it to be returned for reconsideration within a period of three months, the said new Statute, or addition or amendment to, or repeal of, any Statute, shall be deemed to have the approval of the Visitor.” (115)

MR. SPEAKER : Now I will put amendment No. 115 of Shri Jagadish Bhattacharyya to the vote of the House.

Amendment No. 115 was put and negatived.

MR. SPEAKER : Now the question is :

“That Clause 24, as amended, stand part of the Bill.”

The motion was adopted. ✓

Clause 24, as amended, was added to the Bill

Clause 25—(*Amendment of Section 29*)

Amendments made :

Page 9, line 8,

after “Discipline Committee”

insert—

“Cultural Committee, Social Service Committee, Games Committee” (8)

Page 9, line 11, —

for “moderating” substitute “learned”
(9)

Page 9, line 14, —

for “meeting” substitute “improving”
(10)

Page 9, line 31, —

for “Students’ Advisory Committees”

substitute—

“Students’ Union, Students’ Advisory Committees, Cultural Committee, Social Service Committee and Games Committee” (II)

[Mr. Speaker]

Page 9, lines 32 and 33, —

for "(i) and (q)" substitute "(h) and (i)"
(12)

(Prof. S. Nurul Hasan)

MR. SPEAKER : The question is :

"That Clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clauses 26 to 28 were added to the Bill.

Clause 29—(Insertion of new sections 36A and 36B)

Amendments made :

Page 10, lines 43 and 44,—

for "Committee of Discipline or Committee of Examinations"

substitute—

"Discipline Committee or Examination Committee" (13)

Page 10, line 48, —

for "shall either" substitute "may" (14)

(Prof S. Nurul Hasan)

MR. SPEAKER : The question is :

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

MR. SPEAKER : There are no amendments to Clause 30 and Clause 31.

I will put them to the vote of the House.

The question is :

"That Clauses 30 and 31 stand part of the Bill."

The motion was adopted.

Clauses 30 and 31 were added to the Bill.

Clause 32—(Substitution of the Schedule)

SHRI EBRAHIM SULAIMAN SAIT : I beg to move :

Page 18, line 31—

for "Ten" substitute "Twenty-five"
(71)

Page 18, —

for lines 34 to 37, substitute—

"(xiii) Five Muslim representatives of Parliament, three to be elected from Lok Sabha and two from Rajya Sabha by the Muslim Members thereof respectively;"
(72)

Page 18,—

after line 37, insert—

"(xiiiia) One Muslim member to be elected by the Muslim members of the Legislature of each State;" (73)

Page 18, line 39, —

for "Twenty" substitute "Ten" (74)

Page 18, lines 40 and 41, —

Omit "Trade Unions," (75)

Page 18, line 41, —

for "to be nominated by the Visitor"

substitute "to be elected by Court"
(76)

Page 18, line 41, —

add at the end —

"Five persons representing Muslim culture and learning to be elected by the Court." (77)

Page 18, —

after line 41, insert —

"(xiva) Two representatives each from each of the following cultural and educational institutions of India :—

1. Darul Uloom Deoband
2. Nadvatul Ulema—Lucknow.
3. Mazahirul Uloom—Saharanpur.
4. Jamia Darus Salam—Omerabad.
5. Baqiatul Salihat—Vellore
6. Muslim Educational Association of South India—Madras;
7. All India Muslim Educational Conference, Aligarh;

(xivb) One member from each State Wakf Board,

(xivc) Two Members of Central Wakf Council.

(xivd) Every person who has made a donation of rupees one lakh or over." (78) ✓

Page 20, line 33,—
for "three" substitute "eight" (79) ✓

Page 21, line 1,—
after "shall" insert—
"subject to the control of the Court" (80) ✓

Page 21, lines 5 and 6,—
after "Ordinances" insert—
"and directions given by the Court" (81) ✓

PROF. S. NURUL HASAN : I beg to move :

Page 11,—
after line 45, insert—
"The Pro-Chancellor 2(1) The Pro-Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council :

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Pro-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment." (196)

Page 12,—
after line 4, insert—
"Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel." (15)

Page 12,—
Omit lines 11 and 12. (16)

Page 12, line 17,—
after "appointment for"
insert "not more than" (54)

Page 12, Lines 33 to 35,—
for "or one of the Pro-Vice-Chancellors according to seniority shall subject to his availability";
substitute—
"shall" (17) ✓

Page 12, line 37,—
(i) or "no" substitute "the"
(ii) after "is" insert "not" (18)

Page 12, line 42,—
after "the Chancellor", insert—
"and the Pro-Chancellor", (197)

Page 13, line 37,—
for "a" substitute "the" (19)

Page 15—
after line 14, insert—
"(3) The Finance Officer shall be ex-officio Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee. (198)

Page 16, line 17—
for "Maulana Azad Engineering" substitute—
"Zakir Hussain Engineering" (20) ✓

Page 16, line 30,—
for "Board" substitute "Board of Studies" (21) ✓

Page 16, line 33—
after "appointed by"
insert "the Executive Council on the recommendation of" (55)

Page 16, line 35,—
for "Vice-Chancellor" substitute—
"Executive Council" (188)

Page 16, line 35,—
after "appoint" insert—
"on the recommendation of Vice-Chancellor" (189)

Page 17, line 4,—
for "whole-time one" substitute—
"whole-time officer" (22) ✓

Page 17, line 35,—
after "Executive Council" insert—
"on the recommendation of a Selection Committee constituted for the purpose" (23)

[Prof. S. Nurul Hasan]

Page 17, line 37, —

for "He" substitute —

"The Librarian shall be the head of the Department of Library Science and" (24)

Page 18, —

for lines 27 and 28, substitute —

"consisting of the student members of the Cultural Committee, Social Service Committee and the Games Committee" (25)

Page 18, line 31, —

for "Ten", substitute "Fifteen" (199) ✓

Page 18, lines 31 and 32, —
omit "by the registered graduates or" (26) ✓

Page 18, —

after line 41, insert —

"Provided that out of the twenty members aforesaid, not less than five shall be representatives of cultural and educational institutions of India" (200) ✓

Page 19, line 42, —

omit "officers of the University or among the" (27)

Page 19, line 43, —

(i) omit "Court,"

(ii) omit "or Finance Committee" (28)

Page 18, —

after line 43, insert —

"(xvi) Three persons nominated by the Chancellor". (201) ✓

Page 24, line 45, —

omit "and the constitution of the Boards of Studies" (29)

Page 25, line 24, —

for "two" substitute "four" (56)

Page 25, lines 26 and 27, —

(for) "(iv) two Lecturers in the Department, one with more than seven years of service and the other with less than seven years."

substitute —

"(iv) four Lecturers in the Department, at least two of whom shall be with less than seven years of service" (57)

Page 25, line 37, —

after "Faculty"

insert "in the manner provided in the Ordinances" (58)

Page 25, line 38, —

after "examiners for"

insert "undergraduate and" (59)

Page 26, line 6, —

for "Two" substitute "Four" (60)

Page 26, line 8, —

for "Two" substitute "Four" (61)

Page 32, line 25, —

omit "and functions" (62)

Page 32, line 29, —

omit "and functions" (63)

Page 26, line 23, —

for "Ten" substitute "Fifteen" (30)

Page 26, —

for line 24, substitute —

"the Students Advisory Committees of Faculties and" (31)

Page 26, line 25, —

omit "and hostels" (32)

Page 26, —

after line 30, insert —

"Provided that no student who has passed the High School or an equivalent examination more than eight years earlier or the Pre-University or an equivalent examination more than seven years earlier or has taken more than one year in excess of the period prescribed for the course for which he is a student, shall be eligible to become a member of the Students' Council." (33)

Page 28, —

for lines 1 to 3, substitute —

"Provided that where the appointment of a teacher is to be made in a College or the University Polytechnic, the Principal of that College or the University Polytechnic, as the case may be, shall also be an *ex-officio* member of the Selection Committee constituted for such appointment". (34)

Page 29, line 2, —
after "Statute" insert "or Statute
29" (35)

Page 29, line 12, —
for "may" substitute "shall" (36)

Page 30, line 29, —
after "shall be" insert "ordinarily"
{37}

Page 32, line 34, —
omit "Chief" (38)

Page 33, line 21, —
omit "Chief" (39)

Page 36, line 16, —
for "Department" substitute "Centre"
(40)

Page 36, line 41, —
after "Radiology" insert "Electro-
Therapeutics" (41)

Page 37, —
after line 6, insert —
"(xv) Department of Unani
Tib and Surgery" (42)

Page 20, —
omit lines 40 to 43 (202)

Page 25, —
after line 22, insert —
"(ii) Dean of the Faculty
concerned" (203)

Page 25, —
for lines 31 to 33, substitute—
"(vi) two experts not in the
service of the University co-
opted by the Board of Studies".
(204)

Page 26, after line 4, insert —
"(ii) Dean of the Faculty con-
cerned". (205)

Page 26,—
after line 16, insert—
"(4) Where the number of tea-
chers in a teaching Department
does not exceed twenty, the func-
tions of the Departmental Com-
mittee shall be performed by that
Department". (206)

SHRI SAMAR GUHA : We are
objecting to the manner in which these

are rushed through. We had no chances
to read them. You are presiding over
the House. I am sorry such a thing
happens. You are presiding over the
steamroller attitude of the Govern-
ment. I have got a right to make a sub-
mission. The Chair is to be equally
conscious of defending the right of the
opposition as well as the Government.
It is not humanly possible to go through
all these amendments in such a short
time.

SHRI JAGDISH BHATTACHA-
RYYA : I am moving amendment
No. 133. I beg to move :

Page 34, line 45,—
add at the end

"and further, he shall be entitled
to claim the benefit of due enquiry,
with full opportunity to inspect
evidence and cross-examine wit-
nesses, and offer his own evidence
and witnesses, before the Ex-
ecutive Council or before
a person or persons appointed by
it to conduct the enquiry." (133)

SHRI SAMAR GUHA : I beg to
move amendment Nos. 105, 108 and
111.

Page 23, —
after line 28, insert—
"(x) Faculty of Comparative
Religions and Theologies". (105)

Page 35,—
for line 42, substitute—
"(i) Department of Lingui-
stics," (108)

Page 36,—
for lines 21 to 23, substitute—
"(e) Faculty of Comparative
Religions and Theologies :

(i) Department of Com-
parative Religions,

(ii) Department of Islamic
Theology,

(iii) Department of Buddhist
Theology

(iv) Department of Christian
Theology,

(v) Department of Hindu
Theology;" (111)

DR. LAXMINARAYAN PANDEYA :
(Mandsaur) : I beg to move amend-
ments Nos. 46, 47 and 48,

Page 18, Line 10,—
for "5" substitute "6" (46)

Page 18, line 34,—
(i) for "Five" substitute "Seven"
(ii) for "Three" substitute "five"
(47)

Page 36,—
after line 15, insert—
“(viii) Department of Philo-
sophy,” (48)

SHRI JAGDISH BHATTACHA-
RYYA :

I beg to move :

Page 16,—
for lines 11 to 13, substitute—

“The Dean of a Faculty shall
be appointed by the Vice-
Chancellor from amongst the
Professors in the Faculty, and
where there are no Professors,
from amongst the Readers in the
Faculty, by rotation according
to seniority, for a period of two
years.” (116)

Page 18,—
for lines 14 to 16, substitute—

“(x) (a) President and Secretary
of the Aligarh Muslim Univer-
sity Staff Association, ex-
officio;

(b) eight teachers to be elec-
ted by teachers of the various
Faculties, a single Faculty or a
group of Faculties forming an
electoral college in the manner
prescribed in the Ordinances.”
(117).

Page 18,—
after line 16, insert—

“Representatives of the Non-teaching
staff

(xa) Ten employees of the
University elected by all the
non-teaching employees of the
University, forming a single
electoral college, the detailed
rules to be prescribed by the
Ordinances;” (118)

Page, 20,—
Omit line 28 (119)

Page 20,—
for lines 29 to 32, substitute—

“three teachers to be elected
by the teachers' elected represen-
tatives on the Academic Council”
(120)

Page 20,—
after line 32, insert—
“(via) two representatives of
of the non-teaching staff to be
elected by the non-teaching emp-
loyees forming a single electoral
college, the detailed rules to be
prescribed by the Ordinances,
which may further provide that
election of the representatives of
the non-teaching staff to the
Court and the Executive Council
may be held together.” (121)

Page 22,—
for lines 24 to 26, substitute—
“(ix) Fifteen teachers, of whom
at least two shall be professors
and three Readers, to be elected
by all the teachers of the Univer-
sity forming a single electoral
college, the detailed rules to be
prescribed by the ordinances.”
(122).

Page 22,—
omit lines 33 to 47, (123)

Page 25,—
for lines 22 to 33, substitute —
“(i) All members of the Depart-
ment, ex-officio”. (124)

Page 25,—
omit lines 45 to 47, (125)

Page 26,—
omit lines 1 to 11, (126).

Page 26, line 12, —
omit “(3)” (127)

Page 26, line 12,—
for “Departmental Committee”
substitute—
“Department”. (128)

Page 32,—
omit lines 12 to 23, (129)

Page 32,—
omit lines 24 to 26, (130)

Page 32,—

omit lines 27 to 30, (131).

SHRI ISHAQ SAMBHALI : I beg to move :

Page 18, line 34,

(i) for "Five" substitute "Ten"

(ii) for "three" substitute "six" (49)

Page 18, line 36, for 'two' substitute 'four'. (50)

Page 18, line 39, for "Twenty" substitute "Fifteen". (51)

Page 18, line 41, for 'and Agriculture' substitute

"Agriculture, prominent representatives of the Urdu, Arabic, Persian languages, specialists in Unani system of medicine, doctors of Allopathy, lawyers, journalists, non-teaching staff of the University, Harijans, Women and cultural, organisations of religious minorities." (52)

SHRI C. K. CHANDRAPAN : (Tellicherry) : I beg to move :

Page 11,— :

after line 45, insert—

"Provided the persons concerned is not above the age of 60." (83)

Page 12, line 26—

for "sixty-five" substitute "sixty" (84)

Page 13, line 24—

for "sixty-five" substitute "sixty" (85)

Page 18,—

after line 22, insert—

"(cc) Three members to be elected by the students' Union from among its members of the general council". (86)

Page 18,—

for lines 23 to 25, substitute—

"(d) Ten members to be elected by the students from among themselves" (87)

Page 20, line 33—

for "three" substitute "five" (88)

Page 20, lines 35 to 37—

for "none of whom shall be an employee or a student of the University or a college maintained by the University".

substitute

"two of whom shall be students, another an employee and the remaining two from any other section of the Members of the Court". (89)

Page 22,—

after line 20, insert—

"(va) One representative of the Students' Union :

(vb) Two from among the student members of the Court" (90)

Page 26,—

for lines 27 to 30, substitute

"(v) Ten students elected from among the student of the University". (91)

Page 32,—

for line 12, substitute

"32. (1) There shall be a democratically elected students' Union for the University". (92)

Page 32, line 15—

after "a" insert "democratically elected". (93)

Page 16, line 42,—

add at the end

"in consultation with the Students' Union". (154)

Page 16, line 44—

For "such term as the Vice-Chancellor may specify" substitute

"a period not more than one year". (155)

SHRI S. M. BANERJEE : Clause 32 relates to the Schedule. It is very important. So, kindly allow us some time to speak on this clause.

MR. SPEAKER : Those who have moved amendments will be allowed to speak.

SHRI ZIAUR RAHMAN ANSARI : I beg to move my amendment No. 180 but with a modification. I want that the word "Treasurer" be deleted.

MR. SPEAKER : If the hon. Minister is accepting it, then I have no objection.

SHRI ZIAUR RAHMAN ANSARI : I am requesting the hon. Minister through you to accept it.

MR. SPEAKER : If Government are accepting it, then I would have no objection.

PROF. S. NURUJAL HASAN : I am prepared to accept it with the modification which the hon. Member wishes to make.

MR. SPEAKER : Let the hon. Member read the amendment with the modification.

Let the hon. Member give the modified amendment in writing.

PROF. S. NURUJAL HASAN : The modifications are that the word 'Treasurer' be deleted, and instead of the word 'provost', the words 'Three Provost by rotation according to seniority' be included. This is the modification that the hon. Member has proposed, and with this modification I am willing to accept the amendment.

I am also willing to accept the amendment No. 133 moved by Shri Jagdish Bhattacharyya.

SHRI SAMAR GUHA : On a point of order. It is not a private business, nor is it something being done in a private chamber...

MR. SPEAKER : If Government are accepting the amendment, then it is always allowed.

SHRI SAMAR GUHA : We want to know what the modified amendment is. The Mover of the amendment must clearly read out what the modification is and what exactly the amendment is, and only then can the hon. Minister accept it. It is not a private business which is going on...

MR. SPEAKER : Why does the hon. Member lose his temper every time? Let him not dramatise his movement again and again.

SHRI SAMAR GUHA : I will dramatise it. I am constrained to say that the House is being made theatrical.

Amendments are coming forward like mushrooms, and you are not giving an opportunity to the Member to understand the amendments and discuss them. The House will stand ridiculed before the bar of the public outside because of this.

What is the hurry in doing things like this?

SHRI ZIAUR RAHMAN ANSARI : My original amendment No. 180 was like this :

"Page 17,—after line 42, insert—
 "(ia) Treasurer,
 (ib) All ex-Vice Chancellors,
 (ic) Provosts,
 (id) Proctor".

I want the word 'Treasurer' to be deleted because no provision has been made for Treasurer in the Act itself.

SHRI INDRAJIT GUPTA : Finance, Officer.

SHRI ZIAUR RAHAMAN ANSARI : There is Finance Officer. Then instead of 'Provosts', I want to say "3 Provosts by rotation according to seniority".

I beg to move :

Page 17,—after line 42—insert—
 "(ii) (a) All Ex-Vice-Chancellors,
 (ii) (b) Three Provosts by rotation according to seniority,
 (ii) (c) Proctor" (180)

श्री एस० एम० बनर्जी (कानपुर) : अध्यक्ष महोदय, मैं क्लाज 32 पर जो संशोधन मेरे मोवज्जि दोस्त श्री इसहाक सम्भली और मेरे नाम से है, अमेण्डमेण्ट न० 49 से लेकर 52 तक वे इस प्रकार है,

Page 18, line 34,—
 (i) for "Five" substitute "Ten"
 (ii) for "three" substitute "six" (49)

Page 18, line 36,—
 For "two" substitute "four" (50)

Page 18, line 39,—
 for "Twenty" substitute "Fifteen"
 (51)

Page 18, line 41,—

for "and Agriculture" substitute—

"Agriculture, prominent representatives of the Urdu, Arabic, Persian languages, specialists in Unani system of medicine, doctors of Allopathy, lawyers, journalists, non-teaching staff of the University, Harijans, women and cultural organisations of religious minorities" (52)

जहां तक पहले अमेण्डमेंट का ताल्लुक है जहां पर मेम्बर पार्लियामेंट की बात कही गई है, मैं चाहता हूँ कि यह तादाद पांच के बजाय 10 कर दी जाय। इस के पीछे हमारी दवाँल यह है कि मुख्तलिफ़ ख्यालात के लोग उस में आ जायें। इस की सेकुलर और जम्हूरी बनाने के ख्याल से अगर हम नार्थ या साउथ के लोगों को इस में लाना चाहें तो उन को लाया जा सके।

अमेण्डमेंट 50 और 51 भी इसी नजरिये से पेश किये गये हैं।

जहां तक अमेण्डमेंट 52 का ताल्लुक है—अर्थात् बहुत सी चीजें मेरे मोअज्जिदोस्त मुलेमान सेट साहब ने कहीं, उन्होंने काफ़ी शंरोशायरी भी की। लेकिन मैं समझता हूँ उसकी जरूरत नहीं थी। हम चाहते कि उर्दू तरक्की करे क्योंकि उर्दू जबान हिन्दुस्तान की जबान है। मैं समझता हूँ उर्दू जबान की तर्जुमनी होनी चाहिए। सरकार ने आजतक यह नहीं किया इसका मुझे दुःख है। इसकी तर्जुमानी जरूर होनी चाहिए।

18 hrs.

इसी तरह से अगर हम मुख्तलिफ़ लोगों को ले लें जिसमें अरबी फारसी के विद्वानों हों, यूनानी के स्पेशलिस्ट्स हों, डाक्टर्स, जर्नलिस्ट्स, वकील, हरिजन, नान-टीचिंग स्टाफ और ट्रेड यूनियन को भी इन्क्लूड किया है यह सब हों तो मैं समझता हूँ वहां पर कम से कम लोगों के दिल में यह अहसास होगा हर मुख्तलिफ़ ख्यालों के लोगों को लिया जा रहा है। अच्छा तो यह होता कि यह बिल

सेलेक्ट केमेटी में जाता लेकिन फिर भी इन तरमीयों को अगर मान लिया जायें तो मेरे ख्याल से इसमें मिनिस्टर साहब को कोई इतराज की बात नहीं होगी। वह भी चाहते हैं कि हरिजनों को नुमाइन्दगी मिले, नान-टीचिंग स्टाफ को नुमाइन्दगी मिले, हमारी बहनों को नुमाइन्दगी मिले, उर्दू फारसी दोनों को नुमाइन्दगी मिले तो मैं समझता हूँ इसमें कोई इतराज की चीज नहीं है। मुझे कोई इतराज नहीं होगा अगर हमारी तरमीमों को मिनिस्टर साहब खुद अपने नाम से पेश कर दें। आज बनर्सी नुरल हसन बनने के लिए भी तैयार हैं।

मैं बहुत अदब के साथ गुन्जरिश करूंगा कि चन्द घंटों में यह बिल पास होने जा रहा है, हमने इसकी मुख्तलिफ़ बहांतक की जहां तक जरूरत थी लेकिन साम्प्रदायिक फिकापरस्ती के खिलाफ सेक्यूलरिज्म और जम्हूरियत के आन्दार पर इतकी मुआफिकत की। मैं समझता हूँ इन छोटी सी तरमीमों को मिनिस्टर साहब को मान लेना चाहिए।

आखिर में एक चीज कहकर खतम करूंगा। नजर जरूर आता है कि छोटी चीजें हैं लेकिन आज सेक्यूलर करैक्टर को मजबूत करने लिये, जैसा कि श्री समर गुहा ने कहा कि मुसलमान नाम हटा दिया जाय तो सेक्यूलर हो जायेगा, मैं समझता हूँ यह गलत है। बजाय इसके कि इस देश में हम मुसलमान नाम को हटायें या हिन्दू नाम को हटायें, हम सभी को मिलकर गरीबी को हटाना है और उस काम को सबसे पहले करना है। इस बारे में मैं यह भी अर्ज कर दूँ कि बचपन से मैंने उर्दू पढ़ी है। मुझे तालिम तो यह मिली है कि हमें हिन्दू और मैं मुसलमान इस तरह से दोनों मिलकर हम हो जाते हैं।

शास्त्री जी को सुनकर मुझे सदमा पहुंचा कि किसी बुजुर्ग और शरीफ औरत ने पानी लेने से इनकार कर दिया, मैं कहता हूँ कि आज भी आप किसी मुसलमान के घर में

[श्री एस० एम० बनर्जी]

चले जाइये, त्राहे उसके पास सूखी रोटीयां ही हों, वह दस्तरख्वान बिछाकर आपकी मेहमान नवाजी करेगा जिसको आप उम्र भर याद रखेंगे। जहाँ पर ऐसी भावना हो कि जो कुछ भी है, चाहे एक रोटी ही, उसको सब साथ बैठकर खायेंगे वह मुसलमान पानों से इन्कार कर दे, मैं समझता हूँ यह जबर्दस्ता मुसलमानों के खिलाफ चीजें कहीं गई हैं।

आखिर में मैं मिनिस्टर साहब से कहूँगा कि वह इस तरकीब को मान लें। हमने उनके तमाम संशोधनों को माना है, वह हमारे संशोधन को भी मान लें। यह सिर्फ मेरा ही नजरिया नहीं है बल्कि बहुत से लोग इस सदन में इसको मानते हैं। मैं आपका शुक्रगुजार हूँ कि आपने मुझे मौका दिया।

PROF. S. NURUL HASAN : I am prepared to accept 49 and 50 moved by the hon. Member; but I am sorry I cannot accept 51 and 52. I can assure the hon. Member however, that we shall take the spirit of the amendment into consideration before we act.

SHRI SAMAR GUHA : My learned professor Nurul Hasan, Professor of History and our Education Minister should have become, if this were a convocation hall, a professor of great amendments. In this House we find today that theatrical elements have been introduced in passing the Bill; not only that, dramatic nuances have been introduced. Amendments are being brought like mushroom one after another. When questions are asked the Minister fails and an opposition leader points out the clause and the page on which it is and comes to the rescue of the Minister. That was not theatrical; that was not dramatic. But when a Member from the opposition tries to defend his rights and privileges according to the rules of the House, you have the wisdom to pull him up and say that there is an element of dramatics and theatricals in that, I regret that such kind of observation should have come from the Chair. I shall now come to the amendments. You are in the Chair... (interruptions) I have a right to defence people have not sent me here to be a

silent spectator; I shall plead for the right thing. I have not come here to perform a drama or a theatrical. This is a very unfortunate observation you made.

MR. SPEAKER : Have I not been hearing you patiently ?

SHRI SAMAR GUHA : I have had forty years of public service, national service; I have been doing this even from my school days. After all these years of national service and having spent so many years in jail, if you say that this is theatrical performance, I can only say that it is your privilege because you are in the Chair.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : We do not at all approve of these mannerisms; he is casting aspersions on the Chair... (Interruptions).

MR. SPEAKER : I must say that I have lost all my patience with this person; I will not tolerate it; I tell him finally.

SHRI SAMAR GUHA : It is also my right to point out to you that the mushrooming of amendments which make the whole performance somewhat dramatic, theatrical... (Interruptions.) In the Bill, it is said that the University shall have the following faculties, namely 'Faculty of Theology'. There I have used substitute phrase 'Faculty of comparative religions and theology'. In connection with clause 3, I have already pointed out the word religion had been used. I find on page 23 the faculty of theology is there. If it is to be made really national and democratic and secular in outlook, it should be replaced by the word 'Faculty of comparative religion and theology'. That is what I want to submit.

The minister said that they do not want to maintain some kind of religious bias for this university and they want to bring it in tune with our national aspirations, secular aspirations and democratic values. But what is the order you have mentioned in the Annexure ? You start with Department of Arabic, then Department of English and so on. Of course, I am all for the study of Arabic. It is the language of the Koran, which is the voice of the Prophet. But you want to say that you want to bring in

a secular outlook. So, I have through my amendment changed the order and put Department of Linguistics first.

Then on page 36 under (c) you have said under Faculty of Theology, (i) Department of Sunni Theology and (ii) Department of Shia Theology. I want this to be substituted as follows ;

“(c) Faculty of Comparative Religions and Theologies :

(i) Department of Comparative Religions.

(ii) Department of Islamic Theology;

(iii) Department of Buddhist Theology;

(iv) Department of Christian Theology;

(v) Department of Hindu Theology”.

I want that at least this amendment should be accepted. Why should you leave everything to the statute? About other Faculties, you have given the indication of the subjects. In this case why should you leave it to the Executive Council or the Vice-Chancellor? If it is Faculty of Theology, it should include the theology of other religions also, if you want a synthesis of religions and harmonisation of the religious concept and value of other religions also.

Shri Hiren Mukerjee said that by taking away the word “Muslim” you cannot achieve anything and it is an over-simplification. I am sorry the learned professor is not here. But Mahatma Gandhi used one word “*ahimsa*” and everything followed. The idea that Hindus constitute one nation and Muslims constitute one nation led to the two-nation theory and all complications followed. Fundamental truth are always simple. Sir, if there is any misgiving about what I am fighting for, let me tell you, when I was in Buxa jail I observed *Roza* with Ashrafuddin Ahmed Chowdhury, the then General Secretary of the Forward Bloc and during *Roza* I used to study Koran with him.

Therefore, let there be no misunderstanding. I also want to live up to the directive that has been given by the Congress to its members. That directive is not for the Congress members only

but, I say, for all the citizens of India, to live up to the ideals of socialism, secularism and democracy. I also want to live up to the ideals of socialism, secularism and democracy. That is the reason why I emphatically fight for socialism, secularism and democracy in this country.

SHRI JYOTIRMOY BOSU : (Diamond Harbom) : On a point of order, Sir, Have you given any directive regarding the sitting of the House as required under Rule 14 ?

MR. SPEAKER : We will keep sitting till we finish the business. I made it very clear.

SHRI JYOTIRMOY BOSU : May I point out the requirement of Rule 14 ? It says :

“Unless the Speaker otherwise directs, sitting of the House on any day shall ordinarily conclude at 17.00 hours”.

I am asking you : Have you given any directive to contradict this ?

MR. SPEAKER : Yes. I gave the directive that today we will keep sitting till we finish the business.

SHRI JYOTIRMOY BOSU : Till we finish this Bill ?

MR. SPEAKER : Till we finish the business. That is what I said.

SHRI JYOTIRMOY BOSU : I am on a point of order. You propose to get through the Bill that is in the List of business. I quote Rule 93(2) :

“Where a Bill has undergone amendments, the motion that the Bill as amended be passed shall not be moved on the same day.....

—That is, on 1st June; I have not amendments dated 1st June—

“...on which the consideration of the Bill is concluded unless the Speaker allows the motion to be made.”

MR. SPEAKER : I made it very clear yesterday and also today that this Bill will go through all the stages today. Otherwise, there was no use of taking an extra day. It was decided that the remaining business will be finished today.

SHRI JYOTIRMOY BOSU : What is your ruling on Rule 93(2) ?

MR. SPEAKER : I have given the ruling. The Bill will go through all the stages to-day.

श्री जगन्नाथराव जोशी : सब नियमों की तक पर रख दिया गया है। जब नियम में साफ लिखा हुआ है ... (व्यवधान)

अध्यक्ष महोदय : कल सेशन खत्म हुआ तो आपने मिलकर फंसला किया कि आज का दिन दे दो तो सब काम खत्म ही जाएगा। ... (व्यवधान)

MR. SPEAKER : I made it very clear that if member wanted to sit for an extra day, I would allow it for finishing the business, but it not be circumvented now.

SHRI JYOTIRMOY BOSU : I am to be educated with regard to Rule 93(2). We want a clear and categorical answer from you, whether you intend to overrule, ignore, violate, Rule 93(2). That is all we want to know.

MR. SPEAKER : Not violate; I allow it.

SHRI JYOTIRMOY BOSU : You cannot have both ways. I am very sorry to say that every day, the rule book is being treated with the utmost contempt. We have got a rule book here.

MR. SPEAKER : We have been doing it.

SHRI JYOTIRMOY BOSU : Only to the advantage of the Government.

MR. SPEAKER : Where a Bill has undergone amendments, we have passed the Bill, as amended, on the same day.

श्री फूलचंद भर्मा : अध्यक्ष महोदय, मेरा निबंदन यह है कि सरकार की सुविधा से नये नियम बनाये जायें, पुराने नियमों को रद्दी की टोकरी में रख दिया जाए। प्रजातन्त्र का मजाक बना कर रख दिया गया है। आप जैसे बिद्वान अध्यक्ष हैं तब भी ऐसी बात हो रही है।

डा० लक्ष्मीनारायण पांडेय : सरकार ने जिस जल्दबाजी में सारे का सारा विधेयक प्रस्तुत किया है उस के कारण एक के बाद एक संशोधन चले आ रहे हैं और ऐसा लगता है कि अभी और भी संशोधन आने वाले हैं। सरकार को तरफ से भी संशोधन प्रस्तुत होने वाले हैं। मुझे बड़ा आश्चर्य होता है कि शिक्षा के क्षेत्र में जब यूनिवर्सिटी इतना महत्वपूर्ण स्थान रखती है तब भी उस के बारे में सरकार इतनी जल्दबाजी में यह विधेयक लाई है। हम लोगों ने भी संशोधन दिये हैं, दूसरे माननीय सदस्यों ने भी दिये हैं और सरकार ने भी विर्य हैं लेकिन उन को एक दूसरे से संबद्ध करने का भी समय हम को नहीं मिल पाया है। लेकिन जितना भी हम ध्यान दे पाये हैं उस के अनुसार संशोधन प्रस्तुत करने का प्रयत्न किया है।

मैंने इस में पहले यह संशोधन दिया है विधेयक की हिन्दी प्रति के पृष्ठ 22, पंक्ति 6 में "5" के स्थान पर "6" कर दिया जाये विज्ञान संकाय में। आगे चल कर जो संशोधन दिया है उस में संसद सदस्यों की वर्तमान संख्या 5 का जगह 7 किया जाये। जैसा अभी माननीय सदस्य श्री बनर्जी ने कहा और सरकार द्वारा उस को स्वीकार भी किया गया है, मैं चाहता था संसद के जो प्रतिनिधि भेजे जाने वाले हैं उन की संख्या बढ़ाई जाय। इस का आधार यह है कि संसद का प्रतिनिधित्व करने वाले जो सदस्य हैं उन की संख्या बढ़ाने से उन का उचित प्रतिनिधित्व हो सकेगा। चूंकि राज्य सभा के सदस्यों की संख्या 2 थी और लोक सभा के सदस्यों की संख्या 3 थी इस लिये मुझे जो ऐसा लगता था कि उन का उचित प्रतिनिधित्व नहीं हो रहा है।

श्री० कृष्ण चन्द्र शन्त : उस को मान लेने के बाद भी आप उस पर बोल रहे हैं ;

डा० लक्ष्मीनारायण पांडेय : मान लिया तो अच्छी बात है। अगर आप उसको अच्छा नहीं समझते तो दूसरी बात है।

PROF. S. NUMUL HASAN : I am prepared to accept Amendment No. 88 given by Shri Chandrappan.

डा० लक्ष्मीनारायण षोडश : मेरा एक संशोधन था उस पर मैं बोल रहा था कि बीच में ही मंत्री महोदय बोल पड़े। उन्हें बहुत जल्दी है। उस जल्द बाजी में उन्होंने उठ कर कह दिया कि मैं संशोधन स्वीकार कर रहा हूँ। पता नहीं कौन सा संशोधन स्वीकार कर रहे हैं और कौन सा अस्वीकार कर रहे हैं।

मैं ने हिन्दी विधेयक के पृष्ठ 44 में पंक्ति 34 के पश्चात् डिपार्टमेंट आफ फिलासफी जोड़ने के बारे में संशोधन दिया है। जो सारा वाद-विवाद यहां पर हुआ उस के कारण कुछ शंकाएं पैदा की गईं, इस लिए मैं चाहता हूँ कि दर्शन शास्त्र जोड़ दिया जाये। मैं समझता हूँ कि इसमें पाश्चात्य दर्शन और पौराणिक दर्शन या भारतीय दर्शन भी शामिल है। इस में दर्शन विभाग कहीं नहीं है। अगर इस को जोड़ दिया जाये तो इन दोनों दर्शनों के अध्ययन की सुविधा प्राप्त हो जायेगी। मैं ने इस को सामाजिक विज्ञान संकाय में जोड़ने की बात कही है ताकि यह और स्पष्ट हो जाये।

मंत्री महोदय से अपेक्षा थी कि शिक्षा-शास्त्री होने के कारण कोई बहुत अच्छा और सुसंगत विधेयक पेश करेंगे और जल्दबाजी में इस प्रकार का कार्य नहीं किया जायेगा। देखने में आया है कि 60-70 अमेंडमेंट आ चुके हैं और आगे और भी लाने की तैयारी हो रही है। सदस्यों को प्रेरित किया जा रहा है। यह कोई अच्छी परम्परा नहीं है कि संशोधन पर संशोधन चले आये। हम को संशोधनों पर विचार करने का समय भी नहीं मिल पाया है। मैं इस पद्धति और परम्परा पर अपनी आपत्ति प्रस्तुत करता हूँ। एक दो संशोधनों की बात तो मानी जा सकती है, लेकिन सरकार की तरफ से साठ सत्तर संशोधन आये, यह बड़े आश्चर्य की बात है और बहुत आपत्तिजनक है।

मैं चाहता हूँ कि मैं ने जो संशोधन दिये हैं, उन को स्वीकार किया जाये।

SHRI C. K. CHANDRAPPAN : I am very thankful to the hon. Minister that he agreed to accept one of my amendments.

My amendments 83, 84 and 85 are about the age limit of the Chancellor, Vice-Chancellor and the Pro-Chancellor. I would like to remind the Government that some time back in Gujarat, almost all the University Students had gone on strike against the appointment of some very old gentleman, retired politicians as Vice-Chancellors. Here 65 is the age limit proposed in the Bill and the Minister might say 65 is the recommendation made by the Gajendragadkar Commission and I feel that it will be still better to appoint people who are not more than 60 so that they will be more effective and more dynamic in discharging their responsibility.

The next two amendments 86 and 87 are about increased participation of the students in the University Court. The Minister has accepted amendment No. 88. That is only part (1) of an amendment. 89 is another part of the amendment because to the court, according to the original clause, three persons were to be elected by the Court from among its members by a system of proportional representation none of whom shall be an employee or a student of the University or of a college maintained by the University. The first part of the amendment has been accepted. Instead of three, five have been accepted. But who will be the five persons? I have made in amendment No. 89 another proposal that instead of 'none of whom shall be an employee or a student of the University or a college maintained by the University', I have proposed in my amendment that "two of whom shall be students, another an employee and the remaining two from any other section of the members of the court". I take the liberty to quote the hon. Minister. The hon. Minister while replying to an argument posed here as to what is the business of the Trade Unions in the University bodies, said that the working class will have a role to play. The same argument, I think, stands valid in the case of electing an employee to the executive. When we say that students should be associated with the University affairs, I think it should not be ritualistic. I understand that the Minister has taken a positive attitude in accepting the 10 or 15% as proposed by the Gajendragadkar Commission in the

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court. You had agreed to that but my suggestion is that if they should really feel a sense of responsibility and if they should be given their due share, I think, if you really want them to have their say accepted, I think they should be given their proper share in the executive as well as in the Academic Council. The amendments are there. There is one amendment regarding the University Students Union.

Regarding the University Students Union, the Bill says that there shall be a University Students Union. I would only want the Minister to specify that there shall be a democratically elected University Students' Union. I think I have valid reasons for that. We had the bad experience in most of the Universities in our country of an authoritarian interference by the University administration in matters of the functioning of the University Students' Union. The standing monument of that is the experience we had in a Central University like the Banaras Hindu University during the last decade and still the Union is under suspension. You may have some reason for it but, at the same time, I would say, let us start setting up a new example providing a democratic set-up in the University where we give the students their democratic rights. So I propose that there should be specific mention that the union will be democratically elected. Otherwise the authority may come out with an ordinance denying the very norms of democracy. I think you will also not like it. I hope the amendment will be accepted.

SHRI SAMAR GUHA : I draw your attention to the Rules of Procedure. Please see Rule 93. Sub-clause (3) says about this. You in your wisdom, have allowed the motion for consideration to be moved. Kindly see sub-clause (3). It says :

"To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration".

I leave it to your wisdom as to what is being done here is correct or not. I leave it to your wisdom to see whether this is valid, this is Parliamentary in the House. I leave it to your wisdom.

AN HON. MEMBER : It says 'may be moved'—

MR SPEAKER : It is still at the stage of consideration. It is going on.

SHRI SAMAR GUHA : Is it formal? Is it verbal? Is it consequential .?

SHRI JAGANNATH RAO JOSHI : They are regular amendments.

MR. SPEAKER : This is still going on.

SHRI SAMAR GUHA : Kindly tell me whether it is formal or verbal or consequential.

MR. SPEAKER : This is for consideration. This is still going on.

THE MINISTER OF LAW AND JUSTICE, AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE) : The motion "That the Bill as amended be passed" has not been moved. That applies to the Motion, "That the Bill as amended be passed". Therefore now that question does not arise.

MR. SPEAKER : I made it very clear. The hon. Minister may reply to the points raised.

PROF. S. NURUL HASAN : I am sorry I am unable to accept all these amendments. I would not like to take much time of the House. I would very briefly refer to two points. I would like to refer to Section 20 of the Bill. It says about such other faculties as may be prescribed by the statute and that each faculty shall consist of such departments as may be assigned to it by the ordinance and no department shall be established or abolished except by statute. I have already said about the power of the university to have special centres of study or specialised committees to go into various aspects of the problem. Therefore it is not proper for us here to decide as to which particular study will be undertaken in a particular form. The intention of Parliament has been expressed in the Act and I hope the university will take due note of this new power which is given. Regarding Shri Chandrapan's point, may I assure him this? Having had the honour of serving Aligarh for more than two decades there is no possibility that I can visualise of a student union not being democratically elected.

I am, therefore, unable to accept any amendment which has been moved, except amendment No. 180 as amended or as modified, amendment No. 133 and amendments Nos. 49 and 50 and amendment No. 88.

MR. SPEAKER : There are so many amendments to clause 32. I shall put them separately in the name of each Member.

First, I shall put Government amendments Nos. 15 to 42, 54 to 63, 188, 189 and 196 to 206 moved by Prof. S. Nurul Hasan to vote.

The question is :

Page 12,—

after line 4, insert—

“Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for a fresh panel.” (15)

Page 12,—

omit lines 11 and 12. (16).

Page 12, lines 33 to 35—

for “or one of the Pro-Vice-Chancellors according to seniority shall subject to his availability”.

substitute—

“shall” (17)

Page 12, line 37,—

(i) for “no” substitute “the”

(ii) after “is” insert “not” (18)

Page 13, line 37,—

for “a” substitute “the” (19)

Page 16, line 17,—

for “Maulana Azad Engineering” substitute—

“Zakir Hussain Engineering” (20)

Page 16, line 30,—

for “Board” substitute “Board of Studies” (21)

Page 17, line 4,—

for “whole-time one” substitute—
“whole-time officer” (22)

Page 17, line 35,—

after “Executive Council” insert—

“on the recommendation of a Selection Committee constituted for the purpose”. (23)

Page 17, line 37,—

for “He” substitute—

“The Librarian shall be the head of the Department of Library Science and” (24)

Page 18,—

for lines 27 and 28, substitute—

“consisting of the student members of the Cultural Committee, Social Service Committee and the Games Committee” (25)

Page 18, lines 31 to 32,—

omit “by the registered graduates or” (26)

Page 19, line 42,—

omit “officers of the University or among the” (27)

Page 19, line 43,—

(i) omit “Court,”

(ii) omit “or Finance Committee” (28)

Page 24, line 45,—

omit “and the constitution of the Boards of Studies” (29)

Page 26, line 23,—

for “Ten” substitute “Fifteen” (30)

Page 26,—

for line 24, substitute—

“the Students Advisory Committees of Faculties and” (31)

Page 26, line 25,—

omit “and hostels” (32)

Page 26,—

after line 30, insert—

“Provided that no student who has passed the High School or an equivalent examination more than eight years earlier or the Pre-University or an equivalent examination more than seven years earlier or has taken more than one year in excess of the period prescribed for the course for which he is a student, shall be eligible to become a member of the Students' Council”. (33)

Page 28,—

for lines 1 to 3, substitute—

“Provided that where the appointment of a teacher is to be made in

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a College or the University Polytechnic, the Principal of that College or the University Polytechnic, as the case may be, shall also be an *ex-officio* member of the Selection Committee constituted for such appointment." (34) ✓

Page 29, line 2,—

after "Statute" insert "or Statute 29" (35) ✓

Page 29, line 12,—

for "may" substitute "shall" (36) ✓

Page 30, line 29,—

after "shall be" insert "ordinarily" (37) ✓

Page 33, line 34,—

omit "Chief" (38) ✓

Page 33, line 21,—

omit "Chief" (39) ✓

Page 36, line 16,—

for "Department" substitute "Centre" (40) ✓

Page 36, line 41,—

after "Radiology" insert "Electro-Therapeutics" (41) ✓

Page 37,—

after line 6, insert—
" (xv) Department of Unani Tib
and Surgery" (42) ✓

Page 12, line 17,—

after "appointment for"
insert "not more than" (54) ✓

Page 16, line 33,—

after "appointed by"
insert "the Executive Council on
the recommendation of" (55) ✓

Page 25, line 24,—

for "two" substitute "four" (56) ✓

Page 25, lines 26 and 27,—

for "(iv) two Lecturers in the
Department, one with more than
seven years of service and the other
with less than seven years"

substitute :

"(iv) four Lecturers in the Depart-
ment, at least two of whom shall
be with less than seven years of
service". (57) ✓

Page 25, line 37,—

after "Faculty"
insert "in the manner provided
in the Ordinances" (58) ✓

Page 25, line 38,—

after "examiners for"
insert "undergraduate and" (59)

Page 26, line 6,—

for "Two" substitute "Four" (60)

Page 26, line 8,—

for "Two" substitute "Four" (61)

Page 32, line 25,—

omit "and functions" (62)

Page 32, line 29,—

omit "and functions" (63) ✓

Page 16, line 35,—

for "Vice-Chancellor" substitute—
"Executive Council". (188) ✓

Page 16, line 35,—

after "appoint" insert—
"on the recommendation of
Vice-Chancellor". (189) ✓

Page 11,—

after line 45, insert—

"The Pro-Chancellor

2(1) The Pro-Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council:

Provided that if the Visitor does not approve of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Pro-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment." (196) ✓

Page 12, line 42,—

after "the Chancellor", insert—
"and the Pro-Chancellor" (197) ✓

Page 15,—

after line 14, insert—

“(3) The Finance Officer shall be *ex-Officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.” (198) ✓

Page 13, line 31,—

for “Ten”, substitute “Fifteen” (199) ✓

Page 18,—

after line 41, insert—

“Provided that out of the twenty members aforesaid, not less than five shall be representatives of cultural and educational institutions of India”. (200). ✓

Page 18,—

after line 43 insert—

“(xvi) Three persons nominated by the Chancellor”. (201) ✓

Page 20,—

omit lines 40 to 43 (202) ✓

Page 25,—

after line 22, insert—

“(ii) Dean of the Faculty concerned”. (203) ✓

Page 25,—

for lines 31 to 33, substitute—

“(vi) two experts not in the service of the University co-opted by the Board of Studies”. (204) ✓

Page 26, after line 4, insert—

“(ii) Dean of the Faculty concerned” (205) ✓

Page 26,—

after line 16, insert—

“(4) Where the number of teachers in a teaching Department does not exceed twenty, the functions of the Departmental Committee shall be performed by that Department.” (206) ✓

The motion was adopted.

MR. SPEAKER : I shall now put amendments Nos. 46 to 48 standing in the name of Dr. Laxminarain Pandey to vote.

Amendments Nos. 46 to 48 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 49 and 50 accepted by Government and standing in the name of Shri Ishaq Sambhali to vote.

The question is :

Page 18, line 34,—

(i) for “Five” substitute “Ten”.

(ii) for “three” substitute “six”. (49)

Page 18, line 36, for “two” substitute “four”. (50)

The motion was adopted.

MR. SPEAKER : I shall now put amendments Nos. 51 and 52 moved by Shri Ishaq Sambhali to vote.

Amendments Nos. 51 and 52 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 71 to 81 by Shri Ebrahim Sulaiman Sait to vote.

The Amendments Nos. 71 to 81 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 83, 84, 85, 86 and 87 moved by Shri C. K. Chandrappan to vote.

Amendments Nos. 83 to 87 were put and negatived.

MR. SPEAKER : I shall now put amendment No. 88 which I understand, has been accepted, and which stands in the name of Shri C. K. Chandrappan to vote.

The question is :

Page 20, line 33, for “three” substitute “five”. (88)

The motion was adopted.

MR. SPEAKER : I shall now put amendments Nos. 89 to 93 and 154 and 155 moved by Shri C. K. Chandrappan to vote.

The Amendments Nos. 89 to 93, 154 and 155 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 105, 108 and 111 moved by Shri Samar Guha to vote.

The Amendments Nos. 105, 108 and 111 were put and negatived.

MR. SPEAKER : I shall now put amendments Nos. 116 to 131 to vote.

Amendments Nos. 116 to 131 were put and negatived.

MR. SPEAKER : The question is :

"Page 34, line 45,—add at the end—
"and, further, he shall be entitled to claim the benefit of due enquiry, with full opportunity to inspect evidence and cross-examine witnesses and offer his own evidence and witnesses, before the Executive Council or before a person or persons appointed by it to conduct the enquiry". (133)

The motion was adopted.

MR. SPEAKER : Now I shall put Amendment No. 180, as amended, to vote.

The question is :

Page 17, after line 42 insert :

- "(ii) (a) All ex-Vice-Chancellors,
- (ii) (b) three Provosts by rotation according to seniority,
- (ii) (c) Proctor". (180).

The motion was adopted.

MR. SPEAKER : There are no other amendments left.

The question is :

"That Clause 32, as amended, stand part of the Bill". ✓

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33—(Transitional Provisions)

Amendment made :

Page 37, line 17,—after "to exercise" insert "all the powers". (43)

(Prof. S. Nurul Hasan) ✓

MR. SPEAKER : The question is :

"That Clause 33, as amended, stand part of the Bill". ✓

The motion was adopted. ✓

Clause 33, as amended, was added to the Bill.

Clauses 34 and 35 were added to the Bill. ✓

Clause 1—(Short title and Commencement)

SHRI EBRAHIM SULAIMAN
SAIT : I beg to move :

Page 1,—after line 6, insert—

"(3) Notwithstanding any judgment, decree or order of any court or tribunal to the contrary, the Aligarh Muslim University shall be deemed to have been established by the Muslim minority community as an educational institution of its choice, as provided in article 30 of the Constitution of India". (64).

This is a very important amendment.

I do not go into the details, because in my previous speech I have dealt with this matter. I think it is very important to maintain this character, this historic character. The basic character and the minority character of the Aligarh Muslim University. And unless and until this clause is inserted in the body of the Bill, the other amendments will be of no use, and the character of the Aligarh Muslim University will not remain intact. Therefore, I press that this amendment should be accepted.

SHRI SAMAR GUHA : I beg to move :

Page 1, line 3,—omit "Muslim" (94)

My purpose, my objective, of fighting from the beginning to the end, is, as has been said already, to end this theocratic concept. I think this is almost like bigamy; this shows the bigamous nature of the Bill. You have always said that you do not want to keep the minority character or the communal character and that you want to maintain its national character, but, at the same time, you have detained the communal name. I do not know what is this kind of hypocrisy. I do not know if this kind of political hypocrisy can be excelled by any. I have been saying this from the very beginning. I do not know why it is not being heeded. The name "Hindu" can be deleted from the title of the Banaras Hindu University. I began my earlier speech by saying that I would have been happy if the Banaras Hindu University Act was amended first, and then this Aligarh Muslim University Bill was brought forward, because, I again say that this is the historic moment, and in the life of a nation, a historic moment comes but rarely. This is the historic moment, when there has been an achievement after 40 years of bitter, tragic, struggle, and the shedding of blood by brothers

and sisters who were butchered at the hand of the communal criminals. It is time that this communal source on our national life was removed. But, unfortunately, I am afraid — I have to use again the word, 'intriguing' haste with which this legislation is being passed, and if this is not a prelude to a mid-term election in Uttar Pradesh, I would be happy. But again I say this is the historic moment. This is the strategic moment after the emergence of Bangladesh as a secular State, after the denunciation of the two-nation theory by Bangladesh, after the blood of the martyrs which led to a new chapter of secularism, of nationalism, on the ashes of the martyrs in Bangladesh. But unfortunately for parochial, political reason, for a temporary objective, for a temporary gain, may be an election and the rest, we have missed the historic moment and a great opportunity to get rid of the communal virus which has not only eroded but it eats into the vitals of the life of the whole of our sub-continent.

I again make an appeal to the Government to awake from their narrow orbit of political greed, of political parochialism just to get an advantage by this kind of duality, political hypocrisy, having the communal character and maintaining it in surreptitious way, just to have a political benefit through your narrow move. I am sorry for that.

श्री एस० एम० बनर्जी : अध्यक्ष महोदय, मुझे ताज्जुब होता है कि अभी तक श्री समर गुहा त्रिनकी कि बहुत इज्जत में करता हूँ. सारे अमेंडमेंट्स मैंने देखे उन में सिर्फ लिखा है, कही है ओमिट मुस्लिम, किसी में लिखा है डिलीट मुस्लिम। इस के शिवाय और कोई संशोधन उनका नहीं है। तो मैं कहता हूँ कि इस ओमिशन और डिलीशन के बजाय मुस्लिम यूनिवर्सिटी उस का नाम हो तो क्या इस से फिरकापरस्ती बढ़ जायेगी? केवल नाम के रहने से क्या फिरकापरस्ती बढ़ जायेगी? उन को मालूम नहीं है कि उस में कितने हिन्दू प्रोफेसर हैं। (व्यवधान) . . .

उनको अलीगढ़ मुस्लिम यूनिवर्सिटी के बारे में ज्ञान नहीं है, जादवपुर यूनिवर्सिटी के

बारे में ज्ञान हो सकता है। मैं जानता हूँ अलीगढ़ मुस्लिम यूनिवर्सिटी के स्टूडेंट्स उस वक्त जब मुस्लिम लीग के असर में थे और जब खान अब्दुल गफ्फार खाँ के मूह पर थूकने की कोशिश की जा रही थी उस वक्त सुल्तान नियाज़ी और प्रो० युनिस रजा, जो नेहरू यूनिवर्सिटी में आज पढ़ाते हैं, वह वहाँ मौजूद थे और उन्होंने ने उस सारे थूक को अपने मूह पर लिया, और उन की हिफाजत की।

जमहूरियत की हिफाजत की और सेकुलर इज्जत की हिफाजत की। यह कह देना कि "मुस्लिम" नाम रहने से फिरकापरस्ती फैल जायेगी, बिल्कुल गलत है। मैं समझता हूँ कि इस नाम के पीछे एक तवारीख है। नाम के पीछे कुछ चीजें रहा करती हैं। जब हम ने जाट रेजीमेंट और सिक्ख रेजीमेंट के विषय में कहा था, अध्यक्ष महोदय, इसी जगह पर लोगों ने कहा था कि इस में कास्ट इज्जत की बू आती है। लेकिन इस के पीछे एक इतिहास है। खून बहा और सब चीजें हुई। मैं पूछना चाहता हूँ कि मोहम्मद अली, शौकत अली या हसरत मोहानी या और जो लोग वहाँ पर हुए हैं, जो वहाँ पर प्रोफेसर हुए हैं, क्या वे नेशनलिस्ट नहीं थे? क्या नेशनलिज्म की सारी चीज इन्हीं लोगों में भर गई है? क्या नेशनलिज्म कोई फिक्स डिपोजिट है, जिस में हमेशा कंश सूद सहित बढ़ता रहता है। इस में ऐसा नहीं हुआ करता है। मैं समझता हूँ कि किसी यूनिवर्सिटी का नाम मुस्लिम यूनिवर्सिटी है या हिन्दू यूनिवर्सिटी है, इससे कोई फर्क नहीं पड़ता है। नाम से अगर कुछ लोग समझते हैं कि इस में फिरकापरस्ती की बू आती है, तो वह सही नहीं है। इसलिए मैं समझता हूँ कि इस वक्त फिरकापरस्ती जो धर्म के नाम पर लोग बढ़ा रहे हैं और जो एक सैलाब की मानिद, एक बाढ़ की मानिद बढ़ रही है, उस को रोकना चाहिए और हमारा यह धर्म होना चाहिए :

[श्री एस० एम० बनर्जी]

खुदा के बंदे हैं तो हज.रो

बनों में फिरते मारे मारे

मैं उस का बंद बनूंगा ।

खुदा के बंदों से जिसे प्यार हो ॥

MR. SPEAKER : I shall now put amendment No. 64 moved by Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendment No. 64 was put and negatived

MR. SPEAKER : I shall now put amendment No. 94 to the vote of the House.

Amendment No. 94 was put and negatived

MR. SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

Clause 1, the Enacting Formula and the Title were added to the Bill.

PROF. S. NURUL HASAN: Sir, I beg to move :

"That the Bill, as amended, be passed."

MR. SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

SHRI P. M. MEHTA (Bhavnagar) : I rise to record our extreme unhappiness at the way in which this important measure has been rushed through. This Bill has been rushed through in indecent haste. This is highly objectionable. I think this House has never seen such a shabby manner in which this Bill has been piloted. Government have not accepted the unanimous demand of the entire opposition to refer this Bill to the Select Committee for thorough consideration and scrutiny and that is highly improper.

MR. SPEAKER : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

SHRI EBRAHIM SULAIMAN SAIT: Sir, protesting against the passing of this objectionable Bill in an autocratic and undemocratic manner, we walk out.

Shri Ebrahim Sulaiman Sait and some other hon. members then left the House.

18.56 hrs.

CRIMINAL LAW (AMENDMENT) BILL

श्री जगन्नाथराव जोशी (शाजानुर) : अध्यक्ष जी, अब तो सात बजने को आया है। क्या अभी हाऊस चलेगा -

अध्यक्ष महोदय : आपका टाइम कल 3 घंटे की जगह 6 घंटे होने से यह कल रह गया था इसलिए कल कह दिया था कि आपने क्या करना है।

श्री जगन्नाथराव जोशी : अध्यक्ष जी, इसके आगे भी हाऊस चलेगा तो कब तक चलेगा यह बताइये। हाने समझा था यह बिल अगले सेशन में आयेगा, हमको समझ में नहीं आता कि हमारी रक्षा आप नहीं करेंगे तो कौन करेगा ? यह एक्स्ट्रा आर्डर पेपर क्यों आया है ?

It is already 7 o'clock. How long are we to sit ?

अध्यक्ष महोदय : कल 3 घंटे के बजाय 6 घंटे लग गये, इसमें गवर्नमेंट का टाइम गया। उनको तो टाइम देना पड़ेगा। . . . (ब्यवधान) . . .

श्री जगन्नाथराव जोशी : यह जो नया आर्डर पेपर आया है यह तो आज आया है, यह क्यों आया है। आखिरी दिन में जल्दबाजी क्यों कर रहे हैं।

MR. SPEAKER : I have expressly said that the House will not rise till the business is finished.

श्री श्याम नन्दन मिश्रा (बेगूसराय) : कल जरा भी इस बात का अहसास नहीं था कि इस बिल को इसी सेशन में पास किया

जाएगा। हमको यह लगा कि इसको दूसरे सेशन में रखा जायगा। कल यह मंशा हमें मालूम नहीं थी। . . . (ब्यवधान)।

SRI JAGANNATHRAO JOSHI : How can we devote our attention to it now? Why are you hustling us like this? You can take it up next session. You have waited so long. On the last day at 7 PM you want to take it up. We are already fed up.

अध्यक्ष महोदय, बिजिनेस एडवाइजरी कमेटी में जो टाइम मांगा गया था वह अलीगढ़ बिल के लिए मांगा गया था।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : We appreciate the difficulty. But it was introduced yesterday. If the members so desire, we can take this Bill tomorrow.

श्री श्याम नन्दन मिश्रा : कल हम लोगों को आपकी यह मंशा मालूम नहीं थी। . . . (ब्यवधान)। जब आप हमारी कठिनाइयों को समझते हैं तो आप खमोशी से क्यों बर्दाश्त करते हैं -

श्री जगन्नाथराव जोशी : आपने जो कार्यक्रम दिया था उसके अनुसार हमने अपना कार्यक्रम बना लिया था।

अध्यक्ष महोदय : आप लोगों ने उस दिन कहा कि नागरबाला कांड पर चर्चा के लिए समय दो, उस पर समय लगा। कल 3 घंटे थे, उस पर भी 6 घंटे लग गये। अगर वह न देते तो इनका बिजिनेस हो जाता।

SHRI RAJ BAHADUR : We are prepared to sit and complete the business to day.

श्री श्यामनन्दन मिश्र : हम इनके ऊपर नहीं चलने वाले हैं। आपको हमारी रक्षा करना होगा। आप जिस दिन चाहे उस दिन हमको बैठा ले यह बात नहीं चल सकती। आप हमारे रक्षक हैं, आप इनसे नहीं बंधे हुए हैं आप हम लोगों को बड़ी मुसीबत में

डाल रहे हैं। अभी आपने यहाँ अलीगढ़ मुस्लिम युनिवर्सिटी बिल के अमंडमेंट्स को जो अम्बार लगा हुआ था, चन्द घंटों में उनको पास करवाया और अब आप दूसरा बिल हमारे सिर पर डाल रहे हैं। यह बिल्कुल गलत है। हमारी शिकायत आप से है, एक बार नहीं, हजार बार। आप जरा भी इन सब बातों की जिस तरह से ऑब्जेक्टिविटी से करना चाहिये, नहीं कर पाते। हमारी आप से शिकायत है।

19 hrs.

SHRI S. M. BANERJEE (Kanpur) : I have a submission to make. The Bill was introduced yesterday and we want this Bill to be passed. After the passage of the Aligarh Muslim University Bill, the communal forces are going to raise their head. That is why, even if we have to sit tomorrow, we want to pass the Bill. (Interruptions)

MR. SPEAKER : I do not owe duty to one side only. I owe duty to both the sides. (Interruptions)

श्री श्यामनन्दन मिश्र : हम उस को पूरी तरह से पढ़ना चाहते हैं और जानना चाहते हैं। अगर आप इस तरह से पास करेंगे... (ब्यवधान) आप की बिजिनेस एडवाइजरी कमेटी क्या है? स्पीकर वहाँ किस बात के लिये है? बिजिनेस एडवाइजरी कमेटी हम लोगों की है। क्या आप हमारी बातों को नहीं सुनेंगे? आप को सुनना पड़ेगा नहीं तो बात इस हद तक पहुंच जायेगी कि आप के बर्दाश्त के बाहर ही जायगी।

अध्यक्ष महोदय : मैं तैयार हूँ।

You had agreed to only 3 hours but you took more than the double time yesterday and day before yesterday.

SHRI S. M. BANERJEE : Shrimati Subhadra Joshi's non-official Bill was supported by all the parties except the Jana Sangh (Interruptions) What is all this? My hon. friend, Shri Bhogendra Jha, had also moved a non-official Bill in this regard. (Interruptions)

श्री जगन्नाथराव जोशी : इस सप्ताह जब बिजिनेस बतलाया जा रहा था उस समय यह क्यों नहीं बतलाया गया? सुभद्रा जोशी को आश्वासन दिया गया था तब इस सप्ताह के कार्यक्रम में यह क्यों नहीं आया? आप को यह एक्स्ट्रा डे क्यों निकालना पड़ा?

They could have brought forward the Bill earlier. They treat the House like this. They should take the House into confidence.

अध्यक्ष महोदय : हस्त का प्रोग्राम इस में क्या करता? आप लोगों ने बीच में दूसरे काम इंटरड्यूस कर दिये। आप ने नागरवाला केस के लिये दिये गये टाइम को तीन घंटे से छः घंटे बनाया। कहां से आता यह?

SHRI JAGANNATHRAO JOSHI : The business of the House should have been circulated before. That was not circulated. (Interruptions).

स सप्ताह के प्रोग्राम में तो यह बिल नहीं था, यह कैसे आ गया? आप को हमारी रक्षा करना चाहिये जब बिजिनेस डिक्लेअर हो रहा था तब यह नहीं था। यह बड़ा इम्पार्टेन्ट बिल था।

SHRI SHYAMNANDAN MISHRA : This is the most unhelpful attitude of the Speaker. This is the strangest kind of attitude that you are taking. We cannot cooperate with you. (Interruptions)

Shri Shyamnandan Mishra then left the House.

MR. SPEAKER : This is your unhelpful attitude.

SHRI G. M. STEPHEN (Muvattapuzha) : Yesterday and day before yesterday, we cooperated with the Opposition. We are here to pass this legislation which is absolutely necessary. That is why we are here. There is a particular Bill which this House feels necessary to put on the statute book. Unless we pass this Bill now and in this session, we will be failing in our duty to the country and to the people. We must see through it. We had accommodated you, and you must also accommodate this side. The Bill must go through.

श्री जगन्नाथराव जोशी : सरकार कोई भी विधेयक ला सकती है, इस से कोई भी इन्कार नहीं कर सकता है—हम भी इन्कार नहीं कर सकते हैं। लेकिन जो बिजिनेस पहले सकुलेट हुआ था, क्या उस में यह बिल सम्मिलित था? यदि नहीं था, तो फिर क्यों सरकार लास्ट मीमेट और लास्ट अवर में इस बिल को ले कर आई है?

I would like to know why this House is being treated so shabbily. You could have introduced this Bill long before; sufficient time could have been given—a week or so....

MR. SPEAKER : He is speaking without my permission. I am not going to allow it.

SHRI JAGANNATHRAO JOSHI : Why should you hustle through the Bill like this?....

MR. SPEAKER : Nothing will go on record if you go on like this. (Interruptions) I am sorry, nothing will go on record.

SHRI JAGANNATHRAO JOSHI** :

श्रीमति सुभद्रा जोशी (चांदनी चौक) : अध्यक्ष महोदय, माननीय सदस्य को मालूम है कि मैंने इस हाउस में इसी विषय का एक बिल पेश किया था और मिनिस्टर साहब ने उस वक्त यह एशोरेंस दिया था कि सरकार इसी सेशन में ऐसा बिल पेश कर देगी। उन के एशोरेंस पर मैंने अपना बिल वापिस लिया था। मेरा निवेदन है कि इस बिल के लिए जरूर समय दिया जाय, क्योंकि अगर थोड़ी देर और बैठने से सरकार का एशोरेंस पूरा हो सकता है, तो बेहतर है, बजाय इस के कि हम बाहर जा कर कहे कि सरकार ने अपना एशोरेंस पूरा नहीं किया है।

श्री जगन्नाथराव जोशी : यह ठीक है कि सरकार ने एशोरेंस दिया था। मेरा कहना यह है कि उस एशोरेंस को फुलफिल करने के लिए इस बिल को पहले क्यों नहीं लाया गया।

** Not recorded.

Why is this House being treated so shabbily ?

SHRI S. M. BANERJEE : Kindly allow him to move, Sir, You can pass it tomorrow. (*Interruption*)

MR. SPEAKER : It all depends on the House. (*Interruptions*) It is already on the agenda. It must be taken up.

SHRI JAGANNATHRAO JOSHI : What prompted them to introduce it at the last minute ?

MR. SPEAKER : I have made it very clear. They all accommodated your motion.

SHRI JAGANNATHRAO JOSHI : They could have introduced this Bill yesterday and it would have been carried forward. Why did they not do it ? Mr. Samar Guha's half-an-hour discussion had been scheduled for Monday; then it was postponed to Tuesday. Now it is there on the agenda today. When are you going to take up that ?

SHRI C. M. STEPHEN : It was included in the list of business yesterday. It was there. (*Interruptions*)

SHRI SAMAR GUHA (Contn) : There is the half-an-hour discussion in my name. It was originally put for Monday; it was then shifted to Tuesday.

SHRI S. M. BANERJEE : The half an hour discussion may be taken up tomorrow after passing this Bill.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I request you not to allow this half an hour discussion. Sir, on the 29th June is scheduled the summit meet between the Prime Minister and the President of Pakistan. We don't want to create a bad atmosphere. If this half an hour discussion takes place, it will do harm to us. We want to have in Pakistan a friendly neighbour. We are not anxious to throw salt on their wounds.

SHRI SAMAR GUHA : You know what sort of friendly neighbourliness we have with them.

SHRI JYOTIRMOY BOSU : This half-an-hour discussion should not be allowed.

श्री जगन्नाथराव जोशी : 7 बजे तक बैठने के बाद भो यदि आप चाहते हैं कि हम इस में हिस्सा ले, इस पर बोलें, अपने विचार प्रकट करें तो क्या यह संभव है ? आप के पास बहुत है इस का यह मतलब नहीं है कि आप सारे रूल्स आफ प्रोसीजर को नेग्लेक्ट करें ।
... (ब्यवधान) ...

SHRI S. M. BANERJEE : They are not able to move amendments. Let them move 105 amendments. We will defeat all of them.

SHRI JAGANNATHRAO JOSHI : They are not replying to my question point blank. It is not a question of amendments. At the last moment this Bill has been brought for passing. Why ? That is what I want to know.

SHRI SAMAR GUHA : Sir, you would permit me to conclude.

MR. SPEAKER : It all depends on how long you will take.

SHRI SAMAR GUHA : You asked me to say. You did not give me the protection when other members jumped up.... (*Interruptions*) Let me conclude. You must allow me.

श्री जगन्नाथराव जोशी : अध्यक्ष महोदय, यह बिल इतनी जल्दी में लाने का कारण क्या है यह मंत्री महोदय ने नहीं बताया । इसलिए हम इस में भाग नहीं ले सकते । हम अपने दल के साथ बाहर चले जा रहे हैं ।

Shri Jagannathrao Joshi and some other hon. members then left the House.

SHRI SAMAR GUHA : This is a mockery of democracy. This is a mockery of business Rules.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : Sir, I beg to move "That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

[Shri Ram Nirwas Mirdha]

We had assured this House on several occasions that the Government will bring forward suitable legislation to deal with associations whose activities are prejudicial to the maintenance of communal harmony, prejudicial to the interest of national integration and prejudicial to all the values of secular democracy to which our people are so deeply committed. Events during 1971 have amply demonstrated the value of unity and secularism. Communally divisive tendencies have to be fought because they are totally inconsistent with the dignity of human personality; such tendencies are the results of deliberate efforts of vested interests to divert the attention of the people from the more basic and pressing problems confronting them. The House is fully aware that this is the lesson that history has once again taught us. The people of this country has have understood it clearly and deeply and have within a period of one year given twice their unmistakable mandate for secularism. They have rejected the communal, sectarian and other divisive forces.

Consistent with this mandate of the people, the Government is determined to deal ruthlessly with the organisations and individuals who by their constant propaganda seek to keep alive an atmosphere of mistrust and ill-feeling between different sections of the people. As the House is aware, in 1969 we had tightened up the provisions of law to deal with such elements by the enactment of the Criminal and Election Laws (Amendment), Act, 1969. The scope of sections 153A and 505 IPC was enlarged and heavier punishments were laid down. The Government had also taken powers to prevent the publication of inflammatory material. However, the communal problem in the country continued to cause serious concern. The Government, therefore, brought before this House in September, 1970, a Bill to further enlarge the scope of section 153A, IPC. It also sought to enlarge the scope of the Unlawful Activities (Prevention) Act, 1967, so that the association indulging in such activities punishable under section 153A IPC, could also be dealt with effectively by being declared as unlawful. It is unfortunate that even the parties, which were in sympathy with the objectives of that Bill somewhat misunderstood the provisions of the Bill and

opposed it at the introduction stage. In view of the opposition to the Bill in the House, we withdrew it.

Sir, Clause (b) of sub-section (1) of section 153A IPC already penalises acts which are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturb or are likely to disturb the public tranquility. In the 1970 Bill we had proposed to make it explicit that the acts referred to in this clause would also include activities, such as exercises, movement or drill which give rise to fear, alarm or feelings of insecurity or which disturb or are likely to disturb public tranquility. When the Bill was brought forward for introduction, it was pointed out that the provision had been so formulated that acts which may themselves be not prejudicial to the maintenance of communal harmony, but may cause fear or alarm or a feeling of insecurity among members of a community would also come within its mischief. I then explained that the possibility of the law being implemented in such a manner was remote. However, taking note of the misgiving then expressed in the House, we have slightly reformulated the proposal. It will be seen that our proposal in the present Bill has specified *mens rea*. The organiser or the participant of exercises, drill etc. should either intend that the training imparted should result in the use of criminal force or violence or should know that the use of such training for such purposes is likely.

The House will agree, Sir, that when any kind of paramilitary training is organised or imparted with the intention that persons so trained should resort to violence for the settlement of any difference or dispute that may arise between them and others, such paramilitary training ought to be put down with firmness. The amendment now proposed to section 153A seeks only to do this. It does not penalise any physical exercise or activity as such. It does not also penalise drills and other similar activity undertaken for a *bona fide* purpose such as the physical training given in schools, colleges and clubs. What is sought to be penalised is only those kinds of drills and exercises organised with the intention or with the knowledge that persons trained in such activities should resort to violence against their opponents.

The purpose of the second proposal in the Bill is that those who deliberately malign any community, only on the ground of its religion, should not be allowed to disrupt our national life. I need not at this stage give instances of the type of propaganda that is directed against certain communities. If such propaganda were to be made in respect of any specific individual, that individual will have his own remedy under the existing law. He can prosecute those who defame him. But if the same propaganda is repeated against a community as a whole, we cannot say that the law should remain silent. If we allow such propaganda to go unchecked, it will not be in the interest of the sovereignty, integrity and unity of our country. That is not the way in which national integration can be brought about. Therefore, Sir, we have proposed to introduce a new section 153B.

The first part of the new section seeks to penalise any imputation that persons belonging to any community based on religion, language or caste cannot bear true faith and allegiance to the Constitution of India, or cannot hold the sovereignty and integrity of the nation. To say this against any community should be repugnant to all canons of civilised behaviour. The second part of the new section seeks to penalise any advocacy that members of any community based on religion, language or place of residence, should be denied the rights of citizens of India. Sir, this House is aware of the type of the vicious propaganda that goes on in certain parts of the country that persons coming from another part of the country should not be given the right to employment, the right to acquire or own property and in short, the rights which the Constitution guarantees to every citizen of this country.

The propaganda has brought in a new parochialism in our national life. This propaganda too has to be stopped. The third part of the new section is directed against those who seek to exploit the religious sentiments of our people for their own ulterior ends. Whether it be the propaganda that members belonging to one religion should not, because of their religion, remain wholly loyal to the country and nation or whether it be the propaganda that any person has special religious obligation to create panic in the minds of persons not belonging

to that religion, all these types of propaganda concerning religions obligation will have to stop. Any advocacy of a religious obligation which creates a feeling of insecurity or alarm in the minds of persons who do not subscribe to that religion, can only lead to tension and as a consequence weaken the fabric of our nation. Sir, these three parts of the new section are directly relatable to the interests of the sovereignty and integrity of our country.

As hon. Members are aware, the relevant provisions of the Indian Penal Code make it possible to take action only against individuals and not against associations as such. The only way to deal with associations as such would be to enlarge the scope of the Unlawful Activities (Prevention) Act. The Bill before the House seeks to enlarge the definition of 'unlawful association' to include also associations which have for their object any activity which is punishable under section 153A or the proposed section 153B, IPC or which encourage or aid persons to undertake any such activity or of which the members undertake any such activity.

The proposals in the Bill to amend certain provisions of the Criminal Procedure Code are only of an incidental nature. The purpose is to give to the provisions of the proposed section 153B the same treatment as is now available to section 153A.

Sir, when this Parliament enacts a law, it sets before our people a rule of conduct and it gives a warning that those who violate the rule of conduct are liable to be punished. I sincerely hope that taking into account all the changes that have come about in our country, taking into account the lessons of 1971, the lessons in national unity and secularism which enabled this country to face its greatest challenge in recent history, taking all these circumstances into account, I sincerely hope that all divisive propaganda will henceforward be only a memory of the past. I would be very happy if as a consequence of the law made by Parliament all the divisive propaganda and activities were to stop and it becomes wholly unnecessary for us to invoke the provisions of law against any individual or association. It is by way of giving a clear warning to those who do not see the value of secularism and national integration that we have brought forward this Bill. I hope it will have the unanimous support of this House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1957, be taken into consideration."

There are some amendments to this motion. One is for circulation and the other is for reference to a Select Committee. The first and second one are in the name of Shri Jagannathrao Joshi. The hon. Member is absent.

The third is in the name of Shri Jyotirmoy Bosu. Now, Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : My party is most reluctant to equip this Government with summary powers, because we have seen from our past experience that they are more misused than properly used. We have seen in the past that under the summary powers that they had during the Indo-Pak conflict in 1965, about 9000 Muslims were put behind the bars with one stroke of pen under some wretched law that was in their pocket, and with another stroke of pen, after some time, after the bureaucrats and their ghosts in the Government were pleased, they were let out. In the meantime, many families perished for good. We have seen it. Then, there were enough powers and enough legislations which empowered this Government to tackle communal riots, but from what we have seen in the very recent past, we have seen that there had been numerous communal riots, and we have not known that there had been any effective tackling prosecution or punishment of the real culprits and their ringleaders. They are still moving with full powers bestowed by the Government. We have seen a man, a gentleman who belongs to a party which had been branded as a communal party, a man who was arrested after Gandhi murder, a man who had said only the other day in Delhi in an open maidan that the Muslims must go to Mecca and the communists must go to Kremlin, that man was given a Padma Shri by the hon. Prime Minister the other day. We do not understand this. Do you really want us to accept these theories? On the one hand, you please a few; on the other, you penalise the many.

We are surrounded by an ocean of laws, but it does not help the needy. We have before us the case of Janab Syed Badrudujja who was a member of this House, who had been in politics for 40 years, a man aged 76, seriously ill, who had opposed partition, decided to stay back in the country, a man who was the other day offered a Cabinet post in the Central Government. Last June he was arrested on a charge of being a Pakistani spy under the Maintenance of Internal Security Act. Any time he might breathe his last. He was clapped inside prison. After his detention, the High Court ordered his release and when he was coming home in a taxi, he was intercepted by the Special Branch and retaken into custody, this time under the Official Secrets Act. His lawyer had been seeking to move bail petitions. For almost a year the police could not frame a chargesheet against him. That is how this Government functions. Why was he treated like this? Because he declined to join a particular political party, the MISA had been applied to him. We made a lot of effort in mobilising public opinion. He has very recently been granted bail. But what sort of bail? He is virtually under house arrest. He cannot move about, meet people or go wherever he likes.

I know of a minority-run newspaper *Paigam*. There were six criminal cases against it for writing articles which were allegedly disrupting communal harmony. We examined the matter and found it was all baseless. It was just political victimisation and vindictiveness. We withdrew all the cases. This was when we were in power in the U. F. Government. Now that paper is good enough because it is writing for the Congress. This is the whole position.

A news item came in the *Anand Bazar Patrika* last year after Janab Syed Badrudujja was arrested. There it was mentioned that a number of Congress men including two former Deputy Ministers of the State Government of West Bengal belonging to the Congress Party were involved in the alleged spy-ring. But when it came to arrest, it was confined to Syed Badrudujja and another gentleman who had opposed the Congress. The other persons belonging to the Congress were left untouched.

Therefore I say again that this Government, judged from its past record, will be misusing this blanket law to further its political interest. We do not believe that a man's right could be taken away by arbitrary executive fiat vested in Government. Therefore, we oppose this Bill.

SHRI BHOGENDRA JHA (Jainagar):

There have been several debates in this House on this issue and I do not think much time need be taken on this. On a previous occasion when a Bill was introduced, we had apprehensions that the powers contained therein would be used on a big scale to curb the opposition, particularly those who are engaged in a struggle against the ruling classes and also the ruling party.

Now, the amending Bill has taken into account the voice expressed in this House. Today, I am surprised not only with regard to the content of the Bill but after having heard my friend Mr Jyotirmoy Bosu I found that what he has said today not only reflects a perverted understanding but more than that, especially when protection will be given to the minority sections of the community.

As far as this Bill is concerned, it has got four important provisions. One provision says :

"Whoever... makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India,..."

None is going to cast any aspersion against any member or any class of the people belonging to the minority sections. Such things are only utilised and have been utilised and such aspersions have been cast only against others.

Mr. Jyotirmoy Bosu has given some instances of those belonging to the minority community. But here, that community is being given protection against being malignd by the communal forces.

Again, there is a provision in this Bill. It is also the same thing as the previous one. It says:

"Whoever... asserts, counsels, advises, propagates or publishes that any class of persons shall by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India,..."

We have several times debated in this House the pernicious theory of India-nisation. That again might apply in the case of the minority community. This Bill gives protection to the minority community so that they may be treated equally and accepted as the citizens of India on an equal footing and never treated as an unequal or less equal citizens compared to others. So, in this background, what Mr. Jyotirmoy Bosu said, I am afraid, is not correct. I do not know whether his party accepts it or not, because, in this very House, a spokesman of his party—the CPM—on a previous occasion, when there was a Bill moved by Shrimati Subhadra Joshi, Sri Dinesh Jaorder, wholeheartedly supported that Bill. I can quote from the proceedings of this House wherein he is reported to have said:

"I congratulate the mover of this Bill, Shrimati Subhadra Joshi for having come forward with this Bill to do something against such communal activities."

I do not want to take much time of the House. On that day, the CPM group had given their wholehearted support to that Bill, the contents of which were almost the same as those in the present Bill here.

There is one more thing which is very important. That is, we are living in a class society where capital is exploiting labour, the landlords are exploiting the agricultural labourers, and in such a condition, communal, caste or linguistic feelings are without exception utilised by the oppressing sections to break and disrupt the struggle and unity of the toilers. So, for us, it is doubly important that such communal or linguistic or caste feelings are eliminated; it is various which should be eliminated from society in our country.

As Communists, we think, and as the citizens of India, it is our duty, and as Communists, it is doubly our duty to see that this virus is eliminated from our national life and it is curbed. With regard to the apprehension that this law will be misused, it is a fact that in the

[Shri Bhogendra Jha]

existing conditions of our country, as the bureaucracy is, as the Governments are, it is a guarantee that every such enactment shall necessarily be misused to an extent, and there is no denying the fact. We are all victims of it. I have got myself arrested on one occasion, when I went to a mill; it was the Birla Mills. There was no section 144 in action. But one SDO told me that section 144 had been imposed. I asked him how it was, and why. He told me that it was for maintaining peace. I wanted to know what was the disturbance. He said they had to maintain peace and so some were arrested. Therefore, everywhere, it is a class society is there. With the existing bureaucracy, we take it for granted that every enactment, whatever may be the motive of the mover or the House, shall be misused.

But on that account we cannot oppose this Bill which will help democratic and secular forces in the country to fight communalism and also to fight linguistic or caste feelings. I think, this Bill should be welcomed by us and I support this Bill on behalf of our party. I think that every democrat in this country, particular those who are fighting for the cause of toilers, those who want to build up the unity of toilers will support this Bill.

With regard to CPM, I should say that we have had some experience in the assembly elections. I was myself there in Calcutta. I saw that in some areas, particularly Muslim areas the CPM spokesmen said: it is the Congress party and the CPI who disrupted Pakistan and freed Bangladesh; we are not responsible for it; they thought that Muslims would vote for them. In other non-Muslim areas they said: we are second to none in liberating Bangala Desh. They found themselves in a paradox. We can understand Mr. Jyotirmoy Bosu's opposition. This Bill is meant for maintaining our national integrity and strengthening our national unity and for fighting caste, linguistic and communal forces. But we want an assurance from the Government that they will take every precaution to ensure that misuse of the Act is reduced to the minimum and for that rules, etc. will have to be promulgated. With this caution, I welcome this Bill.

श्री शशिमूषण (दक्षिण दिल्ली) : अध्यक्ष महोदय, मैं इस संशोधन विधेयक का स्वागत करता हूँ। बहुत सालों से इस देश के अन्दर जब कभी कम्युनल रायट्स

होते थे, आज तक किसी को कम्युनल रायट्स में हत्या करने के लिए फांसी नहीं होती थी। अंग्रेजी जमाने में तो इंसान्टिव दिया जाता था और बाजादी के बाद भी कम्युनल रायट्स को रोकने के लिए कोई बिल नहीं आया। लेकिन आज मुझे इस बात का फ़ख़ हासिल है कि हमारे देश की नेता, मेरी पार्टी की नेता इंदिरा गांधी के नेतृत्व में यह आवश्यक बिल पास कर रहे हैं जिससे हम हिन्दुस्तान में सक्षुलर सौसायटी को मज़बूत बनाने में ज्यादा गति पा सकेंगे।

अभी ज्योतिर्मय बसु ने इसका विरोध किया। मुझे उन से कोई हैरानी नहीं है, लेकिन मध्यावधि चुनाव में हमें जो संघ, स्वतंत्र, सिडिकेट और समाजवादी पार्टी का जो नापाक गठबंधन था, आज भी जब हम इस विधेयक को ला रहे हैं तो वह जाहिर हो रहा है। लेकिन ज्योतिर्मय बसु की पार्टी अपने को मार्क्सिस्ट पार्टी कहती है। मैं नहीं समझता कि उन्हें कोई मार्क्सिस्ट करने का अधिकार है वह माओइस्ट कह सकते हैं अपने आप को क्योंकि मार्क्सिस्ट किसी परामिलिटरी आगनाइजेशंस को मदद करेंगे, ऐसी दुनिया में कोई सोच नहीं सकता। आज जो गांधी को मारने वाला ताकत और गांधी के बूट को उखाड़ने वाली ताकत, दोनों एक्सट्रीमिस्ट का जो प्रदर्शन देश में होता है, वह हमें आज इस हाउस में देखने को मिला। लेकिन इसके बावजूद भी इस बिल को इस देश में समर्थन प्राप्त होगा और जो देश में परामिलिटरी आगनाइजेशंस हैं, जो जमानते इस्लामी या शिव सेना जैसी ताकत हैं, उनको सतर्क हो कर काम करना पड़ेगा क्योंकि आज जो जनता की क्रान्तिकारी गति है, उसमें इन ताकतों को बर्दाश्त नहीं किया जा सकता। इस देश में जो समाजवाद के रास्ते पर हम प्रधानमंत्री की नेतृत्व में चले हैं, यहाँ एक एक कदम हम बराबर आगे बढ़ते चले जा रहे हैं। इसको देखते हुए मैं इस विधेयक का हृदय से स्वागत करता हूँ।

SHRI SAMAR GUHA : Functioning like a Queen's loyal opposition in this House, perhaps I should immediately support this Bill. When Mrs. Subhadra Joshi brought forward her Private Members' Bill I lent my whole-hearted support to the objectives of the Bill. Today also I have no opposition to the objectives of the Bill.

I have become fatigued because in regard to the Aligarh Muslim University Bill, with a single-minded purpose I was drawing the attention of the Government to take advantage of the situation prevailing at the moment to liquidate all communal forces.

Therefore, I would have made an eloquent speech in support of the Bill but unfortunately the position is that I have not been given enough time and opportunity to go through the Bill.

MR. SPEAKER: It is just a three page Bill.

SHRI SAMAR GUHA: I can only support the objective of the Bill, but I will not say anything about the clauses because I have not been given time to go through the Bill. Some political Rip Wan Winkles in the Congress have suddenly got awakened and they insist that unless this Bill is passed here and now, the heaven is going to fall. I am not able to understand it. Why did you not bring it up earlier and allow us an opportunity to go through it and suggest some improvements if possible? Of course, there is no doubt that communal forces should be completely liquidated but there are some parliamentary conventions to be observed. The whole parliamentary convention has become a mockery. Yesterday you could have brought it up. It is said that we had spent so much time on the Nagarwala issue and the poster issue. If you had brought up this Bill for consideration yesterday, this argument could be advanced. But only today you have circulated it. After the massive mandate you received I do not know what mentality you have developed. In a democracy, it is the function of the opposition to find out faults and loopholes in Government's actions. A strong opposition means a strong democracy. We are only discharging the functions of the opposition. Why do you get annoyed with us for that?

As I said, so far as the objective of the Bill is concerned, I am whole-heartedly

with you. But you have not given time to go through it and table amendments. Is this the democratic way? We expect that at least on procedural matters, the Speaker should pull up the treasury bench if certain conventions are not observed. But these political Rip Wan Winkles who have got suddenly awakened are shouting that unless this Bill is passed here and now, the heaven is going to fall. I do not know whether the future of democracy will be safe in the hands of these political Rip Wan Winkles who are violating all the parliamentary conventions, decency and decorum of this House. *(Interruptions).*

MR. SPEAKER: The hon. Minister.

SHRI INDRAJIT GUPTA (Alipore): May I make a submission, Sir?

It is getting rather late. The discussion on this Bill is taking place, as you observe, in a rather unusual circumstances that is, certain groups or certain parties feel that the edge of the Bill is directed against them, rightly or wrongly and they happen to be absent from the House. They have walked out or gone out or withdrawn in protest or anything it may be. But the main thing that I understand from them is that they wanted some time to study the Bill and table amendments. Actually, no time has been given to table amendments also. I would request you to consider patiently whether it looks appropriate or not for us to pass the Bill in this manner. We can pass this Bill. Personally, my party is fully in support of the Bill. I would request you to consider whether the passing of this Bill just now, in the absence of these particular groups who are not in favour of the Bill or who have strong views about it, is appropriate or not. It will look to the public and to the outside world as though we did not give them an adequate opportunity to table amendments or express their views.

I would, therefore, humbly request you and the Government also to consider whether a little concession can be made in the sense that we adjourn now and fix a time, let us say, upto mid-day tomorrow for tabling amendments to the Bill...

MR. SPEAKER: This was put to them.

SHRI S. M. BANERJEE: Mr. Bade said, "Let us pass it tomorrow."

SHRI INDRAJIT GUPTA : We can give them time to table amendments upto 12 O' Clock. Then, nobody can accuse anybody, either the Speaker or the Government or anybody in this House, of not giving them any opportunity. After that, we can take the Bill for consideration and adopt it in a couple of hours or even in one hour.

It is an unfortunate situation. Nobody is to be blamed for it. The particular groups are involved in this Bill and those groups happen to be absent. We know that the Bill will be passed. We support the Bill. But they should not later get an opportunity to say that they were not given even a minimum time to table amendments or to express their views. This is my humble submission.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING, (SHRIMATI INDIA GHANDI) : It is upto you, Sir. I personally do not think they will come tomorrow either.

SHRI INDRAJIT GUPTA : They may not come tomorrow also. That is true.

SHRIMATI INDIRA GANDHI : We leave it to you, Sir.

MR. SPEAKER : So much has been said about it. I did not like it. Some references were made. It has now become normal to just come straight on the Speaker and say all that.

When we discussed about the business of the House, the whole week was fixed for the Government business. Out of that, two or three days were taken for certain motions which came from the Opposition side. The Government agreed to part with their time. On Nagarwala affair, the time taken was much more than was prescribed. Yesterday, as against 3 hours, the time taken was 6 hours.

Normally, when the Bills come for the Speaker's permission, he first satisfies himself about the urgency of the matter. If you have given me the discretion, as I said yesterday, I have to use it in regard to the urgency of the matter. If in my opinion, the public interest demands that the permission should be given to introduce a Bill at a shorter notice, then according to the

best conscience, I do it. The same thing happened with the Aligarh Muslim University Bill. The reasons given were quite strong. I knew that the Members met the Government side and they decided to take an extra day. The Government, on their side, said that their business was left over and that they should be allowed to complete the business under the impression that that would not be taken up on 31st because of rush of work. But when it was decided that we would sit for another day, then they said, "Why not allow us to move the other business?" So, I allowed it. It was offered to them . . .

SHRI S. M. BANERJEE : We are prepared to sit tomorrow, Sir. My submission is this. I suggested it only after my Party speaker had spoken. Had we suggested before, there would have been the impression that we did not want to support the Bill. I would only say that we could sit tomorrow for one hour or 15 minutes.

MR. SPEAKER : They did not accept; they walked out (*Interruption*). When this proposal came that we could bring it tomorrow, they could have waited for some time; but they did not listen. Some suggestions came from this side and some from the other side. (*Interruptions*) I have got their amendments. It is not a question of amendments. Amendments are already there, amendment to motion for consideration by Shri Jagannathrao Joshi; again another amendment in his name. Amendments are there. They should have stayed here because the amendments were in their name. This was the stage when I could interfere because this was an amendment to the motion for consideration. Some way-out could have been found. Before the stage for moving the amendment came, they had left. They knew about it. I am so sorry. In spite of our persuasion, they would not listen. If they had moved their amendments and if the Government had not accepted them or there was no way available except staging a walk-out, it would have been justified. But now they are not there . . .

SHRI S. M. BANERJEE : Perhaps they thought that they might be arrested immediately after the passage of the Bill.

MR. SPEAKER : There is no question of arrest. I do not think anybody had this in view. But I must say that it has become a very normal practice for these people, whatever the difficulties, just to

attack the Speaker. Withdraw this discretionary power; I will not use it. But once you give it to me, whether good or bad I would exercise it.

Anyway, please carry on.

SHRI RAM NIWAS MIRDHA : The Government never wanted to rush through this Bill. There is a certain background to this, which is known to all the members. When the non-official Resolution of Shrimati Subhadra Joshi was discussed in the House, an assurance was given that a Bill of this nature would be brought during this session. It was very well known to the House and to the hon. members that Government was committed to bring it. Not only on that occasion but even previously, on a number of occasions, we had said that we would bring a legislation of this nature, and if in spite of this some hon. members want to abstain themselves from the discussion, there is nothing much that we could do about it.

It has been said that there is an apprehension that this Bill might be misused. Mr. Bosu said that the Government had been given vast powers which might be misused. The same feeling was expressed by Shri Bhogendra Jha also.

There is no question of the Government misusing powers given under this Act. There are plenty of safeguards in the law to prevent any misuse. In the Unlawful Activities Prevention Act within the ambit of which we are bringing these communal associations, it is clearly laid down that only the Central Government will issue a notification and will have to give reasons why a ban is put against a particular organisation. Then a Tribunal will be appointed, the Tribunal consisting of a Judge of the High Court which will consider this notification, receive representations, hear the parties in person and then give its verdict in the matter. So, there are enough built-in safeguards in the law itself to prevent any possible misuse. And I can assure the House that whatever action would be taken under this law would be taken after great deliberation and after full material has been collected and after opportunities have been given to persons concerned to mend their way and only the most serious of the delinquents would be dealt with under this law.

But, Sir, I would not hesitate to say that the Government is really keen that organisations indulging in undesirable ac-

tivities have to be curbed and it is only with that end in view that we have brought forward this Bill. I have also expressed the hope when I was making the motion for consideration that we hope this would be enough of a warning to organisations to mend their ways and we would be very happy if they cease to indulge in these undesirable activities and activities which are prejudicial to national integration, national solidarity and communal harmony. We would be very happy if the Government is never put in a position where it may have to use the powers which it is assuming under this law.

Shri Jyotirmoy Bosu, with his characteristic disregard for truth and objectivity, said a number of things and the most fantastic thing he said was that Mr. Badruddujja was offered a seat in the Cabinet. This is the most fantastic thing to suggest. It is farthest from truth and nothing of this sort has ever happened or could happen.

SHRI INDRAJIT GUPTA : Why has he not been brought to trial?

SHRI RAM NIWAS MIRDHA : We will let you know on a suitable occasion.

In the end, I would like to say that this Bill had been brought because there was a great demand for this. I would like to particularly mention in this context Shrimati Subhadra Joshi who made it possible for us to bring forward this Bill expeditiously. She was deeply devoted to the cause of this Bill and I think it is but fair that we all join in thanking her for her efforts in focussing the attention of the country on the menace of the communal organisations. I request that the House may kindly support the Bill.

MR. SPEAKER: There were some amendments and substitute motions.

One was for eliciting opinion by Jana Sangh Members. But I am sorry, if they had been here, that could be considered. There is another amendment by Shri Jagannathrao Joshi for reference to Select Committee. He has not moved it. I am just informing that it is a wrong thing on their part to say that they had no time for moving amendments. They had time to study it. The amendments are there already not only on the consideration clause but on all clauses that are coming later on.

[MR. Speaker]

Now, the question is:

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

The motion was adopted.

MR. SPEAKER : We will now pass on to clauses. We take up clause-by-clause consideration.

PROF. S. L. SAKSENA (Maharajanj): I would like to support the contention made by Shri Indrajit Gupta. I stand for the Bill. We will support it. But what I submit is, the Members here who are absent should be given an opportunity to move their amendments and participate. Because, otherwise, they should not have an opportunity to say that they were not given opportunity to put in amendments... It can be held over till tomorrow.

MR. SPEAKER: They had given it; they knew it. They knew that that would come up today. If they had stayed on, they could have moved. The Government could have accepted also, but now there is none to move them. . . .

We go to Clause 2. Mr. Jagannathrao Joshi gave notice of an amendment but he has not moved the amendment. The second one is also not moved.

Clause 2 (*Amendment of Act 45 of 1860*)

SHRI RAM NIWAS MIRDHA: I have an amendment. This is for Clause 2. This is a very small amendment. We want to put in the same usages.

Amendment made :

Page 2, line 31,—

for "religious ceremony".

substitute—"religious ceremonies"
(Shri Ram Niwas Mirdha).

MR. SPEAKER: The question is:

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 (*Amendment of Act 5 of 1898*)

Amendment made :

Page 2, line 44,—

for "clause (b)"

substitute—"sub-clause (b) of clause (i)".

(Shri Ram Niwas Mirdha).

MR. SPEAKER: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAM NIWAS MIRDHA : I be to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

2005 hrs. *The motion was adopted.*

HALF-AN-HOUR DISCUSSION

PAKISTAN'S PREPAREDNESS FOR ANOTHER WAR WITH INDIA

SHRI SAMAR GUHA (Contai): I am thankful to you for giving me an opportunity to raise this half-an-hour discussion. I consider that now we have a unique opportunity to change the political complexion of the Indian sub-continent from Peshawar to Dacca. Pakistan must be made to recognise Bangla Desh before the proposed summit meeting with Mr. Bhutto, so that Bangabandhu Sheikh Mujibur Rehman may take his rightful part in it. From all considerations, it will be a costly mistake to have the summit talk without Bangabandhu.

India and Bangla Desh have jointly signed the cease-fire document with Pakistan. As such, it is morally and legally imperative that the summit talks with Pakistan must be held jointly by India and Bangla Desh. Indo-Bangla Desh friendship is the rockbottom foundation for securing permanent peace in the sub-continent. In dealing with Pakistan recognition of this reality should be India's guiding principle. India should

make it absolutely clear to Mr. Bhutto that if he agrees to a long-term peace and friendship treaty with India, only then India will agree to discuss the issues of the return of prisoners of war and the vacation of Pakistan territory under Indian occupation.

2007 hrs.

[SHRI R. D. BHANDARE in the Chair]

During the summit talk and also before it, it should be made clear to the people of Pakistan that the defeat of the military *junta* of Pakistan does not necessarily mean the defeat of the people of Pakistan, because Mr. Bhutto is trying to create a row again and an attitude of hatred and hostility towards India. As a measure of our goodwill and as a measure of our sincerity, and as a token of our offer of peace and friendship to Pakistan, I think that it is desirable that about 6,000 women and children of Pakistan in our hands and also about 4,951 civilians in our custody should, as early as possible and surely before summit talks take place, as a measure of our goodwill and as a gesture of peace and friendship with Pakistan, these 11,500 odd persons should be released and should be allowed to go back to Pakistan as early as possible.

I have also heard the Government saying that already the prisoners of war are being treated prisoners with human consideration, but I feel that they should be made to understand, and we should try to our best to create a feeling in the minds of the prisoners of war of Pakistan that they are not our enemies, but it was the war machine and it was the military *junta* of Pakistan which unleashed a war, and they are really our brothers, because we have a common heritage of four thousand years of common civilisation.

From all accounts, it appears that the military machine of Pakistan remains more or less intact even after the war, particularly the armoured division. It appears that test especially from the West Asian countries and also from the African countries Pakistan has already made up the loss of 141 tanks and also 97 planes (the figures as given by our Government). It has also appeared in the foreign press, and it has been admitted also in the House that China has delivered to Pakistan tanks and planes and other war equipment. Therefore, we find that Mr. Bhutto is coming to India to have

summit talks with not only the war machine of Pakistan maintaining its level at what it was before Pakistan unleashed the pre-emptive strike against India...

SHRI D. K. PANDA (Bhanjanagar): There is no quorum in the House.

SHRI SAMAR GUHA: Why does my hon. friend do so? Why does he raise it now?

MR. CHAIRMAN: After 6.30 p.m. there is no question of quorum. Shri Samar Guha may continue and conclude early.

SHRI SAMAR GUHA: Not only that, but we have found that Pakistan is making frantic efforts to augment its war potential and that is the reason why Mr. Bhutto has gone to China, and as I have already said, our Government have taken notice of Mr. Bhutto's trip first to China, and his whole dependence being on China. He has also now to reactivated the CENTO group. He is now trying to reactivate this and trying to develop some kind of a pattern of defence allowance with Iran and also Turkey. He is also trying to develop the regional Development Organisation including CENTO. This is a new phenomenon. I want to draw the attention of our Government to the fact that Iran is becoming a great naval power and also an air power.

I would draw Government's attention to the fact that even before the war there were joint exercises between the Iranian and Pakistan Air Force. This is something very extraordinary. If really Pakistan wanted to live in peace with India, it followed naturally that she should not try to increase her war potential and not try to find allies in West Asia, nor create an atmosphere of hatred and hostility towards India.

It has also been admitted here that in occupied Kashmir nearly 2 lakhs of guerillas were being raised. For what purpose? Now here is an opportunity offered to India to secure a condition of permanent peace and friendship with Pakistan for creating stability and security in the sub-continent. But only one condition that India makes it very clear to Pakistan that there is no question of repatriation of the prisoners of war nor vacation of territory under occupation of the Indian army unless and until

[Shri Samar Guha]

the principal issues of recognition of Bangala Desh by Pakistan and commitment to permanent peace and friendship with India are agreed to and a long-term treaty entered into based on some kind of a defence balance between Pakistan, India and Bangladesh. This is with a view to ensure real peace, stability and security in the sub-continent. May be the military junta now in power in Pakistan may disagree. But the situation is not in their favour. With the fall of Lin Piao in China and the US's hands too much drenched with Vietnamese blood, the political, social, economic and international relations are not so much in favour of the Bhutto-Tika military axis that has developed in Pakistan. It is in this context that I raise this issue so that we may make an effort to secure permanent peace and stability in the sub-continent.

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) :

I congratulate Shri Samar Guha on the noble sentiments he has expressed for a durable peace in the sub-continent. This has been the stand of the Government of India all through. The hon. member should not forget that after the liberation of Bangladesh where the blood of Indian and Bangla Desh youths mingled to achieve that objective and the surrender of nearly 100,000 of Pakistan hordes in Bangladesh, the Prime Minister of India declared a unilateral cease fire. It was a clear indication and proof to the world at large which was reiterated times without number that the allegation that India wanted to disintegrate and annihilate Pakistan was not correct. It was not our objective. If at any time a war was fought for a noble cause, for justice, for establishing human norms, it was this war in Bangla Desh.

Again the Prime Minister made it quite clear that the offer for bilateral talks was unconditional. Therefore, we would not like to put any condition at this stage. Of course, only when we have bilateral talks leading to a settlement can we have durable peace in the sub-continent.

I do make a distinction between the people of Pakistan and the military junta there. On this sub-continent today, we have three countries; all these coun-

tries have come out of India : Bangladesh, India and Pakistan. Though administratively these are three different countries, sovereign and independent, the social conditions in all these three countries are similar. We have the traditional society in all these three countries and we have grinding poverty in all the three countries. And it would be really an achievement if we can extricate ourselves from the traditional society and move to a modern and affluent society where we can assure our people a reasonable standard of life. For the achievement of this novel objective, it is necessary that there is peace in the, sub-continent; peace in the sub-continent between the three countries; and peace in the sub-continent against any foreign intervention in the sub-continent.

I am aware that Pakistan has been procuring on purchase and as gift, military hardware from several sources. I am also aware of the innumerable violations of the cease-fire and interference with the actual line of control. I am aware of the cease-fire violations in Jammu and Kashmir. At times, these violations do cause some anxiety and some concern, but in spite of this, India will make every possible endeavour to have a bilateral talk with Pakistan in order that durable peace may be achieved on the sub-continent.

My friends should not forget that it was only a few days back that for the first time a spokesman of the President, President Bhutto, has admitted that this time the war between India and Pakistan has been a decisive war. It means that he admitted that the defeat of Pakistan at the hands of India has this time been decisive. We do not want wars, we want peace. But President Bhutto, let us hope, will not do that folly which President Yahya Khan committed. If he does that, certainly the prestige and security of the country is too sacred for us to tolerate and violation of that. That is all I have to say. Our approach for bilateral negotiation is un-conditional for the establishment of peace in the sub-continent.

MR. CHAIRMAN : The House now stands adjourned *sine die*.

2018 hrs.

The Lok Sabha then adjourned sine die.