

20th August 1943

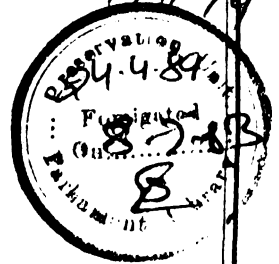
TO
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1943

(26th July to 25th August, 1943)

EIGHTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1943



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LEGISLATIVE ASSEMBLY.

President:

The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President:

Mr. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen:

[From 27th July to 19th August, 1943.]

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Mr. K. C. NEOGY, M.L.A.

Mr. HOOSEINBOY A. LALLJEE, M.L.A.

Sir HENRY RICHARDSON, M.L.A.

[From 20th August, 1943.]

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Dr. P. N. BANERJEA, M.L.A.

Sir F. E. JAMES, M.L.A.

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Mr. M. GHIASUDDIN, M.L.A.

Sardar SANT SINGH, M.L.A.

Mr. N. M. JOSHI, M.L.A.

CONTENTS

Volume III.—26th July to 25th August, 1943.

	PAGE.		PAGE.
MONDAY, 26TH JULY, 1943—		WEDNESDAY, 28TH JULY, 1943—	
Members Sworn	1	Member Sworn	121
Starred Questions and Answers	1—24	Starred Questions and Answers	121—50
Statements laid on the Table	24—36	Unstarred Questions and Answers	121—54
Death of Mr. Naoroji Dumasai	36—37	The Indian States (Protection against Disaffection) Amendment Bill—Motion to continue adopted	154
Motions for Adjournment— Refusal of the Government of India to forward Mahatma Gandhi's Letter to Mr. M. A. Jinnah—Ruled out of order	37—38	The Indian Penal Code (Amendment) Bill—Motion to continue adopted	154
Refusal of permission to Mr. W. Phillips to see Mahatma Gandhi—Disallowed by the Governor General	38	The Muslim Personal Law (Shariat) Applica- tion (Second (Amendment)) Bill—Motion to continue adopted	154
Depriving certain Local Governments of their Power to control Foodstuffs within their respective jurisdiction— Leave refused	38, 39	The Usurious Loans (Amendment) Bill— Motion to continue adopted	155
Failure of the Governor General's Council to protest against Legislation by Ordinances—Disallowed	39	The Code of Criminal Procedure (Amend- ment) Bill—Motion to continue adopted	155
Misadministration in distribution of Wheat—Not moved	39	The Indian Merchant Shipping (Amend- ment) Bill—Circulated	155—58
Failure to bring in circulation sufficient number of small coins—Ruled out of order	39—40	The Removal of Hindu Social Disabilities Bill—Introduced	158—59
Failure to put into operation the Recip- rocity Act against the Colonial Africans residing in India—With- drawn	40	The Land Acquisition (Amendment) Bill —Introduced	159
Failure to supply First-Aid Equipment, medicines, etc., on the Mail Train which collided with goods Carriages at Borgaon near Akola—Negatived	40—41, 42—58	The Code of Civil Procedure (Amendment) Bill—Introduced	159
H. E. the Governor General's Assent to Bills	41	The Removal of Political Disabilities Bill —Introduced	159
Amendment to the Insurance Rules	41—42	The Indian Penal Code (Amendment) Bill —Introduced	159
Amendments to certain Motor Vehicles Rules	42	The Members of the Central Legislature Payment of Salaries Bill—Introduced	159—60
The War Injuries (Compensation Insur- ance) Bill—Presentation of the Report of the Select Committee	42—43	The Indian Penal Code (Amendment) Bill —Introduced	160
The Delhi University (Amendment) Bill— Presentation of the Report of the Select Committee	43	THURSDAY, 29TH JULY, 1943—	
The Indian Boilers (Amendment) Bill— Introduced	43	Member Sworn	161
The Public Debt (Central Government) Bill—Introduced	43	Starred Questions and Answers	161—74
The Mines Maternity Benefit (Amendment) Bill—Introduced	43	Postponed Question and Answer	174—76
The Motor Vehicles (Drivers) Amendment Bill—Introduced	43	The Indian Boilers (Amendment) Bill— Passed	176—77
The Code of Criminal Procedure (Amend- ment) Bill—Introduced	43	The Reciprocity (Amendment) Bill— Motion to consider adopted	177—78, 181—90, 191—95
The Agricultural Produce (Grading and Marking) Amendment Bill—Introduced	43—44		190—91
The Indian Army and Indian Air Force (Amendment) Bill—Introduced	44	Statement of Business	
The Reciprocity (Amendment) Bill— Introduced	44	The Motor Vehicles (Drivers) Amendment Bill—Passed	178—80
The Criminal Procedure Amendment Bill —Referred to Select Committee	44—48	The Mines Maternity Benefit (Amendment) Bill—Passed	180—81
TUESDAY, 27TH JULY, 1943—		The Code of Criminal Procedure (Amend- ment) Bill—Referred to Select Com- mittee	196—97
Member Sworn	59	The Agricultural Produce (Grading and Marking) Amendment Bill—Passed	197—201
Starred Questions and Answers	59—72	The Indian Army and Indian Air Force (Amendment) Bill—Passed	201—02
Unstarred Questions and Answers	72—81	FRIDAY, 30TH JULY, 1943—	
Statements laid on the Table	81	Starred Questions and Answers	203—10
Motions for Adjournment re— Deaths by starvation in Orissa—Dis- allowed	82	Unstarred Questions and Answers	211—14
Refusal to allot a day for discussing Government's Monetary Policy— Ruled out of order	82	Statements laid on the Table	214—16
Policy of the Railway Board in giving Dearness Allowance not by increasing salaries—Disallowed	82	Condemnation of the cowardly attack on Mr. M. A. Jinnah	216—21
Forfeiture of Security of the Hindustan Disallowed	82—83	Motion re the recent Paggung Legislation in South Africa—Adopted as amended	221—54
Failure to commit non-official opinion on the International Clearing Union Scheme—Ruled out of order	83—85	MONDAY, 2ND AUGUST, 1943—	
Judicial condemnation of the Bombay Government's method of dealing with the sabotage movement at Nandurbar —Ruled out of order	85	His Excellency the Governor General's Address to the Council of State and the Legislative Assembly	255—66
Excessive inflation of the Paper Cur- rency—Ruled out of order	85—86	Member Sworn	267
Nomination of the Panel of Chairmen Resolution re treatment of Political Prisoners and Detenus—Negatived	86—120	Starred Questions and Answers	267—85
		Unstarred Questions and Answers	286—88
		Statement laid on the Table	288
		Declaration of Exemption and Notifications under the Registration of Foreigners Act	289—92
		Summary of Proceedings of the Third Meeting of the Standing Labour Com- mittee	292
		The Reciprocity (Amendment) Bill—Dis- cussion on consideration of clauses not concluded	292—309
		TUESDAY, 3RD AUGUST, 1943—	
		Starred Questions and Answers	311—24
		Unstarred Questions and Answers	324—27
		The Reciprocity (Amendment) Bill— Passed as amended	327—33
		The Delhi University (Amendment) Bill —Discussion on the motions to consider and to circulate not concluded	333—68

	PAGES.
WEDNESDAY, 4TH AUGUST, 1943—	
Starred Questions and Answers	359—74
Unstarred Questions and Answers	374—78
Committee on Petitions	378
Statement of Business	379
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	379—414
THURSDAY, 5TH AUGUST, 1943—	
Starred Questions and Answers	415—83
Unstarred Questions and Answers	433—35
Motion for Adjournment <i>re</i> deaths due to starvation and famine condition in Bengal—Ruled out of order	436
The Delhi University (Amendment) Bill— Discussion on the consideration of clauses not concluded	436—69
FRIDAY, 6TH AUGUST, 1943—	
Starred Questions and Answers	471—83
Unstarred Question and Answer	483
Motion for Adjournment <i>re</i> deaths due to starvation in Bengal	483—85
Declaration of Exemption under the Regi- stration of Foreigners Act	486
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	485—516
MONDAY, 9TH AUGUST, 1943—	
Member Sworn	517
Starred Questions and Answers	517—27
Unstarred Questions and Answers	537—39
Message from the Council of State	539
Statement of Business	529—30
Interim Report of the Railway Convention Committee	530—33
Motion <i>re</i> the Food Situation—Discussion not concluded	534—74
TUESDAY, 10TH AUGUST, 1943—	
Starred Questions and Answers	575
Motions for Adjournment <i>re</i> — Loss of Life due to Floods in Ajmer— Disallowed	575
Raid by the Delhi Police on the Premises of <i>The Hindustan Times</i> —Ruled out of order	575—76
Motion <i>re</i> the Food Situation—Concluded	576—621
WEDNESDAY, 11TH AUGUST, 1943—	
Member Sworn	623
Starred Questions and Answers	623—31
Unstarred Question and Answer	632
Message from the Council of State	632
Secret Session	633
THURSDAY, 12TH AUGUST, 1943—	
Transferred Starred Questions and An- swers	635—58
Short Notice Question and Answer	658—59
Motion for Adjournment <i>re</i> failure of Government to secure attendance of Government Members for constituting a quorum in the Assembly—Ruled out of order	659—61
Resolution <i>re</i> — Pilgrimage to the Hedjas—Negatived	661—82
Stabilization of Prices—Discussion not concluded	682—97

	PAGES.
FRIDAY, 13TH AUGUST, 1943—	
Statements laid on the Table	699—701
The War Injuries (Compensation Insur- ance) Bill—Passed	701—24
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	724—40
Statement of Business	740
TUESDAY, 17TH AUGUST, 1943—	
Member Sworn	741
Short Notice Question and Answer	741
Motion for Adjournment <i>re</i> failure to prevent export of rice from Bengal— Ruled out of order	742—43
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	743—80
WEDNESDAY, 18TH AUGUST, 1943—	
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	781—817
THURSDAY, 19TH AUGUST, 1943—	
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	819—58
FRIDAY, 20TH AUGUST, 1943—	
Short Notice Question and Answer	859—61
Nomination of the New Panel of Chairmen	861
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	861—95
SATURDAY, 21ST AUGUST, 1943—	
Motions for Adjournment <i>re</i> — Demolition of a Mosque on Asoka Road, New Delhi—Disallowed	897
Non-release of Maulana Hafizul Bah- man detained in Moradabad Jail— Ruled out of order	897—98
Message from the Council of State	898
The Delhi University (Amendment) Bill— Discussion on consideration of clauses not concluded	898—935
TUESDAY, 24TH AUGUST, 1943—	
Member Sworn	937
Motion for Adjournment <i>re</i> Serious Food Situation in Bihar due to purchase of Foodgrains by Government for Export —Ruled out of order	937—33
The Delhi University (Amendment) Bill— Discussion on consideration of clauses concluded	938—76
WEDNESDAY, 25TH AUGUST, 1943—	
Short Notice Questions and Answers	979—81
Statements laid on the Table	981—83
Motion for Adjournment <i>re</i> failure to transport Government purchased Wheat from the Punjab to famine-stricken East- ern Provinces—Ruled out of order	983—84
The Delhi University (Amendment) Bill— Passed as amended	984—1018
The Public Debt (Central Government) Bill—Circulated	1018—19

LEGISLATIVE ASSEMBLY

Friday, 20th August, 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.

SHORT NOTICE QUESTION AND ANSWER.

TRANSPORT ARRANGEMENTS FOR CARRYING FOODGRAINS FROM SURPLUS TO DEFICIT PROVINCES.

Dr. P. N. Banerjee: Has the attention of the Honourable Member for War Transport been drawn to:

(i) the statement of Sardar Baldev Singh, Food Minister, Punjab Government, published in the *Hindustan Times* of the 16th instant, that the fault in the matter of food supply lay in the transport arrangements which even today were far from satisfactory and further that if the Government of India were really anxious to relieve distress in deficit provinces, they should make adequate and immediate arrangements for transporting foodgrains from surplus provinces; and

(ii) the statement of Sir William Roberts, the retiring Director of Civil Supplies, Punjab Government, that the Transport Member had glossed over the transport difficulties, that the average number of wagons going out of the province in June and early in July was 120 per day, while he thought that double that number could be supplied, and that if rail transport arrangements were inadequate, arrangements could be made earlier for shipping *via* Karachi to Madras and Bengal?

If so, what steps, if any, have been taken, or are proposed to be taken by the Government of India to meet the present situation?

The Honourable Sir Edward Benthall: (i) I have seen the statement but do not agree with it and propose therefore to take early steps to co-ordinate opinions and action. The arrangement for transporting foodgrains from surplus to deficit Provinces includes two processes, namely, procurement and transport. Though operational and other reasons have at times imposed a limit upon the number of wagons that can be carried over a particular section of railway, the amount of transport available has at other times frequently exceeded the quantity of foodgrains offered and does so at present.

(ii) Yes. The figure given by Sir William Roberts appears to be an underestimate. The North Western Railway's approximate figure of wagons of foodgrains moving out of the Punjab eastward and southward during June and early July is 144 daily and neither this figure nor that of Sir William Roberts includes grain moving to Karachi. /

I agree with Sir William Roberts that many more wagons could have been supplied; but it is bad transportation work to supply more wagons than can be loaded or handled by the receiving Government at destination. In the case of Bengal the North Western Railway could, if other conditions made it feasible, supply and load many more than the quota of 80 wagons daily which is allotted to them by the Regional Controller of Priorities, and which is actually an increase of 20 on the number allotted before the breaches took place on the East Indian Railway. But in spite of the large amount of stocks stated by Sir William Roberts to be awaiting transport in the Punjab there is at present a difficulty, which I hope will be temporary, in delivering for loading sufficient foodgrains and flour to fill this quota. As the Honourable Member is doubtless aware the shipping position has been and remains extremely tight. Until recently the ships from the Indian Register under requisition were being loaded with salt for Bengal from the West Coast, but two of these ships have temporarily been allotted to grain and have already taken 10/11,000 tons from Karachi. Two more ships on the British Register have been made available by

the British Government and are to be loaded by the end of the month. Governments are fully alive to the importance of securing that more shipping is made available as supplies come forward.

Dr. P. N. Banerjea: Will the Honourable Member be pleased to give greater facilities in future than have been available hitherto for the transport of foodgrains?

The Honourable Sir Edward Benthall: As I have explained to the Honourable Member, it is no use supplying more wagons than can be loaded or can be got through bottle-necks or handled by the receiving Government.

Dr. P. N. Banerjea: Could not the Honourable Member persuade these two Governments—the Punjab and the Bengal Governments—to take greater steps to expedite the matter?

The Honourable Sir Edward Benthall: That is precisely what I said I was going to do in my answer to the first part of the question.

Mr. Govind V. Deshmukh: Is it suggested that the difficulty that has arisen is due to the loading and unloading at the consigning and receiving stations?

The Honourable Sir Edward Benthall: No, Sir. Not mainly: That is one of the factors.

Mr. Govind V. Deshmukh: Then may I know if any steps have been taken by this Department for increasing or giving more facilities for loading and unloading all these wagons?

The Honourable Sir Edward Benthall: Yes, Sir. Very careful arrangements have been worked out at the Calcutta end and arrangements are being worked out at the Punjab end.

Mr. Govind V. Deshmukh: But as difficulties still arise, have the Government thought it proper to increase these facilities?

The Honourable Sir Edward Benthall: It is not only a matter of facilities but the operation of these facilities.

Mr. Govind V. Deshmukh: Then have the Government thought of facilitating to a greater extent the operation of the arrangements?

The Honourable Sir Edward Benthall: Of course they have.

Pandit Lakshmi Kanta Maitra: Is it a fact that this movement of foodgrains has been greatly affected by the breaches on the railway line? And if so, do Government propose to move foodgrains up to Burdwan and carry the foodgrains to other parts of Bengal by ordinary transport?

The Honourable Sir Edward Benthall: Yes, the breaches have of course interfered with the transport of foodgrains, but as I pointed out in my answer the allotment is 20 wagons greater than it was before the breaches occurred. The wagons are being taken round by other routes.

Mr. Govind V. Deshmukh: May I know, Sir, if the military lorries could be availed of for transport of these foodgrains—I mean those lorries which are taken from place to place merely for the purpose of giving the troops practice or for instructing them.

The Honourable Sir Edward Benthall: The Honourable Member does not specify where the lorries are to be sent.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that at the present moment 20 more wagons have been allotted so as to bring the total to 164 instead of 144?

The Honourable Sir Edward Benthall: Yes, Sir, the allotment has been increased by 20.

Pandit Lakshmi Kanta Maitra: And the Government at the moment are giving 164?

The Honourable Sir Edward Benthall: No, Sir. The allotment to Bengal was formerly 60. It is now 80.

Mr. Lalchand Navalrai: Is the foodstuff lying on the station on account of no wagons being made available?

The Honourable Sir Edward Benthall: No, Sir. That is not correct.

Mr. Lalchand Navalrai: May I know if the food is lying at the station waiting to be moved?

The Honourable Sir Edward Benthall: In certain cases it is. But the gist of my reply is that more wagons are supplied than grain is available.

Pandit Lakshmi Kanta Maitra: With regard to the problem of co-ordination of transport, have the Government of India suggested to the Provincial Government to release the river craft for the purpose of carrying into the interior these foodgrains?

The Honourable Sir Edward Benthall: I believe that is being done by the Government of Bengal.

Pandit Lakshmi Kanta Maitra: Have any instructions gone from the Honourable Member's Department to the Provincial Government to facilitate the movement of foodgrains by river craft?

The Honourable Sir Edward Benthall: The movement of foodgrains by country craft within the Province is the function of the Provincial Government.

Pandit Lakshmi Kanta Maitra: And last year we were told that it was seized at the instance of the Central Government!

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, in view of the fact that there are still 50 amendments to the Delhi University Bill to be gone through, and also in view of the fact that next Monday is a holiday, I request you to direct that the House should sit tomorrow also.

Mr. President (The Honourable Sir Abdur Rahim): Has any Honourable Member anything to say on this?

Mr. H. A. Sathar H. Essak Salt (West Coast and Nilgiris: Muhammadan): No, Sir; not only that; but it was mentioned last time that if there is any possibility of the work being finished tomorrow, then perhaps the Members would not have any objection; but if we have in any case to wait till Tuesday, there is no reason why we should not wait till Tuesday and have a meeting tomorrow. As a matter of fact the Leader of the House never consulted anybody.

Mr. President (The Honourable Sir Abdur Rahim): I direct that the House shall sit tomorrow.

NOMINATION OF THE NEW PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3 of the Indian Legislative Rules, I nominate Syed Ghulam Bhik Nairang, Dr. P. N. Banerjea and Sir F. E. James on the new Panel of Chairmen.

THE DELHI UNIVERSITY (AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The discussion on amendment No. 46 will now be resumed.

Sir George Spence (Secretary, Legislative Department): The question be now put.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, the amendment was moved yesterday and the Government reply was given and no other Member has yet been given an opportunity and yet the motion comes from the Treasury Benches 'that the question be now put'. It is nothing but surprising. However, the other day the amendment moved was to the effect that a committee should be appointed to help the University of Delhi in connection with their internal reform and financial aid. It has been suggested on behalf of Government if this kind of Committee had been suggested for all universities in India, it would have been of more use; but it has been pointed out that the Government of India has no control over other universities. I submit that if the Government of India wish to introduce such kind of reform they can very well do it in connection with three universities—Aligarh, Benares

[Maulvi Muhammad Abdul Ghani.]

and Delhi. These three universities are within their jurisdiction. If, as has been suggested, the Government of India desire to have such a thing, they can start it in these three universities and afterwards this can be suggested to other universities through the Provincial Governments and I do not think that there will be any objection on the part of the Provincial Governments to have such reforms introduced in their universities. I hope the Government will revise their decision and accept the amendment.

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

"That in clause 16 of the Bill, after Statute 15 in the proposed Schedule the following be inserted:

'15. (A) The University and all the Colleges and Halls maintained or recognized by the University shall be inspected at least once in every five years by a Committee to be called Grant Committee, which shall consist of three persons, two of whom shall be nominated by the Finance Member and one by the Chancellor and none of these members shall have any official connection with the University.'

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I move:

"That in clause 16 of the Bill, in clause (i) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

Statute 16 runs as follows:

"There shall be the following officer, namely:

(i) two Proctors to assist the Vice-Chancellor in the maintenance of discipline in the University, and (ii) a Librarian . . ."

It is in part (i) that I seek to add the words that I have read out. The story of the absence of Muslim representation in important bodies of the University and important posts in the University has by this time become not only old and oft-repeated, but perhaps stale as well; and there are very clear indications from the side of the Government Benches that they are bent upon not only killing all the amendments moved but also to kill them at the earliest possible moment by moving closures in season and out of season, and by gagging speakers when they try to at least explain what they mean. But I am afraid this attitude of the Government will not pay. We may sit on a Saturday; we may sit on a number of other days as well; but it is the attitude of the Government that affects the attitude of the other Party as well; let them behave reasonably

Mr. President (The Honourable Sir Abdur Rahim): I have directed that the Assembly shall sit tomorrow. That is according to the usual practice.

Syed Ghulam Bhik Nairang: I do not complain that the Chair has ordered us to sit on Saturday. We shall sit; in fact when the Leader of the House spoke to me, I said that my personal opinion is that we should sit; but I am commenting on the attitude of the Government. They want to take undue advantage of their overwhelming odds in the House in a way which does not at all look decent. Anyhow, to take up my amendment: So far in the Delhi University, as far as I know, there was only one Proctor; and now it is sought to have two Proctors, and their function is to assist the Vice Chancellor in matters of discipline in the University. Discipline is certainly one of the most important things connected with university life, and if it is felt that one Proctor is not enough, let the university have two Proctors. That is not a thing to which we object, but we find that the position of the Proctor in this university has been held so far by the following gentlemen. In 1923—Mr. N. V. Thadani of the Hindu College; 1925—Mr. Mukherji of the St. Stephen's College; 1925—Mr. Kedar Nath of the Ramjas College; 1934—Mr. Thadani of the Hindu College again; 1936—Mr. Sen of the Commercial College. As regards the present Proctor, I forget who the present Proctor is. The position so far as I am able to ascertain is that there has been no Muslim Proctor so far, and it will be only proper if out of the two Proctors which are provided in this Bill, one should be a Muslim. This is an important post and concerns one of the most important features of life in the university discipline, and as the Proctors are to assist the Vice Chancellor in the maintenance of discipline,

it will be in the fitness of things if one non-Muslim and one Muslim are Proctors in the University. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, in clause (i) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I did not quite follow what my Honourable friend meant when he said that over and above closure motions Government had used its majority to gag speakers in various parts of the House. I do not think that any unprejudiced observer

Syed Ghulam Bhik Nairang: If I may interrupt my Honourable friend, I can explain it in a word. When a speaker gets up to speak and Government Members see that he is getting up in his seat, to move a closure motion at that very moment amounts to gagging him.

Mr. J. D. Tyson: I do not know at what other stage one may move the closure except at the end of the speech of a preceding Member. It apparently applies to closure motions after all.

Coming to the amendment before the House, the present position is that there is one Proctor in the university and the Bill before us proposes to increase that to two Proctors. The practice I understand has been—and it is borne out by the names that my Honourable friend has just given—to ask colleges in rotation to nominate a Proctor. My contacts with the Proctors of the University of Oxford were not, I am afraid, of a kind to facilitate my questioning them about the method of selection by which they had reached their high office—fleetness of foot I remember as having been an attribute of one particular Proctor with whom I had dealings—but the impression I have is that there also the colleges take it in turn to nominate Proctors for the ensuing period. In Delhi the Proctor is appointed for a year. It would seem from what my Honourable friend has said that they may get an extension of tenure. Now I believe the position at the moment is that the Anglo-Arabic College was invited to nominate a Proctor. The practice further has been that the colleges have nominated their Principals in turn as Proctor. Whether that is a very suitable arrangement or not, it is not perhaps for me to say, but that is the practice and it may be because at the moment there is no permanent Principal of the Anglo-Arabic College that they have for the time being deferred accepting the invitation to nominate as Proctor. That has been the practice I understand—that the colleges in turn have nominated the Proctor. What they will do when they have two Proctors I cannot say, but I cannot accept a statutory reservation in favour of one community that one of the two Proctorships should be reserved for that community. I oppose the amendment.

Maulvi Muhammad Abdul Ghani: I could understand there might be some difficulty when there was only one Proctor, but when the number is going to be increased to two, I do not think that any sound man would object to the proposal that one of the Proctors shall be a Muslim. It has been said that it is the function of every college to select or nominate a Proctor, and the Anglo-Arabic College was asked. But it has not been said whether it refused to nominate or whether it expressed any kind of difficulty in nominating or selecting the Proctor. Sometimes we are debarred on the plea of efficiency, when it suits some particular group. Sometimes it is said that no suitable person is available. So innumerable kinds of obstacles are created in the way of Mussalmans having occasions to have their say. I think there should be an end of all these things. The world is not so foolish as to be guided by such pretexts. These lame excuses have been too often given and we are sick of them. I think the time has come when the authorities should consider the position of the Muslims so far as their representation in the Delhi University is concerned. If the Honourable Member in charge of the Bill had any difficulty in putting it in black and white in the statute, then he could have at least given an assurance that henceforth one of the two Proctors will be a Muslim. If he had said that, I would have thought that he had changed in his attitude. He says that it does not look well that

[Maulvi Muhammad Abdul Ghani.]

these things should go on the statute, but at the same time no kind of assurance or promise is given that one of the Proctors will be a Muslim. With these few words I support the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I want to say a word or two about this amendment. The position at present is this. A complaint is made on this side that the Government is determined to oppose all the amendments which are communal amendments. I admire that attitude of the Government and I also say that that attitude of the Government is very reasonable and the views of our Party are the same. What I am submitting is this. After trying to Muhammadanise the teachers, the professors and the selection committees and other institutions of the University, the Muslim League Group have now come to the Proctor also to be Muhammadanised. The explanation given by the Government may be sound. The Principal of each college is asked to come by turns and a very significant fact is that the Government is always leaning on the side of the Muhammadans. There is no doubt about it. Their mind is working that way. They say that they offered the post to a Muhammadan Clerk in Arabic College this time. Why should they say that. They should say that they offered it to one of the Principals by turns. Why should they particularly emphasize that it was offered to an Arabic Muhammadan College. They want to show to them that in their mind of minds they want to placate them. If that College Principal has refused, then they will have to thank themselves. My friend Mr. Abdul Ghani said just now, that he is sick of hearing what the Government say every now and then in refusing their demands. We are also sick of continuing the discussion. Government is going to oppose all the amendments that are communal; therefore the Muslim Party should take a lesson and curtail the discussion, so that we may go home earlier.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): In his great anxiety to oppose every amendment moved from these Benches, may I remind the Honourable Member in charge that he has forgotten to tell us anything in support of the proposal that has been put before the House. Syed Ghulam Bhik Nairang's amendment says that one of the Proctors should be invariably a Muslim but Mr. Tyson never told us anything as to why he wants two Proctors. The gist of his speech was that he was satisfied with the existing arrangements. In that case, he should have explained to the House why he wants to disturb that arrangement and why does he want two Proctors now.

Mr. J. D. Tyson: The amendment proposed is that one of the Proctors should be a Muslim.

Mr. H. A. Sathar H. Essak Sait: You said that you were satisfied with the existing arrangements, that there is one Proctor and that has given complete satisfaction. By rotation we could have every college to nominate a Proctor. If it is by rotation, each college can nominate one Proctor. How can he arrange this with two Proctors. He must give this information to us before he hopes to get the support of the House for his proposal.

I have been observing that the Government entrenched as it is behind the great number of votes they have at their command are becoming less and less careful about satisfying this House with regard to their proposals and this attitude is now being carried to great extremes. I would respectfully submit to you that in regard to what happened this morning it is necessary that the Government should be careful to satisfy this House that their proposals are necessary and they are reasonable.

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

"That in clause 16 of the Bill, in clause (i) of Statute 16 in the proposed Schedule after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted :

'17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims."

Sir, although the wording of my amendment is by itself very clear I may explain a little in order to make myself clearer. This is an advisory board which we want to have in this University and this is to consist of Muslim members who are to be elected by the Muslim members of the Court. From the very wording of the proposal, it is not necessary that the members of this Board should be elected by the Muslim Members of the Court from among themselves. They can elect from a wider circle. That Board is to be an advisory board, without rousing any suspicion that it is to have any kind of power beyond the right to advise. Under clause (8) that advice is to take the form of their addressing the authorities of the University or the officers of the University about matters affecting the educational interests of the Muslims. Finding ourselves extremely meagrely represented on the several bodies constituted for the working of the Delhi University and apprehending very rightly that the educational interests of the Muslims will not be brought to the notice of the authorities of the University in an affective way, we seek to constitute this Board, so that there may be a means of making the voice of Muslims concerning their educational welfare and their educational interest reach the ears of the authorities, whatever may happen to it thereafter. It is the characteristic of advisory bodies that their function is merely advisory. Their advice very often turns out eventually to be a mere pious wish. It carries no binding force and will merely open the ears of the authorities of the University to the voice of Mussalmans concerning their educational interests and will be a means of ensuring to a certain extent at least that those matters come to the knowledge of the authorities. It depends on their will to act upon the advice and to have the good sense to accept it or they may reject it. Of course, they are not in any way bound to accept the advice so offered. Anyhow, there will be a body which will be watching the Muslim educational interests in the University. That would, I think, obviate the necessity of being over-cautious about their interfering with the management of affairs or with the conduct of the administrative work of the University. Any apprehension of that kind should be allayed by the fact that they are only to advise and that they are to advise about the educational interests of Mussalmans. I think a body like that, necessary and useful from our point of view, should be most innocuous from the point of view of my Honourable friend Mr. Tyson and even my Honourable friend Mr. Lalchand Navalrai may not get apprehensive that we are, according to his newly coined word 'Muhammadanising' the University by means of amendments like this. I think no harm will be done. In fact, a good deal of good will be done if a body like this is appointed.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted :

'17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims."

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, while the Honourable the Mover of this amendment was speaking I tried to find out from him where was the difference between the interests of Muslim education and the Hindu education, but he did not give way. I am quite at a loss to find out the difference. If the Honourable the Mover of the amendment will kindly explain it, I shall be satisfied.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support the amendment moved by my Party. I would, first of all, try to reply to my Honourable friend Mr. Chattopadhyaya who just said as to what is the difference between the interests of the Muslim education and the interests of the education of non-Muslims. Probably, the Honourable Member does realise that Muslims as a nation have got their own culture, their own traditions and their own history which is so distinct and different from other nations in India. When we say that we want to safeguard the education of the Mussalmans, we mean to say that our youngsters should be given lessons of our own history, of our traditions and also of our religion, which is fundamentally so different from other nations professing different religions. It may be a very special subject for education of Muslims. The other nations also might claim to have the same kind of things. They may also like to know about their own religion, about their own traditions and about their own culture and we will have no quarrel with them, but we must have our own in any case.

Now, Sir, speaking on the amendment itself, I would just refer to the passages in the Calcutta University Commission's report, Volume 5. The Commission thought that the establishment of an Advisory Board for the Mussalmans was very essential. They said:

"We have also urged the establishment of a Muslim Advisory Board 'to advise the University on matters affecting the interests and convictions of Muslim students'."

Not only that, the Commission thought this Advisory Board to be an important body and in paragraph 8 on page 214 they said:

"In designing the Executive Council of the reorganised Calcutta University we have provided that out of 17 members three at least must always be Mussalmans, while our proposed Academic Council is to include 'four representatives with educational experience, two at least of whom should be teachers, to be appointed by the Chancellor after report from the Muslim Advisory Board.'"

That was the recommendation made by the Commission. In this particular Bill I find no safeguard has been provided anywhere and probably the entire opinion of the Commission has been ignored. We think that the very modest demand we can make at this stage is that we should at least have a Muslim Advisory Board which would advise the University and the Executive Council from time to time as to what should be done for the furtherance of the Muslim education. That is a very modest demand which we make at this moment. As I said the other day, when I was speaking

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat what he said before.

Mr. Muhammad Nauman: Sir, we have said before that we are not going to ask for a separate University as yet, but if the present attitude of the Government continues and also of my other so-called nationalist Hindu friends, probably it will not be very long when we may feel compelled to come up with that demand. If things are ignored, if we are refused at every stage, if the safeguards that we think are necessary for ourselves are not conceded to us and if everything that we suggest is rejected, there will be no other alternative left to us except at a later stage to come with that demand. We are anxious to have the co-operation of our Hindu friends, but, at the same time, we cannot sacrifice our culture and the particular kind of education we require. That is why we want that there should be an Advisory Board which will advise on the general aspect of the Muslim education.

Mr. President (The Honourable Sir Abdur Rahim): All that has been said repeatedly before.

Mr. Muhammad Nauman: Sir, I do not suppose that the amendment requires a great deal of elucidation and I hope the Government would realise its importance and accept it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this amendment seeks to establish a Muslim Advisory Board to guard the interests of Muslim education and the members of the Board are to be elected by the Muslim members of the Court. This appears to me to be communalism with a vengeance. Now, Sir, what is Muslim education? In spite of the efforts

made by my Honourable friend Mr. Muhammad Nauman, I have not yet been able to understand in what respects Muslim education differs from Hindu education or Sikh education or Parsi education. Sir, what we should all aim at is education in general. My Honourable friend Mr. Muhammad Nauman observed that there were certain subjects connected with history, religion and culture of Muslims. I admit that. Yesterday, when an amendment was moved by an Honourable Member belonging to the Muslim League Party, I said that I would support that amendment, if only the members were, instead of being nominated by the Chancellor, to be co-opted by the Academic Council. I did not actually support because my proposal was not accepted either by the Muslim League Party or by the Government. Sir, I do think that there are certain subjects in which the Muslim community is interested,—such as Arabic, Persian and so forth. Similarly, there are certain other subjects in which the Hindu community is interested, ancient history, Sanskrit, Pali and so forth. It is my considered view that proper arrangements should be made for the study of these subjects in the University. But for that purpose, a separate Board should not be created. That is quite unnecessary. As for the students who take up these subjects, my Honourable friend Dr. Sir Zia Uddin Ahmad, who is not here just now, told us yesterday that there were very few students who were in favour of Arabic, Persian and Urdu. As a matter of fact, modern education is what most students want. If one or two per cent. of the Muslim students want to be trained in subjects like Arabic, Persian Urdu or Islamic history, proper arrangements can be made by the University without having a separate Board of Education.

Sir, I oppose the amendment.

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, I admire the ingenuity with which many of the amendments we have been discussing have been framed and I also admire the persistent eloquence with which they have been advocated. But, I must admit that after the decision we reached in regard to amendment No. 32, which as my Honourable friend Dr. Banerjee pointed out, has added to the Academic Council, persons capable of advising in regard to subjects of Islamic culture and learning, I thought that we had gone almost the whole way to satisfy the principle behind this present amendment. Although I have been charged, I may say, with not having been long enough in this country to appreciate the educational aspirations of the Muslim community, I think I do appreciate that there are certain subjects of special interest to that community. There are also subjects of special interest to other communities, whether major or minor communities. There are subjects, probably of special interest to my own co-religionists and I should like to see every possible safeguard in any educational institution that these subjects will receive proper consideration. But, Sir, I hope that that has in fact been done. Therefore, it seems unnecessary to set up a special body in relation to one community. This moreover would I think in fairness involve the setting up of similar Advisory bodies in regard to other communities to advise in regard to educational questions. I am hoping that in the reorganised University, with increased support from the minority communities, the minority communities will gain that weight in the councils of the University which will ensure such treatment of their students as will satisfy them. Other Honourable Members of this House, I know, hold the opinion that probably under the new system things may be or will be worse than they were under the old. That is a *bona fide* difference of opinion which I am perfectly prepared to accept, although I shall continue to back up my own opinion until it is proved by facts to be wrong. But, Sir, I would point out that if my Honourable friends are right and I am wrong, an Advisory Committee of the kind proposed by this amendment will not in any case serve the purpose which they have in mind. For that reason I regret that we are unable to accept this amendment.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Mr. President, I have heard the point of view of the Government in opposing this amendment and also the point of view of my Honourable friends of the Nationalist Party. In view of the fact that the Government have admitted during the course of the Debate on this Bill that many an injustice has been

[Qazi Muhammad Ahmad Kazmi.]

done to the Muslim interests under the present administration of the Delhi University, it was only fit that Government ought to have proposed a machinery by which at least they would be able to watch in future the interest of Muslims and the interests of minorities.

So far as I can understand most of the objections that have been raised against this amendment merely involve a play of words and not understanding the real purport of the amendment. No doubt the words 'interest of Muslim education' are not very happy. But if we read it as the 'interests of Muslims in education', I think the meaning would be the same, and it would not be subject to the criticism which has been brought forward as to Muslim education and others. It is not a question of Muslim education or Hindu education, but of the interests of the communities. We have been hearing that the interests that have been suffering are Muslim interests in education. If we were to consider the last part of this amendment (c), we find that they say that the Board shall have the right to address any authority or any officer of the University on matters affecting educational interests of Muslims. Then if the interests of Muslims in education are affected, they are to be helped by this Advisory Body. But it seems to me that if we introduce the word 'Muslim' in any amendment, it becomes a communal amendment. If that be the accepted principle, then I have nothing more to say. I would have to say that this is absolutely a communal amendment. But if we agree or if we think the matter more seriously, then we will find that if the question of safeguarding the interests of the community in the University is a valid object with which Government agree, then this body which is proposed in the amendment and which is only an extraneous body cannot be objected to. This body is not connected with the University. What is intended is that a body of independent persons belonging to the Muslim community which are nominated or elected by the Muslim Members of the Court should be appointed to look to the interests of the Muslim community in the University. And if necessary they should communicate or negotiate with the university authorities and bring to their notice the complaints that the Muslims have got. The body contemplated by the present amendment is not intended in any way to be a part of the Executive Council or Court or any other active body of the university itself. It will be an absolutely outside body.

We are today criticising the university and any Muslim can take up the cause of Muslims in this university, but that does not mean that he is a part of the Delhi University. The intention to take away communalism from the Delhi University is not defeated by the creation of such a body. I request the House to consider this matter seriously. Now that all amendments regarding the representation of Muslims have been overruled or opposed by Government and rejected, this amendment has been put forward so that while this body will have nothing to do with the constitution of the university itself it would be a committee which will look to the interests of Muslims inside the university and have the privilege of communicating its views to the university authorities. Therefore it is an entirely outside body and

Dr. P. N. Banerjee: No, that is wrong. This body is to be elected by the Muslim members of the Court. If it consists of Muslim gentlemen who take an interest in Muslim students and occasionally address the university authorities there would be no objection, you can constitute such a body outside the university. But the Board in this amendment is a part and parcel of the university itself and that is where the objection comes in.

Qazi Muhammad Ahmad Kazmi: With regard to that I and Dr. Banerjee are on common ground that if it is an outside body elected by outsiders like the Anjuman Islamia or by the Muslim citizens of Delhi, there would be no objection. But if the election is made by Muslim members of the Court I do not see how it becomes part of the university, when there is no power of interference and meddling with the affairs of the university given to this body. Personally I do not see any difference between the two,—election by an outside or public body and election by members of the Court; the thing remains the same. Their powers of interference are not exceeded and therefore there will

be no communalism introduced in the citadel of learning, as has been so often claimed in this House. If a body elected by the Muslim citizens of Delhi to safeguard the interests of Muslims or act as their watch-dog cannot be characterised as introducing communalism in the university, I do not see how it would introduce communalism if this body is elected by the Muslim members of the Court. From this point of view, Sir, I support this amendment which I consider to be absolutely innocuous and harmless and should be accepted by Government after this full exposition by the leader of the Nationalist Party.

Nawabzada Muhammad Liaquat Ali Khan: (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, my Honourable friends Mr. Chattopadhyaya and Dr. Banerjea have asked us how the interests of Muslims in matters educational differ from the interests of others. For the last few days we have been doing nothing but discussing this matter, and it reminds me of that story where somebody read the whole of Mulla Jamir's poem of Yusooof-Zuleikha and at the end asked whether Zuleikha was a man or a woman. Sir, we have been doing nothing but discussing this and by facts and figures I have tried to show that the interest of Muslim education has suffered in this university. I must say that I have had many shocks from Government but their opposition to this amendment is the greatest shock that one could get. They have opposed this amendment on the ground, as my Honourable friend Mr. Sargent said, that it will not be right to have a statutory body with regard to the interests of one community; if we do that we will have to have bodies like this in regard to the interests of every other community. Sir, I really wonder if Mr. Sargent has, after having been in this country for so many years, really understood what the situation in India is. There are two major communities,—the Mussalmans and the Hindus. The university of Delhi by the action and unjust attitude of Government has been handed over to the Hindu community, and so there is no question of having another statutory advisory body so far as their interests are concerned. They have got possession of this university and they had it for the last twenty years. It is only the Muslims who have been deliberately kept out by Government and who want that some sort of advisory body should be set up so that its voice might reach the authorities of the university. It is such an innocent amendment that I really thought that no one would have any objection to it. My Honourable friend Dr. Banerjea objects to it on the ground that the members will be elected by the Muslim members of the Court; he would have no objection if they were elected by people other than the Muslim members of the Court. Sir, we had to think of a constituency; you cannot suggest the formation of a board without considering how that board is to be constituted. And we thought that naturally the Muslim members of the Court of the university will be more in the know of things and more interested in the affairs of the university than others, and therefore that constituency will be the best constituency to elect members of this board. I assure him that the object is not that we want to have a sort of statutory body that will usurp any of the functions of the University. To my mind the constituency that has been suggested here is better than any other constituency that one could think of. We could have easily said that the whole of the Muslim adult population of Delhi should elect a board of seven. Perhaps Dr. Banerjea would not have had any objection to that proposition. But I submit, Sir, that anybody that might have been elected by a vote of that kind would not have been very suitable either for the University or for higher education of Muslims. When you want to constitute a body, the electorate must be such which understands the object for which that body is being set up, and which is intimately connected with the affairs of that institution for which that body is set up.

Sir, what is it really that this amendment desires. All that it wants is that there shall be an advisory board of Muslims which will now and again bring to the notice of the University authorities the requirements of Muslim education. My Honourable friend, Mr. Sargent, and other members also, have confined the requirements of Muslim education to the question of teaching of Urdu, Persian and Arabic. Well, although my Honourable friend Mr. Sargent is a great educationalist I beg to differ from him that the object of education is

[Nawabzada Muhammad Liaquat Ali Khan.]
 only to learn certain subjects by means of books. Education covers every field of activity of a person and therefore if these Universities are meant only to impart some book knowledge then, I am afraid, we are wasting all the money that is being spent on these Universities. I will give you one instance of how the interest of Muslim education is different from that of the other community. Last August on the 9th when the Congress leaders were arrested, there were Hartals here in Delhi for many days in all the colleges except the Anglo Arabic college. That was the only college that functioned during those troublous times. The Muslim students who are studying in these other colleges came to me and said: "We want to continue our studies, we do not want to join this Hartal. We have no sympathy with this but our teachers in the other colleges do not give us any opportunity to carry on with our studies." This is one of the matters where the question of Muslim education differs from that of the education of Hindu boys. The Hindu boys have made active politics as a part of their education. The Muslim boys have not yet made active politics as a part of their education.

Dr. P. N. Banerjee: Does the University recognize that as a part of the education?

Nawabzada Muhammad Liaquat Ali Khan: Whether the University recognizes it or whether the University does not recognize it, the fact is that all the trouble that was created in Delhi at that time was created by the Hindu students alone, and it were the Hindu colleges that were closed during that period. I want to know, if the University does not recognize, if the University condemns this action, what action has the University taken against those colleges or those students. The University cannot take any action because the University is dominated by the Hindu community.

Sir, I told these boys "Look here, you have got a Muslim college, but if you go and join other institutions I cannot help you." Their reply was very pertinent: "We do not want to go and join those other institutions but we have to because the University has not recognized your college to give higher teaching in certain subjects and when we want to take up those subjects we have to go to those other institutions." And, Sir, we were not given recognition in these subjects because of the fact that we had no voice in the University. So I want to show to this Honourable House and bring it home to the Government who seem to be sitting in their offices and do not know that there are any difficulties. Those of us who are in direct touch with the education in Delhi do face these difficulties, and that is why in the beginning we demanded that we should have an effective voice in the affairs of the University. We have been denied that. Now we come forward with a proposal which does not usurp any of the powers or authority of the University. All that it seeks to demand is that the University authorities will not throw away any communication that may be sent by this board in the waste paper basket. It really does not demand anything more and if the object of the Government is really to look after the interests of one community only and in spite of their pious wishes to ignore the interests of the other communities who unfortunately happen to be in a minority, then I could understand their objection to a proposal of this kind. But I really fail to see why the Government should object to the constitution of a Board of this nature. It is not unacademic. My Honourable friend, Mr. Nauman, has quoted from the report of a committee which certainly consisted of educationalists who were in no way inferior to the educationalists who are advising the Government of India today. They were not all fools. They were not the people who did not know what are the requirements in matters of education and whether Hindu education is different to Muslim education. They had studied the situation very carefully and they made this recommendation definitely. It is not that we have thought of something quite ingenious. We have taken it from the report of a commission which was appointed for the purpose of educational advancement and on which were members who were considered as the greatest educationalists that one could get hold of. So, I really fail to see why the Government are opposing and if that is their attitude, let me tell

them quite frankly that we do not care a— I won't use the word 'damn' although I feel inclined to use it—bit whether you accept it or not. You are not going to be here for ever. We are going to be here for ever and we shall get it and we are determined to get it in spite of your unsympathetic and unjust attitude that you have been adopting with regard to Muslim education. By talking tall of nationalism and not introducing communalism you are really being responsible for doing the greatest injury to the Mussalmans of Delhi.

An Honourable Member: The question may now be put.

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

"That the question be put."

The motion was adopted.

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

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted:

17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer, of the University on matters affecting the educational interests of Muslims."

The Assembly divided:

AYES—15.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shamsul-Ulema.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam; Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—39.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurunath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya, Mr. Amarendra Nath.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Sir George Spence: I move:

"That in clause 16 of the Bill, in clause (2) of Statute 17 in the proposed new Schedule for the word 'six' the words 'the following' be substituted."

Sir, the point of this amendment is that there is one possible contingency in which the Committee of Selection will have only five members. If Honourable Members will look at the first pair of clauses numbered (v) and (vi), they will see that where the appointment or recognition of a Professor is in question, the sixth member is to be the Dean of the Faculty concerned unless he is himself a candidate. If he is a candidate he won't be on the Committee and nobody else will take his place and there will be only five members. Sir, I move.

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

"That in clause 16 of the Bill, in clause (2) of Statute 17 in the proposed new Schedule for the word 'six' the words 'the following' be substituted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: I want to speak on the amendment. I am going to oppose it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is too late.

Mr. Amarendra Nath Chattopadhyaya: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

This is a very small and reasonable amendment. The Statute says that no person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose. The Committee of Selection consists of six members, but without the Principal of the college where the appointment is made, it is not complete. Here I have proposed that the Principal of the college concerned should be co-opted as an adviser—he is not going to be in the committee itself, but only for the purpose of that particular college whose Principal has to give his advice on the appointment. I believe that the amendment is so reasonable that the Government will accept it and I do not therefore like to take the time of the House further. I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

Mr. J. D. Tyson: Sir, I agree with my Honourable friend the Mover of this amendment that it is a reasonable one. The effect of the proposals in the Bill is to cut out of the Committee of Selection the present provision whereby a representative of the Governing Body of each college is a member of the committee. That in effect meant six principals or representatives of governing bodies attending, and was one of the elements which went to make the Committee of Selection excessively large. That has been cut out and we certainly felt that if we were going to tackle that very large element at all it could only be by cutting the whole lot out. It would obviously have been unfair to put certain colleges on and leave others off. We thought for a time of having colleges in rotation. That, probably, would also not have worked fairly. In this particular amendment that is before us, it is provided that where the question of recognising a college teacher as a teacher of the university comes up, the principal of the college concerned should serve on the committee as an adviser. He is obviously a very competent adviser to speak for a teacher drawn from his own college. I must say that I think that this amendment is a helpful one, and I should be very glad from the Government side to accept it.

Mr. Lalchand Navalrai: Sir, I support this amendment on this ground that it removes my two amendments that will be coming hereafter. Nos. 51 and 53. That will be saving time also. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member would have saved time still more if under the circumstances he did not speak on this amendment at all.

Mr. Lalchand Navalrai: I am not going to make my usual speech. I shall say only a few words. I only say that this will satisfy that when the Principal is there the interests of the professors will be safeguarded. I think this amendment is a very salutary one.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following Proviso be added:

'Provided that the Principal of the College concerned shall serve as an Adviser on the Committee of Selection'."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule, the following proviso be added.

'Provided that at least two members of the Committee of Selection shall be Muslims'."

The attitude of the Official Benches towards this and other amendments moved from this side of the House to safeguard in any way the interests of the Muslims has now become quite transparent and it has not created any hope for any good from those quarters to encourage us to move these amendments. Their attitude is, to say the least and to put it very mildly, deplorable. But we have also now decided to go on with our amendments and to expose the rotten system that prevails in the Delhi University and also to expose the quarters from which the Delhi University receives encouragement in doing its work in the way in which it has been doing for the last twenty years. We have been time and again been treated to professions of very tender regard, almost paternal regard, for the interests of all communities, and the meticulous care that is always taken of the interests of all concerned in institutions like the University; but we find that all those professions are, when seen in the light of what happens in practice, entirely hypocritical. Most reasonable proposals, most inoffensive proposals, proposals not likely to confer any power on any body that can be called communalistic, are opposed; and of course when one wants to oppose a thing, reasons and arguments can be found. There is such a vast armoury of arguments and reasons at the disposal of the Official Benches; they can take out a few of them and trot them out as reasons in support of their attitude. Now, look at the proposal to have a Muslim Advisory Board. It was completely demonstrated that that would be absolutely an inoffensive body and it would do nothing better and nothing worse. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go back and reflect on a decision already taken.

Syed Ghulam Bhik Nairang: I give it only as an instance of the way in which Government. . . .

Mr. President (The Honourable Sir Abdur Rahim): It happened just now; it is not permissible to go back to it.

Syed Ghulam Bhik Nairang: Anyhow, Sir, I cited it simply as an instance of even the most innocent thing being rejected.

Mr. President (The Honourable Sir Abdur Rahim): In this way you could go on citing while discussing every new amendment, every other amendment which has been dealt with already.

Syed Ghulam Bhik Nairang: You know that this Selection Committee is one of the most important bodies. The University Statute lays it down that no person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection constituted for the purpose. So unless this hurdle is crossed, nobody can hope to be either appointed or recognised as a teacher of the University. Then the composition of the Selection Committee is detailed in clause 2, which is as follows:

- "(i) The Vice-Chancellor,
 - (ii) the Educational Adviser to the Government of India,
 - (iii) a person elected by the Academic Council, who need not be a member of the Academic Council but shall be a person unconnected with any of the Colleges,
 - (iv) a person nominated by the Chancellor, and where the appointment or recognition of a Professor is in question,
 - (v) a person, not connected with the University or any College, with expert knowledge of the subject concerned, appointed by the Executive Council, and
 - (vi) the Dean of the Faculty concerned unless he is himself a candidate;
- where the appointment or recognition of a Reader is in question :
- (v) a person, not connected with the University or any college, with expert knowledge of the subject concerned, appointed by the Executive Council, and
 - (vi) the head of the Department concerned;
- where the appointment or recognition of a teacher other than a Professor or Reader is in question :
- (v) a person not connected with the University or any College, appointed by the Executive Council, and
 - (vi) the head of the Department concerned."

[Syed Ghulam Bhik Nairang.]

And now, a very useful proviso has been added, viz., that the Principal of the college concerned shall serve as an Adviser on the Committee of Selection. This we heartily welcome.

If things are allowed to proceed as they have been proceeding, and looking at the composition of the Delhi University as at present obtaining, we cannot hope, Sir, that the cases of Muslim candidates for appointment or recognition as teachers in the University will receive any but the unsympathetic treatment which they have been receiving so far. Therefore, we seek to add this proviso that two members of this Committee at least shall be Muslims. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule the following Proviso be added:

'Provided that at least two members of the Committee of Selection shall be Muslims.'

Mr. J. D. Tyson: Sir, the Committee of Selection envisaged in the Schedule before the House will consist of six persons—five in one contingency into which I need not enter here. There are in fact three Committees of Selection envisaged: a Committee of Selection where a Professor is to be appointed or recognised; a Committee of Selection where a Reader has to be appointed or recognised; and a Committee of Selection where a teacher other than a Professor or a Reader has to be appointed or recognised. Now, the amendment before us seeks to provide that of the six persons two shall be Muslims. I do not think it is possible to lay it down effectively in the Statute. The first member of the Committee common to all the three kinds of Committees is the Vice Chancellor and I cannot guarantee that he would be a Muslim. The next is the Educational Adviser. He is common to the three and there again the same applies.

Dr. P. N. Banerjee: Both of them may or may not be Muslims.

Mr. J. D. Tyson: Yes. The third is a person selected by the Academic Council, not necessarily from its own body, and unconnected with any College. We cannot lay it down that he will be a Muslim. Let us leave the fourth one for the moment, who is a person nominated by the Chancellor. The fifth is an expert not connected with the University and appointed by the Executive Council. In one case he is not required to be an expert, but simply a person from outside appointed by the Executive Council. There again it cannot be assumed that he would be a Muslim. The last is in one case the Dean of the Faculty, unless he is a candidate for the professorship: in the other cases it is the head of the Department concerned. He is there *ex-officio* and it cannot be assumed that he will be a Muslim. Therefore there is no opening there whereby it can be laid down that this one must be a Muslim: and the only one that remains is the nominee of the Chancellor. The Chancellor's nomination would normally be made when he saw what the Committee of Selection looked like after the other appointing bodies had made their selection and would be used to fill any obvious lacuna. It might be used to fill a lacuna as regards communities, but one could not bind the Chancellor to that view, for it might be necessary for him to fill some academic lacuna. I think, therefore, that on the basis of a Selection Committee of six, it really is not practicable to lay down that two of them shall be Muslims. That is an objection of what I might call machinery. Of course, there is the objection that the primary object of this Statute is to secure the best possible Committee of Selection bearing in mind the subject in which the appointment or recognition is to take place, and I think that from that point of view a proviso such as envisaged by this amendment is quite out of place.

As regards recognition, we have, in the amendment just accepted, tried to ensure that where a teacher from a certain College is under consideration for recognition, the Principal of that College will be present and able to give his opinion. But I am afraid we cannot go further. We cannot accept an

amendment which seeks to lay down that two of this Committee of six must be Muslims.

Maulvi Muhammad Abdul Ghani: I find Sir, that this Committee of Selection is all in all and is very powerful and it can do or undo anything it likes. Here in clause 3 it says that the Committee of Selection appointed under sub-clause (1) shall report to the Executive Council which shall, if it accepts the recommendation of the Committee, make the appointment or confirm the recognition as the case may be. So it lies entirely in the power of the Executive Council. The recommendation of the Committee of Selection will go to the Executive Council. Now you know that we lost our amendment regarding the safeguards in the Executive Council which we wanted to have to protect the interests of Muslim students. So practically speaking, all our doors are going to be closed; some on the plea that it does not suit the Government; some on the plea that a smell of communalism comes in; and some on the plea that it is not advisable. So, on innumerable pleas, some of which have been expressed and some are unexpressed, our demands are going to be opposed. However we are not discouraged and we shall continue to do what we think is just and proper in the interests of education in general and Muslim education in particular.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that very often. He must confine himself to the amendment.

Maulvi Muhammad Abdul Ghani: All these matters should be left to the chosen representatives of the people. That procedure is not up to now cared for. We have to face these difficulties, so much so that even persons who are nominated to protect the interests of minority communities are not allowed to vote on this side or the side they like. So, they also cannot exercise their votes freely. What was the necessity of nominating these persons, if they cannot safeguard the interests of the community to which they belong. I want to know whether there has been any decision or not in regard to asking the members concerned, belonging to a particular community, to exercise their vote freely. In case there is any silence or any refusal to reply, we could be compelled to take it that their votes are given only under compulsion.

Mr. Muhammad Nauman: The Government representative explained away Governments position by saying that there are difficulties in accepting the amendment. They do not want to bind the hands of the Chancellor in the matter of nomination or place restrictions on Academic Council or the Executive Council, the three authorities who will make nomination on this committee but the Government is not shy of flouting the opinion of this House and seeing that they pin down the Muslims to a position in which it will be impossible for Muslims to get into this committee. What harm could there be if it was put down in the Statute that two of the members would be Muslims. In that case the members of the Academic Council would have the full liberty of making the best selection from amongst the Mussalmans only; unless the Government is prepared to tell us that there is no possibility of getting a Mussalman deserving of that position, I do not suppose that there can be any reason to advocate the position which the Government has taken in this connection. When the Government is convinced at this stage at least that Muslim representatives do feel that they have been definitely put in a position where they will have no representation, was it not necessary to put it down in the statute that the Chancellor uses his discretion in making the selection from among the 100 millions of Mussalmans only. It is not the case of a very small community where the selection would be difficult and the Chancellor would not be able to get the right type of person. With these remarks I would again ask the Government to revise their attitude and respect the views that we are placing before them and to respect the feelings of the nation whom we represent and which we are voicing in this House. With these words, I support the amendment.

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

"That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule the following Proviso be added:

'Provided that at least two members of the Committee of Selection shall be Muslims.'

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (3) of Statute 18 in the proposed Schedule, all the words beginning with the words 'A person in the service of' and ending with the words 'in the service of the College' be omitted."

It appears that the teachers of the University are classified into Professors, Readers and Lecturers. There are stipendiary professors and teachers and also honorary but we do not understand what is meant by a teacher other than a Professor, Reader or Lecturer and unless it is made clear what kind of a teacher remains outside the categories of Professor, Reader or Lecturer and this provision becomes intelligible, we think this is a redundancy and should be expunged. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to clause (3) of Statute 18 in the proposed Schedule, all the words beginning with the words 'A person in the service of' and ending with the words 'in the service of the College' be omitted."

Mr. J. P. Sargent: Sir, I will do my best to make this point clear. I

think there has been some misunderstanding as to the intention both of sub-clause (3) of Statute 18 and of the next one. In the first place, it is intended under the reorganised system that nearly all college teachers will be recognised as coming under the category of teachers in the University. Now, it is necessary to make it clear, as it is made clear in the definitions of the Act, that a teacher of the University, whether appointed or recognised, may be a professor, a reader, a lecturer or any other teacher of the University. The University has assistant lecturers and demonstrators in the Science Department and they are teachers of the University. Therefore, there are other persons besides professors, lecturers and readers who are teachers of the University.

Now, Sir, the first part of Statute 18(3) is intended to be a safeguard to the college teacher who is recognised. Under the old system it was customary for the University to recognise college teachers for as short a period as two years. Those Members who have been associated with the recent developments know that it is in order to ensure recognition of an adequate number of college teachers that we have prescribed that in order to be recognised for Government grant a college teacher shall be recognised as a teacher of the University. It is, therefore, quite clear that a college teacher, when being recognised as a teacher of the University, should be assured of a reasonable security of tenure. That is a safeguard to the college teachers when they are recognised as teachers of the University. It means that after recognising a teacher for two years, the University cannot withdraw recognition from that teacher so long as the colleges are satisfied with him or unless clause (4), on which there is another amendment and I must not refer to it, is operative. Clause (4) provides that the Vice Chancellor may recommend, that such a teacher should not any longer be recognised. But this particular clause which we are considering at the moment is to safeguard the college teachers as they are recognised by the University. I do not know whether I have been able to make the position clear, but I think it is a clause which is in the interests of the teachers.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question from the Honourable Member? The teachers are professors, readers and lecturers and the Honourable Member has referred to certain teachers in the Science Department who are either assistant lecturers or demonstrators. But as he is aware, the teaching of science is to be done by the University in future and so the question of their being in the service of a college does not arise. So, this will

not refer to those teachers who do not come under the category of professors, readers or lecturers. I do not know whether I have made my meaning clear to the Honourable Member.

Mr. J. P. Sargent: I quite appreciate the point, but I think it is a desirable safeguard. There is no reason why there should not be assistant lecturers in other subjects who may also be recognised as a teachers of the University. It would not do any harm to have them in if they were assistant lecturers and the university recognised them in that capacity.

Syed Ghulam Bhik Nairang: In the circumstances, Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

Sir, clause (4) of Statute 18 reads as follows:

"The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher:

Provided that the teacher or the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor whose decision shall be final."

By this amendment we seek to do away with this provision and obviate the chances of withdrawal of recognition and consequent appeals to the Chancellor which will only tend to increase the sense of insecurity among the class of teachers recognised. My Honourable friend Mr. Sargent in his remarks about the last amendment said that, among other things, the object of enacting the provision relating to teachers other than professors, readers and lecturers was to inspire in them a sense of security. I say the same sense of security is necessary here also. Once you have recognised a teacher after duly checking his qualifications and giving him a certain status, why provide for a withdrawal? Why create this sense of insecurity in his mind that tomorrow his recognition may be withdrawn? The teachers will not have their heart in their work if this provision is there. I submit that this provision is also a redundancy and therefore this clause should be deleted. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

Mr. J. P. Sargent: Sir, I have always supported any steps to give a reasonable security to teachers both in the colleges and in the University and I have explained that the previous clause was ment to carry out that intention. But it would be essential in the interests of the efficiency that there should be some power left in the Statute by which recognition could be withdrawn from a teacher who had proved himself to be inefficient, otherwise we would presumably guarantee his recognition permanently. This clause provides for steps to be taken for the withdrawal of recognition from a teacher whom the University regards as inefficient. Since the proviso provides a method by which a college and a teacher may represent their views if they should not happen to be in accordance with those of the University, I think sufficient safeguards against injustice are included in this proposal.

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

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (2) of Statute 19 in the proposed Schedule be omitted."

Sir, Statute 19 deals with the recognition of colleges and reads as follows:

"(1) The following colleges, namely:

(a) St. Stephen's College, (b) Hindu College, (c) Ramjas College, (d) Anglo-Arabic College, (e) Commercial College, and (f) Indraprastha Girl's College shall be recognised as colleges of the University, teaching in such subjects as the Executive Council, on the recommendation of the Academic Council, may, from time to time, authorise them to teach.

[Syed Ghulam Bhik Nairang.]

(2) So long as a direction made by the Central Government under the proviso to sub-section (2) of section 36 is in force, the Ramjas Intermediate College shall be recognised as a College of the University in respect of its Intermediate Classes, and shall provide instruction up to the Intermediate standard in the following subjects, namely:

English, History, Mathematics, Economics, Commerce, Geography, Philosophy, Sanskrit, Persian, Hindi and Urdu."

Mr. J. D. Tyson: May I, Sir, intervene for a minute, I do not wish to prevent my Honourable friend from explaining to the House what the House has the right to hear,—the object of his amendment,—but it may enable him to explain more briefly if I say that we are disposed to accept it.

Syed Ghulam Bhik Nairang: I am thankful to my Honourable friend Mr. Tyson for enabling me to cut short my speech. I quite welcome his suggestion.

Sir, this particular College, I understand, has not itself affiliated to the Allahabad University. So this will be an amphibious College affiliated to this University and at the same time to another University. Besides this, we are abolishing by this Act the Intermediate stage of education. Therefore, this College should not find a mention in the Statute. Sir, I move:

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

"That in clause 16 of the Bill, clause (2) of Statute 19 in the proposed Schedule be omitted."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (3) of Statute 19 in the proposed Schedule be omitted."

Sir, on further consideration, I have decided not to proceed with this amendment.

Sir, the next amendment No. 58 has also been tabled under a misconception, rather for want of information as to what 'other teachers' meant. I do not move amendment No. 58 also.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

Sir, I want to reduce the fee for registration from Rs. 5 to Rs. 3.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved.

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

Mr. J. D. Tyson: I did not fully hear the arguments by which my Honourable friend sought to support his amendment.

Nawabzada Muhammad Liaquat Ali Khan: No arguments except the poor economic condition of the people.

Mr. J. D. Tyson: Well, Sir, in this matter of fees, we have not raised them. We have not made any change in the new Statutes. The fees are the same as they were before. I have looked at the fees right through the Universities all over India, but I will not inflict them on the House; they vary in different Universities in scale and system: in some cases, the effect is higher; in some cases, the effect is lower than the Delhi University fees. But I would say this in justification for the existing fees, which were of course fixed by the University,—that they are exactly in line with the fees which the Benares Hindu University and the Aligarh Muslim University levy. These three Universities are Central Universities and I feel, Sir, that we should stick to them as they are and that the amendment should be resisted.

Dr. P. N. Banerjee: Sir, I rise to support this amendment. Most of the students who come from the Secondary stage of Education to the University are very poor. This has been my experience in Calcutta during the last forty years. We find that many of the students find it extremely difficult to meet all the fees that have to be paid at the time of entering the University. They have to approach kind hearted gentlemen and in some cases, I have found that their education is delayed, sometimes for one or two years, if they find it difficult to collect the necessary fees, because registration fee is not the only fee to be paid. The registration fee is Rs. 5, besides there is the admission fee to the College, there is the fee once every three months, they have also to buy books

Mr. J. D. Tyson: May I point out that this is not entrance fee; it is registration fee.

Dr. P. N. Banerjea: I say that when a student desires to enter a university he has to pay registration fee of Rs. 5; besides he has to meet many other expenses. Therefore, I suggest that in the interest of the poor students, it will be desirable to reduce the registration fee from Rs. 5 to 3. It is a very reasonable demand and I hope on this occasion Government will accede to this demand.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I am afraid that my Honourable friend Dr. Banerjea has not quite followed, although he supported the amendment which has been moved, as to what kind of fee is mentioned here. This is registration fee for graduates.

Dr. P. N. Banerjea: I am sorry.

Nawabzada Muhammad Liaquat Ali Khan: His arguments are all right except that he confused a little as to what sort of demand this registration fee referred to. Sir, the point is this. Here a fee has been prescribed, a registration fee of Rs. 5, that is to be paid by the graduates who want to be enrolled as registered graduates. Now, Sir, the market value of a University degree now-a-days is about Rs. 35 or Rs. 40. I think to ask these people that if they want to have their names on the roll of registered graduates, they must pay a fee of Rs. 5, is a bit too high. If the market value of the graduates that are turned out by the Universities was higher then, I think, the University will be entitled to demand a larger fee. I think a sum of Rs. 3 for registration is a very fair fee and I support the amendment that has been moved by my Honourable friend Maulvi Muhammad Abdul Ghani.

It is not only that the market value is low; as a matter of fact hundreds of them cannot get any job whatever. How can you expect these people to find five rupees after you have given them a type of education which only fetches them an income of Rs. 35 or 40. And in most cases they cannot find even such a job. I do not think it is right and therefore a fee of three rupees is quite high enough to keep out undesirable graduates from the register. Sir, I support the amendment.

Mr. Amarendra Nath Chattopadhyaya: Sir, I am not aware what difference it makes between a graduate who is registered and one who is not. Registration is only for voting purposes, and sometimes when graduates cannot pay the fee the candidates who want their votes pay for them. That is a fraud of course. The best thing is to stop this registration of graduates and to give every graduate the vote. But as that is not the amendment now I support the present amendment.

Mr. Muhammad Nauman: Sir, I want to impress on Government that the registration of graduates, only creates a constituency for election to the Executive Council and other bodies. The mere fact of an individual being a graduate should be enough and no initial fee should be demanded for such registration. If it is to be paid at all it should be very nominal, and as this amendment is very simple I request Government to accept it and reduce the amount of Rs. 5 to Rs. 3 only.

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

"That in clause 16 of the Bill, in sub-clause (a) of clause (2) of Statute 22 in the proposed Schedule for the word 'five' the word 'three' be substituted."

The motion was adopted.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

It has just now been decided that for registration a graduate will have to pay an initial fee of three rupees. In addition to that it is sought to enact that he will have to pay an annual fee of two rupees for fifteen years or, twenty rupees if he wants to pay a lump sum. In place of that I propose the annual fee of two rupees for ten years or a compounded fee of fifteen rupees. In these hard days graduates have to exhaust all their resources for getting a degree and that degree also, as we have found, may be withdrawn. After getting his

[Maulvi Muhammad Abdul Ghani.]

degree the poor man in order to exercise his vote has to pay another penalty. I submit that considering the condition of the country and the financial resources of these men the fee should be lowered and should be very nominal. I should have proposed an even lower figure but being afraid of the attitude of the Treasury Benches I have suggested this modest amendment which there should be no difficulty in accepting. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

Mr. J. D. Tyson: Sir, as a sporting speculation in finance I am prepared not to resist this amendment.

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

"That in clause 16 of the Bill, in sub-clause (b) of clause (2) of Statute 22 in the proposed Schedule for the word 'fifteen' the word 'ten' and for the word 'twenty' the word 'fifteen' respectively be substituted."

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

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

Syed Ghulam Bhek Nairang: Sir, I move:

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

If you turn to Statute 23, you will find:

"Except as provided in the Act, the Vice-Chancellor shall hold office for a period of two years."

I would like to make it 4 years. I think the reasons for desiring a term of four years to be provided for for the Vice-Chancellor are quite obvious. Unless the Vice-Chancellor has been re-appointed a second or a third time after completing his first term he will not have any experience of the machinery of the university or its needs and requirements, and it will take him a good many months, possibly a year, to understand how he is situated and how the University has been so far run and how it should be run in the future. To give him only two years as the term of his office is, I think, to allow him too little time to do any work worth the name. With the consciousness that he is to serve for a term of two years only and may thereafter not be re-appointed, I think he will not be able to throw his heart into the work. It will be conducive to efficient work by a Vice Chancellor if the term of two years is extended to four years. I think the matter is so simple that I need hardly make any long speech on it. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

Mr. J. D. Tyson: Sir, the tables are now turned and I find myself arguing for the shorter term against my Honourable friend who previously was arguing for the shorter term against me.

The existing provision and the existing arrangement is that the Vice Chancellor shall serve for two years and be eligible for re-election. I believe—I won't say tradition—but the practice has been that a second term is enjoyed. We have no objection to that. We, in fact, see advantages in it. But when we were amending the Act to provide for a whole-time and probably paid Vice Chancellor, we felt that to let the existing term of office remain would preclude the University from getting a suitable candidate. A person who is going to take up a whole-time post has obviously got to give up all his other activities. We felt that; and I remember the matter went to a division: we had to divide the House in favour of the term of four years as against even three, for we felt that four years was the minimum that we should hold out in order to get a suitable candidate to give up all that he was doing and come and be Vice-Chancellor. But that does not apply at all to a part-time Vice Chancellor: and when it is

remembered that he can be re-elected and generally is, we see no reason for altering the present provision and, in fact, we should on this side prefer to retain it. Sir, I oppose the amendment.

Dr. P. N. Banerjee: Sir, I rise to oppose this amendment. Only the other day when the Government sought to fix the term of appointment of the paid Vice Chancellor at four years we, on this side of the House, asked for reduction in the period and we did succeed in reducing the term from four to three years.

Nawabzada Muhammad Liaquat Ali Khan: No, we did not succeed.

Mr. J. D. Tyson: Only the pay was reduced.

Dr. P. N. Banerjee: I stand corrected; I had a mistaken impression in my mind.

It is urged now that the period should be raised from two to four years for the honorary Vice Chancellor. I do not know whether it is the intention of my Honourable friend to pay the Government back in their own coin. Because they did not agree to reduce the term of office of the paid Vice Chancellor from four to three years, my Honourable friend suggests that the term of office of the honorary Vice Chancellor should be extended from two to four years. I do not think that this is desirable. So far as an honorary Vice Chancellor is concerned, he may be able to give his services for two years at a time, but it is possible that he may be unable to give four years' time; he may, if he be a very busy man, find it difficult to accept an appointment for four years and be tied down for a long period.

Syed Ghulam Bhik Nairang: It would be open to him to resign.

Dr. P. N. Banerjee: Yes, it would be open to him to resign, but when a conscientious person takes upon himself the duties of the head of the University, he would feel very reluctant, in spite of his inconveniences, to relinquish that appointment.

Besides, Sir, if an honorary Vice Chancellor is unable to give satisfaction to all the parties and the interests concerned in the University, it would be better that his term of office should come to an end after two years instead of waiting for another two years.

Then, Sir, I think it is known to all persons on this side of the House as well as on the other side that wherever there is a system of honorary Vice Chancellorship—I should not perhaps say 'wherever', but in most of such Universities—the term of office is fixed at two years. In Calcutta that is the system. In Calcutta we have not had any difficulty with regard to this term of office. We have in our midst an *ex-Vice-Chancellor* of the Calcutta University who was first appointed for two years and then he was reappointed for another period of two years. Similarly, Sir, in most of the other Universities no difficulty has been experienced. Further, as my Honourable friend, Mr. Tyson, has pointed out, the system has worked well in the Delhi University and I do not see what is the reason for lengthening the term of office.

Sir, in the case of a paid Vice Chancellor, it may be necessary to give him fixity of tenure for a longer term, but that does not apply to the case of an honorary Vice Chancellor. The honorary Vice Chancellor comes of his own accord and renders service to the University without accepting any remuneration and without hope of any reward. Therefore, considering the question from all points of view, it does not seem to me to be right to extend the term to four years. If any difficulty arises in the Delhi University in future, there will be time to amend the Act. But at the present moment, it has not been said by anybody that any difficulty has been experienced in this University. I would, therefore, stick to the present system instead of changing it.

Nawabzada Muhammad Liaquat Ali Khan: I would like to explain what was our attitude regarding the term of office of the Vice-Chancellor, paid or honorary. We were of the opinion that the term of office of a Vice Chancellor should be three years, and it was with that intention that an amendment was moved when we were discussing the question of the appointment of a paid

[Nawabzada Muhammad Liaquat Ali Khan.]

Vice Chancellor. At that time our intention was that when we came to the Statutes, we would move an amendment if the other amendment was acceptable to the House, fixing the same term as that in the case of a paid Vice Chancellor. But as the House has accepted four years to be the term of office of a paid Vice Chancellor, we thought that to have the same uniformity it would be better if the same term of office was fixed in the case of an Honorary Vice Chancellor also.

My honourable friend, Mr. Tyson, has advanced an argument in support of continuing the present provision that an honorary man can be reappointed for another term of two years after his first term. Well, so could a paid man be. There was nothing to prevent a paid Vice Chancellor being reappointed after the first term of office was over.

Then, Sir, if Honourable Members would look to the past history of this University, they will find that all the Vice-Chancellors who have held office so far have always held it for four years. In the case of the present Vice Chancellor he has been reappointed for a third term of two years. But all the others held office for four years. So, in other words, the University authorities have recognised that a Vice Chancellor in fact cannot be expected to discharge his duties to the satisfaction of the University till he holds that office for at least four years. Dr. Sir Hari Singh Gour was the first Vice Chancellor appointed in 1922. He held office till 1926. After that came Rai Bahadur Dr. Seth Moti Sehgar who held office till 1930. Then came Khan Bahadur Sir Abdul Rahaman who held office till 1934 and Rai Bahadur Ram Kishore who held office till 1938 when the present Vice Chancellor, Sir Maurice Gwyer, was appointed.

So, what I submit is this that from the experience of twenty years it has been found that no person can really discharge his duties as Vice Chancellor satisfactorily unless he holds that office for four years. Now, my Honourable friend says that there is no harm in the case of an Honorary Vice Chancellor; if he is really suitable and a fit person, he can be reappointed. What I submit is this. I think that in the case of an Honorary Vice Chancellor it is more desirable to give him a longer term of office because he depends upon the votes of the members of the Executive Council. Therefore, if this two-year term of office is hanging over his head all the time, he will not be able to work independently and he will continuously have to be pleasing the members of the Executive Council: and we know that the Executive Council constituted as it is now consists of a few officials, a number of teachers of the University, Professors, Readers, and others and the Principals of various Colleges. So, the Vice Chancellor would for his re-election really depend on the votes of those whose interests are directly under the supervision or under the control of the Vice Chancellor. In other words, if a Vice Chancellor or an Honorary Vice Chancellor wanted to carry on some improvements, he cannot hope to do so for the first two years of his office. He can only hope to do so if he is lucky enough to be elected for the next term: and as I have pointed out, the University authorities and the Chancellor (because it is always the Chancellor who makes this appointment) have recognised this fact that for a person to be able to carry out his duties satisfactorily, it is necessary that he must be the Vice Chancellor of the University at least for four years. So our idea in moving this amendment was that, when we have accepted, in the case of a paid Vice Chancellor, that his term of office should be four years, and as it has been the practice in the past right up to today for the last 20 years that no person has been a Vice Chancellor for less than 4 years, it would be better to make a provision that the Honorary Vice Chancellor will also be for four years, so that he may not depend on the votes of those against whom he may have to take certain action. Now, under the present scheme the Vice Chancellor has been given really greater powers than what were enjoyed by the Vice Chancellors in the past, and it is more necessary than ever that he should be given a

more secure tenure of office to be able to discharge his duties satisfactorily and in the best interests of the University. Therefore, Sir, I support the amendment that has been moved by my Honourable friend.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words 'two years' the words 'four years' be substituted."

The Assembly divided:

AYES—10.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Liaquat Ali Khan, Nawabzada Muhammad.

Nairang, Syed Ghulam Bhik.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—37.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Banerjee, Dr. P. N.
Benthall, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Deshmukh, Mr. Govind V.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Ismail Alikhan, Kunwar Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.

Kamaluddin Ahmad, Shams-ul-Ulema.
Lalchand Navalrai, Mr.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural). Sir, I move:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

The sub-clauses which I wish to omit read as follows:

"(i) Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Matriculation examination or an examination recognised by the University as equivalent to the Matriculation examination held in Delhi during a period of five years from the commencement of the Delhi University Act and such further period, as the Central Government may direct, and joins any one of the Colleges of the University either in the Faculty of Arts or Science.

(ii) Tulsanrani Harichand Puranchand Khatri Scholarship of the value of twelve rupees and annas eight per mensem awarded for one year to the best Hindu Khatri student who stands highest in the Faculty of Arts or Science in the Intermediate examination of the University or an examination recognised as equivalent thereto, and joins any one of the Colleges of the University in the Faculty of Arts or Science."

Sir, the Government since last week have been fighting against communalism and trying to show us and to the world that they will give no ground to any communal body, or communal ideals. Many pleas have been put forward by the Honourable Member. One plea was that the University is not a place where any communal body should be allowed or any communal ideals be introduced. Here, Sir, I have just quoted two clauses which are purely communal. The scholarships are to be given only to particular community students. There are other clauses also such as Rai Bahadur Brijmohanlal Sahab Sudhi Memorial scholarship of the value of Rs. 15 per mensem, tenable for two years for training in higher grade electrical engineering, awarded every second year to a Science graduate. Here it does not say 'Hindu graduate'. Then there is the Makhan Lal Gold Medal of the value of Rs. 100 awarded to the best Hindu lady candidate in the University every year. There is another one: Bhola Nath Gold Medal of the value of one hundred rupees awarded every year to the best Hindu candidate in the B. A. examination provided he knows Sanskrit.

[Seth Yusuf Abdoola Haroon.]

Government has been telling us that they will not be a party to any communal thing. On the other hand, members of the Nationalist Party like Mr. Kailash Bihari Lall have been speaking of their dream-land and all that and said they will not stand the communal bogey. Mr. Lalchand Navalrai also threw out a challenge.

Mr. Lalchand Navalrai: If you only understand what I was saying!

Seth Yusuf Abdoola Haroon: I very well understood what you were saying. Whatever pleases you is national and whatever does not please you is communal. So, Sir, that is the reason and our stand regarding these clauses. I trust that Government will appreciate the very arguments which they have been using against us and accept this amendment. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 25 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Mr. J. D. Tyson: Sir, in the first place I would draw attention to the fact that these are not university endowments, which are covered by Statute 25—University Scholarships,—but they are endowed scholarships. In other words, in the early days of the University these gentlemen came forward and offered these scholarships and they were accepted. If such gifts are accepted, under sections 4(8) and 28(b), they must appear in the Statutes. I do not say for a moment that we on the Government side like this sort of thing and I understand that there is a definite move afoot in the University also to refuse scholarships and prizes of this kind in future, which are restricted to one community; but of course there is a history to these things. The Delhi University does not stand alone in accepting them. I do not know whether the House would like me to read them but I happen to have in my hand the calendar of the University of Dacca. In the University of Dacca we have the Nawab Asanulla Scholarship awarded for Muhammadans. (*An Honourable Member:* "You condemned Dacca as communal.") Well, they are in the statutes there. (*Interruption.*) These things have been offered and accepted in the past, whether rightly or wrongly. I think the view of the University now is 'wrongly' but so long as they exist they have got to figure in the Statutes. If the University wants to keep the scholarship at all, it has got to appear in the Statutes.

An Honourable Member: Return them to the donors.

Mr. Lalchand Navalrai: This is an amendment which comes from my brother of Sind but I do not find in him that talent for putting a proper interpretation on it, which I should like to see. He says that we have said that in matters which are not communal we will join him. I still stick to that view but, is this communal or not? The question that arises is this: Is this communal or not? I say 'No'. I should like to give an instance. If he or his revered father had given an endowment to somebody, would he like that to be given to some other man instead of the man to whom they wanted to give it? The reply is quite plain. This is an endowment which takes the form of a gift or a will and when a gift or a will is made, it has to be executed according to the wishes of the man who makes the gift. Here it is given by a particular individual and the money should be given out according to his wish. If you think that the money should not be used then return the money to him. (*An Honourable Member:* "That is what we say".) I say that is wrong. I wish to give some money to one of my sons in preference to the other sons. What then? The money should not be returned to me but should be given to the son to whom I want to give it. The matter is very plain. I am sorry what my friend from Sind has said is distortion. As pointed out by Mr. Tyson, this is not an endowment or scholarship given from the University funds. The University is only a trustee or an executor. Therefore, the University cannot say that the money should go elsewhere. When a Muhammadan makes a gift to a Muhammadan boy, that money should not be given to any one else.

Sir, I think it is very unfortunate that the Muslim League should have given this amendment in the hands of my friend from Sind. I know he has joined the Muslim League but I do not want him to be contaminated so much. He is yet a young man and he should not be misguided and led away by the mere fact that he has joined the Muslim League. In Sind, we know what a sorry spectacle is going on between the Muslim League and the Hindu Mahasabha and we should avoid such a thing. My Honourable friend is an influential man; he is a man of position; he has money and riches and he can have a hand in the making and unmaking of the Ministry in Sind. So, if a man of his position comes forward with such arguments in this House, I do not think I can give him credit for that. He has come here for the first time and he should show his talents and ability which Sind possesses and I would like that and would also help him in that. But in a matter like this when he is interpreting so wrongly, I cannot support him. If he has done now what has been dictated to him by the Muslim League, he will do the same in many other things and he will cut a sorry figure. I sympathise with him but I oppose this amendment.

Maulvi Muhammad Abdul Ghani: Sir, I am glad that this amendment has been brought by the youngest Member of this House. I do not know on what principle the Government is going to accept this thing which is out and out communal. You will find that there is a Khatri scholarship which is to be given only to Khatri students. It is not only confined to the Hindus but to a sub-caste of Hindus. Can it be said that there can be anything more communal than this?

Bhai Parma Nand (West Punjab: Non-Muhammadan): It is not communal.

Maulvi Muhammad Abdul Ghani: Let me explain. I must say that it is not only communal but rather extra-communal. Take the first scholarship. I would have appreciated the generosity of this kind of donor if he had given the scholarship irrespective of caste or creed. The next scholarship is for Science, but that, too, is only to be given to a Hindu student. Sir, it is enough that the attention of the Government has been drawn to these scholarships because the Government has given ample proof that they do not like the idea of communalism. They have in season and out of season opposed all amendments moved by our Party simply on the ground that there was the word 'Muslim' in them. That is taking shelter under the pretext that there is some scent of communalism in them and on that ground they have opposed them and with votes in their pocket they have defeated them. Now, it is our turn to ask the Government to explain their conduct whether they are going to stick to that principle which they have enunciated so many times during the last few days or whether they are going to change their mind and the principle under which they have hitherto taken shelter. I do not think that a man like my Honourable friend Mr. Tyson will come forward and say that he is going to change that principle and going to keep these scholarships simply because they belong to the majority community.

Sir, our ears have been vitiated by hearing the slogan of 'communalism' on every occasion and it is now the turn of those national friends who were always out to plead the cause of nationalism whether they are going to support this amendment or whether they are going to have such a thing on the Statute. It has been said that this is not one of those scholarships which are given by the University but this is an endowed scholarship. It may be so, but, after all, the University has accepted this nauseating principle. If they will show any liking for such a nauseating thing, I will have to conclude that it is due to the influence of the majority community and nothing else. I will only say this that this kind of thing should not be tolerated.

Instances have been given that such a thing is to be found in the Dacca University. I should have thought it a sensible reference if anything of the Dacca University had been taken in the Delhi University. On many occasions we said that such and such thing is to be found in the Dacca University and in

[Maulvi Muhammad Abdul Ghani.]

the Calcutta University, but no notice was taken of it. Even the recommendations of the Calcutta University Commission on which a man like Sir Asutosh Mukherjee was there, were not taken into consideration. I do not think it is sound on the part of the Government to take shelter under these things which they opposed so vehemently only a few minutes before. I hope the Government will come forward with that kind of courage with which they have acted for so many days and support this amendment and thus delete these nauseating things.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, I rise to support the amendment. With due respect to my Honourable friend Mr. Lalchand Navalrai, I will say with whatever little intelligence that I possess. I will not mince matters. It is this sort of policy of blowing hot and cold in the same breath that has landed the nation today into this difficulty. We must now be outspoken, and we must boldly admit the mistakes also. I consider that this is the legacy of the vicious principle followed in the past by the Government, and also followed by our people. If we do not set our face against such things, we cannot then give a true lead to the nation. They will not serve any good purpose. So, we must be frank and we must say, and we must try to solve the difficulties as they present themselves before us. The Government Member said that this is an endowed scholarship and it has nothing to do with the University or with the Government. That is the difficulty. I realise that difficulty, but there must be ways out of this difficulty also. If really the Government mean to keep this measure free from such communal principles, if they mean to stick to the stand that they have taken up till now, they should be frank to confess that this is a communal provision and it should not be allowed to disfigure the Statute book. It is really communal in my opinion. It is really such provisions that lead to complication. It is in the interest of the University itself, it is in the interest of purity of learning which has so often been advocated by Mr. Tyson that I appeal to him to find out a way to get rid of such provisions. He can do it. My Honourable friend pointed out to me that it is an endowed scholarship and there comes the difficulty. Perhaps the person who endowed the scholarship is no more. What is to be done. We cannot go against the wishes of the donor as well. I suggest if there is any representative of the donor, or if there is any trustee administering the trust created by the donor, whoever may be in charge of the trust now, he should be approached and he should be told that according to the policy of the Government or according to the principle and policy now adopted by the University, it is not desirable to have such communal things. The trustee should further be told "either take it back or allow the University to make it non-communal and throw open the scholarship to all without restriction of community". If the trustee takes back the endowment, so much the better. The trustee may create a private trust and comply with the wishes of the donor and give the scholarship to a Khatri Hindu or to whomsoever the donor desired to give in his endowment. If there is no representative of the donor, if there is no trustee of the donor for the administration of this endowment, then the only option left to the Government is to allow the Delhi University to make it non-communal at its own discretion according to its own policy. The Honourable the Leader of the House can certainly devise some means to do it.

The Honourable Sir Sultan Ahmed (Leader of the House): I cannot do it.

Mr. Kailash Bihari Lall: I am not as big a lawyer as the Honourable the Leader of the House, but I can say this much that when the Government outlines a certain policy and wants to adopt it, these legal difficulties cannot stand in their way, because the sacred policy which the Government are going to follow cannot be allowed to be thwarted by such difficulties in their way. Well, Sir, I am told that some communally minded Muslim also may support it. I can quite understand their meaning. Communally minded Muslims will

always support such communal principles. Some communally minded Muslim might make a similar endowment for the Delhi University giving scholarships only to Muslims. They may find a loophole for this. But I submit those who are piloting the Delhi University Bill should not be a party to it, they should not allow such a provision to desecrate the Statute book. That is my honest opinion. Consistent with the policy that the Honourable Member for Government has been pursuing till now, I hope he will see his way to remove this, so that it may not disfigure the Statute book. I have already spoken about this principle in my previous speech. In my first speech, I said that I was opposing some amendments, but that I would support such amendments as are intended to do away with communalism. My Honourable friend ought not to have accused me of being communal. I have already indicated that there are such communal scholarships which I was opposed to. In spite of the fact that it is a painful duty, I stand today to oppose such scholarships. It is really regrettable that I have to differ from the Members of my own Party, such old friends as Mr. Lalchand Navalrai. But I would request my Honourable friend Mr. Lalchand Navalrai to see things in their proper light. Of course the endowment is not going to be thrown away into the ocean. It will remain there. But if the donor wants to take it back and give it to a student of his own choice belonging to his own community, by all means let him do it. But the University should not be a party to such things, it should keep to the sacred principle that has been followed and that will really show our depth of feeling and our genuineness in keeping the temple of learning free from any communal colour. We will be able to stand before the world vindicating our principle of non-communalism. It will do a real service to ourselves, it will do service to the nation. With these words, I appeal to the Government to see their way to remove these communal scholarships.

Mr. J. P. Sargent: Sir, I can say quite frankly that neither in my own country nor in this country have I ever liked these special awards and prizes reserved for particular classes of students, and if I thought that by adopting this amendment, it would mean that these scholarships and prizes would be thrown open to members of all communities in the University of Delhi, then certainly it would have my support. But one has to be practical in these matters. If this amendment were passed, it would simply mean, by the mere passing of it, that nobody would get this money at all. I am inclined to agree very much with the last speaker, in fact we have already to a certain extent anticipated the suggestion made by my Honourable friend that action should be taken to approach the donors, if they are still alive or the trustees, if they still exist or their successors, with a view to getting these scholarships and benefactions enlarged. If the House desires to know the attitude of the University in this matter, I remember at a not very far distant meeting which I attended, that an offer to create another scholarship on these lines was not accepted by the University and was referred back to the donor with a request that restrictions of this kind should not be imposed. I would therefore suggest that the University, if I am right in my description of the wishes and outlook at any rate of the Vice-Chancellor, should be asked to take up the question at a very early date with the donors of these rather ancient bequests, which take us back to the very early days of the University. The University should take up with them the question of enlarging the terms of the benefactions so as to remove the objection which has been voiced this afternoon, and I do hope that in that way money which is not too easy to get in educational matters may be retained for the University under unexceptionable terms.

Qazi Muhammad Ahmad Kasmi: Mr. Deputy President, I am glad that my Honourable friend Babu Kailash Bihari Lall in his last speech said that people who have moved such amendments are not probably communally minded. Probably he had an inkling that I will be opposing this amendment. Therefore the only person communally minded among Muslims that remains in this House happens to be myself, and the only nationalist would be Babu Kailash Bihari Lall. Now coming to the amendment it is of course very easy to say that we

[Qazi Muhammad Ahmad Kazmi.]

would not avail of these scholarships for avoiding communalism. But what do these scholarships denote? They give an inkling into the workings of the minds of the inhabitants of India. Communalism is there. If you want to stop persons from helping their own community you cannot get funds and the sources of money will be stopped. I cannot understand the mentality of the Delhi University in discouraging scholarships of that kind. Helping a part is helping the whole. If Muslims come forward to help their community and help some students of the Delhi colleges they should be given encouragement; if Hindus want to give scholarships to Hindu students they should be encouraged to do that. Do you think that whenever a student enters college he has to take an oath that he ceases to be a Hindu or Muslim or Christian?

Nawabzada Muhammad Liaquat Ali Khan: That is what Government think.

Qazi Muhammad Ahmad Kazmi: I cannot accept that mentality. When you have to work charitable and educational institutions you are perfectly authorised to see that so far as the general funds are concerned they are spent on the whole body and no minority is deprived of its proper share in those funds. But if any particular community wants to help that community you cannot stop that and if you stop it you stop the sources of charity. I know of course that people who want the uplift of their community can go and give donations to the Aligarh Muslim University and the Benares Hindu University. But these cannot command the whole of India. And if a Hindu wants to help Hindus and Muslims want to help their own brethren, why should not the Delhi University accept them? It is easy of course for Government to say that they will stop these two scholarships,—they are small ones,—and the logical consequence of their attitude on the debates we have had on this Bill is that these communal scholarships should be stopped. But they must remember that this is not the only instance in which they can do away with communalism altogether. Instead of trying to stop them they should try to understand the mentality of the people of this country and solve the problem from that point of view. It is no use shutting your eyes to facts. After all blood is thicker than water and people are inclined more to help their own community and their co-religionists than others. You must take advantage of that tendency. If of course people want to serve humanity at large that is a welcome tendency but why should you stop people who want to help their own community? Therefore, Sir, I feel that the retention of this clause is necessary, and on the principle of Muslims wanting representation in the University I press for its retention.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, throughout the debate on this Bill we have tried to impress on Government that Muslims are not given sufficient encouragement and impetus in the matter of education in this University. As a matter of fact they are discouraged and the best evidence of that is the number of scholarships for non-Muslims and some of them reserved for particular castes. And Government have supported these things. There are scholarships not only for members of a particular community but even for members of particular castes. That shows that the Delhi University have been recognising the principle of communalism in some form or other and Government have also committed themselves to this principle. But when we wanted something for the encouragement of Muslim boys we found the Government opposed to us.

Bhai Parma Nand: Why don't you create endowments for Muslim boys? Nobody stops you from doing that.

Sir Muhammad Yamin Khan: I am grateful to my Honourable friend for whom I have great respect and who has been a friend of mine since 1913, for that suggestion. Yes, we can create endowments for Muslim boys, but that will be the same principle on which we have been fighting with Government and they have been opposing us and my Honourable friend Bhai Parma Nand has been supporting Government in this. So the fact is there and has to be recognised that every community wants to help its own members. But Government

must accept and stand on one principle. They must stand either for communalism or for no communalism. If they say there should be no communalism then everything communal should be washed off. But if they accept this kind of scholarships they accept communalism. Here the scholarship is only for a Khatri boy. So if you give scholarships to particular boys only or if it is said that a scholarship meant for a lady should go only to a Hindu lady, then Muslim boys and girls have nothing to look forward to and they are discouraged. If the University accepted these scholarships they should have at the same time opened from their own funds some kind of scholarships which would be open to everybody, so that every boy and girl may have some incentive for hard work and they may know that if they attain the highest position due encouragement will be given in the shape of an award of scholarship or medal—may be silver or gold. Here we see that gold medals are given but Muslim students have no access to that, and even if a Muslim student gets cent. per cent. marks he cannot get that scholarship. This principle having been accepted by the Government, it does not lie in their mouth now to say that they do not want communalism in this University. The Government Members have been telling us for more than a week that they would not encourage communalism. Well, now I am taking them on their words. And I ask them if they were sincere and right in what they have been telling us. But they have been telling us simply because they were opposing us. As my Honourable friend, Nawabzada Liaquat Ali Khan, said the other day, the name of a Muslim acts like a red rag to a bull. Here the Government have discouraged the Muslim students.

Not only have they gone so far in respect of the Delhi University, but they have allowed some shameful acts elsewhere. There are many colleges started by the funds contributed by Hindu public with the express provision that no Muslim shall be admitted there. I can give you the names: There is one Lakshmi Narain Technological Institute in C. P. which was endowed by one Rao Bahadur Lakshmi Narain, who for sometime was a member of the Council of State also, with 50 lakhs of rupees. They have got the same provision of not admitting any Muslim and the Nagpur University shut their eyes to that fact and recognized this institution. If the British Government were so non-communal and nationalistic they should have refused to give recognition to an institution of this kind on the plea that it is a stigma on the fair name of nationalism, and I am sure my Honourable friend, Mr. Kailash Bihari Lall, would have endorsed that at once. He is right when he says that you cannot blow hot and cold in the same breath. You are saying one thing in one case and something totally different in the other. I think the retention of these scholarships—whatever may be the history of these, and whoever may have been the persons—should not be accepted. I can appreciate that those who endowed these were actuated by noble motives and they were great souls who were trying to do something for the benefit of their own community, but it was wrong on the part of the University to have accepted that offer if it were not communal itself. If some charitably-minded people gave some money or endowed some money exclusively for those Khatri students who secured the highest marks in their examinations and awarded them privately, that was all right. There is nothing wrong in it; that was a private business of one community. Let them go on doing it. But here it is provided in the Bill and yet it is limited to a very small section of the Hindu community. I think the Government has not only shown that they were communal, but in accepting the principle of communalism they have gone down further low. If the Government want to keep up their attitude of consistency, the best thing for them would be not to accept these scholarships if those who are giving it are not prepared to throw these open to other communities also.

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

I think these scholarships should go to those students who obtain the highest number of marks, may be Hindu, Muslim, Sikh, Parsi or Depressed Class students. But if the trustees are not agreeable to that, the University should

[Sir Muhammad Yamin Khan.]

say: "No, thank you very much. You are very generous and your ancestors were very generous, but we are sorry we cannot accept this because it is against our policy. You may do what you like outside the University but we cannot have such scholarships brought on to the Statute book and embodied in our laws." This should, I think, be the attitude of the Government. With these few words I support the amendment.

Sir George Spence: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."
The motion was adopted.

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

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (1) of Statute 26 in the proposed Schedule be omitted, and subsequent sub-clauses be re-lettered accordingly."

The Assembly divided:

AYES—14.

Abdul Ghani, Maulvi Muhammad
Abdullah, Mr. H. M.
Choudhury, Mr. Muhammad Hussain.
Essak, Sait, Mr. H. A. Sathar H.
Kailash Bihari Lall, Mr.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi, Syed.

Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.

NOES—32.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Bentham, The Honourable Sir Edward.
Bewoor, Sir Gurnath.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Daga, Seth Sunder Lall.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmad, Shams-ul-Ulema.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lall Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Seth Yusuf Abdoola Haroon: Sir, I move:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Sir, the clauses which I like to omit are:

"(i) M. Makhan Lal Gold Medal of the value of one hundred rupees awarded to the best Hindu lady candidate in the University every year.

(ii) M. Bhola Nath Gold Medal of the value of one hundred rupees awarded every year to the best Hindu candidate in the B.A., examination provided he knows Sanskrit."

In these two clauses you will find that one gold medal is awarded to a Hindu lady and another to a Hindu candidate who knows Sanskrit. My friend Mr. Lalchand says they are not communal. If the donor did not want it to be communal they could have awarded it to any lady candidate of the University, because after all there are very few Muslim ladies in this University. However, the Honourable Member on the Government side has tried to take protection under the Dacca University Manual and said that there were Muslim scholarships in that University. We confess that it is so. But how does that affect the position here? The Honourable Member has refused to take into consideration the same Dacca University calendar when it was quoted by the Deputy Leader of the Muslim League Party. I wish that the Honourable Member had come over with a more frank statement than this. Regarding these clauses he said that there is a history behind it. He also said that it was accepted rightly or wrongly long before and we cannot help it. If you cannot help it now, if you cannot do anything, why not accept our principle also?

When we want some Muslim representation, then he denies. The plea put forward by the Honourable Member is not very convincing to this side. The result of last voting proves that even the European Group remained neutral, because they felt our demand was just and that the Government were not playing the fair game,—I must tell them that this Government has no principle, and will have no principle because they do not represent any electorate. If they had represented any electorate, they would have had to adopt one kind of definite policy; but now they can change their policy as they like. My friend, Mr. Lalchand Navalrai paid a high compliment to me and said a lot about my influence and everything; but he forgets that my policy and ideas are of the League; and if I had not believed in those ideas and not thought them right, I would not have joined the Muslim League Party. Nobody compelled me or forced me; and therefore when I have joined the Muslim League Party, I must adopt the policy of the League. My eyes are more open than my Honourable friend's. I must also tell him the instance he quoted of the Hindu Mahasabha and the Muslim League in Sind—they are co-operating in Sind. A member of the Mahasabha is a minister in the Sind Government. He went as far as Bombay

Mr. Lalchand Navalrai: That has been condemned by the Hindus

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better leave that alone. The question about Hindu Mahasabha and Muslim League ministers does not arise on this.

Seth Yusuf Abdoola Haroon: There are other scholarships also in this such as the Jageshar Nath Goela Medal of the value of Rs. 100. If such scholarships were brought here, we would have accepted as they are not for a particular community. As for the instance quoted by Sir Yamin Khan, I want to inform the Honourable Member that we have now started in Sind a Muslim college, but we have not restricted scholarships which are about 40 to 50 in number, to any particular community. We have left the door open for every community. But here we do not know what the policy of the Government is or will be. It is a mixture. They profess they do not want to be communal but here it is a living example; they have themselves admitted it, but they are obstinate and say "How can we return this scholarship?" Why is it not possible? Do not give them. Keep them. Under these circumstances, I hope and feel that the Government may change their attitude towards my amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

Mr. J. D. Tyson: Sir, I do not know that there is much to be said after the debate that we have already had. We have reached rather an extraordinary position that my friends opposite, if I understand them alright, approve of these scholarships reserved for particular communities but do not like them in my Bill, whereas we on this side do not care much for them but we want to keep them in the Bill. That, I think, is the position. There is this to be said for our point of view, that it was not the Government who accepted these scholarships—or medals, as they are in this case; they were accepted by the University and, having been accepted by the University, the University had to embody them in the statutes, and the statutes being there—not put in by us on this occasion, but being there,—we think we should leave them there, so that the wishes of the original donors may be respected until they or their successors can be persuaded to alter them. That is the position; and my friends opposite, if their community had made such offers to the University, would themselves have figured in the list. It is not really a communal matter in that sense. It is perfectly open to any community, if the University will agree, to endow medals of this kind for its own community; and the fact that medals are reserved for Hindus in this case does not prevent my friends opposite from offering to endow similar medals to be reserved for their own community if they so wish. I think, however, as I said before, that the attitude of the University now is not to accept any more such offers in the future

Sir Muhammad Yamin Khan: How shall we be able to endow, then?

Mr. J. D. Tyson: I do think you will now be able because I am rather hoping that even these existing ones will be eliminated by the University. I do not wish to prolong the debate. I think really almost everything that can be said has been said, but I do not wish to put my friends on their mettle. I oppose.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, for once Messrs. Tyson and Sargent have been caught in their own meshes. For the past many days that this memorable controversy has been going on on the floor of the House, the Government have been lecturing us on the evils of communalism; but out of my friend, Mr. Kailash Bihari Lall's mouth they have been condemned, as rank communalists themselves; and perhaps it was owing to that unexpected attack—*et tu Brute*—thou too, Brutus!—that they had to admit they were communalists and for the future they would take care that such scholarships are not accepted from any donor whatever. I will place one proposition before them to save their faces and to save the face of Mr. Lalchand Navalrai also. My friend, Mr. Navalrai, was attacking my friend, Seth Yusuf Abdoola Haroon

Mr. Lalchand Navalrai: I did not attack him. I was praising him.

Maulana Zafar Ali Khan: You were praising him, but that praise was mixed with a little poison. You admired him for his youth, you admired him for his wealth, you admired him for his influence; but you came on him with a rod on the head of the Muslim League. Let me tell you that the Muslim League's head is very hard. So I shall permit the Government to encourage education by accepting scholarships from donors; certainly they should do that but if they are sincere in their condemnation of communalism, they should attach a condition to their gifts, that the gift of a Hindu should be in favour of a Muslim. Similarly, any scholarship given by a Mussalman in the Delhi University to any one shall be in favour of a non-Muslim. If really Government wants to promote unity between Hindus and Muhammadans, this is the way. Are they prepared to do it? It is all very well to say 'We want Hindu-Muslim unity. At least in one University, which should be a model University, there should be no communalism'. But what steps are you taking towards that end? This is one of the real constructive proposals. Both the Hindus and the Mussalmans will be pleased if you make a rule to that effect.

Mr. J. D. Tyson: Will there be any scholarships?

Sir Muhammad Yamin Khan: I will give one, if you make this rule.

Maulana Zafar Ali Khan: Seth Yusuf will give one. He will endow a scholarship of Rs. 100 to a Hindu who stands first in the University. Is any Hindu prepared to do a similar thing? I think this a subject which is very catching and very interesting. There are other gentlemen who want to speak and so I shall not take up the time of the House any more. I give my heartiest support to Seth Yusuf.

Mr. Kailash Bihari Lall: I again rise to give my support to this amendment but I will make one point clear that so far as the wording is concerned it does not offend against the definition of a Hindu that I have always held. I have said that even the Mussalmans in this country are Hindus. Had the Government accepted my definition of a Hindu, there would have been no objection but the definition here is a 'communal Hindu' and it is in that sense that I am opposing it. If the word 'Hindu' is used in a communal sense, I would say that this provision is disfiguring the statute but if the word 'Hindu' is taken in the sense in which I always use it, for the people of the country of Hindustan, then it does not offend against that and I am afraid my Muslim brethren, in the frame of mind in which they are, are not prepared at present to take my definition. That is my difficulty. Anyhow, this is a thing which will work itself out properly later on and they will also call themselves Hindus. (An Honourable Member: "Change it and say 'Hindustani'".) So, I am opposing the stand of the Government in this matter. I do not agree with the

Government's argument that it is the donors who have given the money and they cannot do anything to go against the wishes of the donors. I want to suggest that the money should be returned to the representatives of the donors or if there is none, to the Official Trustees. There are legal luminaries in the Government of India and they may find out what is to be done. There are many unclaimed sums operated by the Government. In the same way, if the Delhi University says 'It is a dirty thing. We cannot operate it any further and we return it to the Government to take care of it', if that is done, surely Government will find a way. Such properties as are endowed by persons are taken care of by the official trustees. There are official trustees in every province appointed by the Government and the Official Trustees take care of such trusts about which the donor himself does not care or does not make adequate provision. If the property is unclaimed, it is operated by the Official Trustee. If the Government is at all convinced that this is a pernicious principle and this is against the principle adopted by the Government with regard to their future course of action, they should take steps to return the money to any representative of the donor, if there is one. If not, the money should be handed over to the Government and Government must find out some law and operate this endowment according to the wishes of the donor. If the wishes of the donor are to be respected and if that is the difficulty, as I understand it, then the Government may even form a trust and hand over the money to that committee or trust and operate it according to the wishes of the donor but so far as the University is concerned, the action of the Government will be consistent only when they wash their hands off this affair.

My friend Mr. Kazmi argued that this is a very small thing. He was arguing very pitifully, just like an advocate in order to persuade the judge to give a verdict on his side. He said that it is a small scholarship of Rs. 12-8-0 and we should not bother about it. That is not the point. It does not matter if the amount is small or big. Government spends thousands of rupees if there is a defalcation of one pice. They would spend hundreds and thousands of rupees, if there is a defalcation of Rs. 200. The amount is not the question here. The question is one of principle. If the principle is bad, if a bad principle is eating into the vitals of nationhood, if it is disrupting our nationhood, then we should attach as much importance to one pice as to thousands of rupees. If it is argued, as Mr. Kazmi has argued, then a man who swindles say Rs. 15 should be left off by the Government, because it is a small sum. That is the pitiful way in which Mr. Kazmi argued.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that several times.

Mr. Kailash Bihari Lal: Very well, I will not dilate any further on that point. Mr. Kazmi has also said that acts such as this show the state of mind of the people existing in the country and so it is no use doing away with such things. It is a very peculiar argument. If that is the state of mentality of the people, do you adhere to it? Do you like it? Those who believe that they are against these amendments on the ground of the solidarity of the nation, they must also believe that the amendments moved by my Muslim friends give a clue to the mind of my Muslim League friends. It also gives a clue to the mind of the Government. What we should try to do is to change the mind of the people who make such endowments. It does not matter whether the amount is big or small. The purpose of my friend Mr. Kazmi was that it is a clue to the mind that communalism exists. We understand that this is the mind of the people and so we should retain it. This is not the proper argument. Because this is the state of the mind, we have to do away with. These things have done harm and really they provide us with a clue to the mind of the people. So, we should do away with them. But their argument is that because it is a clue to the mind, we should retain it. That is something absurd.

[Mr. Kailash Bihari Lall]

The last thing that I would like to say to the Government is this that they cannot say that there should be one set of laws for the gander and another set of laws for the goose. If they want to set their face against communalism in the Delhi University, they should be plain about it. If there is any legal difficulty at present, we can understand it and Government may allow it to go on as it is. But they should give an assurance to the people that they will find a legal way out of this difficulty. But to say that because there is a legal difficulty and therefore they cannot do it, will not help the Government and their position stands compromised at least so far as this question is concerned. With these words I support the amendment.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Mr. President, Sir, I have been observing silence throughout the debate on the Delhi University Bill but I was closely following it. The debate has resolved itself into this—communalism *versus* nationalism. The Government supported nationalism and the Member in charge assisted by the Educational Commissioner to the Government of India wanted to prove to the House that so far at least as the Delhi University is concerned, they should not give room to communalism. In this connection, I have to congratulate my Honourable friend Mr. Kailash Bihari Lall on his very lucid speech in support of it, but I cannot understand why he had not the courage of voting in favour of it.

Mr. Kailash Bihari Lall: I have voted for it.

Maulvi Syed Murtuza Sahib Bahadur: But our friend Mr. Lalchand Navalrai remained neutral.

Sir, I come from Madras which is well-known for its educational advance. Even there, there is communalism to the highest degree possible. There are no non-Muslim friends from Madras like the Honourable Sir Ramaswami Mudaliar or Rao Bahadur Siva Raj except a few Madrasi officials otherwise they would have supported me in my statements. There is one renowned college there called Pachayappas College. It comes under the category of a very well conducted college throughout the Presidency. Its doors are shut against not only Muslims but also the Christians. They do have European professors who are Christians but they do not admit any Christian students in their college. (*An Honourable Member:* "They do not admit even non-Brahmins.") No, and Sir Ramaswami Mudaliar belongs to the same caste and his absence is keenly felt by me today. We tried our level best to bring round the trustees of that College to admit Muslims and Christians, not to speak of the members of the depressed classes. They are not only depressed there but they are also oppressed there so far as the Madras Presidency is concerned. I am very sorry to say that in that respect the members of the depressed community are being looked down upon much more than in any other part of India. This is particularly the case in Malabar from where our friend Mr. Essak Sait comes. There the members of the depressed community cannot enter the room of a caste Brahmin. That is the kind of communalism and caste-riddenism, if I may so call it, that prevails in some parts of India at least. So, we may go on saying that we do not want this communalism and that we want to do away with it once for all, but how are you going to do that when that infection has taken deep root in their hearts. When such is the case, there is no justification in chalking out one and the same line for Mussalmans and non-Mussalmans. When I speak about Mussalmans I do include Christians and also the members of the depressed community. If that is the case, the Government should see things through and do justice to such minorities as are being treated so contemptuously. It is not only the question where our rights are not being properly safeguarded but it is also a question of rank communalism which we cannot put up with unless the Government comes forward and enacts certain laws to the effect that this thing should be totally eradicated from the whole of India. Only then can the present state of affairs be stopped. With these words, I resume my seat.

An Honourable Member: The question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 16 of the Bill, sub-clauses (i) and (ii) of clause (2) of Statute 26 in the proposed Schedule be omitted and subsequent sub-clauses be re-lettered accordingly."

The motion was negatived.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I just want to raise a point. I am sorry

5 P. M. I was not in my seat this morning when the Honourable the Leader of the House requested you to direct the Assembly to sit tomorrow, a Saturday. I must admit that he informed me yesterday that he was going to make such a request, but I was under the impression that that request would be made at the end of the meeting today. I am very sorry I was not here at that time. Sir, you know that the House does not like to sit on Saturdays and no meetings have been fixed for Saturday till now.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact whenever there is a closed holiday in any particular week, then the House sits on Saturday. It is almost the invariable practice in this House to sit on Saturdays if there is such a holiday. Last Monday was a holiday, and so also next Monday. Except that for particular reasons you did not sit last Saturday. I have invariably been directing the House to sit on Saturdays in the circumstances mentioned.

Nawabzada Muhammad Liaquat Ali Khan: I am only submitting this, that it does not seem to me that we can finish this Bill tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Any particular reason?

Nawabzada Muhammad Liaquat Ali Khan: There are still a number of important amendments.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter.

Nawabzada Muhammad Liaquat Ali Khan: Yes, Sir, but you must have noticed that we have not been taking, on any amendment, time longer than what is absolutely necessary. I am only saying there are a number of important amendments still left to be considered. I consulted Dr. Banerjee and he is also of the view that it would be inconvenient for us to sit tomorrow. But if you insist that we should sit tomorrow, then we will have to.

Mr. President (The Honourable Sir Abdur Rahim): That has been the practice.

Some Honourable Members: Tomorrow does not suit us.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Yesterday, Sir, when the Honourable the Leader of the House asked me about Saturday sitting, I told him that if we were going to finish our business on that day

Mr. President (The Honourable Sir Abdur Rahim): You cannot make a condition like that.

Dr. P. N. Banerjee: I am only narrating what passed between me and the Honourable the Leader of the House. It seems we shall not be able to finish tomorrow our business. I therefore think we should not sit tomorrow. It would not be convenient to us.

Mr. President (The Honourable Sir Abdur Rahim): I have fixed next Saturday in accordance with the usual practice. But for the exception I made last week, it has been the usual practice whenever there is a holiday in a particular week, for the House to sit on a Saturday.

The House is now adjourned till eleven o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 21st August, 1949.