

# HOUSE OF THE PEOPLE

## THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL, 1951

( REPORT OF THE SELECT COMMITTEE )



PARLIAMENT SECRETARIAT  
NEW DELHI.

*Sep, 1951*

REPORTS OF SELECT COMMITTEE PRESENTED

TO PARLIAMENT IN - 1951.

-----

S. No.	Short title of the Bills.	Date of introduction. (Presentation) 3.	Date of Publication. (in the Gazette) 4.
1.	The Port Trusts and Ports (Amendment) Bill, 1950.	7- 2-51.	24-2-51.
2.	The Representation of the People (No.2) Bill, 1950.	31, 3-51.	14-4-51.
3.	The Finance Bill, 1951.	21- 4-51.	24-4-51.
4.	The Constitution (First Amendment) Bill, 1951.	25- 5-51.	2-6-51.
5.	The State Financial Corporations Bill, 1951.	10- 8-51.	25-8-51.
6.	The Tariff Commission Bill, 1951. ✓	-do-	-do-
7.	The Forward Contracts (Regulation) Bill, 1950.	20- 8-51.	1- 9-51.
8.	The Indian Companies (Amendment) Bill, 1951. ✓	30- 8-51.	8- 9-51.
9.	The Evacuee Interest (Separation) Bill, 1951.	10- 9-51.	29- 9-51.
10.	The Benares Hindu University (Amendment) Bill, 1951.	7- 9-51.	29- 9-51.
11.	The Aligarh Muslim University (Amendment) Bill, 1951.	-do-	-do-
12.	The Press (Incitement to Crime) Bill, 1951.	27-9-51.	6-10-51.
13.	The Industries (Development and Control) Bill, 1949.	24- 9-51.	-do-
14.	The Plantations Labour Bill, 1951. ✓	29- 9-51.	13-10-51.

---

1.	2.	3.	4.
15. The Delhi Premises (Requisition and Bisectio) Amendment Bill, 1951.	10- 9-51.	22- 9-51.	
16. The Displaced Persons (Debts Adjustment) Bill, 1951.	1-10-51.	20-10-51.	
17. The Notaries Bill, 1951.	4-10-51.	-do-	

# THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL, 1951.

## REPORT OF THE SELECT COMMITTEE.

WE, the undersigned, members of the Select Committee to which the Bill further to amend the Aligarh Muslim University Act, 1920, was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

We have generally brought the Bill in line with the Benares Hindu University Bill, 1951 and we have proposed the same amendments which we have proposed in that Bill. There remains only one point which is peculiar to this Bill and to which we need refer.

We have altogether omitted section 32 of the Act which was merely amended by the original Bill. Section 32 relates to the admission of students to the University and the holding of examinations. These matters are to be regulated by Ordinances and the section, therefore, does not serve any useful purpose. We may add that no such corresponding section exists in the Benares Hindu University Act, 1915.

2. The Bill was published in the Gazette of India, Part II—Section 2, dated the 9th June, 1951.

3. We consider that the Bill has not been so altered as to require circulation under rule 77(4) of the Rules of Procedure and the Conduct of Business in Parliament and we recommend that it be passed as now amended.

M. ANANTHASAYANAM AYYANGAR  
A. K. AZAD  
B. R. AMBEDKAR  
\*M. A. KAZMI  
\*R. K. SIDHVA  
\*K. T. SHAH  
M. HIFZUR RAHMAN  
\*GOVIND MALAVIYA  
\*R. U. SINGH  
\*ZAKIR HUSAIN  
D'SOUZA S. J.  
\*GOVIND DAS  
S. D. DEO  
DESHBANDHU GUPTA  
SYED NAUSHERALI  
JAIPAL SINGH  
G. DURGABAI  
\*TEK CHAND  
P. S. DESHMUKH  
\*H. N. KUNZRU  
DR. MONO MOHAN DAS  
\*SYAMA PRASAD MOOKERJEE

NEW DELHI;

The 7th September, 1951.

---

Subject to a Minute of Dissent.

## MINUTES OF DISSENT

## I

Although no formal decision was taken, the majority view was that the words "Hindu" and "Muslim" from the main heading of both the bills be deleted. I hold the majority view.

2. Regarding religious instruction I think it should be definitely laid down that the religious instruction, debates or talks shall be in spiritual, moral and musical subjects only. If it is not made clear then there is likelihood of clash and differences in various sectors and believes of religions in both viz., Hindu and Muslim communities. Shias and Sunis and Babas will demand their own way of religious instructions, so will Sanatanis, Arya Samajists, and Murti Pujaks. Under these circumstances I think the suggestion made by me if accepted will avoid such a clash.

R. K. SIDHVA.

NEW DELHI;

The 7th September, 1951.

## II

I have signed this Report subject to the following minute of dissent.

2. I do not think the purpose of making religious instruction not compulsory, in conformity with the ideal of a secular State, will be served by the clause as it stands and the proviso to it. By permitting such instruction to be given to those who ask for it, without at the same time placing an obligation upon the University concerned to provide such instruction in any religion in which students ask for, if the students asking for it are adequate in number, and if the University has sufficient means and facilities for the purpose. The result of the present wording would be that only Hindu students will ask for and get such religious instruction in Benares, and only Muslim students do so in Aligarh. The two Universities would thus continue to remain exclusively Hindu or Muslim institutions, so far as providing religious instruction is concerned. I think, therefore, that a further proviso is necessary to add to the existing one, requiring the Universities to provide instruction in any religion for which there is sufficient demand, and in regard to which the University concerned has sufficient financial and other facilities. This would, also, help to keep such instruction on a higher plane of religious philosophy, rather than dogma or ritual, which tend to narrow the mind and create rigid moulds of thought.

3. I, also, consider it necessary that the University should itself have power and authority to make arrangements for an impartial hearing and disposal of any complaint that the teachers, or any of them, or the students, may have against any University authority or officer. Accordingly, in the clauses dealing with the "Powers of the University", I would like to amend so as to authorise the University to set up, whenever the occasion demands, its own Tribunal of arbitration in regard to any complaint that any students, teachers, or officers of the University may have to make in regard to their treatment, or in regard to the terms and conditions of their service. This will enable the University to avoid any needless washing of its dirty linen, or exhibiting in the public any unsavoury skeleton; and minimise the occasions for the use of the emergency powers vested in the Visitor to the disadvantage of the University.

4. The provision for Quinquennial Inspection, inserted by the Select Committee, would be shorn of its hardship, in regard to occasions for complaints or dissatisfaction, contemplated in the preceding paragraph, if the Arbitration or Judicial Tribunal, suggested therein, can be set up at any time, and off its own bat, by the University, without waiting for 5 years to elapse, and an outside authority carry out an inspection, make its report, and thereupon require the University to take the action indicated.

5. The Quinquennial Inspection would gain very considerably in utility, if an obligation is placed on the Government to meet the legitimate needs and requirements of the University, as revealed by such inspection. A corresponding obligation would, of course, have to be, as it is, placed on the University authorities to carry out any instructions given as the result of such inspection, if it reveals any deficiencies or shortcomings of the University.

6. On principle I am against the institution of a Visitor, and more specifically if the Visitor is to be the Head of the Union. I consider it would tend to bring the President of the Union needlessly into Party politics. His decisions can only be those of his Ministers, and those Ministers would, *ex hypothesi*, be Party leaders. The autonomy of a University is, in my eyes, too sacred a principle to be thus made the plaything of Party politics. If a Visitor is, nevertheless, thought to be indispensable, I would rather have the Chancellor of the University vested with this authority, than the President of the Union.

K. T. SHAH.

NEW DELHI;  
The 7th September, 1951.

### III

I. The Benares Hindu University is a running institution. Its present Constitution has two sets of bodies to deal with the academic and the administrative matters. The Supreme body of the University, namely, the Court, deals with administrative affairs, with the Executive Council as its executive body. It carries on the day to day administration of the University. The Senate is the Supreme body on the academic side with the Syndicate as its executive. This bifurcation of the academic and the administrative control has worked during these thirty years with marked success and smoothness. What is more, it has tended to keep the academic side of the University pure and clean, the bane of party politics, if at all, being confined to the administrative sections.

The Select Committee has agreed that this healthy bifurcation should remain and the bodies which are at present called the Senate and the Syndicate should continue, but it has recommended by a small majority that the names of the Senate and the Syndicate should now be changed into "The Academic Council" and "The Standing Committee of the Academic Council".

We are of the opinion that the old names, Senate and Syndicate, should be allowed to remain. The Indian Universities' Commission have themselves said that it is not their intention "to see exact uniformity of constitution even among Universities of the same general type". Besides, all the printed records of the University of the past decades, all resolutions and correspondence, have been in the name of the Senate and Syndicate. Since

these two bodies are going to be retained, we are strongly of the opinion that there is no need to disturb the present names. We suggest that they should be allowed to remain.

The only argument advanced for the change was that in some Universities the Senate is the Supreme body and that by calling it 'the Academic Council', uniformity would prevail in the three Central Universities. We are unable to see the weight of this argument. But whatever there be in it, the advantage of retaining a name which has come down, when such retention makes no difference whatsoever in the substance, is obvious and we feel that it should be done.

II. We should like to draw attention to the supreme importance of the complete autonomy of Universities. It is a principle not only recognised but assiduously followed and maintained all over the world. When our Universities were started in this country, the Government of the day was a foreign Government which distrusted the people in all matters, and therefore, put down clauses in the various Universities' Acts giving powers of interference to the Government in their affairs. We regret we have not been able to get from the Parliamentary Library or from the Ministry of Education Library the Acts and Calendars of most of the foreign Universities. But, to the extent that we could, such powers of interference did not exist in the Acts constituting the Universities of free countries. We would, therefore, feel happy if Clause 5, sub-clauses (2), (3), (4), (5) and (6) are dropped.

In the Select Committee it was mentioned that the above powers of the Visitor would be exercised only "in any grave emergency". No opposition was expressed to this and we assumed that this had been agreed to. If these sub-clauses have to remain, we suggest that at the beginning of clause 5, sub-clause (2), the words "In any grave emergency" should be added.

### III. *With regard to clause 5A:*

We suggest the addition of the words "and requirements" after the word "needs" in this clause to clarify the meaning and the purpose of this clause more fully. It was argued in the Select Committee that the word "needs" includes 'requirements'. There should, therefore, be no objection to its inclusion.

We should also like to add at the end of this clause: "It will be the duty of the Central Government to fulfil the needs of the University to the best extent possible."

IV. Last but not the least our objection is to the terms of clause 15 of the Bill. We are glad that the Honourable Minister for Education has agreed, and will announce in the Parliament, that he will appoint a Committee of 5 or 7 members of Parliament to whom the draft adaptations and modifications in the present Statutes of the University shall be referred and that the decisions of the Committee will be accepted and given effect to by the Government. This is satisfactory so far as it goes and is a distinct improvement upon the clause as provided in the Bill.

We are of the opinion that the adaptations and amendments of the Statutes, when provisionally finalised, should be sent to the Universities concerned for their opinions thereon and that they should be finalised only after taking such opinions into consideration and being laid before Parliament.

The three suggestions which we wish to make now regarding clause 15 of the Bill are as follows:—

(1) That this Committee should be appointed by the Parliament on a motion by the Honourable the Education Minister. This will be a more correct procedure and in keeping with the position and powers of the Parliament. It will make no difference in actual fact and we can see no possible objection to this course being adopted.

(2) That the decisions of this Committee should be placed on the table of the House for the information of the members of the Parliament.

(3) That the procedure agreed to by the Hon'ble the Education Minister, and the modifications proposed by us therein, if accepted, should be substituted in the Act in place of the proposed first para of clause 15 of the Bill, which, as at present, reduces the Parliament to a nullity.

As we have said, our proposal will make little difference in actual effect. But our suggestion is motivated by a desire to maintain the sovereignty and powers of Parliament intact. In the history of the British Parliament, the tendency for Government to take over in its own hands more and more powers had been on the increase at one stage until in 1929 a Committee was appointed by Lord Sankey as Lord Chancellor, called "The Ministers' Power Committee" which laid down that Parliamentary control over delegated legislation was necessary. Provision was then made for it by Statute.

We must safeguard against this danger overtaking us also. Our proposal will make little difference in substance but will result in the observance of the correct and healthy procedure. We cannot be without hope that on further thought, the Government will find no objection to our suggestion. The Parliament, we trust, will agree with us.

We reserve to ourselves the right of moving amendments to the Bill as amended by the Select Committee.

All our remarks except those relating to the Senate and the Syndicate at the Benares Hindu University, apply to the Bill relating to the Aligarh Muslim University also, *mutatis mutandis*.

GOVIND MALAVIYA.

SYAMA PRASAD MOOKERJEE.

GOVIND DAS.

M. A. KAZMI.

NEW DELHI;

The 7th September, 1951.

#### IV

I feel that in view of the new clause 28 recommended for insertion by the Select Committee containing "Transitional Provisions", clause 14 should run as follows:

"Sub-section 1 of Section 19 of the Principal Act shall be omitted."

The amendment to sub-section 1 of Section 19 as contained in clause 14 has become unnecessary and is likely to create difficulties.

R. U. SINGH.

NEW DELHI;

The 7th September, 1951.



We are definitely and strongly of the opinion that clause 10A should be deleted from the Bill to amend the Aligarh Muslim University Act.

NEW DELHI;  
The 7th September, 1951.

ZAKIR HUSAIN.  
H. N. KUNZRU.

## VI

*Clause 15.*—I am not in favour of clause 15 of the Bill, in so far as it gives to the Central Government the final power to make adaptations and modifications in the Statutes now in force. When the Benares Hindu University Act was passed in 1915, the first Statutes were incorporated in a Schedule which was an integral part of the Act and was passed by both Houses of the Legislature. The same procedure was followed when the Aligarh University Act and the Delhi University Act were passed. As the present Bill materially enlarges the scope of the Statutes, which now deal with such important matters as the establishment and abolition of Faculties, Departments, Halls, Colleges and Institutions, it is very necessary that the first Statutes should have been incorporated in a Schedule attached to the Bill and passed by Parliament.

The only reason given for not following this procedure is that the Schedule would swell the size of the Bill and it would take a great deal of time which may not be available in the present Session of Parliament. With respect, I consider this a very feeble argument, indeed. It seems to me that this is an instance of the recent tendency to delegate to the executive power to legislate on important matters without any reference to, or control by, Parliament. This is a dangerous tendency and I cannot too strongly deprecate it.

In England, during the World War I and the succeeding years, numerous instances of such unrestricted delegation of legislative power to Ministers or Heads of Departments occurred. This gave rise to bitter criticism in and outside the two Houses of the British Parliament and in 1929 Lord Chancellor Sankey appointed a Committee called the "Ministers' Power Committee" to examine the question and make suggestions. After an elaborate enquiry the Committee submitted its report in 1932. Its conclusions were that while delegated legislation is inevitable in the existing circumstances, it is necessary to retain some kind of Parliamentary control over it. This is now secured by making clear provision in the Statute (whereby such powers are delegated to Ministers or other authorities) that the Rules and Regulations framed by them shall be laid before Parliament and will be dealt with in one of the following ways:—

- (a) The Rules or Regulations made by delegated authority shall be laid before Parliament as soon as may be; or
- (b) after being so laid, - they shall not come into effect until the expiration of a specified period, which usually is forty days; or
- (c) they shall lie before Parliament for a specified period, during which any member may move a resolution annulling or modifying them, and they shall be annulled or modified accordingly;  
or
- (d) the Rules or Regulations shall lapse after a specified period, unless Parliament has expressly approved them.

In addition, there is a Standing Committee of Parliament to which all Rules and Regulations framed by delegated authority and all Orders-in-Council are submitted for scrutiny. In this way, effective Parliamentary control is ensured. In our Parliament no such Standing Committee has yet been constituted.

In an important matter like the first Statutes of Benares and Aligarh Universities I am not in favour of giving the Central Government unrestricted and uncontrolled power to frame the first Statutes which will, *inter alia*, deal with the Constitution, Powers and Duties of various University Bodies and under which Faculties, Departments, Colleges and Institutions may be established or abolished. The least that should be done is to follow one of the four modes in which British Parliament secures control over delegated legislation.

I would, therefore, strongly urge that clause 15 be amended so as to provide that the adaptations and additions to the Statutes in force at the commencement of the Amending Act, made by the Central Government, be laid before Parliament and shall come into force after one month from the date on which they are so laid.

*Clause 5.*—I suggest that in sub-clause (2) of clause 5 the words "in cases of emergency" be added in the beginning. As clause 5A has made provision for quinquennial review of the University by Inspection Committee appointed by the Visitor, it seems necessary to add these words. It was stated that inspection contemplated in clause 5(2) to 5(6) will be done in cases of emergency only, and this should be stated expressly in the Act.

TEK CHAND.

NEW DELHI;

*The 7th September, 1951.*

*N.B.*—The above applies, *mutatis mutandis*, to the Aligarh University (Amendment Bill).

# THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL, 1951.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested  
by the Committee; asterisks indicate omissions)

A

## BILL

further to amend the Aligarh Muslim University Act, 1920.

Be it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1951.

(2) Sections 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions. .

**2. Amendment of section 2, Act XL of 1920.**—In section 2 of the Aligarh Muslim University Act, 1920 (hereinafter referred to as the principal Act),—

(a) in clause (d), for the words "or maintained" the words "maintained or recognised" shall be substituted;

(b) clause (e) shall be omitted.

**3. Amendment of section 5, Act XL of 1920.**—In section 5 of the principal Act,—

(i) in clause 3, in sub-clause (b) after the word "institutions," the word "or" shall be inserted and after the said sub-clause (b) as so amended the following sub-clause shall be inserted, namely:—

"(c) being women, shall have pursued a course of private study,";

(ii) in sub-clause (4) the words "on approved persons" shall be omitted;

(iii) in sub-clause (5) after the word "diplomas" the words "and certificates" shall be inserted;

(iv) in sub-clause (7)—

(a) the word "any" shall be omitted;

(b) for the words "and posts" the words "and other posts" shall be substituted;

(v) in sub-clause (8), after the word "scholarships" the word "studentships" shall be inserted;

(vi) in sub-clause (9) for the words "for the residence of" the words "and Hostels and to recognise places of residence for the" shall be substituted;

(vii) in sub-clause (11) after the words "residence and" the words "to regulate the" shall be inserted and the word "and" at the end of the sub-clause shall be omitted;

(viii) after sub-clause (11) the following sub-clauses shall be inserted, namely:—

"(11A) to make special arrangements in respect of the residence, discipline and teaching of women students;

(11B) to create administrative, ministerial and other necessary posts and to make appointments thereto; and";

(ix) in sub-clause (12) all words after the words "the University" shall be omitted.

**4. Amendment of section 7, Act XL of 1920.**—In section 7 of the principal Act, for the words and letters "Part A States and Part C States" the word "India" shall be substituted.

**5. Substitution of new section for section 8 in Act XL of 1920.**—For section 8 of the principal Act, the following section shall be substituted, namely:—

"8. *University open to all classes, castes and creeds.*—The University shall be open to persons of either sex and of whatever race, creed, caste, or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except \*\*in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it."

**6. Omission of section 9 in Act XL of 1920.**—Section 9 of the principal Act shall be omitted.

**7. Substitution of new section for section 11 in Act XL of 1920.**—For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. *Teaching in the University.*—All recognised teaching for the purpose of University degrees, diplomas and certificates shall be conducted in the name of the University and in accordance with the Ordinances and shall include lectures, seminars, tutorial instruction and practical work in the laboratory or in the field."

**8. Substitution of new section for section 12 in Act XL of 1920.**—For section 12 of the principal Act, the following section shall be substituted, namely:—

"12. *Power to establish and maintain High Schools and other institutions.*—(1) The University shall, subject to the Statutes, have power to establish and maintain High Schools within a radius of fifteen miles from the University Mosque.

(2) The University may also, with the sanction of the Visitor and subject to the Statutes and the Ordinances, establish and maintain within the aforementioned limits any other institution whose objects fall within the powers of the University as described in section 5."

9. **Substitution of new section for section 12A, in Act XL of 1920.**—For section 12A of the principal Act, the following section shall be substituted, namely:— 5

"12A. *Power to recognise Colleges and Institutions.*—With the approval of the Academic Council and the sanction of the Visitor, and subject to the Statutes and the Ordinances, the University may admit Colleges and institutions within fifteen miles of the University Mosque to such privileges of the University as it thinks fit." 10

10. **Amendment of section 13, Act XL of 1920.**—In section 13 of the principal Act,—

(a) for the words "Lord Rector", wherever they occur, the word "Visitor" shall be substituted; 15

(b) for the word "Court", wherever it occurs, the words "Executive Council" shall be substituted;

(c) in sub-section (2) all the words after the words "with the University" shall be omitted and after the sub-section as so amended the following sub-section shall be inserted, namely:— 20

"(2A) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry"; and; 25

(d) after sub-section (5) the following sub-section shall be inserted, namely:—

"(6) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances: 30

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, shall consider the same. 35

10A. **Insertion of new section in Act XL of 1920.**—After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. *Quinquennial review.*—(1) There shall be a review of the working and progress of the University and of its needs, once during every period of five years commencing from the date of the coming into force of the Aligarh Muslim University (Amendment) Act, 1951, by a Committee appointed for the purpose by the Visitor and consisting of such number of persons as the Visitor may think fit. 40

(2) The Committee appointed under sub-section (1) shall inspect the University and shall make a report to the Visitor. 45

(3) The report of the Committee appointed under sub-section (1) shall be communicated to the University for such action as the University may think fit.

5 **11. Omission of section 14 in Act XL of 1920.**—Section 14 of the principal Act shall be omitted.

**12. Substitution of new section for section 15 in Act XL of 1920.**—For section 15 of the principal Act, the following section shall be substituted, namely:—

10 “15. *Chief Rector and Rectors.*—(1) The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

(2) Such persons \*\* as may be appointed in this behalf in accordance with the Statutes shall be the Rectors of the University.”

15 **13. Amendment of section 16, Act XL of 1920.**—In section 16 of the principal Act, the word “and” at the end of item (3) shall be omitted, and after the said item (3) the following shall be inserted, namely:—

“(3A) The Pro-Vice-Chancellor, if any;

(3B) The Treasurer;

(3C) The Registrar;

(3D) The Deans of the Faculties; and”

20 **14. Amendment of section 19, Act XL of 1920.**—For sub-section (1) of section 19 of the principal Act, the following sub-section shall be substituted, namely:—

25 “(1) The successors to the Vice-Chancellor holding office at the commencement of the Aligarh Muslim University (Amendment) Act, 1951, shall be appointed in the manner provided in the Statutes.”

**15. Amendment of section 21, Act XL of 1920.**—In section 21 of the principal Act,—

(a) for the words “the Pro-Chancellor and the Vice-Chancellor” the words “and the Pro-Chancellor” shall be substituted;

30 (b) the words “and the Ordinances” shall be omitted.

**15A. Amendment of section 22, Act XL of 1920.**—In section 22 of the principal Act, the word “and” at the end of item (3) shall be omitted and after the said item (3) the following shall be inserted, namely:—

(3A) The Finance Committee;

35 (3B) The Faculties; and”

**16. Amendment of section 23, Act XL of 1920.**—In section 23 of the principal Act,—

(a) in sub-section (1),—

40 (i) for the words “and the Vice-Chancellor” the words and brackets “the Vice-Chancellor and the Pro-Vice-Chancellor (if any)” shall be substituted;

(ii) the proviso shall be omitted;

(b) in sub-section (2) \*\* the words “and direct that necessary action be taken by the Executive or Academic Council, as the case

may be, on any recommendations of the Lord Rector" shall be omitted.

**17. Substitution of new section for section 27 in Act XL of 1920.**—For section 27 of the principal Act, the following section shall be substituted, namely:—

"27. *Power to make Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the authorities of the University;

(b) the election and continuance in office of the members of the said authorities, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those authorities for which it may be necessary or desirable to provide;

\* \* \* \* \*

(c) the appointment, powers and duties of the officers of the University;

\* \* \* \* \*

(d) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(e) the conferment of honorary degrees;

(f) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(g) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(h) the establishment and abolition of Faculties, Departments, Halls, Colleges and other institutions;

(i) the conditions under which Colleges and institutions may be admitted to privileges of the University and for the withdrawal of such privileges;

(j) the establishment of High Schools and other institutions in accordance with the provisions of section 12; and

(k) all other matters which by this Act are to be or may be provided by the Statutes."

**18. Amendment of section 28, Act XL of 1920.**—For sub-section (2) of section 28 of the principal Act, the following sub-sections shall be substituted, namely:—

"(2) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter in this section provided.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest:

5 Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

10 (5) Any member of the Court may propose to the Court the draft of any Statute and the Court may reject the proposal or refer such draft for consideration to the Executive Council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

15 (6) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow, or remit it for further consideration.

20 **19. Substitution of new section for sections 29 and 30 in Act XL of 1920.**—For sections 29 and 30 of the principal Act, the following section shall be substituted, namely:—

“29. *Power to make Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

25 (a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

30 (c) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

35 (e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

40 (g) the maintenance of discipline among the students of the University;

(h) the conditions of residence of the students of the University;

45 (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing for them of special courses of studies;

(j) the giving of religious instruction;



(k) the emoluments and the terms and conditions of service of teachers of the University;

(l) the maintenance of High Schools and other institutions in accordance with the provisions of section 12;

(m) the supervision and inspection of Colleges and other institutions admitted to the privileges of the University under section 12A; and 5

(n) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

(2) The Ordinances in force immediately before the commencement of the Aligarh Muslim University (Amendment) Act, 1951, may be amended, repealed or added to at any time by the Executive Council provided that— 10

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students except after consultation with the Academic Council; 15

(ii) no Ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University Examinations, or 20

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council. 25

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (2) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest. 30

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order: 35

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect. 40

(5) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, cease to have effect. 45

(6) The Visitor may by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his powers of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of 50

one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

5 (7) The Visitor may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall cease to have effect.

10 **19A. Amendment of section 31, Act XL of 1920.**—In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any such Regulation:

15 Provided that any authority of the University which is dissatisfied with any such direction may appeal to the Court, whose decision in the matter shall be final.”

**20. Omission of section 32 in Act XL of 1920.**—Section 32 of the principal Act shall be omitted.

20 **21. Amendment of section 33, Act XL of 1920.**—In section 33 of the principal Act,—

(a) in sub-section (1), for the words “the Academic Council in such manner as may be prescribed by the Ordinances” the words “the Executive Council on the recommendation of the Academic Council” shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), for the words “to prepare” the words “and to prepare and publish” shall be substituted and the words “and to report such results to the Executive Council for publication” shall be omitted.

**22. Amendment of section 35, Act XL of 1920.**—In section 35 of the principal Act,—

35 (a) in sub-section (1) for the words “auditors appointed by the Visiting Board” the words “the Comptroller and Auditor General of India” shall be substituted;

(b) in sub-section (2), for the words “the Auditors’ report shall be submitted through the Visiting Board to the Lord Rector” the words “the report of the Comptroller and Auditor General shall be submitted to the Visitor” shall be substituted.

40 **23. Amendment of section 36, Act XL of 1920.**—In sub-section (2) of section 36 of the principal Act, for the words “Visiting Board” the word “Visitor” shall be substituted.

**24. Amendment of section 37, Act XL of 1920.**—In section 37 of the principal Act,—

45 (a) in sub-section (1) for the words “provident and pension funds” the words “pension or provident fund or provide such insurance scheme” shall be substituted;

(b) in sub-section (2) for the figures "1897" the figures "1925" shall be substituted.

**25. Amendment of section 38, Act XL of 1920.**—In section 38 of the principal Act,—

(a) sub-section (1) shall be omitted;

5

(b) in sub-section (2) the word "other" shall be omitted and for the words "any office of any authority" the words "any office or in any authority" shall be substituted.

**26. Omission of section 40 in Act XL of 1920.**—Section 40 of the principal Act shall be omitted.

10

**27. Temporary provision for amendment of Statutes.**—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as, in its opinion, may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

15

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statute after the expiration of three months from the commencement of this Act.

20

**28. Transitional provisions.**—Any officer or authority of the University exercising any functions under the principal Act, immediately before the commencement of this Act, shall continue to exercise such functions until the corresponding new officer or authority is appointed, elected or constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as adapted or modified under this Act.

25

**PARLIAMENT OF INDIA**

---

**Report of the Select Committee on the Bill further to amend  
the Aligarh Muslim University Act, 1920.**

---

*(As amended by the Select Committee.)*