

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 1st APRIL, 1943

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY

Thursday, 1st April, 1943.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTION AND ANSWER.

(a) ORAL ANSWER.

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY EMPLOYEES ELECTED AS MEMBERS OF THE AJMER MUNICIPALITY.

461. *Mr. Ananga Mohan Dam: (a) Will the Honourable the Railway Member be pleased to state if it is a fact that several Government servants employed at Ajmer on the Bombay, Baroda and Central India Railway are elected members of the Municipality there? If so, how many?

(b) Did Government give them permission? If so, who gave the permission?

(c) If this permission was granted, was it in the interest of the Government generally or in the interest of some particular department? If it is the interest of some particular department that they are to serve on the Municipality as elected members, what is that department?

(d) Is it a fact that the Bombay, Baroda and Central India Railway has got contracts from the Ajmer Municipality regarding custom duty tax, Pilgrimage tax and water tax?

(e) Is there any other province, particularly an autonomous province, where a Government servant has been permitted to contest an election to the Municipality? If so, in which province, and in which district?

(f) Do Government propose to order that this practice should be stopped in Ajmer?

The Honourable Sir Edward Benthall: (a) Yes, six.

(b) The Railway Administration and the local Government gave them the permission.

(c) The permission was granted in the public interest as the Railway population amounts to a third of the population of Ajmer.

(d) As is common at many places, the Railway collects the Visitors (Pilgrim) tax on behalf of the Municipality and is paid five per cent. of the collection as charges for the service rendered. The Railway pays the Municipality for water supplied to it on actual consumption; if the Railway supplies the Municipality with water during times of scarcity, it receives payment at the same rate. The octroi taxes are collected direct by the Municipality.

(e) I have no information.

(f) No.

SHORT NOTICE QUESTIONS AND ANSWERS.

RAILWAY INCIDENT INVOLVING MR. TUSHAR KANTI GHOSH, EDITOR OF THE "AMRIT BAZAR PATRIKA."

Mr. K. C. Neogy: Is the Honourable Member for Railways and War Transport aware of an incident which took place in the I Up Delhi Mail at Allahabad and Fatehpur Railway Stations on the East Indian Railway, on the morning of the 24th March last, and in which Mr. Tushar Kanti Ghosh, Editor of the *Amrita Bazar Patrika* was involved?

The Honourable Sir Edward Benthall: Mr. Tushkar Kanti Ghosh reported an incident to me personally and I am investigating the case.

Mr. K. C. Neogy: Has the Honourable Member seen the letter which he has addressed to the Secretary of the War Transport Department in this connection?

The Honourable Sir Edward Benthall: I have.

Mr. K. C. Neogy: Is the Honourable Member in a position to give us the main circumstances of this incident?

The Honourable Sir Edward Benthall: I said that I am investigating the case. I am still investigating. I have not got all the details.

Mr. Ananga Mohan Dam: Is it a fact that shortly after Mr. Ghosh occupied the berth, another European in khaki entered the compartment, put in his luggage and immediately left for the restaurant car?

The Honourable Sir Edward Benthall: I think the Honourable Member . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to resume his seat after he has asked his question.

The Honourable Sir Edward Benthall: I think the Honourable Member is quoting in part from the letter which Mr. Ghosh gave to me. I am investigating the whole of it and I am not in a position to answer details until I have concluded the investigation.

RULES REGARDING RESERVATION OF ACCOMMODATION IN MAIL TRAINS FOR THE DEFENCE DEPARTMENT.

Mr. K. C. Neogy: Will the Honourable Member for Railways be pleased to state the general rules regarding the reservation of accommodation in Mail trains for the Defence Department, indicating particularly—

(a) if such reservation means that civilians have no access to any berth in the compartment so reserved even if it may be vacant;

(b) whether military officers can utilize such reservations and at the same time be entitled to travel in ordinary (non-reserved) compartments also; and

(c) whether military officers are entitled to utilize such reservations for the benefit of their women folk?

The Honourable Sir Edward Benthall: (a) Yes. In certain trains compartments are reserved for the exclusive use of the War Department.

(b) The previous orders which stated that military passengers in excess of the number for which accommodation has been reserved would be booked in train service, have now been amplified to make it clear that unless and until reserved accommodation has been filled to capacity Defence Services personnel may not be permitted to take up accommodation in other carriages.

(c) Yes, if the accommodation is not required for defence service personnel.

Mr. K. C. Neogy: May I know whether for day journeys civilians are not entitled to any accommodation in such reserved compartments, if there be the usual seating accommodation available?

The Honourable Sir Edward Benthall: That is the case. The compartments are reserved for the exclusive use of the War Department. That is the arrangement that has been made.

Mr. K. C. Neogy: Are there any specific orders on the subject?

The Honourable Sir Edward Benthall: Yes, Sir, and it is those which we are amplifying in order to make it clear that Defence Service personnel should travel first of all in those reserved compartments and not occupy the compartments which would otherwise be available to the general public.

Mr. K. C. Neogy: Would the railway administration take care to see that there is ample accommodation left in such trains for civilian passengers in spite of such reservation?

The Honourable Sir Edward Benthall: That is the object of the revised orders.

Mr. K. C. Neogy: Will the revised orders be given due publicity?

The Honourable Sir Edward Benthall: Certainly. Instructions will be given both to the War Department officers and to the railway staff.

Mr. K. C. Neogy: And to the public also I take it?

The Honourable Sir Edward Benthall: I will give consideration to that proposal.

Mr. Lalchand Navalrai: May I know if these conductors who board these trains interfere in these matters and remove these difficulties? Or do they only walk about on the platform?

The Honourable Sir Edward Benthall: I do not quite understand which conductors the Honourable Member means.

Mr. Lalchand Navalrai: There are conductors on the train—I mean Conductor Guards—and it is their business to see that if there is any dispute they should go and see that things are put right. At present they do not interfere.

When there is a military officer they go far away. Instructions should be given to them to be more careful. Will the Honourable Member do that?

The Honourable Sir Edward Benthall: I understand that railway personnel were consulted in the particular case which is under discussion.

Maulvi Syed Murtuza Sahib Bahadur: May I know if the Railway Board has given instructions to railways that military personnel should be preferred to civilians? Even when they get their seats registered a day or two earlier those registered seats are given in preference to non-civilians?

The Honourable Sir Edward Benthall: Not that I am aware of.

Mr. Ananga Mohan Dam: Why are the womenfolk of the Military allowed to occupy these berths?

The Honourable Sir Edward Benthall. That is in accordance with the arrangements made with the War Department.

Mr. Ananga Mohan Dam: But what is the reason?

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

THE DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion that the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muham-madan Rural): When I was speaking on this Bill I said that I had no quarrel with the three years course for the degree. Sir, financial conditions do not allow all to join colleges for degrees. The present Matric curriculum does not befit a student for any useful business or clerical service. Therefore, if a higher curriculum is added to the Matriculation curriculum, I believe there will be a good grounding for a young man to begin his life if he cannot afford to join the degree classes. This, I believe, is a better arrangement than what is going on now. But there are objections to this three years' course on other grounds. The other universities would not like it or do not approve of it. A healthy measure, if it is healthy, will require some time to justify itself; an unhealthy measure will die—it will not stand the test of time. The theory of exclusiveness may be tenable for a few years only; for the first few years it may not be quite appreciated and approved by other universities; but if it has proved its usefulness, I think other universities will accept it. We are generally conservative; we are averse to innovations, and any change creates doubts, suspicions and misgivings in us. At the start difficulties and inconveniences will follow. In time they will vanish and I am confident that this three years' course will prove to be beneficial in the long run; but changes of a very topsy turvy character have to be introduced in secondary schools and this innovation will only be justified if these secondary schools are improved greatly, for which money has to be found. Ample funds will be required to change the whole aspect of secondary education; and if that money be granted by Government I am sure this will prove beneficial and useful. Government and the people should co-operate in this matter and if the people are found to be a bit hesitating the Government should come forward with the funds. Our country is practically a sub-continent; our population is vast and of a varied character; and only 2 or 3 per cent. of our population is getting education; and only 10 per cent. has become literate, so to say. We think that free and compulsory primary education was more needed than our college education for the present . . .

Mr. President (The Honourable Sir Abdur Rahim): How does that arise on the present Bill?

Mr. Amarendra Nath Chattopadhyaya: This University Bill is going to create a new standard of education . . .

Mr. President (The Honourable Sir Abdur Rahim): But not primary education: it has nothing to do with that; the Honourable Member had better confine himself to the Bill as it is and the principle underlying it.

Mr. Amarendra Nath Chattopadhyaya: In discussing this Bill . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss the question of primary education; it is not in the picture at all.

Mr. Amarendra Nath Chattopadhyaya: We are being given a system of education by Sir Maurice Gwyer which is on the model of the education given in the United Kingdom and naturally it must be on that line; but the difficulty lies in this, that we have been habituated to one sort of education for about a century and therefore this innovation requires further analysis and further examination, and therefore this motion for circulation has been supported for giving people more time to consider the matter.

I must also say that practically the Bill is introduced at the fag end of the Session. This also has led us to suspect whether there is some purpose behind it; and that purpose, if we are justified in saying it, is the intention for complete control over education in Delhi. Sir, we know, some cases of mismanagement of colleges in Delhi. We have been told that in some of the colleges, those who are in charge of managing the colleges have given notices of discharge to principals and teachers who have been working here for 17 and 21 years; and every one of them is well placed in the university as readers—readers of repute; and all of them unfortunately belong to Bengal. These gentlemen had been connected with these colleges from the very inception; they have reared up these colleges; they have given training to hundreds of young men who are now fit for being teachers no doubt; and it is an irony of fate that these very teachers are now asked to go out of their employment, not for any good reason, not for their unfitness or over-age, and not for any tangible difficulty in their teaching or their inability to teach; but for reasons best known to the managing bodies. Dr. Dutt has a reputation of being one of the best teachers; he was the principal of the Ramjas College. He has been degraded and made only a teacher; and the Honourable the Commerce Member, Mr. Sarker, . . .

Mr. President (The Honourable Sir Abdur Rahim): Has that any bearing on this Bill?

Mr. Amarendra Nath Chattopadhyaya: Yes; this is a Bill for control, Mr. Sarker intervened and let the management keep him as a teacher in English and the vice-principal has been made a principal. This shameful conduct of the management requires intervention and control of the university by Government, although it pains me to say that control of university by Government is necessary at any time, I do not at all approve of such control; but such provocation by the management creates that difficulty and makes me also feel that some control is needed. I would ask the management of these colleges to be more liberal in their views, and they should also pay special attention to the security of service. If teachers and professors are not secure in their service, the colleges will go to rack and ruin. The amendment to section 22 of Act VIII of 1922 is to this effect: "shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University". These additions and alterations have become necessary for bringing the managing bodies of colleges into line with the university so that education may be conducted on right lines. The method of constitution of the Court and of the Executive Council seems to be such that it is an attempt to take away all control from the management and vest it in the university authorities, to which I object. The constitution of the Court shows that practically there will be a standing majority of Government, so also in the executive council. We are on the eve of a very substantial change in our political status. I believe that as a result of the war India will be free to frame her own constitution, and in accordance with that the whole system of Government will be completely changed and education will play a very important factor in that change. Therefore, if the idea was only to prevent insecurity of service or any wrong action on the part of the management and at the same time to have the innovation of three years course, the Government might have brought forward a simpler Bill with a smaller number of innovations and clauses and got it passed as early as possible. This Bill, on the other hand, has been brought on the last day of the present Session,

and as such it cannot be discussed thoroughly, nor can the Government finish this Bill without going into a Select Committee, nor can the public approve of the Select Committee unless they get satisfaction by going into the whole Bill. I therefore support the motion for circulation. As we cannot enter into the details of the systems of education in connection with this Bill I support the circulation of the Bill. The Government should not hustle through this Bill, they should give time for us to consider, and in the next Session we can come and discuss matters and then think of sending the Bill to a Select Committee. Sir, with these words I support the circulation motion.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Sir, a most extraordinary procedure has been adopted with reference to this Bill. In the first place, this Bill did not figure on the list of business which was circulated to us at the beginning of this Session. This Bill did not figure even on the list which was originally given for the transaction of business during this week.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): May I intervene to say that I understand that the Bill did figure on the previous notice that was sent to the Honourable Members of business likely to be brought by Government during the Session?

Dr. P. N. Banerjea: Where? I am perfectly sure that this Bill did not figure on the first list of business that was placed before us in the beginning of the Session, nor did it figure on the list which was given to us last week for the transaction of business during this week. It was only later on that a list of supplementary business was placed before us.

Mr. J. D. Tyson: A circular is sent out to Honourable Members before the Session begins and in that mention was made, I understand, of this Bill as likely to be brought up.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadian Rural): Was the Bill supplied to Members before the 23rd March?

Dr. P. N. Banerjea: Not that I remember. I am afraid my Honourable friend, the Secretary of the Education Department

Mr. J. D. Tyson: It was mentioned in Circular No. 6 issued by the Secretary of the Legislative Assembly on the 30th January last to Members of the Legislative Assembly—new Bills to be introduced No. 7,—Bill to amend the Delhi University Act, 1922—"Motion to be made, after introduction", "to consider and pass"—"purport of Bill",—"to provide for three years' degree course and certain other matters".

Dr. P. N. Banerjea: When was that circulated?

Mr. J. D. Tyson: On the 30th January, 1943, to all Members of the Legislative Assembly.

Dr. P. N. Banerjea: I do not remember having received that copy; it must have gone astray. (Interruption.) That is one point. Then there is another extraordinariness with regard to the procedure. The Honourable Member in charge of Education is not the sponsor of this Bill. He did not even honour us by his presence yesterday; we are glad to see him here to-day and I hope he will take part in the discussion on this Bill.

The Honourable Sir Jogendra Singh (Member for Education, Health and Lands): The Honourable Member knows that I cannot sponsor a Bill in this House.

Dr. P. N. Banerjea: The Honourable Member in charge of Education can speak, and take part in the debate in this House.

The Honourable Sir Jogendra Singh: I shall certainly do so.

Dr. P. N. Banerjea: In the third place, this Bill which is supposed to introduce a model constitution for the Delhi University was not circulated to other universities inviting their opinions. It was not even placed before the Delhi University whose constitution is being sought to be changed. If this is not an extraordinary procedure, I do not know what the term extraordinary procedure means.

Nawabzada Muhammad Liaquat Ali Khan: But this is an extraordinary Government!

Dr. P. N. Banerjee: My Honourable friend, the Deputy Leader of the Muslim League Party, points out that the Government is an extraordinary Government; therefore, there is full justification for the introduction of extraordinary measures. I leave it at that.

Now coming to the Bill itself, I find from the Statement of Objects and Reasons that there are three principal features in it. The first is the introduction of a three-year course. The second is the appointment of a whole-time Vice-Chancellor, and the third is the composition and powers of the Executive Council. There are some more important features in the Bill with which I will deal later. But for the present I will confine myself to these three principal features. I will deal with them *seriatim*.

In the first place, when it is desired that a three-year course which is a great innovation is sought to be introduced we should have adequate information about it. But that has not been supplied. All the papers relating to this scheme are not before us. Now, Sir, the Honourable Secretary to the Education Department gave us some hints about it and my Honourable friend, Mr. Sargent, the Educational Adviser, with the Government of India said that it has been considered at a meeting of the Advisory Council of Education and an Educational Conference. Mr. Sargent told us further that at the Bombay Educational Conference this scheme was accepted only on the condition that there would be no lowering of the standard of university education. Now, that is the crux of the whole problem. The whole question is whether this three-year course will result in a lowering of the standard of university education or not. On that question, I am afraid opinions differ to some extent. Some of us think that the lowering of the standard may be prevented by raising the standard of secondary education. In my opinion, this is not feasible. It is not feasible at the present moment to raise the standard of secondary education so as to include a part of the university work in the curriculum of the schools. We know what the position of the schools is in India. Speaking for Bengal, I say that there are 1,500 schools under the control of the Calcutta University and you can easily imagine what an enormous amount of expenditure will be needed to improve the standard of education in these 1,500 schools. We all know that the resources of the Provincial Governments are very limited and they have so many other functions to perform. Their attention is confined to so many urgent problems that it is difficult for me to understand how the Provincial Governments will be able to find the money for improving secondary education to a very substantial extent. It will not do merely to add one year to the course of studies in the schools. You will have to provide teachers for the schools who will be of the same calibre as the teachers in the universities. I do not know whether teachers of the type who teach subjects in the universities will be easily attracted to the schools, but even if the attraction comes, it will cost a very large sum of money.

Then, again, there is another question. In the Calcutta University, we have introduced the vernacular medium for instruction in the schools, and I believe in some of the other provinces the same system has been introduced or is going to be introduced. If that be so, it will be difficult for a student who has been accustomed to the prosecution of his studies through the medium of the vernacular schools to suddenly change to the English medium at the university stage. Three years' time would not be enough in order to qualify such a student for acquiring proficiency in the English language as well as mastering the subjects taught in the university.

Even if it be practicable for a small university like Delhi to give effect to a three-year course, it will not be desirable from the point of view of equivalence. At the present moment the migration of students from one university to another is permitted on the basis of equivalence of the courses of studies in the different universities. Now, as soon as a three-year course is given effect to, a student who has passed the Intermediate of the Delhi University, will be regarded as

a student who has attained an inferior standard, because he put in only one year at the university stage. Such a student may not be admitted to the universities of Calcutta, Madras, Bombay, Nagpur, Allahabad and Benares. So, there will be a practical difficulty. We know that Delhi being the capital of India draws to this centre a large number of persons from the other provinces and when the guardians of the students retire on pension or are transferred to the other provinces, they will find great difficulty in getting their wards admitted into the colleges and universities of the other provinces.

These are practical difficulties which must be kept in view before the scheme is carried out. Coming to the second point, namely, the appointment of a whole-time salaried Vice-Chancellor, I may be permitted to say that this matter was discussed almost in every university, and in the cases of most of the universities of India this proposal was rejected. In Calcutta, it was several times suggested that there should be a whole-time salaried Vice-Chancellor, but the view was taken—and this was the view of a very large section of educationists—that that would not be a desirable innovation. The Calcutta University has had the good fortune of enlisting the honorary services of great men from time to time. Men like Sir Gurudas Banerjea, Sir Asutosh Mukerjee and Sir Nilratan Sarcar have given of their best to the work of the Calcutta University, and these men enjoyed the complete confidence of the public and their prestige was high in every quarter. Now, if a salaried whole-time Vice-Chancellor is appointed, it is feared that the prestige of such a Vice-Chancellor will suffer and he will not enjoy the confidence of the general public of the country. He will be regarded as a servant of the University and as such he will not be able to rise to that high position which is necessary for holding a balance between the different sections of the educated community in the province. Sir, things are not different in Delhi. We find that Sir Maurice Gwyer, a man of outstanding ability, has given of his best to the Delhi University. I have had the pleasure of knowing him fairly closely during the last few years, and I know what enthusiasm he possesses for the work of the University and what his devotion is to such work. And I have no doubt that when Sir Maurice Gwyer retires, other men will be found in the capital of India who will be able to rise superior to narrow prejudices, who will be able to hold high the standard of education, and who will give of their best to the work of the University. Therefore, I do not think that it is desirable to have a whole-time salaried Vice-Chancellor for the Delhi University. But apart from the question of the appointment of a whole-time Vice-Chancellor, what is there in the provisions of this Bill? I find that the salary of this whole-time Vice-Chancellor is to be fixed not in the statutes or the regulations but will be determined by the Chancellor himself, and the period of service will also depend upon the sweet-will of the Chancellor. Now, if that is to be so, what sort of a Vice-Chancellor are we likely to have, a Vice-Chancellor who will depend not only for the amount of his salary on the Chancellor (or the Government) but whose tenure of service will depend on the sweet-will of the Chancellor? Are we likely to have an independent person as a Vice-Chancellor? Is it not rather likely that the Vice-Chancellor will be entirely subservient to Government?

Nawabzada Muhammad Liaquat Ali Khan: That is what they want.

Dr. P. N. Banerjea: My Honourable friend says that is what they want. Perhaps that is their intention, but our view is that that is not what we want. We want that the Vice-Chancellor of a University should be an independent person who will be able to hold the balance even between all classes and all communities, who will be able to impart a moral status to the university and who will be regarded as a sort of impartial arbitrator by all persons connected with the University. But the test which I have laid down can never be fulfilled by a person who will be appointed under the provisions of this Bill. Sir, it may happen that there may be ambitious aspirants among the teachers of the University who will fawn upon the Government and who will sell their independence in order to get this job. The Vice-Chancellor's dignified office will become something like a lucrative job, and those persons who will be disappointed will become hostile to the authorities of the University.

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Therefore, appointment and disappointment will combine to vitiate the atmosphere of the University.

Sir, it has been pointed out that in some of the Universities there is a provision for the appointment of a whole-time Vice-Chancellor. I know there is a provision in a few of the Universities, but in the majority of the Universities there is provision only for honorary Vice-Chancellors. Even in those Universities where there are provisions for the appointment of whole-time salaried Vice-Chancellors the tenure of office is fixed. This is determined by the statutes and regulations, and the salary also is determined by the rules, regulations and statutes of those Universities. These things are not left to the discretion of a single individual. Therefore, it appears to me that the appointment of a whole-time Vice-Chancellor will be most undesirable.

Now, coming to the powers of this Vice-Chancellor, I find that a most extraordinary provision is going to be introduced. In all the other Universities, we find that with the Vice-Chancellor is associated the executive body of the University in the discharge of his duties with regard to the maintenance of discipline. In the Calcutta University nothing can be done by the Vice-Chancellor except with the concurrence of the Syndicate, and I believe that is the case in most of the other Universities. Whenever the Vice-Chancellor has to take any action he takes it in consultation with the executive body and, if necessary, with other bodies of the University. But, here, we find that it is proposed not only to make the Vice-Chancellor independent of the other bodies of the University, but he is given power to act without reference to the statutes, regulations and ordinances. Now, what is the necessity for vesting such autocratic powers in the Vice-Chancellor? No satisfactory exposition has as yet been given by the two Members of the Government who spoke yesterday on this question. I should, therefore, like to have information as to the necessity for this extraordinary provision.

Sir, I come next to the second important feature of this Bill and that is the composition and powers of the Executive Council. The Executive Council of the Delhi University, it appears to me, consists of certain *ex-officio* and nominated members and also of representatives of different bodies in the University. I find that the *ex-officio* element on the executive council is larger than is to be found in most of the other Universities. In the Calcutta University the Syndicate has only one *ex-officio* member, namely, the Director of Public Instructions; and there are no nominated members on the Syndicate of the Calcutta University. Even at the present moment there are some nominated members on the Executive Council of the Delhi University. What is sought to be done now? It is sought to increase the nominated element on the executive council. Thus, it is considered desirable by the authorities to bring the executive council under the greater control of the Government. I consider this to be very undesirable.

As regards the powers of the executive council I find that extended powers are to be given to this body and two very important functions, namely, that of affiliation and withdrawal of affiliation are to be vested in this body. I am acquainted with the affairs of the Calcutta University having been closely connected with it for a very long time; and I know that in the Calcutta University the powers of affiliation and disaffiliation are vested in the Senate and not in the executive body, namely, the Syndicate. That is also the case in most of the other Universities. It is pointed out in the notes on clauses or in the Statement of Objects and Reasons—I forgot in which it is—that in the Nagpur University and the Madras University the powers of affiliation and disaffiliation have been given to the executive body.

Mr. J. D. Tyson: In the case of the Madras University powers of recognition and not of withdrawal are vested in the executive body.

Dr. P. N. Banerjea: Powers of recognition, all right. Not of affiliation. But this is only a half-truth. This is a partial mis-statement. Well, what we find is that the executive bodies of the Nagpur and Madras Universities are

under the control of the Court and the Senate, and these bodies can supervise the actions of the executive council. Therefore, I am sorry to find that the Government have indulged in half-truths and mis-statements. Now, Sir, what will be the effect of entrusting this power to the executive council? The Court, which is a body consisting of a large number of impartial men who come from outside, will be deprived of a very important power, and this power will be exercised by a close body consisting of teachers who are to be under the thumb of the Government to a much greater extent than they are at present. This is most undesirable from my point of view.

There is another matter which is not mentioned in the Statement of Objects and Reasons appended to the Bill,—but which is very very important—namely, the constitution of the Selection Committee,—a committee which recognises the teachers of the University. Now, a very strange constitution is proposed for this Selection Committee. This committee will consist of a few persons—four persons—consisting of the Vice-Chancellor, the Educational Adviser to the Government, one representative of the Academic Council and one person nominated by the Government. It will be an entirely official-ridden body. Can this body look to the interests of the teachers to the extent that it ought to? I am afraid, this body will not enjoy the confidence either of the teachers or of the general public. This provision of the Bill is entirely unsatisfactory.

Sir, there is another matter which is not included in the Statement of Objects and Reasons and to which I wish to refer for a moment, namely, the amendment of statutes. Under the Act of 1922 the University has a right to amend statutes. But certain amendments to the statutes have been embodied in the Bill which is before us today. What is the necessity for embodying so many statutes in this Bill? It is said in the Explanatory Notes that it is easy to have these amended by the Legislature. How it is easy, I fail to understand. The time of this House is very valuable and we have to consider so many other important things. I think it would have been very much easier for the Court of the Delhi University to consider carefully and in detail these statutes. My Honourable friend Nawabzada Muhammad Liaquat Ali Khan suggested yesterday that these statutes were placed before us because the Govern-

12 Noon. ment knew that in a depleted House it would be quite easy to have them passed without any difficulty. That is where the easiness of the procedure comes. If that view be correct, then the action of the Government deserves the strongest censure.

It is clear from what I have said that there is no justification for having brought forward this measure in a hasty manner before this Assembly,—a measure which is so important and which is fraught with so many possibilities for evil. From the point of view of the Government this device may be good, but from the point of view of the public it will be regarded as most unwelcome. It is difficult to find out the reason which has prompted the Government to bring forward this measure before us. It has been suggested by an Honourable friend of mine, Mr. Amarendra Nath Chattopadhyaya, that there has been considerable mismanagement on the part of the authorities of some of the colleges. These complaints have also reached my ears, and I have no doubt that these complaints are true in respect at least of the management of one of the colleges. In that college, no properly constituted governing body functions at the present moment; there is no security of tenure for the teachers, there is no system of graded salary, the treatment of the teachers is far from satisfactory, and the teachers' salaries are often in arrears for three months at a time. Now, if that is the evil which is sought to be remedied by this Bill, I think the Government had not been very properly advised. If the Government had brought before us a temporary measure to deal with a temporary difficulty, we might have considered such a measure on its merits. We might have been prepared to help the Government in getting over their difficulty. But what the Government has done is to seek to place on the Statute-book a permanent measure of a retrograde and reactionary character. We cannot agree to this. Sir, I know that evils are, very often associated with

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the functioning of democratic governments. We all know that at one time Tammany Hall and gangster methods were associated with elections in the U. S. A., but was anything done to curtail freedom in that country. No; the result was that all these evil aspects were overcome; and today U. S. A. stands out as the greatest democracy in the world. In India also, I admit, there are many undesirable features associated with self-governing institutions, but that is no reason why we should destroy these institutions. The remedy for the evils associated with freedom is not curtailment, but the expansion, of freedom. Sir, we have been told again and again that the Government desire to establish self-Government in this country. But if they be sincere, the Government should not take away the autonomy of self-governing institutions which exists at the present moment.

Sir, I am perfectly sure that there is no justification for this Bill, and I have no option but to vote for the circulation of the Bill so that opinions may be invited and in order that a proper measure, if necessary, may be placed before the House.

The Honourable Sir Jogendra Singh: Sir, may I claim the indulgence of the House and explain that Government have no other purpose but to promote the cause of education and to place the University in a position to govern itself. I believe my Honourable friend Nawabzada Muhammad Liaquat Ali Khan spoke with no great enthusiasm as to the working of democratic system and I trust that he will in any case support me in helping to organise the University on a basis on which it can most efficiently perform its arduous duties.

Nawabzada Muhammad Liaquat Ali Khan: Has the Honourable Member become a convert to my view?

The Honourable Sir Jogendra Singh: That is an entirely different matter.

Nawabzada Muhammad Liaquat Ali Khan: Those who do not believe, have no right to preach.

The Honourable Sir Jogendra Singh: The Bill aims at strengthening the University, to provide for efficient direction to make a model University in the metropolis of Delhi which might serve as a model to the Provinces. The University therefore must aim at setting up a standard which other Provinces may follow. The question has been raised regarding three years course at the Delhi University. The question is, whether the prevailing system in other universities equips our students to make the best of their lives after the training they receive and whether it is not advisable that at the most critical stage of education they may be in a position to decide whether to pursue the course of higher education or to train themselves in vocations for which their mental and physical qualities fit them.

The Bill aims at adding four members to the executive council of the University, two are to be elected and two are to be representatives of women who rock the cradle and mould the mind. I am sure no Honourable Member of this House is going to deny representation to women. The proposed change would add to the efficient working of the University. The question is not of following any system but to do what would give strength to the University. I do not for a moment believe that at the present moment the organisation of the University cannot be made more efficient. We ought to take all possible measures to increase efficiency I am sure Nawabzada Muhammad Liaquat Ali Khan will agree with me that there is nothing repugnant in the way which we have adopted in providing for administration of the University.

Secondly, the Bill proposes to invest the executive council with the power of granting or taking away recognition of colleges. This is undoubtedly a very important departure, but in all democratic institutions it is the executive that is invested with executive action and in this case also the executive council of the University, which is a fairly large representative body, will have the power of making very important and urgent decisions.

Sardar Sant Singh (West Punjab: Sikh): May I ask the Honourable Member, if he permits me to interrupt him, which is going to be the sovereign body under this institution—the Court or the Executive Council?

Nawabzada Muhammad Liaquat Ali Khan: Neither.

The Honourable Sir Jogendra Singh: I do not think the University is departing from the system prevailing in other Universities to any large extent. The power is divided between the Court and the Executive Council. Take any democratic institution; there is the legislature, but its power is exercised by the Executive.

Dr. P. N. Banerjea: Without any control?

The Honourable Sir Jogendra Singh: How can you say that?

Sardar Sant Singh: Which is the sovereign body? (Interruption.)

The Honourable Sir Jogendra Singh: University is the sovereign body.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sovereign body! Does the University, according to you, mean the Vice-Chancellor.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): The Chancellor through the Vice-Chancellor.

The Honourable Sir Jogendra Singh: I do not think that is a correct interpretation. The sovereign body is the University with its Executive Council and its Court.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): In the matter of policy, Court; in the matter of action, Executive Council.

The Honourable Sir Jogendra Singh: Investing the executive council with the power of granting or taking away recognition to the colleges, is an important departure, but I think, the executive council will not reach decisions which are repugnant to the Court.

Dr. P. N. Banerjea: But that is not provided here.

The Honourable Sir Jogendra Singh: As for the whole-time Vice-Chancellor, Delhi, I hope, will provide public-spirited educationists who would be found to continue the good work which Sir Maurice Gwyer has so wholeheartedly performed. I can assure the House that as long as selfless, devoted and qualified workers can be found, the question of appointing a whole-time salaried Vice-Chancellor will not arise.

Nawabzada Muhammad Liaquat Ali Khan: Salaried Vice-Chancellors are not selfless?

The Honourable Sir Jogendra Singh: Lastly the constitution of the Selection Committee is a point which was agreed to by all the colleges

Dr. P. N. Banerjea: Under duress.

The Honourable Sir Jogendra Singh: Not under duress. I think Nawabzada Liaquat Ali will be in a position to say whether it was under duress.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Under persuasion.

Syed Ghulam Bhik Nairang: Nawabzada has merely called a spade a spade.

The Honourable Sir Jogendra Singh: I have only one more word to add because the House is not in a mood to listen.

Dr. P. N. Banerjea: There is no case to be defended.

The Honourable Sir Jogendra Singh: The matter has been considered since 1934 onwards and the search-light of public opinion has been all the time on it. Most of the reforms that this Bill embodies have been accepted by those who met. Government has not sought that the Bill should be immediately passed. We have agreed to refer it to the Select Committee, and the Select Committee will consider the proposal in all its aspects.

Dr. P. N. Banerjea: But you ask us to accept the principle of the Bill.

The Honourable Sir Jogendra Singh: I cannot see what purpose it would serve to circulate the Bill for the purpose of opinion—opinion which has already been consulted, opinion that has agreed to certain principles of the Bill, opinion which has been focussed in all the meetings of the University, and I can only say:

*"Hazrat-i-Nasih gar aen dida-o-d'il tarsh-i-rah.
Koe mujh ko yih to samjhao ki samjhaenge kya."*

Nawabzada Muhammad Liaquat Ali Khan: Yehi to ham ko bhi shikayat hai.

Dr. Sir Zia Uddin Ahmad: The present Bill differs substantially from the other amending Bills: It does not seek to amend one or two clauses. It is not a Bill for certain purposes, but it changes the entire constitution by providing

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new set of statutes, and it introduces certain questions of principles, and it is for this reason that I would like to say a few words which may serve as a background of the arguments which I will use about this particular Bill.

We know that the Despatch of 1854 is the Magna Charta of our educational system in this country. Ever since this modern system of education was introduced, our system was examined very thoroughly only by one Commission in 1880—i.e., the Hunter Commission—and since then no Commission ever met which really reviewed the entire system of education in this country. Even the Hunter Commission discussed the primary and the secondary education, but they overlooked entirely the higher education and, especially, the relation of higher and secondary education. Now those recommendations have become obsolete and it is very desirable to review the recommendations made about 60 years ago by the Hunter Commission. The subject came up for review by the University Commission of Lord Curzon in 1904, but, I think, it was only an eye-wash. They only removed certain difficulties which had cropped up in the working of the Universities and especially, in the inter-University relations. The other Commission which reviewed the subject of higher education very closely was the Calcutta University Commission, but they were also handicapped in two respects: In the first place, their attention was confined to one University and not to the problem of education as a whole throughout the country; and, in the second place, they did not discuss and go through thoroughly the system of secondary education and the connection of the secondary education to higher education. Therefore, I charge the Government today that in spite of what they have done as regards labour, in spite of what they have done as regards taxation, they have not done justice to the education of this country in not appointing a single body which may have reviewed the whole system of education from A to Z—from primary education to University education. The only thing that is in existence is a review, which is absolutely out-of-date, by a Sub-committee of the Simon Commission, of which the Honourable the Leader of the House was one of the members. It only reviewed the position which then existed, but it made no recommendations as to future programme. Therefore, I say, we are very much handicapped as far as education is concerned because this has not attracted the attention of the Government of India, who are responsible for education. Even in the case of post-war reconstruction, they have been discussing a good deal about taxation, they have been discussing a good deal about industry, but I have not heard a single word from any member of the Government of India as to what would be the post-war reconstruction in respect of education. May I remind the Honourable Member in charge of Education that the most important Bill which England ever brought forward was devised during the Great War? I mean the Fisher's Bill which really laid the foundation of modern system of education in the United Kingdom. I think in the present war we ought to go into this question, and this is the time when we ought to consider very thoroughly what would be our educational policy after the war. Therefore, I hope my friend will take up this matter seriously. This is one aspect of the problem which we are considering today. Let us work from now onwards as to what would be the policy of education in India, not only in the case of higher education, but higher education with reference to secondary education, technical education with reference to general education, primary education with reference to secondary education and vocational education with reference to compulsory and free education. These are the problems calling for the attention of the Government of India, and I wish they find time to go into these questions, and I am sure that my friend in charge of Education will go into the matter and initiate something which will be handed over to generations as a landmark of progress in education.

In educational matters we cannot decide issues by show of hands as we do in the case of other Bills. We must carry with us the conviction of the country. I knew of a Professor who decided questions on education by votes. Even the question of grammar was decided by show of hands. Whether a word was masculine or feminine, was decided by show of hands. So we have specimens

of teachers who have attempted to introduce democracy and decided questions on grammar by votes. But this way of doing such things is not shared by other educationists, and they are convinced that in matters of education we ought not to decide by a simple majority, because if we decide by a simple majority, we ought to realise that 92 per cent. of the majority in this country cannot read or write. Therefore, it is not the number which commends itself; it is the intelligentsia which counts in settling all these problems. This is a thing in which we differ from other Bills. We cannot even decide or bring forward superficial arguments, such as those by which my friend Mr. Pillay was affected in Tea Expansion Bill. Here we have to decide by solid arguments, which should be logical and convincing to every thinking person.

I take up now the problems referred to in this Bill. Firstly, the question of the three-year course. Individually, I am in favour of the three year course, and I will give you my arguments in its favour, but the manner in which it has been put before us and the way in which we are asked to give our vote, is not very fair. This important issue is put before us in the form of an amendment to section 36 of the Act, and that is proposed in section 12 of the Bill. Now any outsider who will read section 2 of this Bill will never understand what they are aiming at. I challenge anybody to say whether they are contemplating a change to the three-year course if he reads clause 12 of this Bill, that, after the words "for the time being in force" the words "or the Higher Secondary Examination of the Board of Higher Secondary Education for the Delhi Province" shall be inserted; for the word "thereto" the words "to either such examination" shall be substituted, and after the words "Such further qualifications" the words "if any" shall be inserted: By reading a thing of this kind did we ever contemplate that we were revising the whole fabric of our educational system, both secondary and university. I think it would have been fair to the House, and certainly very necessary to convince the public outside if a memorandum had been prepared in connection with this issue and laid before the public, so that all would have known the reasons for the introduction of the three year course for the B.A. degree.

I said I was in favour of this change, but I should like the public to know why I am in favour of it. This question was discussed very thoroughly by the Calcutta University Commission which were in favour of the three-year course, and their recommendations are really embodied on page 257, Vol. IV of the Calcutta University Commission's report, which reads:

"When this change has been effected—a process which may take years—the most desirable arrangement, and that which would be most in accord with the practice of other universities, would be that he should now spend three years in reading for the degree of B.A., or B.Sc.: that he should normally spend the whole of this period under the same direction; and that, for the majority of ordinary students, this should constitute the whole university course. It seems to be the experience of most universities that a generous and well-balanced scheme of training in the arts or the sciences cannot well be fitted into a shorter period than three years:"

Dr. P. N. Banerjee: Was this three-year course to be after the Intermediate? At the present moment they say after the secondary stage.

Dr. Sir Zia Uddin Ahmad: This was the opinion of the committee but on account of certain difficulties, they provided for interim period a new suggestion. There was unanimity on the point that the total period of instruction required for B.A. degree should not be increased and that the time spent in education at the time the Calcutta University wrote their report should not be increased by one year, and that a student should be able to take his B.A. degree after the same period of instruction. If we had a three year course instead of four, the only alternative was that we should transfer the first year from the University to the High School. That was really the way in which it was suggested but it was discovered that the majority of those schools could not possibly take up the first year course. I myself calculated the finances of this transfer of the one year's course from the University to the High Schools and I found that the cost was so great that at the moment this could not be taken up. Therefore an intermediary method was evolved, i.e., the Intermediate College to teach the first two classes of the University, known as the first and second year classes. This

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would be followed by a two year course for B.A. degree. But that was only a temporary arrangement, and it is not to be adhered to for all the time.

Now the question is whether the time was not come when we should go back to the recommendations of the Commission and in this particular case the one thing which I would very much like to consider is the question of finance.

Dr. P. N. Banerjee: Also the quality of teaching.

Dr. Sir Zia Uddin Ahmad: The first thing is about finance, because it is essential to know whether it would be possible for these high schools which are now in existence to add one more class and give the boys the quality of instruction which is comparable to university education. Of course, simply by adding one more teacher you cannot add one more class. We should appoint a teacher of a certain calibre who may be able to impart the education which is not being imparted in the colleges, and who may be able to take up this class. So if we are to add a teacher, he should be added at the top, and not only a teacher of general utility but specialist teachers in the subjects included in the course of instruction, and that involved a good deal of expenditure. I am not aware whether the finances in this particular case have been worked out. I would like to know what will be the effect on the finances of the transfer of one class from the university to the high school, and what will be the difference between the present expenditure and the expenditure that will have to be met if the transfer is made.

Mr. J. D. Tyson: If I may set my Honourable friend at rest at once, these particular points—very vital points—have been worked out and funds have been provided.

Dr. Sir Zia Uddin Ahmad: I am glad it has been worked out; in which case I consider a memorandum ought to have been presented to this House giving all these details. It is very desirable that people who are not familiar with the detailed working of the University and the secondary schools should be in possession of this information before they are asked to accept this recommendation.

Another thing in favour of change is the report of Abbott and Wood. Messrs. Abbott and Wood really considered this question and they made practically the same recommendations which are embodied in this Bill. Their arguments also should have been included in the memorandum which should have been circulated to Members here.

This matter was also considered by the Central Advisory Education Board, perhaps not directly, but in connection with the proposal about the multiplicity of examinations. This committee also came to the conclusion that we are having too many examinations, and these examinations ought to be simplified; there should be one examination at the end of the high school career and one at the end of the University career, and we drop intermediary examinations; this particular report is a very important document; those who were members of that Board know something about it; but the Members of this House and especially the country at large and those who are interested in education ought also to know something about the decision of the Central Advisory Board and Education. Some kind of memorandum on this particular point ought to be prepared; if it is not prepared now, it may be done later, so that we carry the public opinion with us. It is not sufficient that we decide these things by majority; in whatever we decide we should have the conviction that the public is with us and we are doing it in the best interests of education.

The second point which I want to discuss is the nature of the University. The Delhi University will not be a small university in a small out of the way place like Cambridge or Oxford. It is a university at the seat of the capital of India; and we get people here not only from the Delhi province but from all parts of India, who come to serve in the Government of India secretariat and for various other purposes. Therefore we have really to provide for the education of this particular class of people who come from various provinces. A person is appointed or posted here in the Government of India secretariat and he brings his family from Bengal or Bombay or some other province, and in that case he

would like to know what would happen to his sons and daughters who were studying in schools or colleges in their own provinces. Supposing a boy has passed the high school examination, corresponding to the matriculation and wishes to get into college, and finds himself confronted with this new secondary examination, what would happen to him? Will he be able to join the Delhi University or will he be kept out? It is therefore very desirable that we should have some kind of transitional arrangement by means of which these students who come from other provinces may be able to join the university here; and this should be reciprocal; students may leave this university at the end of their first year and after passing that first year which is equivalent to the intermediate examination, will they be able to join the third year course in other universities when they go back to their own provinces? Some reciprocal arrangements will have to be made with the other universities in India about this. This could have been solved had there been a kind of conference not only of the Delhi University authorities, but a conference of educational authorities representing the different universities. There should be a mutual arrangement between the different universities during the transition period when students pass from one university to another. If a three year course for the B.A. degree is accepted by all universities in India, and one examination at the end of the school course, corresponding to class 11; then the difficulties will be removed. But if you begin with one university and other universities keep their old nomenclature and old standard, then the difficulty will arise in the migration of students from one place to another. I am personally convinced that this three year course is a good one, but I dare not introduce it in Aligarh, for this simple reason, that I get students from all the universities of India and I do not know how to provide for this: also students after receiving a course of instruction for one or two years go back to their various universities and what will happen to them? This problem ought really to have been tackled before we take up this three year course only in one university, leaving out the 17 remaining universities to follow the old system. What will happen when there is a migration of boys from one university to another? The authorities should look into this matter very carefully.

I have therefore two suggestions to make about this three year course, in order that we may be able to carry the public opinion with us. We should have a very well argued memorandum circulated among the educationalists in this country, mentioning the whole history of this movement and the reasons for bringing forward this motion. Secondly, during the interim period, if we adopt this measure, how are we going to meet this problem of the migration of students from one place to another? A third matter, which is also important, and which probably does not appear in the Bill, but may have been put in the ordinances, is this: there are certain professional colleges which require students to have passed the intermediate examinations before they can be admitted. Here in this university we will have no intermediate examination and what will happen to such students who wish to join those professional colleges? We will have to make arrangements that such students as may have passed a certain examination at the end of their new first year should be eligible to join those colleges; otherwise

Dr. P. N. Banerjea: Medical, engineering and other colleges.

Dr. Sir Zia Uddin Ahmad: Yes; this arrangement should be made and we should be in a position to judge whether this can or cannot be done; we must have some reasons to believe this can be done and then only we will be satisfied with this Bill.

Dr. P. N. Banerjea: These things have to be looked into.

Dr. Sir Zia Uddin Ahmad: I think we must in this matter carry the convictions of the people also. I am convinced myself, but I am sure that I cannot convince even my friend, Dr. Banerjea and my other friends here unless all these facts are before me and I am in a position to reply to all the criticisms that may be raised if we have a three year course.

The Honourable the Secretary for Education has told us that he has worked out figures for the Delhi Province but this is not enough; we should have the

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figures for the whole of India, because if it is a good scheme, then there must be uniformity and it must be done all over India simultaneously if possible; otherwise this thing will be unpopular. In the long run it will not be successful if we work out this three year course only in Delhi and leave other universities in the present position. Because we have got the financial resources of the Government of India we are in a different position; but look at the poor universities like ours or the poor provincial universities

Sardar Sant Singh: But he is not a printer of the notes—he is not that person.

Dr. P. N. Banerjee: And the authorities of the schools also have to be consulted?

Dr. Sir Zia Uddin Ahmad: So that this thing has to be considered not only with reference to this one particular province of Delhi; it should be worked out for the whole of India; it is one of the most important problems in educational matters, if we are to work it out and force it as a uniform policy for the whole of India. If it is good for you, it should be good for all. If you are so selfish that you adopt a thing which is good for you and leave the other universities to their own fate, I do not believe in such selfishness of the Government of India. Whatever you think is good, you must also convince the other universities that it is good for them so that they may follow your good example. If you leave others to their own fate because they cannot afford the expense that it will involve, it is not fair at all, and you are not giving a lead which you as Government of India should do in education. I leave this particular aspect of the topic by saying this, that this is a matter which requires careful study not only with reference to the Delhi Province, but with reference to all the other universities and education of India as a whole—we should study not only the financial aspect, but also the relationship of secondary education with higher education. It cannot be done either by the vote of this House, nor can it be done even by votes in Select Committee. It is a very big problem and requires careful study by a Commission. I would have suggested a Royal Commission to consider the entire problem of education—along with this the post war reconstruction in education. I suppose the Education Department may have been considering the matter in their mind, but the public does not know about it, and this is the time when the public ought to know what the Government are contemplating, how they are going to have reconstruction of education.

I now come to the second question, namely, the appointment of Vice-Chancellor. I have studied the question and I am familiar with the difficulties which at least in other universities including one I had to face myself. There is one point which I do not understand. It is possible to provide a period for the appointment of the Vice-Chancellor, and the same Vice-Chancellor could be appointed twice, thrice or four times. But to frame the Act in a manner that he could only be removed by an act of God, is rather unfair. I think it is desirable that some definite period ought to be provided and repeated re-appointment may be possible.

As regards manner of appointment, I can give you two contradictory examples; one is the Aligarh University and the other is the Delhi University as proposed in the Bill. In the Aligarh University any member of the Court can get up at the meeting of the Court and propose the name of any one as Vice-Chancellor and the question will be decided by vote then and there, though there is a safeguard. Any person can propose the name and if he is a good canvasser he will get votes. But in the Delhi University the whole thing will depend upon the Viceroy, the Chancellor. In one case you have got the vote of the majority, in the other, the opinion of a single person. I think both are dangerous—that is, to decide simply by a vote of a big body or by the opinion of a single individual. Therefore it is desirable that the names of all possible candidates should be scrutinised by some responsible body. It was suggested in connection with some universities that there ought to be a committee of

reference. This committee of reference should really examine all possible candidates and suggest three or four names either for election or for selection. This method did not materialise in any university; but the Dacca University has done better than any other university—you, Sir, are familiar with the working of that university. The Executive Council proposes names. They scrutinise all possible candidates and suggest names to the Chancellor for selection, so that their names are scrutinised first by a body of persons and they recommend certain names. That procedure has only one defect. The executive council proposes their own member for selection. It should not be left entirely either to the vote of a majority, or to the opinion of a single individual, without carefully considering the merits of all possible candidates who may be in the field. There are defects in both courses. If it is left to the majority vote the elected Vice-Chancellor is in a very difficult position. He is the subject of abuse from the minority in the shape of pamphlets, leaflets and all other possible things.

Sardar Sant Singh: All from personal experience.

Dr. Sir Zia Uddin Ahmad: If he is selected by one individual, then he will be subjected to abuse from the elected members who will form part of the Academic Council and the Court. In the case of the Vice-Chancellor, I would suggest some authoritative body or thinking body should review all possible candidates and make recommendations to the appointing authority. This is a thing which I would very much like to have and that is wanting in this Bill.

The third point which to my mind is a very important one, is this. When we frame a constitution we should have some idea in our mind of what we are going to do, because law is made according to facts. Facts are not changed to suit the law. The fundamental principle is that you cannot make legislation first and then expect facts to change according to law. But we must take the facts into consideration and make law to suit the facts. Here we should consider what the facts are, and after looking into those facts we must see what is the best thing that we can do. I carefully considered at one time the removal of all the colleges in Calcutta from their present location to one Manektolia area, but it was found to be impracticable for a big town like Calcutta. The same applies to shifting colleges to the old Government House in Delhi. It has got many advantages I quite agree, because it will create an academic atmosphere, it will create an *esprit de corps*, and it will be good for the general tone of the university. But at the same time we should remember that Delhi is not a small town. It is the capital of India, it is a scattered city with a large population and an increasing population. You cannot expect person who are residing in New Delhi to send their children to live in hostels in old Delhi, which is very expensive, and parents would not like to put them there, the boys would be more comfortably looked after in their own homes. There will be a large number of parents residing in New Delhi who would like to have their children educated in the university of Delhi. Should they send their children daily from New Delhi to Old Delhi to receive their educations, even for games and tutorial guidance?

Dr. P. N. Banerjee: And spend large sums of money on conveyance?

Dr. Sir Zia Uddin Ahmad: We ought to have provided in the statutes about the manner in which we intend to meet the requirements of people in New Delhi. This can be done in two ways. This is a problem which I have been considering in connection with the Aligarh University—the question of day scholars residing two miles away from the university. One method would be to create a kind of non-collegiate college in Delhi like the Fitz William Hall in Cambridge. It is a non-collegiate college where students reside in their own homes, but for social purposes, games and so on, they become members of the Fitz William Hall which may be located in New Delhi. The second way is to provide conveyance, and I do not know whether in these days of shortage of petrol it could be possible to do so. The cost of transport in these days will be very great to take the boys twice over. This problem ought to have been considered very carefully and it ought to have been examined more thoroughly, and it ought to have come in the statutes and not be left to

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ordinances, because it is a question of principle and the matter cannot be left over to ordinances. There ought to have been some mention in the statutes about residence and education of the sons of parents residing in New Delhi.

The next point which I consider to be the weakest point in the whole Bill is this. It relates to the question of recognition of these colleges. I considered this question very closely some years ago. Unless the University has got sufficient funds at its disposal which it can give to weak colleges, this system of recognition will not work. If you tell a college "You must have so many teachers, so many rooms and spend so much money" and the college says that they are not in position to spend the money, then you must be able to provide funds. If you do that, then your recognition will have some meaning and it will be useful. But if you have got no funds and tell them 'Go on, collect funds. If you do not collect funds, we will disaffiliate you' and the college says they have no money, then what will happen is that the college will cease to exist. You will only be killing the college. The college will be closed. Suppose you say that to the Arabic College and the college closes, what would happen to the boys? The boys of the college will have to seek admission elsewhere. It is all very well for you to say that you refuse to recognise this particular college but it is not fair to the students, for whose education you have the fullest responsibility. Unless you provide for the education of the boys who will be turned out by your action, your action will be very unfair to the general progress of education. Unless you place large sums at the disposal of the university, provide them with funds in order to improve the staff, improve the building, the equipment and the laboratories, of the recognised colleges, it will not be possible for you to enforce it. Simply to say that if you don't get the money from somewhere, we will close the college is not fair. The members of the governing body or the managing committee will not be affected. They sit in their homes but the persons who will be affected will be the students. (*An Honourable Member*: "And also the teachers"). I do not care for the teachers so much. I care for the students first. In case the students are distributed among the remaining colleges, it will be difficult for them to be admitted there and even then the question of additional staff in these colleges will arise. You cannot distribute one thousand students from one college which will be closed by your action among the other colleges without increasing the staff of the other colleges. This system of the recognition of colleges will work very unsatisfactorily. I think unless you place very large funds at the disposal of the University, the provision for the recognition of colleges will prove either very dangerous, or very ineffective. We must consider the whole position very seriously and we must see that we all co-operate together for the improvement of education. We want to utilise the resources that we have got most economically. That is the thing which we must bear in mind. If you only pass orders and do not give the funds, you may rest assured that there will be motions of adjournment here, there will be all sorts of questions and Resolutions brought forward. You will be bombarded with telegrams and letters which the Honourable Member may not have even the time to read. That sort of thing will not do. Whatever scheme is proposed, we must see to it that it is workable and it is in the best interests of the University.

The next thing in which this Bill is exceedingly weak is the creation of constant friction between the teachers and the members of the Governing Body or the Managing Committee of these colleges. If the Bill as it stands now becomes law, then it will be a potential source of misunderstandings and quarrels between teachers on one side and members of the managing committee on the other. The teachers will always be supported by the Vice-Chancellor and the Executive Council. The members of the managing committee will be supported by the public. There will be constant friction between the University teachers and the teachers of the college and the Vice-Chancellor on one side and the members of the Governing Body of that particular college and the public behind them on the other side. That reminds me of what actually happened in the Calcutta University. At one time the Government of India was responsible for the

Calcutta University and the Government of Bengal was responsible for the maintenance of colleges, specially Presidency College. There was rivalry between the Presidency College and the University. The Government of India supported and financed the University in order to fight the Presidency College. The Government of Bengal supported the Presidency College and they financed it, in order to compete with the University. One was financed by the Government of Bengal and the other was financed by the Government of India and there was a regular unhealthy competition between the University and the Presidency College and I hope my Honourable friend will remember the years 1912, 1913 and 1914 when this state of affairs was going on in the University of Calcutta. Therefore it is really a point which ought carefully to be considered. I am afraid if this Bill remains as it is, it will be a fruitful source of trouble between the teachers on one side and the members of the Governing Body on the other. I have plenty of experience of that kind of thing as a teacher and as a member of the Governing body. This is a thing which we ought to avoid as far as possible. One method of avoiding this trouble is the method adopted by the colleges in Cambridge. They are endowed institutions. You make the teachers the trustees of the endowment. So, the teachers administer the endowed property and the public is not interested. They do whatever they please. If they mismanage it, the Government of the day will step in and do the needful. The members of the Governing Body must convince the donors, that is those who give the money, that it is doing useful work and that it is in the interest of the community. Then they will be able to collect funds. Those who give the donations would always like to ask whether the funds you have got are economically spent. Unless the Honorary Secretary and the members of the Managing Committee convince the public that the funds are being most economically spent, they will not be able to collect funds and they will be in great difficulty. My friend would know that in the Punjab there is constant friction between teachers on one side and the members of the Governing Body on the other. I am not aware of any institution in India where such friction does not exist. It did exist in some universities at some time. It is a constant factor in other universities. What is the solution for this state of things. One suggestion is that you should follow the practice in Cambridge where the teachers are the trustees but here in India the practice is different. Institutions are not maintained by any endowment but they are maintained by constant collection of funds by the members of the Managing Committee. Where will you draw the line of demarcation as to what the teachers should do and what the managing committee should do. The source of friction will be there. The teachers will receive the support of the Vice-Chancellor and the Governing Body will receive the support of the public and there will be constant trouble. So, you have to draw a line of demarcation

1 P.M. and the line of demarcation should be that as far as the financial side is concerned it should be left in the hands of the Governing Body and as far as the Academic side is concerned it should be left with the teachers. This is a very practical division and it has been adopted in some of the Midland Universities in the United Kingdom. I suppose my friend the Educational Commissioner would probably know that in the constitution of the Midland Universities they have got a complete separation. All academic matters are managed by teachers. The financial side is managed by the Teacher Council. No teacher, not even the Vice-Chancellor, is a member of the Executive Council. The Vice-Chancellor simply goes there and puts the matter before them but the matter is decided by the vote of a body of persons none of whom is a teacher in the University. This is one method of division of work. I do not know what would be the most convenient system but this is a point which we have to guard against and we ought not to make a law in which we provide a potential source of friction between the members of the Governing Body and the teachers.

Now, the other point is about the question of the recognition of the teachers. We have got in every institution very good teachers who are very keen in their work and we have also got teachers who do not take sufficient interest in their work and who are not inclined to do any work and it is very difficult to judge the

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efficiency of their work. In an office you can find out whether a particular clerk is or is not working properly, but in an educational institution it is very difficult to do that. You can certainly find out whether a teacher is present in the class or not but what he is teaching in his classes—whether he is wasting the time of his pupils or whether he is giving them proper instruction—you cannot discover and especially in these autonomous universities where the teachers themselves are the examiners. In the old days when we had external examining bodies, we could judge of their work by the examination results. But that is not the case now because these very teachers are the examiners also and it is very difficult to say what they are doing. In this case we have also to consider the difficulties which the teachers have. No doubt we should be very careful to see that they have a security of tenure and this is provided in the Bill and I entirely support this provision. Teachers as a class like peace of mind and they prefer to be left alone and do their work. But there is the other side also to be considered. They say that their position is secure because they have got their salaries and it matters very little whether they do their work or not. This is a particular habit of mind and it has been considered by the various universities in Europe and they have got a very good solution of it. For example in the Continental universities the fee paid by the students is given to the teachers as a kind of extra remuneration. So, if a teacher does not do good work, he gets very few students and his income is reduced proportionately. If a teacher is doing good work, he gets large classes and more income. So, it is an incentive for the teachers to do their work thoroughly in order to attract students and thus augment their income. But if there is a fixed income and nothing is added to it, then there is a tendency on the part of some teachers—and I think such teachers are to be found everywhere—not to do any work and their work cannot be judged. If the Governing Body of any college fixes upon a particular teacher some blame and says that he is not doing any useful work, I am sure the whole body of the teachers and the whole of the university organisation will support the teacher who has been indolent and the Governing Body will have to withdraw their objection and will be satisfied with what they get from this particular teacher.

Now, the other point that requires careful consideration is about the powers of the Academic and Executive Councils. I have great apprehension that there will be a friction between these two bodies. Their division of work is not so good as it is in some of the other universities which have been created under the legislation passed after 1920 and based on the report of the Calcutta University Commission. And here there is a great deal of confusion between the powers of the Executive Council and the Academic Council. They have given the powers to the Executive Council over the examiners and I do not know whether it is advisable to do so. Therefore, this matter should be considered very carefully and avoid causes of friction between these two bodies. If this division is not fairly marked, I apprehend there may be some friction between these two bodies.

Now, as regards the Selection Committee. The chief function of the Selection Committee is to select the best men and they cannot select the best men unless there are experts of that particular subject on that Committee. Supposing you are selecting a teacher of zoology or chemistry. Unless there are some experts of that particular subject on that Selection Committee, I do not know what would be the value of the selection. You may have three officials but none of them may be an expert on the subject required. Therefore, it is very desirable that the constitution of the Selection Committee should also be modified in order to include some experts of the subject for which a teacher is going to be selected.

The next thing I would like to mention is that I would like to remove all the sections about scholarships and endowments from the statutes. They ought to go to the ordinances. In order to visualise the statutes, we must consider the ordinances as a whole because, after all, the important thing is the teaching and

instruction and we should always consider what are the things which may enable us to determine the value of the teaching and administration of the university.

Before I sit down, I would like to appeal to the Government of India that when they are embarking to reform this important University. . . .

Dr. P. N. Banerjee: Reform or deform!

Dr. Sir Zia Uddin Ahmad: By whatever name you may call it because to a mathematician a negative number is as good as the positive number. If you are going to reform this university, then you must be prepared to spend money because without spending money it is impossible to reform it. If you chalk out a line of action and money is not forthcoming to meet the requirements, the change instead of being useful may be harmful. Therefore, we should be sure that money will be forthcoming to meet the necessary reforms which are now brought forward here. One other thing should not be forgotten. There are two other Universities also under the direct care of the Central Government and their claims may not be overlooked. I think it would be unfair to treat one university as a beloved child and leave the others in back ground. There should be some fair proportion between the grants to these universities. The other two Universities may like to adopt the new programme of Delhi University. There is a great need of medical college and the Government of India is not maintaining any medical college. Delhi being the capital of the Government of India there ought to be a medical college in this University. I think, the universities which are directly under the Government of India should have the privilege of sending their candidates to this Medical College. At present, a University like the Aligarh University, is handicapped. This being a University under the Government of India it gets students from all the Provinces. Whenever we send a student from Bengal to the Lucknow University for admission to the Medical College he is told 'well, you do not belong to this province, therefore, you cannot get admission to the Medical College'. On the other hand, when we send a Bengali student to the University of Calcutta for admission to the medical college, the authorities there tell the student "as you have not passed the examination from the Calcutta University, you are not entitled to admission to the Medical College, and you have got no claims". Under these circumstances these poor students are very much handicapped in getting admission to any Medical College. If there be a Medical College in Delhi, the students who pass their examinations from such Universities as are directly under the control of the Government of India, they will not find it difficult to get admission to that college. Therefore, I think, it is very desirable to consider very carefully all the details of this particular Bill and act in a manner that may lead to the improvement in the affairs of the Delhi University which should be a model for other Universities. The success in three years course for the B.A. degree and the new synthesis between the University and its associated colleges and between the University and new High Schools will revolutionise the educational programme in India.

Sardar Sant Singh: Sir, in intervening in this debate I want to assure the Honourable the Secretary for the Department of Education, Health and Lands that I am not a stranger to the system of education. I have been trained as a teacher and possess a permanent certificate of the highest class of teachers of my time. I have served in the educational institutions for four years of my early life and then gave it up for Law. For a very long time I have been connected with the Degree College of Lyallpur being on its Governing Body. So, when I speak on educational subjects I should not be taken as a lay man or a stranger to educational system. I very much appreciate every thing connected with education. I am one who after coming out of the Training College was to have the experience of the working of the executive line in the system of education. That was when an Indian Inspector of Schools was presiding over a Conference of the Teachers which was held to explore avenues for reforms in the educational system. I discovered when I rose to plead the cause of vernacular as the medium of instruction that the audience took it as if

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I was talking sedition. Today that reform has come. The more the reforms come in the educational system of the country the more welcome they are. We are promised that amongst other post-war reconstruction programme education is to be one of the topics to be taken up. May I ask my Honourable friend to wait till the system of educational scheme in this country is over-hauled? The Delhi University will be one of them. My Honourable friend, Dr. Sir Zia Uddin, has given us an interesting history of his own experiences as well as those gained by him through reading various reports and also the steps taken for the reforms of educational system. Sir, we are still very backward in the matter of several aspects of educational system and one of them is the system of examinations. But that is not before us. What I see in this Bill is only one good thing and that is the introduction of three years course. That is all right. I agree with the Government in their attempt to introduce this three years course in the University of Delhi. But there are administrative difficulties and also difficulties in the way of students as has been pointed out very elaborately by my Honourable friend, Dr. Sir Zia Uddin Ahmad.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Sardar Sant Singh: Mr. Deputy President, when we adjourned for lunch, I was submitting to the House that the educational system as it prevails today in British India requires complete overhauling. It has been repeatedly pointed out that the education imparted by the Universities in India do not fit the educated classes for any vocation of life. Therefore, without going in details into the question we are entitled to demand that after the war, when the reconstruction of many other Departments of life will take place, the educational system will be one of the questions that will be considered by the country and will, I hope, be completely overhauled. Then, I pointed out Mr. Deputy President, that the method of examination that prevails in the Indian Universities today, does not conform to the system prevailing in the advanced Universities of Great Britain or in any other country like America. But these are bigger questions as I submitted before. For the present, we are concerned with the zeal of the Executive Government to reform the Delhi University. The Executive Government forgets that today this Government is not a responsible Government. This Government owes allegiance not to this country, not to the people of this country but to the British Parliament and hence they are not here to take up any reform in the interest of India, but that they will do so in the interest of their own people at home. Therefore, before they come forward with any proposal of reform, they should be prepared to meet the one great argument of the Opposition and that is that their proposal for reform will be taken with distrust. No doubt the Honourable Member in charge of the Department is an Indian and he belongs to my community and, therefore, ordinarily I should consider that I owe some allegiance to him. He is one of my constituents, he has elected me and he has helped me in my election to the House. He is not here to listen to my speech, but, Sir, I owe a greater duty to my country than to my constituency. I look upon the question from the broader point of view and I will submit, Sir, that the present Bill is a retrograde measure. I have tried my utmost to be sympathetic towards this measure. I have studied this measure with a desire to help the progress of this Bill in this House. I have tried to bring myself to that mental condition in which I should be helpful in getting this measure through in this Session. But unfortunately the provisions are of such a retrograde character that in spite of my best intentions to the contrary, I cannot support this measure conscientiously. I have said and I repeat again that the adoption of three years course in colleges is a step in advance, but in my opinion this step in advance can only be taken by a centrally situated University as the Delhi University is, simultaneously with other Universities. My Honourable friend, Dr. Sir Zia Uddin Ahmad, has pointed out various difficulties which the

students of this University will have to meet if the system is changed in this University alone and not simultaneously changed in other Universities. Therefore, though a good measure yet it is put forward in such a manner that we cannot but oppose that portion even, situated as we are, in respect of educational matters, when we look to the problem from an all India point of view.

The next point which I was trying to make and which I ask the Honourable Member to explain was the educational part of the Bill. There is a political aspect of the Bill too, and that political aspect is the transference of real power from the court to the executive council of the university. Will the Honourable Member in charge of Education, Health and Lands try to convince the House that it is aimed at providing an autonomous University? I asked him to explain where does the sovereignty in the University lie, which will be the sovereign body, the court or the executive council. The House has seen that the Government could not give any reply to the question. To say that the sovereignty lies in the University is no reply at all. The reply is analogous to saying that the sovereignty lies in the people of India, but the Government of India is a subordinate branch of Parliament. May I ask him in what sense it is an autonomous body? I wonder whether the Honourable Member who is piloting this Bill in the House has studied the previous history of this Bill. This Act was passed in 1922 by this Assembly, the First Assembly. When it was first introduced, the Statement of Objects and Reasons, embodied in the Bill, stated:

"The provisions of the Bill generally follow those contained in the Dacca University Act, though in certain points the provisions of the Lucknow University Act have been preferred. Among the divergencies from the Dacca University Act which are deserving of mention are the following; the proportion of members of the court nominated by the Chancellor has been reduced in comparison with the number of members elected by the registered graduates, Secondly at least two of the Members elected by the court as their representatives on the executive council are to be members of the court elected by registered graduates."

Here are two points which I want to make by reading out two points in the Statement of Objects and Reasons of the Bill of 1922: that the effort of those who brought this Bill before the House in the first instance was to strengthen the court and to make it an independent body. The Bill went to the Select Committee and I find that in the Select Committee the sovereignty of the court as laid down in the Bill was not considered sufficient. In one Minute of Dissent written by Dr. Sir Devaprasad Sarvadhikary, I find a passage which says:

"The Court which is the sovereign body in the University with the Viceroy as Chancellor ought to have much larger and more real powers."

Mr. J. D. Tyson: This is a Minute of Dissent; it was a minority view.

Sardar Sant Singh: Not of minority. This was assumed. This Minute of Dissent does not touch this point. It assumes that this Bill gave sovereignty to the Court, but the Minute of Dissent says "We are not satisfied with the powers that are given to the Court". They wanted much more powers, and the Minute of Dissent is a demand for more powers to be vested in the Court. It says:

"It occupies the position of the Senate and both the Executive Council and the Academic Council, doing executive work in separate spheres, ought to be subordinate and answerable to the Court."

That is the principle laid down by our predecessors in this House. May I ask the Honourable Member whether this Bill, which he and the Expert educationist attached to the Government of India have called a measure of reform, is a measure of reform at all? Does it give more power to the Court? Does it maintain the sovereignty of the Court over the Executive Council? The reply to both these questions will be in the negative. What is sought here is this: That the executive council should be responsible to nobody but to the Vice-Chancellor. Well, then, what is the court there for? Just like this Legislative Assembly to pass Resolutions recommending to the Governor General in Council to take this step and to take that step. I should have expected that their reformist zeal, which they have shown, should have made the Delhi University an autonomous body. They should have come forward with such a proposal: "Look here, the Vice-Chancellor at present is nominated by the Chancellor, but

{Sardar Sant Singh.}

he no longer will be nominated by the Chancellor; he will in future be nominated by the Government of India." Are you prepared to make this change? Will you accept the proposal that the Vice-Chancellor instead of being nominated by the Chancellor who acts in his own discretion as the Governor General should be nominated by the Government of India? We are prepared to accept this because we know that this Government of India will not remain for ever and the time will come when we will have a National Government at the Centre and the Vice-Chancellor will then be nominated by the Government of India. Are you prepared to accept this?

Mr. J. D. Tyson: I would not mind.

Sardar Sant Singh: Then I expect you to bring this amendment forward, or accept the amendment when it is tabled by me that the Vice-Chancellor should be nominated by the Government of India.

Then, Sir, I would not mind the Vice-Chancellor to be a whole-time paid servant, provided he submits to some sort of regulation or the statute made by this House or made by the Court of the University. But, in this respect, the Honourable Member has come forward for the deletion of the word "in accordance with this Act, the Statutes and the Ordinances". This will give him a free hand.

Mr. J. D. Tyson: In what connection?

Sardar Sant Singh: In any connection. May I ask him whether the same provision exists in other University Acts? If it exists, what are the special reasons why the Vice-Chancellor of the Delhi University should not act in accordance with the statutes and ordinances and the Act itself as passed by the court? How can you call this a reform?

Then, Sir, during the course of the debate, it was alleged that the executive council is a democratic body. Let us compare it with the executive councils existing in other Universities.

Mr. J. D. Tyson: I did not say that it was a democratic body. It was Mr. Lalchand Navalrai who said it was a democratic body.

Sardar Sant Singh: What do you say? You don't want this to be a democratic body?

Mr. J. D. Tyson: I do not know what it means in the case of an educational body.

Sardar Sant Singh: You do not know, what it means? Members of the I.C.S. do not know; they don't care to know, and they would not like to know if they can help it. You want bureaucratic rule. We don't. That is our quarrel with you. We want the University to be an autonomous body, and is not an autonomous body a democratic body?

Mr. J. D. Tyson: Does my Honourable friend want the under-graduates to elect the executive council? That would seem to be somewhat democratic.

Sardar Sant Singh: I do not want under-graduates to elect the executive council. The element in the executive council should consist of a majority of elected members.—I would rather say elected independent members.

Mr. J. D. Tyson: By whom?

Sardar Sant Singh: Under the University Act, and in the same way as it is done by other Universities in India.

You want to give power to the Vice-Chancellor to affiliate and disaffiliate colleges. If I understand it right, and I hope my Honourable friend will correct me if I am not, this power is not given to the Vice-Chancellor under any of the University Acts. But you want this power of disaffiliation for the Vice-Chancellor of the Delhi University.

Mr. J. D. Tyson: It is not the Vice-Chancellor; it is the executive council.

Sardar Sant Singh: The executive council consists of the nominees and the persons under the thumb of the Vice-Chancellor, and the Vice-Chancellor having the power of affiliating or disaffiliating colleges by the consent of the executive council of his own choice. What does this mean? You cannot deceive anybody. It is a smoke-screen; we can look through it. The position is this:

Government wants the executive council according to their wishes, and then the executive council formed according to the wishes of the Vice-Chancellor, and the executive council and the Vice-Chancellor having power of affiliation and disaffiliation. And who are elected members? After all, there are certain conditions under which they are elected to the executive council. We are familiar with these words: "You shall do this or your college will be disaffiliated". Which principal is going to resist that? The instance given by Mr. Lalchand Navalrai of the fate of a resolution when voted in open and the fate of the same resolution by the same body when it was voted in a secret ballot should be an eye-opener. How can you expect the elected Members of this House to give their consent to a Bill which is of such a retrograde nature?

Sir, I was just trying to compare the number of Government officials, nominees of the Chancellor and members elected by the Court or the Senate to the Executive Council of other Universities with the University of Delhi.

Name of University.	Government Officials.	Nominated by the Chancellor.	Elected by the Senate or the Court.
Agra	1	6 Including 2 Representatives of affiliated Colleges in Rajputana, C. I. and Gwalior.	13 including Principals with not less than 3 or 4 Graduate Members.
Aligarh	Nil	Nil	20
Allahabad	Nil	3	6
Annamalai	1	2	3
Benares	Nil	Nil	15

Bombay University :			
Government Official			1
Nominated by the Chancellor			Nil
Elected			9
Calcutta University :			
Government Official			1
Nominated by the Chancellor			Nil
Elected by the Senate or the Court			4
Elected by Faculties			11
Dacca University :			
Government Official			1
Nominated by the Chancellor (including 2 teachers)			2
Elected by the Senate (one member to be co-opted)			6
Delhi University :			
Government Officials			2
Nominated by the Chancellor (as proposed in this Bill)			4
Elected			5
Lucknow University :			
Government Officials			2
Nominated by the Chancellor			4
Elected by the Senate or the Court			7
Madras University :			
Government Official			1
Nominated by the Chancellor			3
Elected by the Senate or the Court (six by the Academic Council including three teachers).			8
Nagpur University :			
Government Official			Nil
Nominated by the Chancellor			3
Elected by the Senate or the Court			5
The Punjab University :			
Government Official			1
Nominated by the Chancellor			Nil
Elected by the Faculties and not the Senate			15

These are the Councils of the other universities. If you wish to take the Delhi University as a model, you are setting up a very bad model before India. The other universities will certainly express themselves against such a model. What a curious model! The world is progressing, but the capital town of India, Delhi, wanting an university that will be going backward! By this model you are giving executive power in the hands of their own nominees who will be always under their thumb, it is really a cheek to call this a reformed University.

Nawabzada Muhammad Liaquat Ali Khan: Just as the Government is a reformed Government!

Sardar Sant Singh: Yes, just as the present Government is a reformed Government! Sir, this measure is a retrograde measure. It has been brought into this House without proper consideration being paid to it, without a study being made of the previous history of this measure, and without a thought what effect it will have on, and how it will be met by, the Opposition here. I know the persons belonging to the Education Department. I am very sorry that Dr. Sir Zia Uddin Ahmad is not here. The educationists in India believe more in theory than in the practical side of life. They are more carried away by theoretical considerations than by practical considerations of what real life is. That is why I left the Education Department and came over to law, because we live only in theory, in our imagination, that this will be good. But when an educationist, like the Expert Adviser with the Government of India, comes in touch with the politicians, he has forgotten his theories and he has fallen an easy victim, credulous as every educationist is, to the charms of the politician. I am sorry that he stood up and praised this measure and called it a reform. I have great respect for the educationist, and I would still ask him—because if the politician's conscience is dulled, the educationist's conscience remains bright, he still looks to the higher and nobler sides of life—to reconsider this question and not to fall an easy prey to a politician. This Bill is not an educational reform. This Bill is no real reform at all: it is a retrograde measure. It will do more harm to the subject to which you are probably more attached than to the politics of this country. Leave politics alone for the politicians of the day, but if you have a real interest in the education of this country, then please come out with a measure which is a real measure of reform and not this retrograde measure.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had a great mind to speak before some of us, who know better, spoke on the subject, particularly, Dr. Sir Zia Uddin Ahmad, who has very great experience in these University matters. But he has already spoken and I shall have no opportunity of hearing him speak in answer to any of my queries. As to the whole discussion itself, I find there is nothing said in favour of circulation. One may oppose the Bill, and it is being generally opposed, because the entire Delhi University scheme is not a good scheme. There are so many defects in it and my friend, Dr. Sir Zia Uddin Ahmad, who is not here, pointed out several defects in the scheme of the University itself. They are not particularly relevant to the amending Bill before us. If the Delhi University is bad, then it may be that we throw out this Bill and have a Commission or something like that to enquire and report. But when this particular measure is to be considered, we should narrow ourselves down to the particular points raised. I find in the discussion that there are five points that have been raised. Five changes have been sought to be introduced in this Bill. The first is the three-year degree course: the second is giving of the power of recognition and withdrawal of recognition of colleges to the Executive Council: the third is two women to be nominated and two professors to be elected to the Executive Council: the fourth is the new selection Committee to appoint and recognise teachers of the University: the fifth is the Vice-Chancellor to be nominated, if necessary, by the Chancellor, and made a whole-time man and paid for the purpose.

Let us deal with these points one by one. First, the three-year course. Nobody has spoken against the merits of the measure as such. There may be difficulties, adjustments may have to be made and money may have to be spent, but these are questions not exactly germane here. In my opinion a university is an autonomous and statutory body. Those that are in charge of it have settled upon some plan of expanding the degree course to three-years and adding one year to secondary education. For this purpose they simply want some consequential amendments in the Act. Here no power is taken away if there was any power. It appears to me like that. It is a simple question whether we shall give them the facility for a measure they are going to adopt. I understand they have already adopted the measure. Boys in high

schools are already preparing for the 11th class; and these little consequential measures are necessary. If we were to oppose the entire scheme of the Delhi university, that is a different question; but I think that is not exactly relevant here. Here the scope is very narrow. As to the merits, whether one year will go to the secondary education, whether the intermediate examination will remain there or not, whether the degree course will be three years—they have been discussed ably by some of our friends who know the subject well. If the Delhi University is going to promulgate this measure of three-years' degree course, as for money and the adjustment, they will either gradually advance by experience or, may be, they have already provided for such contingencies, though they have not said so. It may again be an experiment. But it is a very good measure and in a model university like Delhi, let it at least be experimented upon; that may be their idea. So much for the first point.

The second point is to give the power of recognition and withdrawal of recognition to the Executive Council. This is said to be a retrograde measure. I do not think the provision was not there already. If it is retrograde it was there already. The framers of that Act and the people who passed the Act in 1922 may be to blame. That is how it appears to me. Who are we on this occasion to get into all those big subjects? Here the provision in the Act itself is this—section 28:

“Subject to the provisions of the Act, the statutes may provide for all or any of the following matters, namely:

(g) the recognition and management of colleges and halls not maintained by the university and the withdrawal of such recognition.”

Thus it has been provided for that the court, in its statutes, will definitely direct. The making of the statutes is the work of the court. The court is the authority. There is no doubt. But in 1936 by some wrong reading of the law, as it appears, this provision was interpreted to mean that on every occasion a college will have to be recognised or some recognition will have to be withdrawn—on every such occasion the court will be required to pass a statute and at once go to execute it, just as if it were when the Finance Bill passes the salt duty here, all of us would proceed for the collection of salt duty at once. Nowhere perhaps, in no university such executive functions are left to any other body except the executive body. No power has been taken away. The court will legislate: even in the new amendment the conditions will be laid down strictly and in detail by the court and then the function of the executive body is to execute. I do not know how it becomes more retrograde than what is provided already in the Act itself

Nawabzada Muhammad Liaquat Ali Khan: Because you have neither read the Act nor the amending Bill nor the statutes of the University.

Pandit Nilakantha Das: I have studied in my humble way. But I am sorry I have never been recently either a member of the court—I was long long ago—nor have I been a candidate for any executive committee or vice-chancellorship or anything—I am very sorry

Nawabzada Muhammad Liaquat Ali Khan: Therefore, you should have studied all these.

Pandit Nilakantha Das: But whatever I have studied I place before you for consideration. It appears to me like that. It is a very simple question; and even then in considering this subject you can say that on every occasion the court will go and do it. Section 22 (i) says:

“The Executive Council shall exercise all other powers of the University not otherwise provided for by this Act or the statutes.”

Under this sub-section whatever is provided for by the court, the executive council will have to execute.

The third point is, two women to be nominated and two professors elected on the Executive Council. There may be very serious objection for nomination of two women; but it is quite open to us to provide for some machinery for election: it is not very difficult, for nomination is not a very good thing apparently to many in these days. It should be avoided, if possible. As to two professors, perhaps there will be no objection from any side. They will be elected by the professors of the university, and my friend, Dr. Sir Zia Uddin

[Pandit Nilkantha Das.]

Ahmad, who was talking of experts knows that in the central university of Delhi there are already men of the type of Dr. Sir Santi Swarup Bhatnagar. Such people should be allowed to be elected into the Executive Council and I think some machinery should be devised for the two women to be elected as well.

I may say in this connection that already there are all the principals of all the colleges in the Executive Council: They are there *ex-officio*. In my opinion, if possible, even in this Bill, out of six, some two or three may be elected from among them and as to the rest the vacancies may be filled up by eminent educationists or even experts by other means of representation.

As to the fourth point, I agree with my Honourable friend, Dr. Sir Zia Uddin Ahmad, that the Selection Committee should include experts, but it cannot be an expert committee out and out. There are already one official, one elected by the Academic Council, and the nominee of the Governor General. But there should be a provision whereby these three or four persons may be permitted to co-opt one more expert on each occasion for the purpose of the subject under consideration. Supposing they are going to appoint a geologist and if they have no geologist among themselves, they should be empowered to co-opt one expert who will be suitable for the particular purpose.

Then the fifth point is regarding Vice-Chancellor to be nominated, if necessary, by the Chancellor and made whole-time and paid for the purpose. If the Vice-Chancellor becomes whole-time, he should be paid. This practically goes without saying. But this provision appears to be an alternative provision, for the old provision is there. Here a proviso is sought to be added:

"Provided that, if the Chancellor is of opinion, and so informs the Executive Council, that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the appointment shall be made by the Chancellor after such consultation with the Executive Council as he thinks fit, and in that case the Vice-Chancellor shall hold office for such period as the Chancellor may fix, and shall be paid such salary as the Chancellor may determine."

Dr. P. N. Banerjee: Excellent!

Pandit Nilkantha Das: I cannot call this or that excellent, but it is practically the same as already provided in the Act. If you overhaul the entire Act and reform the University that is a different matter altogether. I am not discussing that. Look at the existing provision:

"The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes."

Dr. P. N. Banerjee: The two are the same?

Pandit Nilkantha Das: If necessary, this alternative provision will be effective. May be, some necessity has perhaps arisen, Government is perhaps providing money and they are going to reorganise the whole thing, to develop the university so that a new Act, an amending Act, an overhauling Act may be possible very soon. It is for a certain purpose that the alternative is being provided. In the old Act there is the recommendation of the Executive Council for the appointment of the Vice-Chancellor. No Court comes here, no Legislature of the university. The Executive Council shall recommend. I am very sorry and grieved to tell the House that in the Delhi University—Delhi is a very small place, it cannot be compared with Calcutta or Madras or any other like place,—for Vice-Chancellorship, for anything, even for a teacher to be recognised as a university teacher, there is interested canvassing. Such canvassing in these matters, my friends will agree with me, must be condemned. It should be discouraged. Again, sometimes it so happens that for recommending a man for Vice-Chancellorship the Executive Council sits and adjourns itself *sine die*. Sometimes such an adjournment is carried as to make it quite inconvenient for the Vice-Chancellor to be recommended for selection. Probably it is to avoid that that the Bill provides that the Executive Council will be consulted, but the manner of consultation may not exactly be a vote in the house, for in that case the whole thing may be postponed or otherwise frustrated. So, in a small place like Delhi, only perhaps to avoid the disadvantages of bad canvassing, this has been

provided. I do not exactly know, but it appears that it has been provided for a particular purpose,—if it is considered necessary for a certain purpose; otherwise the old provision is there. For the present, however, the question does not arise, as Sir Maurice Gwyer is there, and so long as he is there as Vice-Chancellor this provision will not apply at all, I understand.

So, these are the only grounds which are the basis of certain very ordinary amendments with limited scope and application in this amending Bill. I am quite at one with those that think on the lines of Dr. Sir Zia Uddin Ahmad that there are many defects in the Delhi University organisation which require reform and modification; but that bigger issue is not involved here. The Delhi University is not an ideal thing, nor is it going to be quite an ideal thing on account of this Bill. Nobody perhaps says that. So, within these narrow limits a basis for this amending Bill can be well looked at in this manner.

Maulana Zafar Ali Khan: In criticising this Bill, speaker after speaker on this side of the House has proved to the hilt that democratic control over the affairs of the University is conspicuous by its absence and that those responsible for its absence are the very gentlemen who are never weary of assuring us that they are out to kill Hitlerism, liquidate all the principles that have been propounded by Adolf Hitler and support everything that is democratic. I am afraid Hitlerism is advancing by the backdoor and coming to the University. There was very little left for me to add to the discussion in this House after the brilliant speeches made by Nawabzada Liaquat Ali Khan, Dr. Sir Zia Uddin Ahmad, (our Honourable and Gallant friend, because he is a Lt. Colonel now) Sardar Sant Singh and Dr. Banerjee—the last but not the least. There is one point which is left for me and that is to tell this House that this Bill is a very clever move to lay the foundation for turning the other universities into what you call the model university of Delhi and depriving us of what little liberty is left to us in the other universities. Beware of it. You say, and Mr. Amery was telling us only yesterday in the House of Commons, that the deadlock in this country is to be removed by ourselves, by formulating some principle acceptable to the peoples of India. They have always told us that after this war is over, the right of framing our own constitution will be conceded to us. We are not going to judge them by their words which relate to the future but by their present actions. Let alone constitution making. In this small matter of the universities, you deprive us of what little liberty has been left to us in the other universities. There are rules, regulations and statutes and they act according to them. In this reformed university, as you call it, in this model university as you call it, there are no rules, no regulations, no statutes and no supreme governing body like the Court but only the Vice-Chancellor who is all in all and who is Hitler personified. In other universities the period for which a Vice-Chancellor is appointed is two years and sometimes three years.

In their case Vice-Chancellors who are paid, the salary is Rs. 2,000 *plus* Rs. 200 on account of house rent. They are appointed for a fixed period but here in this case the Vice-Chancellor is appointed for an indefinite period and, to use the words used by my Honourable friend, Dr. Sir Zia Uddin Ahmad, he can only be removed by an act of God. Both the affiliation and the disaffiliation of colleges and what little rights and privileges are enjoyed by the universities are taken away from us altogether. These universities would like to guard their rights very jealously, because a right which is not jealously guarded is trampled under foot and as I have already pointed out this model university of Delhi is a very clever and cunning move on the part of imperialism to deprive the other universities of what rights and privileges they enjoy. Model university indeed! Model of what? Model of everything that is retrograde, model of everything that is backward, of everything that is autocratic and imperialistic. We are determined to do away with imperialism and to do away with everything that savours of absolutism. After the war is over, you will have to fight another war in India, with the intelligentsia of this country and then, mind you, we will lay it down as a fixed principle that the medium of instruction is not going to be English but it is going to be Hindustani and every speaker

[Maulana Zafar Ali Khan.]

on those benches, like my Honourable friend, Mr. Tyson, Sir Reginald Maxwell, and Sir Jeremy Raisman will have to learn Hindustani and they will have to talk in Hindustani in this House. A very modest demand was made in this House that such a controversial measure like this should be circulated for the purpose of eliciting opinion thereon but you give it a wide berth. This is another clever move, because you know that the opinions of the Allahabad, Punjab and other Universities will be more liberal and they would not favour your autocratic decrees which you want to ram down their unwilling throats. Finally, as my Honourable friend, Sir Jogendra Singh, who appreciates good poetry is here, I will recite a couplet:

*"Ya rub wuh na samjhay hain na samjhen gay meri bat
Day aur dil un ko jo na day mujh ko zaban aur."*

With these words, I support the motion for circulation.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I do not call myself an expert in education, although I have been a member of the Court of the Delhi University, I am a member of the Court of the Aligarh University and I have also been a member of an Arabic University in Lucknow. Still I would call myself a lay man and not an expert. We are all practically old men and we find that many of us have been connected with educational institutions in our respective places. We have heard two experts, one is the Vice-Chancellor of a University and the other is the Commissioner of Education, besides others who have been connected with some educational institutions. I would say that the criticism which we have heard today from our learned friend, Dr. Sir Zia Uddin Ahmad, is far more instructive than the one heard from the Commissioner of Education. Sir Zia Uddin has had experience as a student, as a professor not only in India but also in English universities. He has been appointed member of many Government of India commissions and committees and he knows more and his opinions and criticisms are in our eyes more valuable than the opinions and criticisms of others whether they be on the Government Benches or in other parts of the House. So, we have to balance between the two opinions and so far as the non-official members are concerned, the balance of opinion is in favour of Dr. Sir Zia Uddin Ahmad. There has been detailed criticism of every aspect of this Bill. To me it appears that this is not a pattern for Indian education but it is a political Bill that has been brought before this House, when the House is depleted absolutely of all those who could give expert and independent opinion on this Bill.

Sir, the clause which concerns the three years course is a sort of a cloak to pass such a long Bill; in fact, as was pointed out by our Deputy Leader, that could have been put in one clause and in one small sentence. What we find here is that under the cloak of that clause this omnibus Bill is going to be passed which is going to throttle the present educational system of India which has been established for ages in this country. It is not only this but it is said that the Delhi University will be a model for the whole of India. This, I submit, is awfully ominous for us and we should take great care in passing this Bill. This pattern will not only kill the University education, will not only kill the colleges under the University but it will revolutionise the educational system of India. From the system of election, a system which Great Britain has taught Indians, we are now coming to that of selection and nomination, a step which from any civilised point of view cannot in any way be justified in this House. To ask the Members of this House who have been elected by the country to consider a system which is absolutely retrograde is a thing which will not be acceptable to this House.

Now, what is this pattern? The pattern is that there is one man and it will be one man's show. That one man can recognise a teacher or he may not recognise a teacher. It is just like the principle of recognition about the medical licentiates. So, this recognition of teachers will lead to that step which was taken in the case of medical licentiates. In the same manner the University professors and University teachers will be either recognised or not

recognised. We do not want that our countrymen should be brought to that position to which the medical licentiates of India have been brought under the Medical Councils Act. The grant-in-aid so far used to be given only on the merits of the colleges and the other educational institutions. If the colleges were considered to be good colleges, they were given a grant-in-aid, but under this pattern of the Delhi University the grant-in-aid will depend only on the whim of one man. He can dismiss, disaffiliate, discharge, fine or do whatever he likes. And so this whim of one man is not to be tolerated by elected Members in this House in any way. It has been shown by our friend, Dr. Sir Zia Uddin Ahmad, that this Bill may be called by the Government as a Bill to reform the educational system of India but it will create a battle-field between teachers and professors, between teachers and the Executive Council, between teachers and the students and, therefore, it cannot be called a good policy for this country to follow at this moment. It is also said why the Chancellors and Courts of other Universities were not consulted when this Delhi University Bill was being framed. It is a very forceful objection. Why on such an important occasion when this Bill is to be placed under circumstances which are very very unfavourable to this House and when it is asked to go to the Select Committee, the opinions of other Universities were not taken. On small matters, you circulate the Bill. So, why not public opinion is sought on this Bill when the whole educational system practically under the cloak of a small clause is being framed and this House is being asked to approve of it? To say that you will have a paid Vice-Chancellor in this university and to make it a rule, is something very repugnant inasmuch as we know what a paid servant is. Who can in this House deny that a paid servant is absolutely different from an unpaid servant. He will be absolutely under the thumb of one man whoever he may be. Today we may have His Excellency the Viceroy; tomorrow we will have someone else. These things are to be considered by this House, especially by this side of the House, which are very repugnant to the present democratic ideas which are prevailing in this country. The most important consideration, to my mind, about this Bill is that it is creating a servile mentality not only in the minds of the servants of the University but also in the minds of the students of the University. We are not here today to accept a Bill which may create a servile mentality in the heads of our future generations. We do not want that our children should learn that servile mentality in a University where they find there is no independence of any sort, and where everything under the cloak of a small clause is going to be pushed through. Everything will be done by selection and nomination and they will all be under the thumb of one man. This is undoubtedly creating a sort of servile mentality in the student community and we cannot spoil the future generations of India by such thoughts. We consider that it is criminal for us to allow such things to go down to posterity. This pattern of University will produce bodies who will be nothing short of slaves in this country.

We know that our Universities were following the English system. As, for instance for the Aligarh University, the late Sir Syed used to say that he would like to have the Aligarh University like the Universities of Oxford and Cambridge. But will this Delhi University under the present Bill be a replica of the London or Oxford or Cambridge University? Are the rules and regulations of those Universities similar to what we are going to have in this University? Therefore, I say that we Indians have that ideal in our heads and, therefore, we want to establish our Universities on the model of Oxford and Cambridge Universities. But the Delhi University will spoil not only the mentality of the students and that of the teachers and professors but it will also spoil the character of the students. I know that there has been monkeying, as it was said, monkeying in our economics; monkeying in our money system; monkeying in this and that, but now we find that our educational system is also being monkeyed and we cannot look at it with complacency. It is a very serious matter and I appeal even to the nominated Members of this House to re-consider what will be the position of their children and of

[Mr. Muhammad Azhar Ali.]

the children of those who are employed in the Government of India. They ought to reconsider their position because they have to educate their children in the Delhi University while in the service of the Government of India. They ought to look at it, and every Member of this House whether Indian or European, if he wants to have his children educated in the Delhi University he should consider this Bill very very seriously and let it not be passed like an ordinary matter simply because he is a servant or a nominated Member. Sir, education is the life and soul of every country and of every nation. If we have to receive the education as it is proposed to be in the Delhi University, which has got to be a patron university, I submit, Sir, that we have got very grave doubts as to whether it will serve any useful purpose. It may be said that our suspicions and susceptibilities are not correct. But here this Bill which is going to the Select Committee, we feel it our duty to explain to the House its provisions and show how our suspicions have been aroused by the evils that are lurking in this Bill. It is on this account that I wanted to draw the attention of every one in this House because when we have to consider a Bill which is going to the Select Committee we have got to consider the opinions which we express on the floor of this House.

Mr. J. D. Tyson: Sir, the criticism of the Bill before the House has tended to concentrate on one or two features and I propose to address myself to those in my reply.

Sir, on the main feature of the Bill, that is the three years degree course, opinion, I notice, was divided, but I welcome the statement of the Deputy Leader of the Muslim League Party that he thought that it was worth a trial and I welcome the valuable and a very helpful support which has been received on that point from my Honourable and Gallant friend, Dr. Sir Zia Uddin Ahmad. He, if I may say so, made an exceedingly valuable contribution to the debate. Others have also supported the three years degree course. My Honourable friend, the Educational Adviser, whose maiden speech will, I am sure, have made the House wish to listen to more from him, has dealt with the educational aspect of that reform and I do not propose to take up the time of the House by further discussion of a matter which, as my Honourable friend, Nawabzada Liaquat Ali Khan, has said, was accepted by the Court, except just to refer to two practical matters raised by Dr. Sir Zia Uddin Ahmad this morning, about arranging for reciprocity between the Delhi University, working under the three years degree system, and other Universities. The position there is that Delhi for its part is arranging to take in students transferring from other Universities and it will—when it has set its own house in order—take up with other universities arrangements by which students from this university will be taken by them. The question of reciprocity is a very important one, quite obviously. Another matter that is under consideration and some progress, I believe, has been made with it is the matter of recognition of the Delhi intermediate examination in other places. But there again the question can be taken up effectively with other universities only when the scheme is working here.

Coming next to another target of criticism, I will deal first with the proposals of the Bill affecting the Vice-Chancellorship. I gather that with perhaps about three exceptions there is no objection in the House in principle to the proposal to make provision to have a whole-time and, therefore, a paid Vice-Chancellor. I think I mentioned yesterday, but in case I did not, I will say now that I find that eight out of the other 14 universities in India have such a provision. I do not say that they all pay their Vice-Chancellors at the present moment, but they have such a provision. Criticism has tended to focus on the provisions regarding the appointment. We have proposed selection by the Chancellor after such consultation with the executive council as he thinks fit. We deliberately chose that wording to show that we intended a different procedure or intended to allow of a different procedure from the procedure applying at present to the choice of an un-paid Vice-Chancellor.

Our idea was that the Chancellor should have a freer hand than by convention he has under the existing system under which he accepts,—at any rate, hitherto he has accepted,—the recommendation of the executive council. We wish, for example, that if he thought fit, he could perhaps initiate setting in motion the machinery necessary in order to obtain the best possible man available in India. As to deciding whether a paid Vice-Chancellor was necessary or not, we deliberately chose again the Chancellor as an arbiter. As I said yesterday on this matter of selection, we might have followed the Calcutta Act—as a matter of fact we did not follow the Calcutta Act—but we might have followed it and said that “Government” would decide or “Government” would choose. We followed, instead, our own Act and those of the Punjab and Bombay. Now, Sir, there is, in this case, a distinction with a difference. I wonder if Honourable Members realise the extent to which the existing Delhi Act entrusts just such powers of arbiter or umpire to the Chancellor. Under the existing Act the Chancellor has certain very definite powers. I do not say that the following list is exhaustive but I find that under section 9 of the existing Act the Chancellor can have an inspection made, by any agency he chooses, of the University, its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations; teaching and other work conducted or done by the University and have any matter connected with the University inquired into, may express his views to the university on the results of such inspection or inquiry, and is entitled to have a report on the action taken. Under section 10 he appoints the Pro-Chancellor. Under section 13 he may similarly appoint a Rector. Now, there is nothing in the Act to show what the Rector should do. I believe the position is that if by any chance a Vice-Chancellor died in office we would probably have to ask the Chancellor to appoint a Rector until another Vice-Chancellor was appointed, and I think the Rector would have to perform all the duties of the Vice-Chancellor. In the Act no specific powers have been given to the Rector. On reflection, I think my example is badly chosen. There might be a deadlock if a Vice-Chancellor died in office, as the Rector can be given powers by the Chancellor, but only in consultation with the Vice-Chancellor. Perhaps it would be difficult, therefore, if Vice-Chancellor died in office. The fact remains, however, that the Chancellor may appoint a Rector. There is nothing in the Act to show what the Rector can do, I think. The Chancellor must consult the Vice-Chancellor about the Rector's powers and duties, when appointed. Then again, under section 18, he appoints persons to the Court. In actual practice he is appointing 15, but I think the number is unlimited. Under section 45, he appoints the umpire of a Tribunal of Arbitration. Under statute 17, he makes appointments and accords recognition in cases of dispute between the Committee of Selection and the Executive Council. Under statute 17-A, he is the final appellate authority for a teacher from whom recognition has been withdrawn. I submit that the Act already recognises, in the Chancellor, a guide, philosopher and friend for the University quite apart from his position as the Governor General.

Dr. P. N. Banerjee: Therefore you want to vest him with larger powers? Is that the argument?

Mr. J. D. Tyson: Yes, for the reason that I gave yesterday, that we insist from the Central Government side in seeing a certain educational experiment, generally acceptable to the University, put through and because the Central Government is putting up a very large part of the money, not only for the University, not only for the Colleges, but for the schools necessary to carry that experiment out.

Dr. P. N. Banerjee: Is it not a fact that the Universities of Oxford and Cambridge are given very large financial assistance by the State and is there any interference in the constitution of that body in the election of the Chancellor or the Vice-Chancellor?

Mr. J. D. Tyson: I am not aware at the present moment whether they receive any assistance from the Government of the United Kingdom. But this I can assert without fear of contradiction that when the Government of the

[Mr. J. D. Tyson.]

United Kingdom agreed to give grants to these two universities after the last war they did so on certain very definite terms which the Universities had to accept. The only one that springs to my mind, there were many others . . .

Dr. P. N. Banerjea: Any interference with the constitution of the body?

Mr. J. D. Tyson: With the colleges, even more perhaps than the University. The Government certainly said that in future no head of a college should be allowed to continue in office beyond a certain age. There had hitherto been no such rule at Oxford or Cambridge and the heads of colleges stayed on indefinitely till they became like mummies. For all new incumbents it was certainly laid down (and the colleges had to accept it) that there should be an upper age limit.

Nawabzada Muhammad Liaquat Ali Khan: Here you want to provide for mummies.

An Honourable Member: Is this progress?

Mr. J. D. Tyson: It is definitely progress. We have not excluded consultation with the University in this matter. I think—it is a legal point—that there would have to be consultation, but we leave it to the Chancellor in this case to decide what manner of consultation there shall be.

On another point, affecting the Vice-Chancellor, exception has been taken to the Chancellor being given power to fix the term of office and the pay of a whole-time Vice-Chancellor. I admit, and I give this to my Honourable friends opposite, I admit the wording is very wide. The present term of an unpaid Vice-Chancellor is two years. I do definitely feel that if we want to get the best man, supposing there is to be a paid Vice-Chancellor of the University, and we want to get the services of the best available man, we would probably have to offer longer than a two years tenure. As a matter of fact, I think I am correct in saying that even at present no Vice-Chancellor has served less than four years. I had myself envisaged, when I saw this Bill at an earlier stage, that a term of three or four years was necessary. I certainly would not object, in the Select Committee,—indeed I go further and say that I think it would be very proper in the Select Committee to put a ceiling on the pay and to put a limit to the term. I would only say this,—that there is no idea in any case that the Vice-Chancellor should be put in and told that his pay will depend upon how he performs his duties, and his tenure likewise. One Honourable Member seems to think that would be possible under the Bill. I do not think it would be possible; nor would you get the kind of man you want on such terms. I have taken note, however, of the criticisms. I feel there is much weight in them. I would certainly be prepared to consider, as I say, putting a ceiling on the pay in the Act itself. It could anyhow be done in the statute: but I would be prepared, as we are amending the Act, to consider that in the Select Committee and to consider limiting the term.

Exception again has been taken (and this, I confess, I am surprised to find coming from quite a number of Members) exception has been taken to our proposal about the Vice-Chancellor's powers of discipline. We are not proposing to give the Vice-Chancellor any powers of discipline, as I understand it, that he does not already enjoy under the Act. We merely want to eliminate from our Act words which do not make any sense. The present position, in section 12(5), is that it is the Vice-Chancellor "who shall be responsible for the discipline of the University in accordance with this Act, statutes and ordinances".

Dr. P. N. Banerjea: These words you want to remove.

Mr. J. D. Tyson: I do not know whether my Honourable friend is making the speech or myself. We propose to take out the words "in accordance with the Act, statutes, and ordinances".

Dr. P. N. Banerjea: You justify that.

Mr. J. D. Tyson: I am certainly going to justify that. That does not mean that the Vice-Chancellor can act contrary to the Act in matters of discipline. The fact is that looking through the Acts, statutes and ordinances, I have been

unable to discover almost anything laid down about the discipline of the students. It is not there, that is the whole truth. As these words stand, it might be argued, in fact it was even suggested in one case if my memory is correct, that the Vice-Chancellor could not rusticate an undergraduate for a serious misdemeanour because there is nothing in the Act, statutes or ordinances which permits him, say, for drunkenness or for absence, to rusticate an undergraduate. Sir, it is impossible for a University to catalogue all the possible misdemeanours of undergraduates, nor would it be a very edifying list, I venture to say, if they could do so. They could at most make general rules. Take the case of a school; a master in a school cannot expel a boy if the rules of the school are that expulsion shall only be done by the headmaster or by the governing body of the school.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That is exactly the case here. The Vice-Chancellor is at present saddled with a meaningless phrase "shall be responsible for the discipline of the University in accordance with the Act, Statute and Ordinances". The Act, Statutes and Ordinances give him no help whatsoever. We propose to eliminate these words. If the Acts, Statutes or Ordinances say that he shall not interfere in this kind of case or that kind, or that he shall not inflict such and such a punishment, he will be bound by it, but not because of these words appearing in section 12 but because he is always bound by the Act, Statutes and Ordinances whether the words appear in the Act or not. I submit there is absolutely nothing in that point about altering section 12. I suggest that is only what somebody referred to as drawing a red herring round and round the House.

One other point about the Vice-Chancellorship: I should like to reassure my Honourable friend, Maulvi Muhammad Abdul Ghani, who seems to apprehend that we have a paid Vice-Chancellor, if I may say so, up our sleeve. I would like to assure him that we have absolutely nobody in mind. If the Bill goes through, of course, it would be for the Chancellor to decide whether a paid Vice-Chancellor is necessary, and, if so, how he is to be got, but I should think the obvious course would be advertisement.

4 P.M. Having dealt with the Vice-Chancellor, I come now, Sir, to the position of the Executive Council. This, I would like to remind the House, is, by section 21 "the Executive Body of the University", and that has a considerable bearing, as my Honourable friend, Mr. Nilakantha Das, has pointed out, on certain proposals that we have made affecting the Executive Council and the Court. Now, Sir, what is the present composition of this Executive Council and what would it look like if this Bill goes through? In the present composition, there are two *ex-officio* University members—the Vice-Chancellor and the Registrar—there are two Government officials who are *ex-officio*—the Educational Adviser and the Superintendent of Education Delhi (I am dealing first with all the people to whom the stigma of officialdom or anything like that seems to be attached), and there are two Chancellor's nominees. (Incidentally, I would only say that those connected with the University will appreciate the extent to which the two present nominees are amenable to either the Vice-Chancellor, or the Government's Whip). However, that makes 6. Now, Sir, let us come to another group who are not elected but are also not nominated and who are certainly not under the influence of Government. There are at present six Principals of Colleges. I cannot say, really I do not know, how they have become Principals of Colleges. Probably by selection by the College Governing Bodies, but these Governing Bodies have nothing to do with Government. Then there is the third group—the elected group—starting with the three Deans of Faculties. It is quite true that as the Deans of Faculties sit on the Executive Council as Deans of Faculties, you might call them *ex-officio*, but how do they become the Deans of Faculties? Not by Government nomination but by election by the Faculties. Let us now look a little further on. There are five members elected by the Court—the Court that we were told was a democratic body. There are two more elected by the Academic Council. So, Sir, out of the present strength of the Executive Council, the Vice-Chancellor and the Registrar are University Officials

Mr. Amarendra Nath Chattopadhyaya: Will the Honourable Member give us composition of the Court?

Mr. J. D. Tyson: I can, if they wish to have it. The Court is a body of 137 people.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read out all the names.

Mr. J. D. Tyson: I thank you, Sir, but I think I can shorten it. There are the following *ex-officio* members:

The Chancellor.

The Pro-Chancellor.

The Vice-Chancellor.

Treasurer.

Registrar.

Seven Principals of Colleges.

One Professor.—(At the time there was only one professor).

Nine Readers.

Ten *ex-officio* members who include the Chief Commissioner of Delhi, the D. G., I. M. S., the Educational Adviser, and also the Chairman of the Punjab Chamber of Commerce, Chairman of the Delhi Municipality and the Delhi District Board,

rather, if I may say so, a miscellaneous group.

Then there is provision for life Members, but there do not seem to be any.

Twenty-five Graduates of the University, persons elected by the registered Graduates of the University.

Ten persons elected by the teachers.

Eight persons elected by Association, or other bodies approved by the Chancellor on the recommendation of the Court.

Six persons elected by the elected Members of the Council of State and the Legislative Assembly from among their members.

Fifteen persons appointed by the Chancellor and representatives of the Governing Bodies of the Colleges elected or nominated by those Bodies. It comes to about 137 all told.

Dr. P. N. Banerjee: This is a more democratic body than the Executive Council.

Mr. J. D. Tyson: I was just analysing the figures of the Executive Council. In the present Executive Council, there are 10 elected members, and there are seven Principals, and there are apparently, seven persons who are *ex-officio* or Government officials—and that was what I meant when I said that the Government officials or nominated members were in a small minority. It is true that some Universities have no nominated members at all on their Executive Council, but I find that no less than eight Universities have, and I also find that if we add these two more Chancellor's nominees that this Bill proposes, the Executive Council of Delhi will have 15 per cent. nominated members. That is the same as three have out of those eight Universities that have nominated members—15 per cent., and the other five have more than 15 per cent. So that what we are attempting to do is not going beyond what has been done in other Universities. The official element works out at 7½ per cent.

That is the Body, an Executive Council composed in that way, to which we propose to give in future the actual decision as to whether a college is to be recognized or recognition is to be withdrawn, and it will have to decide that on the basis of conditions to be laid down by the Court. A reference has been made by my Honourable friend, Mr. Nilakantha Das, to the Statute of 1936 and whether it really is in keeping with section 28(g) of the Act. I know that different views are entertained on that point, but however that may be, the fact is that it is only since 1936 that the Statutes have provided that recognition or withdrawal of recognition shall be by a Statute, *i.e.*, by the Court and, as I have just mentioned, the Court is a body of between 130 and 140 persons. It meets, ordinarily, once a year. If its duties and functions are looked at, they would be found to be, in the main, legislative. The Executive Council, as I have already said, is by the Act the Executive body of the University, and I

submit that if conditions for recognition are laid down by the legislative body of the University, it is appropriate that the application of those conditions to particular cases—a semi-judicial, a semi-administrative act—should be done by the Executive Council, and that is what we propose.

A point has been made as to where the sovereignty in the University rests. That is a very difficult thing to say. The fact is that the Court has one function or one set of functions, the Executive Council has another. I do not think anyone could say where the sovereignty rests at the moment, and I do not think that we are affecting that matter by what we propose.

One point was raised by my friend, Mr. Abdul Ghani. I understood him to say yesterday that he thought one objection to our Bill was that colleges already recognised would have to seek recognition again. (I hope I understood him correctly). That, of course, is a misapprehension. One of the clauses of the Bill actually provides that all colleges recognised at the commencement of the said Act as colleges of the University shall continue to be so recognised when the new Act comes into force.

I come next to the Selection Committee. The present Selection Committee is I think unquestionably an exceedingly unwieldy one—16 or 17 members. Now the counter-proposal that we have made is four members. This counter-proposal has not come out of the bureaucratic head on the spur of the moment. We wanted to make a change and we have put forward the recommendation of the Delhi University Enquiry Committee of 1927, which inquired into the whole thing and made this recommendation. In this connection, Sir, the Deputy Leader of the Muslim League Party made what struck me as a very curious point. I had said that this small Selection Committee had been accepted by the University and the colleges in the revised Conditions of Grant, and my Honourable friend said that those conditions were agreed to under duress. Well, Sir, I was not present at the very prolonged discussions at which these terms were agreed to, but I certainly understood (I know my Honourable friend was present: that is why I am surprised at what he said) I certainly understood from the Chairman of that meeting that there was considerable give and take on both sides and that what emerged was definitely a compromise. It is customary in compromises that both sides have to abate something from their original claim, but that it should be suggested that the resulting agreement was extorted under duress, I simply do not understand. In fact, I believe that that meeting finished with expressions from various quarters of appreciation of the spirit of compromise shown by the Chairman and reflected in the result that was achieved.

I think there can be no question that the present Committee of 17 is far too big for the purpose. Objection has been raised to the Committee we propose, that it does not contain any representative of a college. Now, Sir, the difficulty is that there will be six colleges. If we add one we have to add six. We get straight away to something that becomes unwieldy. We have to bear in mind the purposes of this Selection Committee. It is to accord recognition to teachers as university teachers. I believe that the teachers are keen to receive such recognition and that the colleges themselves are keen that these things should, if I may say so, go round, and not all be secured by one college or one or two. At any rate, it is recognition of teachers as university teachers, and we feel that the university must have an effective voice as regards its own teaching staff. It is supposed to be, as the preamble to the original Act says, a unitary teaching university. As I say, you cannot add one college without adding the other five, that is six, and it gives the colleges a majority for what should be definitely a university matter.

My Honourable friend, Mr. Nilakantha Das has said that there is one flaw in the Committee that we propose, as it seems to him, namely, that it may not provide for an expert in the particular subject for which a teacher is under consideration. Well, Sir, there is provision for that, in my opinion, in the member to be nominated by the Chancellor, if the Academic Council have not provided for it; but we might give a power to the Committee to co-opt an expert if the Selection Committee so wished.

[Mr. J. D. Tyson.]

Now it did seem to me to be suggested yesterday that Government in these proposals were in some way trying, it was not specifically shown how, to eliminate the colleges. The phrase 'actually' used was "trying to kill off the colleges by slow poison". On the contrary I would say that the whole object of Government, since the inauguration of the proposals for a reform scheme—the degree scheme—has been to bring about harmonious co-operation between the colleges and the university and not to allow one party to exercise a dominating influence. The new conditions of grant which were agreed to last July (to which I have been referring), will show that the primary object of Government throughout has been to secure better conditions for the teachers, whether of the university or of the colleges.

I think, Sir, I have dealt,—I am afraid at some length,—with all the major points raised. They are not, as I see it, points on which we could expect to obtain enlightenment by circulation of the Bill, and in fact, Sir, if I may say so, Dr. Banerjea has on this matter handed me an argument on a tray which I propose to make use of. He pointed out that in the provinces to which he and I have the honour to belong, a scheme like this, of a three-year course, could not be entertained by the Calcutta University or the Dacca University for the reason that there are such a multitude of schools that it would be beyond the power of the Provincial Government to raise those schools to the higher standard which is a necessary corollary of this three-year degree course. That Sir, is, I think, a very good point, and that applies equally to Bombay, Bihar, the United Provinces, the Central Provinces, and the whole lot, and it seems to me, therefore, pretty useless for us to consult Governments and universities which are not at present in a position to do what we are in a position to do in Delhi, and are by way of doing. We have here, Sir, in Delhi a limited number of high schools, and we are already giving them the funds necessary to carry out this reform. The principle of a three-year degree course has been accepted by bodies on which Provincial Governments are represented and by bodies on which Provincial Universities are represented. Why need we go further than that? I regret, therefore, Sir, that I cannot accept the motion for circulation. I would be prepared, if Honourable Members opposite consider that it would meet their point, to circulate this Bill, with the necessary material, to Provincial Governments by executive action asking for their opinions and replies which I would place before the Select Committee, if that would meet my Honourable friend's point.

Dr. P. N. Banerjea: And also the University of Delhi.

Mr. J. D. Tyson: Certainly; I do not know whether that will meet their point.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Does the Honourable Member suggest that he will circulate the Bill to the citizens of Delhi and get the opinion of the Delhi public?

Nawabzada Muhammad Liaquat Ali Khan: Will this be circulated like an ordinary Bill is circulated?

Mr. J. D. Tyson: I am afraid that my proposal does not commend itself. In that case all that I need say is that I cannot accept the motion for circulation. But whatever the House does, I undertake, if it accepts the motion for Select Committee, to consult the University of Delhi before we arrange for the Select Committee to meet. But I am afraid I cannot accept the motion for circulation.

Dr. Sir Zia Uddin Ahmad: The Honourable gentleman said that he would circulate by executive action. Then I say, follow the procedure which has been followed on previous Bills: circulate in the usual manner, as has been done in the past.

Mr. J. D. Tyson: No, Sir. If I circulate in the usual manner, it will take a great deal of time and we shall not get things done. That is my offer, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be circulated for eliciting opinion thereon by the 1st July, 1943."

The Assembly divided:

AYES—26.

Abdul Ghani, Maulvi Muhammad.
 Azhar Ali, Mr. Muhammad.
 Banerjea, Dr. P. N.
 Chhattopadhyaya, Mr. Amarendra Nath.
 Choudhury, Maulvi Muhammad Hossain.
 Dam, Mr. Ananga Mohan.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Griffiths, Mr. P. J.
 Ismail Khan, Hajee Chowdhury Muham-
 mad.
 Lalchand Navalrai, Mr.

Liaquat Ali Khan, Nawabzada Muhammad.
 Mehr Shah, Nawab Sahibzada Sir Sayed
 Muhammad.
 Miller, Mr. C. C.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nairang, Syed Ghulam Bhik.
 Neogy, Mr. K. C.
 Parmanand, Bhai.
 Raza Ali, Sir Syed.
 Sant Singh, Sardar.
 Siddique Ali Khan, Nawab.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zia Uddin Ahmad, Dr. Sir.

NOES—36.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aiyar, Mr. T. S. Sankara.
 Ambedkar, The Honourable Dr. B. R.
 Benthall, The Honourable Sir Edward.
 Bewoor, Sir Gurunath.
 Bhagechand Soni, Rai Bahadur Seth.
 Bozman, Mr. G. S.
 Dalal, Dr. Sir Ratanji Dinshaw.
 Dalpat Singh, Sardar Bahadur Captain.
 Ghiasuddin, Mr. M.
 Haidar, Khan Bahadur Shamsuddin.
 Imam, Mr. Saiyid Haidar.
 Ismaiel Alikhan, Kunwar Hajee.
 James, Sir F. E.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Joshi, Mr. D. S.
 Kamaluddin Ahmad, Shamsul-Ulema.
 Kushal Pal Singh, Raja Bahadur.

Lalljee, Mr. Hooseinbhoy A.
 Mackcown, Mr. J. A.
 Maxwell, The Honourable Sir Reginald.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Noon, The Honourable Malik Sir Feroz
 Khan.
 Pai, Mr. A. V.
 Pillay, Mr. T. S.
 Raisman, The Honourable Sir Jeremy.
 Sargent, Mr. J. P.
 Snaban, Khan Bahadur Mian Ghulam
 Kadir Muhammad.
 Spear, Dr. T. G. P.
 Spence, Sir George.
 Sultan Ahmed, The Honourable Sir.
 Sundaresan, Mr. N.
 Thakur Singh, Major.
 Trivedi, Mr. C. M.
 Tyson, Mr. J. D.

The motion was negatived.

Nawabzada Muhammad Liaquat Ali Khan: Sir, before you put the other motion to the vote, I wish to say something. This Bill had been under consideration for the last two days, and practically every non-official Member who spoke on this Bill opposed the motion which you are going to place before the House. Government have shown that they have no regard for the opinion of the non-official Members and thus have forfeited their claim to our assistance.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a speech.

Nawabzada Muhammad Liaquat Ali Khan: What I am going to say is directly connected with the motion which you are going to place before the House. My Party has, therefore, decided to withdraw the names of its representatives from the Select Committee, namely, that of myself and of Dr. Sir Zia Uddin Ahmad. I thought it my duty to place this before the House.

Mr. J. D. Tyson: As that will reduce the number below the customary figure, I should like if you allow it, Sir, to suggest the addition of the names of Pandit Nilakantha Das and Mr. M. Ghiasuddin.

Mr. President (The Honourable Sir Abdur Rahim): I suppose the Government have no objection to the deletion of those two names. (After a pause.) I suppose the House has no objection to the addition of the names of Pandit Nilakantha Das and Mr. M. Ghiasuddin.

Nawabzada Muhammad Liaquat Ali Khan: We object to these names being added at this stage.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can vote against the motion.

The question is:

“That the Bill further to amend the Delhi University Act, 1922, be referred to a Select Committee consisting of the Honourable the Law Member, Pandit Nilakantha Das, Mr. M. Ghiasuddin, Dr. P. N. Banerjea, Sir F. E. James, Shams-ul-Ulema Kamaluddin Ahmad, Mrs. Renuka Ray, Mr. J. P. Sargent and the Mover, that the number of Members

[Mr. President.]

whose presence shall be necessary to constitute a meeting of the Committee shall be five, and that the Committee be authorised to meet, at Simla.

The Assembly divided:

AYES—37

Abdul Hamid, Khan Bahadur Sir.	Kushal Pal Singh, Raja Bahadur.
Ahmad Nawaz Khan, Major Nawab Sir.	Lalljee, Mr. Hooseinbhoj A.
Aiyar, Mr. T. S. Sankara.	Mackeown, Mr. J. A.
Ambedkar, The Honourable Dr. B. B.	Maxwell, The Honourable Sir Reginald.
Benthall, The Honourable Sir Edward.	Muazzam Sahib Bahadur, Mr. Muhammad.
Bewoor, Sir Gurusnath.	Noon, The Honourable Malik Sir Feroz Khan.
Bhagchand Soni, Rai Bahadur Seth.	Pai, Mr. A. V.
Bozman, Mr. G. S.	Pillay, Mr. T. S.
Dalal, Dr. Sir Ratanji Dinshaw.	Raisman, The Honourable Sir Jermy.
Dalpat Singh, Sardar Bahadur Captain.	Sargent, Mr. J. P.
Das, Pandit Nilakantha.	Shaban, Khan Bahadur Mian Ghulam Kadir Muhammad.
Ghuznavi, Sir Abdul Halim.	Spear, Dr. T. G. P.
Haidar, Khan Bahadur Shamsuddin.	Spence, Sir George.
Imam, Mr. Saiyid Haidar.	Sultan Ahmed, The Honourable Sir.
Ismail Alikhan, Kunwar Hajee.	Sundaresan, Mr. N.
James, Sir F. E.	Thakur Singh, Major.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Trivedi, Mr. C. M.
Joshi, Mr. D. S.	Tyson, Mr. J. D.
Kamaluddin Ahmad, Shamsul-Ulema.	

NOES—22.

Abdul Ghani, Maulvi Muhammad.	Lalchand Navalrai, Mr.
Abdullah, Mr. H. M.	Liaquat Ali Khan, Nawabzada Muhammad.
Azhar Ali, Mr. Muhammad.	Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.
Banerjea, Dr. P. N.	Murtuza Sahib Bahadur, Maulvi Syed.
Chhattopadhyaya, Mr. Amarendra Nath.	Nairang, Syed Ghulam Bhik.
Choudhury, Maulvi Muhammad Hossain.	Neogy, Mr. K. C.
Datta, Mr. Akhil Chandra.	Raza Ali, Sir Syed.
Deshmukh, Mr. Govind V.	Siddique Ali Khan, Nawab.
Essak Sait, Mr. H. A. Sathar H.	Yamin Khan, Sir Muhammad.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.	Zafar Ali Khan, Maulana.
Ismail Khan, Hajee Chowdhury Muhammad.	Zia Uddin Ahmad, Dr. Sir.

The motion was adopted.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the motion:

“That the Report of the Public Accounts Committee on the Accounts of 1940-41, be taken into consideration.”

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the last Public Accounts Committee met here in Delhi in August last and at that time the Honourable the Finance Member was not present in India. He was out of India and his Secretary, Mr. Jones, presided over the Committee. Being a member of that Committee, I know—and I have experience of about three or four years now—that whatever objections were raised in the Committee were really attended to by the Government and we got very good opportunity to critically examine the accounts and the evidence that was produced before us.

It was very unfortunate the other day when Sir Cowasjee Jehangir said that the accounts were not being so critically examined by the Public Accounts Committee as to afford wide scope for criticism in the House. I submit that there was some misunderstanding on the part of Sir Cowasjee Jehangir. I am sorry he is not in the House today. He told us that he did not mean any reflection on the members of the Public Accounts Committee but still he said that matters like the financial settlement and other matters which were taken up by the Honourable the Finance Member in England were not well attended to. My submission is that it was not the occasion. The Finance Member had not come back to India from England and therefore; it was absolutely impossible for us to take up those questions and we did not know these things until the budget was placed before this House. It may be that Sir Cowasjee did not mean any reflection but I shall show to the House how religiously and critically we guard the privileges of the House.

It is not my experience really in other Committees but in the Public Accounts Committee I find that Government Members do attend very carefully to all our objections. There is a feeling of give and take, even if our demands may be rather embarrassing to the Government Members. I would also say that sometimes, when we differ from the Government Members, they do seem to support the department. I submit that this should not be the attitude of the Government, when we are examining their own figures. In fact, the Government ought to be more critical than ourselves, because they know the facts and the figures and other things more than we do—that is, the non-official members of the Committee. There are fortunately or unfortunately two Knights who are nominated Members and there is only one Knight from the elected Members and if the Government wants that there should be more critical examination, then I would ask the Government to do away with the nominated Members and put in more elected Members on the Public Accounts Committee, because that would be giving the Government a more critical knowledge of their own accounts. I am prepared to say that we non-official Members of the Public Accounts Committee think it our duty to examine critically and closely; and perhaps the Government Members rely—I do not blame them—more on their own official votes rather than themselves. In the interest of the Government itself, I would ask that the Government may not put in Members who will only raise their hands to support the Government but will critically examine the figures, the facts and the criticism which the members of the public place before the Government. I am not saying this in the interest of this party or that party. I would ask the Government to think twice before they nominate people and I would ask them to nominate such people as are very well versed in the financial accounts and principles. I know that Sir Cowasjee Jehangir is an expert. He knows more of finance and Government can put in more members like him, if the Government wants clever men on the Public Accounts Committee.

I shall refer to a few remarks which will show how critically we examine the figures. The report is in the library of the House and I am sure the Members could refer to the paragraphs and the pages I refer to. On page 8 of the report on the 1940-41 accounts, you find it is mentioned:

"We are pleased to see that in the year under review there has been no unnecessary supplementary grant and that in this respect at least there has been an improvement over the last year and the year before."

From that you can see that unnecessary supplementary grants were put in in previous years and as the result of our critical examination, unnecessary grants were not accepted by the Government. At the same time we said:

"There is firstly the large and growing number of 'Defects in Budgeting' listed in Annexure B, to the Chief Commissioner's Review of the Appropriation Accounts. The items in this list this year number no less than 30 compared to 22 in 1939-40, 22 in 1938-39 and 12 in 1937-38. Most of these are due to 'oversight' or 'misapprehension' or 'Omission'. While we recognise that in so large an organisation as the Railways mistakes may at times be unavoidable we are perturbed at the increase in carelessness that these statistics would appear to imply."

We examined the accounts and wherever we found that there was any error or omission either in the language or in the figures we pointed it out very explicitly and without any reservation. On page 10 we said about the token grants:

"Although no provision was made in the budget for it, the Bengal Dooars Railway was purchased by Government during the course of the year. . ."

We objected in the Committee that without referring to the House such items should not be allowed. In the end we said:

"A token demand should be placed before the Assembly for the purpose."

So, you can find that whenever there is a token grant we do not shirk our responsibility and we have been very critical. Then, in paragraph 19 we dealt with distribution of provision for works. We said:

"The correct procedure is of course to provide larger gross sum with a deduction for probable savings in the demand placed before the Legislature."

Whenever there is any occasion where we find that any mistake has been committed and that the rights of the House have not been properly guarded.

[Mr. Muhammad Azhar Ali.]

we raise an objection and we are glad that the Committee agreed to our views that the demand was to be placed before the Legislature. Of course, sometimes there is a tussel between the Members on the opposition and the Government, but it is always in the spirit of give and take. If there is anything that we point out to the Members, we are glad to say the Government Members do listen patiently to our remarks. We are also glad to find that we get in the Committee key statements which are very helpful to the Committee and I would ask the Government to present such key statements, if they can, before all the Committees that the Government appoints. These key statements along with the Auditor General's note are very helpful to the Committee.

When we came to examine the Posts and Telegraphs Department, we remarked that in time of war it was felt that the commercial aspect of the Department should to some extent be subordinated to the interests of the general tax-payer. We also said:

"The Committee then went through the section on financial irregularities and observed that the number of cases of defalcation or loss of public money during the year under review had decreased as compared with 1939/40 although the amount, involved had shown an increase, the reason being that two cases of highway robbery and of certain Savings Bank frauds had involved large amounts."

It was to our great disappointment that we found that somehow the arrangements in the Postal Department were not found to be so very satisfactory. In the same manner, we went through the accounts of Railways. We did not hesitate to put our remarks and our disapproval of the things which were happening.

Then, we dealt also with Grant No. 12, the Executive Council. We said:

"A question was raised as to what exactly the sub-head A.2-Allowances in this grant covered and why accurate budgeting under the head was difficult. It was stated that, as far as the information of the Home Department, went, this head was meant to cover the equipment and voyage allowances of Honourable Members of Council, but there was some doubt as to whether it did not also cover the travelling expenses paid to Honourable Members. The Department promised to look into the matter and give a fuller explanation to the Committee before the end of its present session."

My submission, therefore, is that by these remarks we meant that even if there is some irregularity about the travelling allowances or any kind of allowances given to the Members of the Executive Council, we have not hesitated to point out those defects to the Committee. We were glad to find that they said that if there were any such defects they will be placed before the Committee before the end of the Session and we were satisfied that they were so placed. My submission is that in all matters which came before us, we did not hesitate to express our independent opinion and we are glad to find that our recommendations were attended to very carefully by the Committee.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, my Honourable friend Mr. Muhammad Azhar Ali has just stated that in the year under report no supplementary grant was unnecessary. The three cases in which supplementary grants proved finally unnecessary are mentioned in paragraph 5 of the Auditor General's report. And those cases are in connection with Grant No. 30, Survey of India and Grants Nos. 52 and 63. In these cases the savings of the final grant exceeded the amount of supplementary grant. Therefore, in these three cases the supplementary grant proved unnecessary during the year under report. So, we cannot say, that there were no cases of unnecessary supplementary demands.

The Honourable Sir Jeremy Raisman (Finance Member): Has the Honourable Member realised that the quotation which Mr. Azhar Ali made related to Railways, Part II? There were no unnecessary supplementary grants in the Railways portion of the accounts, whereas my Honourable friend is talking about the remainder of the civil budget.

Maulvi Muhammad Abdul Ghani: Thank you Sir, I stand corrected. I have just pointed out about the appropriation accounts (civil).

Now, in the year under report 27 supplementary grants were voted by the Assembly amounting to Rs. 3,28,70,000 and the proportion of the supplementary grant in respect of the whole civil voted grants is 20, 25 per cent. as compared to 13·87 per cent. during the year, 1939-40.

In the previous years these supplementary demands

Mr. President (The Honourable Sir Abdur Rahim): I don't think anybody could hear the Honourable Member.

Maulvi Muhammad Abdul Ghani: I have just said that these supplementary demands were unnecessary. Savings under these demands were more than the amount of supplementary demand. Large savings occurred under demand No. 47-Aviation. Its funds used to be voted year after year, but I regret to say that the Department appears to have taken no steps in utilizing these savings. A comparative table for six years, say 1935-36 to 1940-41 as given on page 191, paragraph 4 of the Audit Report speaks for itself the amount of savings and percentage of that saving is as follows:

In 1935-36 it was 39·55 per cent.

In 1936-37 it was 54·2 per cent.

In 1937-38 it was 43·38 per cent.

In 1938-39 it was 13·78 per cent.

In 1939-40 it was 17·43 per cent.

In 1940-41 it was 37/16 per cent.

In the year under report, although there was gross saving of Rs. 12,08,912 in the voted section, three supplementary demands of Rs. 24,45,000 were presented to and passed by the Assembly. Unnecessary savings under the head working expenses, as explained in paragraphs 6(i), 6(ii) and 6(iii), confirms the inactivity of the Department, as no cut was applied in the 1940-41, as recommended by the Public Accounts Committee, in the year 1939-40. Therefore, in view of such a large saving, in future some limit should be applied to this Department and the committee recommended for imposition of drastic lump sum cut.

As regards the control over budgeting under head Railways I find that in the year 1937-38 there was a saving of 2·25 per cent. In 1938-39 it was 0·18, in 1939-40 it was 2·57 and in 1940-41 it was 15·48. As compared to the result of the last three years the result of 1940-41 shows a marked deterioration.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): On a point of order, Sir, there is no quorum and my friend Maulvi Muhammad Abdul Ghani is going to speak for a long time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on with his speech.

Maulvi Muhammad Abdul Ghani: As regards the number of items, it was 12 in 1937-38, and this number rose upto 22 in 1938-39, 22 in 1939-40 and 30 in 1940-41.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following message has been received from the Council of State:

"The Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to amend and codify the Hindu Law relating to Intestate Succession be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 18 members, was considered by the Council of State at their meeting held on the 1st April, 1943, and the Resolution was concurred in by the Council.

The following Members of the Council of State have been nominated to serve on that Committee:

(1) The Honourable Pandit H. N. Kunzru. (2) The Honourable Mr. P. N. Sapura. (3) The Honourable Rai Bahadur Sri Narain Mehtha. (4) The Honourable Mr. V. V. Kalikar, (5) The Honourable Mr. S. K. Roy Chowdhury. (6) The Honourable Sir A. P. Patro. (7) The Honourable Sardar Bahadur Sobha Singh. (8) The Honourable Mr. Hossain Imam, and (9) The Honourable Mr. Shavax A. Lal."

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd April, 1943.