

Monday, 30th August, 1943

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

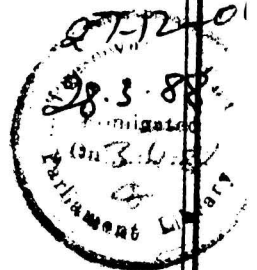
VOLUME II, 1943

(2nd to 31st August, 1943)

FOURTEENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1943



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COUNCIL OF STATE
Monday, 30th August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

QUESTIONS AND ANSWERS.

DEARNESS ALLOWANCE PAID TO INDIAN ESTATE LABOURERS IN CEYLON.

145. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Has Government's attention been drawn to a statement made by Mr. Peri Sundaram to the United Press, in the course of which he says that the basis of the dearness allowance given to Indian labourers in Ceylon "has been altered rather adversely for the last few months!"

(b) Is this allegation correct? If so, what steps have Government taken to remedy this injustice?

THE HONOURABLE MR. G. S. BOZMAN : (a) Yes.

(b) The alteration to which Mr. Peri Sundaram referred is presumably the alteration in the method of calculating the cost of living index upon which the dearness allowance is based. This did result in a decrease in the amount of that allowance in May of this year, though there have again been monthly increases in subsequent months. The method of calculating the cost of living index is a matter on which it is possible to hold different opinions. It is the subject of negotiation with the Government of Ceylon.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the exact method adopted by the Government of Ceylon?

THE HONOURABLE MR. G. S. BOZMAN : It is a very complicated method, Sir. I do not know that I can give it in full, but it takes every item that the labourers usually wish to buy into account. When they changed the basis certain items were left out because they were not obtainable. Other items were shown at lower prices because they were controlled. There is also a difference between up-country, mid-country and low-country estates, so that the actual working of the index is an extremely complicated affair. If the Honourable Member wishes to see the figures that I have, I shall be very glad to show them to him at any time.

PURCHASE OF BENGAL AND NORTH WESTERN RAILWAY AND ROHILKUND AND KUMAON RAILWAY.

146. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :** (a) Is it a fact that when the question of purchasing the B. & N. W. R. and R. & K. R. was considered in 1936 one of the considerations which weighed with Government in deciding against its purchase was that the scales of pay of the subordinate and inferior staff on these railways were very low and that additional expenditure needed to revise them would seriously reduce the profits?

(b) Is it a fact that when the question again came up for consideration in 1941 and the Central Advisory Council for Railways was asked to decide in the case of both the railways between outright purchase and State management and the alternative of purchase by Government of the bulk of the Company's interest with a continuance of Company management, Government's estimates of the financial results of the first alternative took into consideration the additional expenditure which would be involved in improving the wages and conditions of service of the subordinate and inferior staff? What was Government's estimate of the additional expenditure?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) Yes, except that low scales of pay on the B. & N. W. and R. & K. Railways are in respect of inferior servants and some junior subordinates, while the scales for many senior subordinates are higher than on other railways.

(b) The Honourable Member's attention is invited to item 16 of the table at page 4 and the explanatory note on page 5 of the memorandum printed in the

"Summary of the Proceedings of the Meeting of the C. A. C. for Railways" held on 8th November 1941 (Vol. XVII, No. II, a copy of which is in the Library of the House). Out of the Rs. 14 lakhs mentioned therein as the additional cost of State-management, Rs. 9 lakhs represent the approximate cost of improving the scales of pay of the staff indicated in the answer to part (a), whose present scales are low.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has Government taken any steps since then to increase the salaries given to the subordinate and inferior servants of these railways.

THE HONOURABLE SIR SATYENDRA NATH ROY : That will appear in the answer to the other question that the Honourable Member has asked.

REVISION OF PAY OF STAFF ON THE O. & T. R.

147. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that Government have not yet sanctioned and revision of the scales of pay of the subordinate and inferior staff of the O. & T. R. ? Are Government considering the matter ? If so, when do they expect to announce their decision ?

THE HONOURABLE SIR SATYENDRA NATH ROY : The reply to the first two parts is in the affirmative. As regards the last part, Government have the matter under consideration and will pass orders as soon as the examination of the whole position is completed.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we expect Government to arrive at a decision before the next Railway Budget is presented ?

THE HONOURABLE SIR SATYENDRA NATH ROY : I hope that will be possible, Sir. I am not entirely familiar with the steps that have been taken, but I know that the matter is under very active consideration. I will try to see that a decision is taken before the next budget session.

PAY OF INFERIOR STAFF ON THE O. & T. RAILWAY.

148. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Is it a fact that (i) the pay of many categories of the inferior staff (excluding dearness allowance) of the O. & T. Railway is only about Rs. 8 per month while the pay of the corresponding grades in the E. I. Railway is Rs. 13 per month and (ii) the maximum pay in most of the subordinate grades in the O. & T. Railway is only Rs. 50 per month ?

(b) Is it further a fact that the scales of pay prescribed for gazetted officers and for subordinates' grades which are filled mostly by Europeans and Anglo-Indians in the O. & T. Railway are no worse than those in other State-managed railways, and that in the case of European and Anglo-Indian subordinates recruited after 1941 they are actually better ?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) (i) This is so except that the corresponding grades on the E. I. R. start on Rs. 12.

(ii) Yes.

(b) As regards officers the old scales of pay on the O. & T. R. are less favourable than the corresponding scales on State Railways ; the revised scales on the O. & T. are also slightly less favourable than the revised State Railway scales, although the maxima of both are the same. As regards upper subordinates the scales of pay on the O. & T. R. are in many cases more favourable than the revised scales of pay of corresponding staff on the E. I. R. and less favourable than the old scales of pay on the latter Railway. So far as Government are aware, the percentage of Europeans and Anglo-Indians in these grades is not markedly different from many other Railways.

THE HONOURABLE MR. HOSSAIN IMAM : Are they better, as implied in the question ? I mean the pay and emoluments of Europeans and Anglo-Indians ?

THE HONOURABLE SIR SATYENDRA NATH ROY : Not as distinct from Indians. What I said was that in the grades of upper subordinates the rates of pay are slightly better than the revised rates of pay on State Railways.

THE HONOURABLE MR. P. N. SAPRU : With regard to paragraph (a) of the question, may I ask why there is this differentiation between the O. & T. R. and the E. I. R. in regard to the pay of the inferior staff ?

THE HONOURABLE SIR SATYENDRA NATH ROY : The B. & N. W. R., as my Honourable friend knows, was taken over a few months ago by the State. The rates of salary were fixed by the old Company-managed railway.

THE HONOURABLE MR. P. N. SAPRU : Is Government intending to revise the scale of salaries of the O. & T. R. staff?

THE HONOURABLE SIR SATYENDRA NATH ROY : I have already answered that, Sir, in reply to the previous question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government, when revising the salaries of the subordinate and inferior Indian staff of the O. & T. R. bear in mind the fact that they have been subjected to a grave injustice all these years, while the Europeans and Anglo-Indians have been faring as well as on any other line, perhaps a little better.

THE HONOURABLE SIR SATYENDRA NATH ROY : I am not quite sure that I understand my Honourable friend's suggestion. As far as I am aware, in the upper subordinate grades there is no differentiation between Indians and Europeans. It may be that the percentage of Europeans is considerable, but as I stated a little while ago, that percentage is not markedly different from certain other railways which the State took over. Whatever revision of pay or scales of pay is effected, it will apply equally to Indians and Europeans.

INDIAN TROOPS IN SOUTH AFRICA.

149. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government state whether there are Indian troops in South Africa? If so, how long have they been there? Are they subjected to any kind of racial discrimination?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The answer to the first part is in the negative. Other parts do not arise.

PAYMENT OF A LUMP SUM TO H. M. G. TO PROVIDE FOR PAYMENT OF STERLING PENSIONS.

150. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Did the Finance Member announce in his last budget speech that a lump sum would be paid to His Majesty's Government to provide for the payment of sterling pensions and the family pensions and provident funds payable in sterling at present?

(b) What is the capitalised value of these obligations and what is the rate of interest assumed for its determination?

THE HONOURABLE MR. C. E. JONES : (a) No. The attention of the Honourable Member is invited to paragraph 48 of the Budget Speech.

(b) It is not possible to calculate exactly the capitalised value of the future sterling liabilities of the Government of India in respect of pensions, family pensions and provident funds. On the basis of an assumed rate of interest of 3 per cent. per annum it is estimated that a lump sum payment of approximately £150 million would purchase the right to receive a series of sterling amounts sufficient to meet those obligations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it intended to set aside this sum during the course of the present year or the next year?

THE HONOURABLE MR. C. E. JONES : There is no room for any intention at present. The scheme has not yet been accepted by His Majesty's Government.

THE HONOURABLE MR. V. V. KALIKAR : Is it a fact that the sum has already been set apart for this purpose?

THE HONOURABLE MR. C. E. JONES : Nothing has been set apart.

THE HONOURABLE MR. HOSSAIN IMAM : We did not hear the answer.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I myself did not quite understand whether the Honourable Member said that the matter was still under discussion with the Secretary of State or had been settled and that only the sum remained to be paid.

THE HONOURABLE MR. C. E. JONES : The matter has only recently been put to His Majesty's Government. No decision has been reached and no agreement has been arrived at. Therefore there can at present be no intention to earmark any sum for this purpose.

DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss): The Council will now take up the amendments to the Delhi University (Amendment) Bill.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary): Might I submit, Sir, that as there are no amendments to be moved in regard to the earlier clauses we might adopt the earlier clauses straightaway and then, Sir, stop short at the first clause to which there is an amendment. Otherwise, I am apprehensive that at the end of this long list we may find that we have omitted to put the earlier clauses to the House.

THE HONOURABLE THE CHAIRMAN: You want them to be put last?

THE HONOURABLE MR. J. D. TYSON: If you agree, Sir, I would like clauses 3 and 4 to which there is no amendment to be moved first. Clause 1, Sir, cannot be put first.

THE HONOURABLE THE CHAIRMAN: Clauses 2, 3 and 4. The first amendment is to clause 5. We may also put the other clauses because some of the amendments cannot be moved. When I put the clause to the House those who want may move their amendments.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member): The suggestion is that we proceed regularly from clause to clause and when you move a clause then amendments can be put.

THE HONOURABLE THE CHAIRMAN: That is what I say. The question is:—

“That clauses 2, 3 and 4 be added to the Bill.”

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE CHAIRMAN: Clause 5. The Honourable Mr. Hossain Imam.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): The Honourable Maulvi Ali Asgar Khan will move it, Sir.

***THE HONOURABLE MAULVI ALI ASGAR KHAN** (Assam: Muhammadan): Sir, I move:—

“That in clause 5 of the Bill in part (a) of the proposed proviso for the word ‘four’ the word ‘three’ be substituted.”

Sir, the reason for substituting three years instead of four is that it is observed in Lucknow, Allahabad and Aligarh Universities. There the term of Vice-Chancellor is for three years. If the Vice-Chancellor in these Universities can work for three years why should there be a departure in the Delhi University? The Honourable Mr. Tyson has given the reason that suitable candidates will not be forthcoming for short periods but in other Universities, like Aligarh, Lucknow and Allahabad, there are good persons available for terms of three years. If one remains longer than three years in one department he gets hold of the department and may influence the other people of the department and this may lead to mismanagement in university work. That is why three years should be fixed instead of four years. I hope the Government will take the same attitude that they took in the other House and will accept this amendment since so many persons are offering for three years instead of four years.

Sir, I move the amendment.

***THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern: Non-Muhammadan): Sir, I may at once say that I am opposed to this amendment. In the Allahabad University and in the Lucknow University the term of the office of the Vice-Chancellor is three years, but I think the matter was considered by the Narendra Deo Committee on Educational Reorganisation and they suggested, as far as I remember, a term of five years. Personally, I think four to five years is a reasonable period for the Vice-Chancellor. In three years the Vice-Chancellor is hardly able to do much. The first year he needs to pick up his work and just about the time when he is beginning to do his useful work he has to think of retirement or he has to think

* Not corrected by the Honourable Member.

of election and all that. Moreover this provision is only for a salaried Vice-Chancellor. He will not be able to pick up the threads of his work. I think, Sir, the provision that the term should be for four years is a reasonable and sound one and I hope that Government will stick to their position.

THE HONOURABLE MR. J. D. TYSON : Sir, I think I need add very little to what has been said by my Honourable friend Mr. Sapru in opposing the amendment. As he has very rightly said, this provision in our Bill applies only to a whole-time, and, as we can see, a paid Vice-Chancellor. I shall have to say perhaps a good deal more about our proposals for a Vice-Chancellor on the next amendment but it is pertinent to say in connection with this amendment that when you go out into the world to get a whole-time Vice-Chancellor you are asking the people who come forward to be ready, if appointed, to abstain from all their other activities. It would no longer be possible for a successful barrister or other professional man to follow his profession during day-time and to devote the evenings to the University. A whole-time Vice-Chancellor, as the very name implies, has got to devote his whole attention to the University. You are therefore asking whoever is coming forward to give up any other profession or pursuit and, as a corollary, we thought it necessary to assure him in advance of a reasonable tenure of office. We considered very carefully what that tenure should be and we were somewhat drawn to five years but we thought that, as there is nothing in the Act or in the Bill to say that he would not be eligible for a further period after the first, we should fix the term at four years, which is twice the term provided for a part-time Vice-Chancellor. The Honourable the Mover has suggested that if a person remains in office for longer than three years he gets a grip of his department, gets a hold over his department. Sir, we are not dismayed with the prospect of that happening. As the Honourable Mr. Sapru has himself said it takes a new man some time to settle down and we do not think that the kind of man that we want will come forward unless he is assured of a sufficiently long period to be able to leave his mark on the University. I think, Sir, there is not much difference between three and four years but we had considered the whole thing and we favoured four years as being neither so long as to make as it were for a dictatorship or so short that the Vice-Chancellorship would not be sure of getting good men and that the Vice-Chancellor would not be able to make a real contribution to the University during his period of office. I am afraid we must resist the amendment.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I have looked at the Statutes of other universities and I find that no one has got a provision of four years in any of the 18 universities that exist in India. Has this wisdom all at once come to the Government of India, and has it been eluding the grasp of all the other Governments for all these years ? I for one prefer the model of the Lucknow University where no term is fixed. Even in the Service to which the Honourable the Secretary belongs, the tenure posts are for five years, and they are not renewable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : There is a term fixed in the case of the Lucknow University. It must have been fixed under the Statute.

THE HONOURABLE MR. HOSSAIN IMAM : If similarly the provision had been included in the Statutes in the present case, it would have been in the hands of the Court to amend the provision as they liked ; there would have been no need to come to the Legislature. The University itself would have been free to amend the provision as it liked. You are a champion for the University ; so you should not oppose any measure which would give more power to the University than to the Government.

I was saying that a tenure post in the I. C. S. is for five years, and it is very rarely renewed. If you have got this provision, and if the Vice-Chancellor is a good Vice-Chancellor, as he is expected to be, he is bound to get an extension for a second term. There is no peculiar advantage in four years, and no peculiar disadvantage in three years. The plea that a man has to sacrifice by giving up his present employment before joining the University is not convincing. If he can make that sacrifice for a four-year term, he might as well make it for a three-year term. And he has got the best guarantee : he is eligible to be re-elected for a second term. If he works well, no Court, no Selection Committee, no Chancellor, would turn him out ; and if he is inefficient, the shorter the period for which he remains and is an incubus on the University, the better it will be.

[Mr Hossain Imam.]

I support the amendment.

Question put and Motion negatived.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. Chairman, I beg to move:—

“ That in part (c) of the proviso to clause 5 of the Bill, for the words beginning with the words ‘ make its recommendations ’ and ending with the words ‘ as Vice-Chancellor ’ the words ‘ elect one of them by the method of the single transferable vote as Vice-Chancellor subject to the confirmation of the Chancellor ’ be substituted.”

Sir, I shall explain very briefly why my Honourable friend Mr. Sapru and I considered it desirable to give notice of this amendment. The experience of the universities that already exist in India shows that safeguards should be provided in connection with the election of the Vice-Chancellor. Now, in the Bill before us, the Chancellor may on his own motion decide whether a whole-time Vice-Chancellor is needed or not. It is not left to the Executive Council to decide that matter. Therefore, if the Executive Council proves recalcitrant and, contrary to the interests of the University, desires to go on with the present system of honorary Vice-Chancellors, the Chancellor will be able to direct the Council to take steps to make recommendations for the appointment of a permanent Vice-Chancellor.

Again, Sir, it has been provided that :

“ A committee of three persons, two of whom shall be persons not connected with the University or any college nominated by the Executive Council, and one a person nominated by the Chancellor, who shall also appoint one of the three as chairman of the committee, shall select not less than three persons and shall report its selection to the Executive Council ”.

This means that when nominations are required for the post of Vice-Chancellor, the Executive Council itself will not take the initiative in making recommendations. It will be at liberty only to consider such names as are sent up to it by a selection committee constituted in the manner I have just indicated. This committee will consist of three persons one of whom will be nominated by the Chancellor. Apart from this, it will be for the Chancellor to decide who will be the chairman of the committee. It is clear, therefore, that the power that has been placed in the hands of the Chancellor should be regarded as a sufficient safeguard from the point of view of the Government. I do not mean to say that the Government have started with a distrust of the Executive Council. But when a system is about to be established, it is desirable that advantage should be taken of the experience of other universities so that if possible, the new system may not be open to the same objections as the systems prevailing in other universities. As I said the other day, I personally approve of this particular device for the suggestion of suitable names for the choice of a Vice-Chancellor to the Executive Council. I should however like that it should be recognised that the nominee of the Chancellor should be an educationist and not an official of the Home Department or the Information and Broadcasting Department or some such department. In view however of the safeguards mentioned above, I do not think that it is necessary to provide that the Executive Council, instead of electing a Vice-Chancellor out of the persons recommended to it by the selection committee should only make its recommendations to the Chancellor on the names submitted to it by the committee.

Sir, I think that the safeguards to which I have referred are ample and that consequently the election of the Vice-Chancellor should be left to the Executive Council. I am aware that there are at least three Universities in which the Vice-Chancellor is a whole-time salaried officer, the Lucknow and Dacca Universities, and the Allahabad University to which I belong. I want to compare the system prevailing in the Allahabad University with that prevailing in Lucknow and Dacca Universities. In these two latter Universities the Executive Council submits a few names to the Chancellor who appoints one of them as Vice-Chancellor. In the Allahabad University, however, three names are submitted to the Court by the Executive Council and it is the Court that makes the final selection. The appointment of the person chosen by the Court is subject to confirmation of the Chancellor, but the suggestion of names and the election of the Vice-Chancellor are in the hands of the University authorities. It may be objected, Sir, to this system that it disturbs the academic atmosphere of the University every three years. Whatever may be thought of this objection,

it seems to me that with all its defects it is preferable to the position assigned to the Executive Council by the Bill before us. I am aware of the defects of the system that prevails in the Allahabad University. But if I were asked to make my choice between the method laid down in the Allahabad University Act and that laid down in the Bill before us, I would certainly choose the method laid down in the Allahabad University Act. I am quite prepared to provide safeguards. But safeguards having been provided, I am not prepared to leave the final selection of the Vice-Chancellor to the Chancellor. I am aware of the special conditions prevailing in the Delhi University. But I am also aware of the policies and methods of action of the Central Government. Although the Chancellor is to make the final choice, he will certainly have to be advised by some department or other. If we could be assured that the selection would always be made in an impartial manner, it might be possible to argue that the method provided in the Bill would be preferable to that provided in any of the other Acts relating to the appointment of whole-time Vice-Chancellors. But no such guarantee can be given and if the Executive Council can be suspected of making appointments on non-educational grounds, the action of the Chancellor—the choice of the Chancellor will be really that of the Education Department of the Government of India—can be open to the same objection. I think, therefore, that the balance of advantage lies on the side of the amendment which I have moved.

There is just one word more that I should like to say before I sit down. My amendment provides that the Vice-Chancellor should be elected by the method of the single transferable vote. I have suggested this in order that the names sent up to the Executive Council by the Selection Committee might be properly considered and that if there are differences of opinion in the Executive Council, members holding those opinions might have a chance of exerting their due weight before the final election is made. There are several methods of election. I have proposed the method of the single transferable vote, that is, the system of proportional representation. It is possible to arrange for election in different ways under the proportional system, but, broadly speaking, the system which I have recommended is that of proportional representation. If for any reason this is not considered suitable, some other system can be laid down. I am not wedded to this particular suggestion. My main suggestion is that the Vice-Chancellor should be allowed to be elected by the Executive Council, his appointment however being subject to confirmation by the Chancellor. If the Chancellor disapproves of the person elected by the Executive Council, he may reject the Executive Council's choice. But he should not have the power to impose a man of his choice on the Executive Council. In the Lucknow University, so far I know in spite of the provision regarding the election of the Vice-Chancellor to which I have referred, the convention has grown up that the Chancellor will accept the first choice of the Executive Council. It may be said that a similar convention might grow up here. I can appreciate that. But I think it is better to provide a system which is less open to objection than that which the Bill recognises, and I consequently recommend a compromise between the methods of election of the Vice-Chancellor prevalent in the Lucknow and Allahabad Universities. It would be difficult to hope that the suggestion that I have placed before the Council would be accepted by Government as the other House has dispersed. But the dispersal of the other House should be no insuperable objection to the acceptance of my amendment. The academic system to which the Bill seeks to give legislative sanction is already in operation. If things go on for a couple of months more as they are doing now, no harm will be done to the University and the matter to which I attach so much importance will be dealt with in what I consider to be the best way.

THE HONOURABLE MR. J. D. TYSON: Sir, the only provisions in the existing Act and Statutes about the Vice-Chancellor are that the Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council and the Statutes lay down that he shall hold office for two years. That, Sir, was as regards the unpaid Vice-Chancellor, for there is no provision in the existing Act, unless this Bill goes through, for paying the Vice-Chancellor anything. The fact remains that so far as the Act goes, the part-time Vice-Chancellor is appointed by the Chancellor after consideration of the

[Mr. J. D. Tyson.]

recommendations of the Executive Council. Now, Sir, in view of the importance that we attach to this educational experiment, for it is, with due deference, an educational experiment this is the first University—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I decline to accept that.

THE HONOURABLE MR. J. D. TYSON : I was going to meet my Honourable friend's point. This is the first University which is really putting into effect a three-year course. There might have been a division of education elsewhere, but the three-years degree course is the thing to which we attach importance ; and in view of the importance which we attach to that, of the large amount of money that in spite of the war the Government of India are putting up to implement that experiment, we deemed it necessary to have provision in the Act for having a Vice-Chancellor who could devote his whole time to University work and with that in view we brought forward a proviso to the existing section which I have just read out. I am going to inflict this also on the House because I want to show how far we have already gone away from our original proposal. We let the existing legislation stand so far as part-time Vice-Chancellor is concerned and we were adding the following proviso :—

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

We sent that to the University for opinion. That was our proposal in the Bill as introduced in another place. The Honourable Mr. Hossain Imam will see that our first suggestion was that we should not fix the pay of the Vice-Chancellor and that the Vice-Chancellor should hold office for such period as the Chancellor may fix. The University pointed out the risk that might arise from a procedure of that kind—the Chancellor deciding that a paid Vice-Chancellor was necessary and making a selection after no very well defined consultation with the Executive Council and they pointed out that you might get a position in which the Chancellor forced a Vice-Chancellor on the University against the wishes of the Executive Council and that, whether that was in any particular case justified or not, it was likely to lead—almost bound to lead—to a deadlock, and they made their own suggestions as to how provision should be made in the Act for a paid Vice-Chancellor. Now, Sir, the Select Committee considered these opinions of the Executive Council and the Academic Council. They gave very long and anxious consideration to this for it was one of the most important points in the Bill. The Select Committee endeavoured to associate the University, more particularly the Executive Council, with this procedure. They gave the Executive Council concurrent power of initiative in saying whether there should be a paid Vice-Chancellor. It is true that the Chancellor will still make the final decision as to whether there should be one or not, either of his own motion or on the proposal of the Executive Council. But at any rate the Executive Council share the initiative there ; and I may say that if the Executive Council were very strongly against the proposal that there should be a paid Vice-Chancellor it is clear that that is an element in the situation to which the Chancellor before finally deciding would have to give very serious consideration. The Chancellor, Sir, in respect of Delhi University is not the Governor General in Council. He is a separate entity. He is entrusted under the Act with a good many duties and responsibilities the nature of which seems to show that he is regarded as something apart from the Governor General and, if need be, as a kind of arbitrator between what the University thinks is the best thing and what the executive Government, which has such a big stake in this particular University, thinks is a good thing. I will not inflict on the House all the powers that the Chancellor has of ordering inspections, making certain appointments, such as, the Pro-Chancellor, the Rector, etc.—there are a good number scattered through the Act—appointing, umpires, tribunals of arbitration etc. We deliberately put the power here into the hands of the Chancellor for the reason that he was not the Governor General

in-Council. Now, Sir, the proposal that has emerged as a result of very careful consideration in the Select Committee is as follows :—

“ Provided that if the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the following provisions shall apply to the appointment of the Vice-Chancellor, namely : The Vice-Chancellor shall hold office for four years ”.

So we put it in the Act what his term of office should be. We took that out of the discretion of the Chancellor. The Vice-Chancellor shall receive a salary which is stated in the Act. We took that out of the discretion of the Chancellor. It was previously our suggestion that he should be paid such salary as the Chancellor may determine. And then as regards machinery, we made provision which is now before the House,—a Committee of three persons two of whom shall be persons, not connected with the University or any college, nominated by the Executive Council, and one person nominated by the Chancellor who shall also appoint one of the three as Chairman of the Committee. We had originally proposed that the Chancellor's nominee should be Chairman ; but now we say that the Chancellor shall select one of these three to be the Chairman. It leaves it open to the Chancellor to select the best man as Chairman for we realise that a man might be put in by the Chancellor not with a view to being the Chairman but to fill up some gap which the election of two persons by the Executive Council might leave open but that one of the nominees of the Executive Council might be the most suitable Chairman ; so that it is quite possible that the Executive Council will be associated with this committee of selection to the extent that two of the three persons will be their nominees and it may well be that one of those two will be the Chairman.

Then, Sir, we provide that this Selection Committee shall report its selection to the Executive Council and the Executive Council shall make its recommendation on the persons so selected to the Chancellor who shall appoint one such person as Vice-Chancellor. The Chancellor, Sir, cannot go outside the range of persons recommended by the Selection Committee and reported upon, shall I say, by the Executive Committee. Now, Sir, it has been said by my Honourable friend who moved the amendment that the Executive Council will be tied to the names put up by the Selection Committee. That is quite true. They will be tied but they have two members on the Selection Committee.

THE HONOURABLE MR. P. N. SAPRU : Will the Chancellor be tied to the names suggested by the Executive Council ?

THE HONOURABLE MR. J. D. TYSON : Yes, the Chancellor will also be tied, entirely tied, to the names recommended by the Selection Committee and reported on by the Executive Council.

Now, Sir, when we made a reference to them as regards the machinery, the Executive Council and the Academic Council of the University made this suggestion :—

“ They would further suggest that, instead of recommending a single name as has been the practice in the past, the Executive Council in this case should submit a panel of three names to the Chancellor for the appointment of Vice-Chancellor, the names to be selected by plural cumulative voting, if voting is at all necessary ”.

So, Sir, they were to submit three names and they were to select the three names by plural cumulative voting, but I would submit that what the University had in mind was that the Chancellor should make a choice and not merely approve a choice made by the Executive Council. That suggestion, that method of approach at all events, which is our method of approach also, has the blessing of no less an educationist than the Vice-Chancellor of the University of Aligarh who in another place sought to move an amendment which, as he introduced it, was our procedure in a different language. We did not quite see eye to eye with him there but it substantially was our procedure and he liked the idea that the Chancellor should make a choice from this restricted list put up by the Executive Council. Now, Sir, that does appear to be the procedure in most of the Universities in which there is a provision for a paid Vice-Chancellor. The University of Dacca :—

“ The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Committee ”.

[Mr. J. D. Tyson.]

Madras :—

“The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from amongst three persons recommended by the Senate”.

Annamalai :—

“The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Founder”.

Lucknow University :—

“The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council”.

Possibly, Sir, in Lucknow the tradition has arisen that he accepts the first name. There is nothing under our proposal also to prevent that tradition arising.

Punjab University :—

“The Vice-Chancellor shall be such one of the Fellows as the Chancellor may from time to time appoint in this behalf”.

and in Calcutta, if I remember aright, I think the Government of Bengal actually appoint the Vice-Chancellor.

So, Sir, there is nothing unusual in the proposal that we have made. Now, there is another reason—I put it forward with some diffidence but I think it is a valid reason—why we should give the final choice to the Chancellor amongst the three names that might come to him through this channel in which the Executive Council has had such an important part to play, and that is that circumstances might arise if we have a succession of paid Vice-Chancellors—the matter has not at all been decided—circumstances might arise in which the Chancellor might feel it desirable, keeping to the names put to him, to make a break. Supposing that there had been, shall I say, three Europeans, or rather three successive European paid Vice-Chancellors of Delhi University, and the Chancellor thought that it was about time that an Indian had a look in and the names came up with a European, a Muslim and a Hindu,—we think that there is value in giving the Chancellor the opportunity to take that sort of situation also into consideration. Whether that sort of situation will ever arise or not it is not for me to say. We do not know how often the University will want a paid Vice-Chancellor or the Chancellor deem it necessary that they should have one.

So, Sir, in conclusion I would say that this present procedure, which is not far out of line, so far as the machinery goes, with what the University recommended, does represent the fruits of very careful consideration. It is a marked advance, and I would go further and say that it is a marked improvement, on our original recommendations and we would be very unwilling to alter it in the sense of the amendment, which would mean that the Vice-Chancellor would be elected by the Executive Council subject only to confirmation by the Chancellor. Sir, I am afraid I must oppose the amendment.

THE HONOURABLE MR. P. N. SAPRU : The cat is out of the bag. As I say, the Government have not been resisting communalism. The claim of the Education Member that he had resisted the introduction of communalism has been disproved by the observations which the Honourable Mr. Tyson has made in the concluding part of his speech. He said that it was desirable to have this power in the hands of the Chancellor because circumstances might arise when it might be necessary for him to intervene. He gave the instance of three Europeans being appointed in successive periods, whereas as a matter of fact what he had in mind was that there might be three Hindus appointed in three successive periods and then there might be a claim from the Muslim side that they must have a Vice-Chancellor, and there must, therefore, be the power reserved to the Chancellor to intervene and say, “I shall have a Muslim this time”. Therefore, the principle, as I said, of communalism has been recognised in this Bill and I am glad that this amendment has had the effect of unmasking the intentions of Government.

Sir, when we proposed the single transferable vote—I do not know whether that was an ideal suggestion—we had this minority business also in mind. Personally, I may say that I am a very great believer in proportional representation and I think it was possible to discover some method of proportional representation. I am not very good in mathematics—I am very weak—but I think it is

possible to discover some method of alternative voting, some system of proportional representation, whereby you can assure fair representation for all the cultures which must be represented in the University. As regards the selection of the Vice-Chancellor, we had this consideration in mind when we sent our suggestion.

Now, so far as the arguments are concerned, I may point out that the system in Allahabad has worked fairly well. It has given to the Allahabad University three very, very able and distinguished Vice-Chancellors. The first Vice-Chancellor was Dr. Ganganath Jha, perhaps the most eminent Orientalist of his time, and a great educational administrator. The second Vice-Chancellor was Pandit Iqbal Narayan Gurtu, a scholarly man, and a very capable administrator, an extremely able administrator. The third Vice-Chancellor is Pandit Amarnath Jha, a most efficient Vice-Chancellor, a man of dynamic personality, and energy who has done a great deal for the University. Can it be said that the very democratic system that we have in Allahabad, with all its faults, has given the Allahabad University an inferior type of Vice-Chancellor to that appointed by government in universities where the selection rests in the hands of the Chancellor?

12 Noon.

Sir, the Honourable Mr. Tyson said that the whole scheme was in the nature of an experiment, and that government was reorganising secondary education in Allahabad. We claim to have reorganised secondary education in Allahabad in our own way. We wish your experiment every success. As I pointed out, the three years' course is not something new. We have the three-years' honours course in Allahabad. What you are doing is to have a three-years' pass course also. Well, assuming that you are trying a new experiment and that you are going to give grants, that does not entitle you to tighten control over the University. Oxford and Cambridge Universities and other universities also receive grants from the British Exchequer, but I have never heard it suggested that that is a valid ground for exercising greater supervision over them. In Oxford the Vice-Chancellorship goes by rotation to the principals of the various colleges. Here, the suggestion that we made was of a very modest character. There were so many safeguards, to which reference has been made by the Honourable Mr. Kunzru. A negative power was given to the Governor-General; he could say, "I do not like any of these three names; you give me some other names". What we were denying him was the affirmative power. It was said that the Governor-General would act, not as Governor-General, and not as Governor-General in Council, but as Chancellor. Well, Sir, the only existence that the Governor-General has in this country is as the head of the Indian State. He would not be the Chancellor if he were not the Governor-General. And the Governor-General would naturally go by the advice of the Department of Education. And we cannot always be certain of having in the Department of Education an Educational Adviser of the liberalism of my Honourable friend Mr. Sargent.

THE HONOURABLE MR. J. D. TYSON: Would he not sometimes prefer the advice of his Vice-Chancellor? Is that entirely ruled out?

THE HONOURABLE MR. P. N. SAPRU: Then it means that he will go by the advice of the retiring Vice-Chancellor. Well, Sir, I do not know whether that will be an ideal system. Suppose the Vice-Chancellor is an able man. He cannot ask the Chancellor to renominate himself. He might think that he himself would be an ideal person to carry on for another three or four years, and he would feel extremely embarrassed if the Chancellor asked him, "Whom am I to appoint?" He could not say, "Appoint me". Therefore, he will have to fall back upon the Department of Education—which also supplies money to the University.

Therefore, what we have done is that we have given this power of selection of the Vice-Chancellor to the Executive Council. At the present moment we have an irresponsible Executive Government. That is bad enough. But when we have a responsible Government operating at the centre—and I hope we shall have a responsible Government at the centre, because I want this Executive Council to disappear as quickly as possible—then we shall have party control of the administration of the University, because the party in power will prefer a person who is in sympathy with its ideals and aspirations.

I think, Sir, therefore, that there is a very strong case for revising the attitude of Government in regard to this matter. In any case I should like some indication

[Mr. P. N. Saprū.]

to be given that, following the convention of Lucknow, the Chancellor will respect the recommendations of the Executive Council. I do not wish to say anything about the Delhi University Court's opinion. I am not guided by the opinion of the Delhi University or any other body. I have taken my stand upon experience derived from my province, and from other provinces also with which I am familiar.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I was rather struck by the prolonged discussion on this amendment. As a matter of fact, there is very little difference between what the Bill contains and what the amendment recommends. When once the Governor General has surrendered his power of nominating anyone he likes to the panel which will be sent in by the selection committee, he has really surrendered all control. His power of nomination is very illusory. Let me give you an instance. We had to send, during the last Provincial elections, Scheduled Caste representatives. In the first primary elections there were a number of men to be elected by the Depressed Class voters, and the list was to be submitted to the joint electorate. A man was selected who was really to stand, and two or three nonentities were also selected, consequently the nonentities were not returned and the result was the final election of the selected candidate alone. What the selection committee can do is to select one prominent man, and the other two nominees will be included merely to fill the gap. The Chancellor has no chance of going outside that list. The selection committee is dominated by the Executive Council, which has got two members of its own out of three. So, we really do not find that there is anything to be gained by the amendment and anything lost by the Bill. For ourselves, we have no hope either from the Executive Council or from the Chancellor; so we stand neutral. But we feel that there is nothing to be gained from the amendment, and nothing to be lost by the Bill as it is.

THE HONOURABLE THE CHAIRMAN : Amendment moved :—

"That in part (c) of the proviso to clause 5 of the Bill, for the words beginning with the words 'make its recommendations' and ending with the words 'as Vice-Chancellor' the words 'elect one of them by the method of the single transferable vote as Vice-Chancellor subject to the confirmation of the Chancellor' be substituted".

Question put: The Council divided :—

AYES—6.

Kalitar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.
Ram Saran Das, Hon. Rai Bahadur Lala.

Ray Chaudhury, Hon. Mr. Kumarsankar.
Saprū, Hon. Mr. P. N.
Sinha, Hon. Kumar Nripendra Narayan.

NOES—19.

Ashraf Seid, Hon. Mr.
Bozman, Hon. Mr. G. S.
Charanjit Singh, Hon. Raja.
Conran-Smith, Hon. Mr. E.
Ghosal, Hon. Sir Josna.
Hydari, Hon. Mr. M. S. A.
Jogendra Singh, Hon. Sir.
Jones, Hon. Mr. C. E.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.

Mahomed Usman, Hon. Sir.
Menon, Hon. Sir Rammuni.
Mitra, Hon. Mr. D. N.
Mukherjee, Hon. Sir Satya Charan.
Pillai, Hon. Mr. N. R.
Ray, Hon. Mr. S. N.
Roy, Hon. Sir Satyendra Nath.
Sargent, Hon. Mr. J.
Tyson, Hon. Mr. J. D.

The Motion was negatived.

***THE HONOURABLE MAULVI ALI ASGAR KHAN :** Sir, I move :—

"That in clause 5 of the Bill in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim' be inserted."

Sir, in the other House much time was spent over the amendment of this clause with no effect. Government took up such an attitude that almost all the amendments brought by the Muslim League were rejected. Why, Sir? Was there none of these amendments worth consideration? I presume the same attitude will be adopted in this House because Government know that they have got a majority of votes with the help of the nominated members. Sir, I am not communalist. But since almost all the universities have been controlled by other communities and every one is not liberal, the Muslims should have reservation of seats similar to other departments of the Government. Unless this is done, the minority community is

hard hit. Of course communalism should not come to universities. But without reservation of some seats the Muslims will hardly be represented. It is often found that Muslims are not properly represented in the universities and other places, because the power has gone into the hands of the other communities from a long time and unless reservation is done, their cause will not be protected. I would, therefore, urge the Government as well as the other Honourable Members to carry this amendment, because, unless this amendment is carried, Muslim interests will not be safeguarded as much as those of the other communities which are already well represented, judging from past bitter experience. That is why we want this amendment. If we cannot carry it here, yet we can enter our strong protest.

With these words, Sir, I move the amendment.

*THE HONOURABLE MR. P. N. SAPRU : Sir, I feel that the amendment which my Honourable friend has moved is unnecessary, because the Appointment Board will consist of three members one of whom shall be appointed by the Chancellor and two shall be elected by the Executive Council. They will be elected by the Executive Council in such manner as the Executive Council decides. I suppose we are not laying down the rules of election by the Executive Council and in any case there is the Chancellor's nomination to safeguard the interests of the Muslims on the Appointment Board. I should like the Appointment Board to be so constituted as to inspire confidence in every section of the community. I think the attacks on the Selection Committee by the Honourable Mr. Hossain Imam have been very unfair. The suggested system of Appointment Board is a good one and I see no reason to alter it.

THE HONOURABLE MR. J. D. TYSON : This is the first of the so-called communal amendments, Sir, and although it is of a rather specialised nature it was sought to be supported by my Honourable friend Maulvi Ali Asgar Khan on general grounds as a communal amendment. I think it will save the time of this Honourable House—and I think it is only fair—if on this amendment I take the opportunity, the first I have had, of explaining our attitude to amendments of this character, for there are a good many on the list afterwards. Now, Sir, in the Delhi University Act, apart from one or two so-called "close" scholarships or scholarships reserved for a member of a certain community or even of a certain caste, there is no statutory reservation for any minority community. To put them out of the way at once, let me say that these close scholarships, reserved scholarships, were accepted not by Government but by the University. It was open to any community to offer scholarships or medals to the University on the condition that they should only be awarded to a person of that community. I do not regard them as communal, really. But they have been accepted in the past and they are there, Sir. I hardly regard those as communal provisions in the Bill, for as I say it was open to any community in days gone by to make an offer of that kind to the University. I do not say that it is open now, for I believe the University has of late set its face against such gifts. Apart from those, it is a fact of which we must take notice that there is at present no provision of this kind (communal reservation) in the Act : it is, of course, a point of grievance with my Honourable friends on my right. Further than that, Sir, I think I am right in saying that there is no such provision in the Act or Statutes of any University in India, in most of the 16 Universities of a general nature—I am omitting Aligarh and Benares which of course have special communities primarily in mind—but of the remaining 16 there is only one in which I believe provision of this kind is made. That, Sir, is the Dacca University. The University of Dacca was founded largely as a result of the Sadler Commission's Report on the University of Calcutta. The Sadler Commission, which I need hardly remind this House was a very authoritative body with such undoubted experts in matters of education as the late Sir Asutosh Mukherjee, did recommend both for Dacca where it was in contemplation to have a University and for Calcutta a certain measure of communal reservation. The case of Dacca I have said was somewhat special. The Sadler Commission pointed out that the Mussalmans of Eastern Bengal had in the past not availed themselves of facilities for higher education, that they were now showing a very praiseworthy and laudable desire to avail themselves of it, that the pressure on the

* Not corrected by the Honourable Member.

[Mr. J. D. Tyson.]

University of Calcutta from this new source of recruitment of undergraduates was becoming increasingly severe and they warmly supported the idea that in East Bengal, which is predominantly a Muslim area, the aspirations of the people should be given this outlet, the Dacca College should be raised to the stature of a University and special steps should be taken to ensure that the Muslim voice should be heard in that University; and they made recommendations which were very largely adopted afterwards in the Dacca University Act. That, Sir, is the one University in India where there is communal representation provided for in the Act and Statutes. It is perhaps significant that though they made a recommendation for a lesser degree of communal representation in the University of Calcutta that University has not yet accepted the recommendation. Now, Sir, I have said that the position in Dacca was special and it may be that the position in Delhi is special. But that point has never yet been fully explored. I only make the point at this stage that we have not got any such reservation in the existing Act and that it does not exist in any University, except Dacca. More than that, Sir, the Delhi University Act was to a large extent drawn on lines familiar in the Dacca and Lucknow University Acts; and if Honourable Members who have the Calendar of the University before them will look at the Statement of Objects and Reasons and the Report of the Select Committee on the parent Act, the Delhi University Act, quoted in that calendar, they will find that Government at that time proposed to follow the Dacca University Act in providing for communal representation and reservation of seats on communal basis; and, as was I think mentioned on the first day the Bill was before this Honourable House, the Joint Select Committee, apparently with one dissentient voice, cut it out—

THE HONOURABLE MR. HOSSAIN IMAM : The only representative of the Muslim community.

THE HONOURABLE MR. J. D. TYSON : Maulvi Abul Kasem submitted a note of dissent. The Honourable Member of those days, Sir Muhammad Shafi, signed the majority report. So far as I know the University has not itself considered moving for restoration of such provisions in the Act or in the Statutes. That, Sir, is a thing that we definitely have to bear in mind, that we have not been approached at all by the University on this point. This Bill at present before the House was brought for certain limited purposes, chiefly corrected with implementing the three-year degree course and giving statutory effect to certain important provisions in the new conditions on Government grant to colleges. In preparing for and drafting this Bill Government did not in any way attempt to review the whole working of the University. It was not our purpose to overhaul the whole University, either its Act and Statutes or its working. We had certain limited objects in view. If we had been wanting to overhaul the whole working of the University, we should probably have desired the advice of a commission or committee before undertaking so large a task and it is open to doubt whether this is the time for doing such a thing. But we had this urgent matter before us, of the three-year course, and wanted to legislate primarily to get it through and we have taken the opportunity to do certain other things to improve, as we believe, the machinery of the University, but our Bill was not intended to be a general overhaul of that machinery. One of the aspects that we certainly did not review at all or propose to tackle in our Bill was the working of the machinery of the University from the communal point of view, and, in fact, that matter was not raised in another place on the Second Reading of the Bill on Motion for reference to a Select Committee, nor was it raised in the Select Committee. I am perfectly aware that, as I still very much regret, we were deprived of the help of the designated members of the Select Committee from the Honourable Mr. Hossain Imam's Party but, Sir, we did have Muslims on the Select Committee and the opportunity was not taken of raising it through them. So, Sir, I think the House will appreciate why, when a sheaf of amendments were put forward in another place at the clause-to-clause consideration of the Bill, we hesitated to accept them. Amendments of that kind, coming forward at that late stage, if accepted, would have committed us to thrusting upon the University, without any consultation with them, a full-fledged scheme of communal representation.

Now, Sir, I do not at all wish—I do not feel qualified, I frankly admit—to pronounce today in connection with this Bill on the merits and demerits of communal

representation in universities. It has not been with us a live issue. It was no part of our original intention and it came up at a stage at which we honestly could not have accepted an amendment and thrust it on the University. I do not wish to comment on the merits and demerits as a matter of principle or as an abstract idea at all. We have heard that from the purely educational point of view there are objections to talking of Muslim education and Hindu education : and other references have been made to it from the political point of view ; but, of course, the fact is that communal representation finds a large place in the public life of the country, the constitution and other political matters, and it obviously cannot just be thrown out like this. My point, Sir, is this,—that I do not wish in anything that I may have to say on this Bill now or at a later stage to be considered to be pronouncing a judgment on the merits of communal representation as such, nor, Sir, will I say that we view from Government Benches with any complacency the part that the minorities are able to play in the Delhi University. As against this, however, Sir, the representation which has been sought to be secured for one particular minority in the amendments that are to be placed before this House do go beyond the degree of participation which that particular community has hitherto played in the University, as will be borne out by the figures which were quoted by my Honourable friend the Educational Adviser in his speech on the Second Reading on Saturday. Very briefly, where the registered graduates of the Muslim community are one-eleventh of the total number of registered graduates, can we be expected at very short notice to accept suggestions that a reservation of seats among registered graduates should be in the neighbourhood of one-third or one-fourth ? So the thing wants very close examination, closer examination than could possibly be given to it when it comes up at the stage of clause-to-clause consideration of the Bill. As a token of our appreciation of the fact that minorities have not hitherto played a conspicuous part, or, in our opinion, an adequate part in the administration of the Delhi University, we did accept and we did ourselves put forward in another place certain amendments which now form part of the Bill before the House and we threw out the suggestion —and indeed gave a promise which I am willing to give on the floor of this House also—that if the University would consider introducing the principle of proportional representation into its institutions, that very fair method of securing representation for substantial minorities would have very warm support from Government, and we would use such influence as we command in the University to get it adopted. We have reason to suppose that to some important quarters in the University, at all events some quarters of influence in the University, such a proposal is not unwelcome. So, Sir, I wanted to make it clear that our refusal to be, if I may say so, rushed into accepting at the clause to clause stage a large number of amendments designed to introduce what is for Delhi and would be for most universities in India an entirely novel feature must not be considered, must not be taken, to be pronouncing on the merits of communal representation of itself. This, is, Sir, a very urgent Bill brought for certain narrowly defined purposes and we would not be willing to hold it back to refer this very large subject to the University and to get its views upon it.

Coming now, Sir, to the particular amendment before the House, it seeks to lay down that one of the Committee of three to be set up to advise regarding the selection of a whole-time Vice-Chancellor must be a Muslim. Well, Sir, I have given my general reasons for not wishing to introduce such a thing into the present Bill or into the Act, and the particular amendment itself is also open to the criticism that if the Executive Council did not happen to select a Muslim it would bind the Chancellor to select a Muslim. Now one of the merits of our present proposal is that it would be open to the Chancellor to select a Muslim to fill a vacancy, but we would not like to bind him, as in fact this amendment would do, for we can conceive of circumstances in which the Chancellor might wish to fill that place by selecting an educationist of some particular kind. He might not wish to make a selection at all on a religious basis but he might find that the two persons unconnected with the University or any College put up by the Executive Council, though admirable in themselves, were neither of them educationists—they might have other admirable qualities—and he might wish above all to have an educationist. So, Sir, I feel we cannot accept an amendment which would bind the Chancellor in certain circumstances to appoint a Muslim to the Selection Committee.

[Mr. J. D. Tyson.]

I must apologise for having made a rather long statement on a very small amendment. But, as I said, I wanted to make our position as clear as possible, so that we may not be thought to be adamant, or necessarily opposed to all proposals of this kind. And I think that in the end it will be found that I have saved the time of the House by explaining our position at the very first possible opportunity.

* THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Even though my Honourable friend Mr. Tyson has found it necessary to oppose this amendment, I must in fairness say that he has been very fair in the observations which he has made. Even though he thought that it was his duty to oppose the amendment, his own speech, from the beginning to the end, has been an admission of the fact that the Mussalmans had not been given their due rights in the Delhi University. I am glad that the speech which has today been made from the Government benches shows a real appreciation of the situation in the country. This speech seems to give us a hope that since the Government feels that the Mussalmans do have a case, it will wake up to its duty of redressing their grievance. I am therefore glad that today's speech from the Government Benches marks a very welcome departure from the speeches that were made on Saturday last, which showed a wilful refusal on the part of the Government to face facts and to admit stern realities.

After all, what are the reasons that the Honourable Mr. Tyson has advanced for the inability of the Government to accede to our demand? His reason is that the Government had not had time to go into this question completely, and that without investigating this question thoroughly it would not be possible for them to try to take steps to do the needful in this direction. It is also said that the purpose of this Bill was not to review and overhaul the whole system of education in the Delhi University, but that it was some specific purpose which led them to bring this Bill. Well, Sir, we would not have put Government to all this inconvenience by moving amendments in the other House and by giving notice of a large number of amendments in this House also if only Government had confined themselves to the purpose which they say they had in view. The purpose, as I understand it, is to introduce a new three-year course for the degree, and also to have a paid Vice-Chancellor for the Delhi University. These two were very plain matters, and if only Government had confined themselves to these in the amending Bill, we would not have taken all this trouble, and we would not have put Government to all this worry. But since Government thought that under the cloak of this simple proposal they would avail themselves of the opportunity to bring a more detailed Bill so that for some years at least there might not be any justification for any Bill of this kind to be brought in connection with the amendment of the Delhi University Act, we have our grievance against Government, and it is for this reason that we have been, on behalf of the Muslim League Party, in the other House and in this House also, trying to make Government understand the situation, to face facts and to do justice to the Mussalmans.

Sir, the Honourable Mr. Tyson had also the fairness to admit that the Government does not view with complacency the present state of things in the Delhi University as regards the securing of benefits of the University to the minorities. There is this glaring fact that one of the minorities, and particularly the Muslim minority, has not been given its due. When this is the position, what is it that prevents Government, what is it that prevents the Honourable Mr. Tyson, from accepting this amendment? It looks as though the Honourable Mr. Tyson is not a free agent. Otherwise I do not know what it is that keeps him from promising to do the needful? Is the time inopportune? Do they want to wait for some auspicious moment for doing justice? There is a saying in Persian:—

Darkar-e-khair Hajath-e-Heech Istekhara Neesth.

For doing the right thing, it is not necessary for you to find out which is the auspicious hour. Every hour is auspicious, if what you want to do is really good. It is not necessary for Government to wait for some favourable moment when once they know there is injustice. It is their duty at once to try and stop the injustice and bring about communal equality.

Sir, it has been said that there is one university at least in India, barring the two special universities which are for particular communities, in respect of which the Sadler Commission made a recommendation to this effect. I mean the Dacca University. The Honourable Mr. Tyson admitted that this recommendation was made by the Sadler Commission for Dacca, because the Commission felt that there was a desire on the part of Muslims in that region for increased benefits of university education of which they had been deprived until then. But I ask, is there not evidence enough to show that the Muslims of Delhi Province—that the Muslims of the whole of India, for that matter, because Delhi is a place where Muslim boys from all parts of the country come, because their parents in Government service are transferred to Delhi—is there not enough evidence, I ask, to show that the Muslim community wants to get its due share in the Delhi University? Can there be anything more convincing than the ardent desire expressed and the persistent efforts made by the Muslim League in the other House, in spite of the obstinacy on the part of Government to accede to our reasonable requests?

As regards the Delhi University also, the Honourable Mr. Tyson had to admit—facts cannot be denied—that the original Bill, as it was proposed in 1922, when this University came into existence, did contain this provision for communal representation. And why was this provision not incorporated in the Delhi University Act? It was only because in the Select Committee which went through the Bill there was one solitary Muslim. I do not take the Honourable Sir Muhammad Shafi as representing the Muslim community. As my Honourable friend the Member for Education said, the moment they take the oath of allegiance, they cease to represent their own community. I like that. Once they take their seat on the Executive Council, they cease to be partisans, they cease to belong to any party. But the very fact that they cease to belong to any community should not deter them from doing justice. The only solitary member, as I was saying, of the Select Committee who was supposed to safeguard and protect the interests of the Muslim community was Maulvi Abul Kasem—and that in a committee of about 14 members. Maulvi Abul Kasem could not have an opportunity to press his point of view on the whole committee. He was the only Mussalman on the Committee. We see how all the members of the Muslim League in the Legislative Assembly were not able to alter even a jot or tittle of what the Government brought forward. Do you expect Maulvi Abul Kasem to do single-handed what the whole of the Muslim League in the Legislative Assembly could not do? The result was that the Committee recommended that there should be no specific provision for communal reservation. At the same time, Maulvi Abul Kasem expressed the pious hope that the Muslim community and the public interested should have a voice in the selection. This is what Maulvi Abul Kasem said:—

“The Mussalman community and the public interested should have a voice in the selection of the Mussalman members of the Court. I, therefore, suggest that provision should be made in the Statutes to the effect that one-third of the members elected by the different electorates should be Mussalmans”.

He too was of opinion that this provision should be made in the Statutes. So, all along the line there has been this feeling that the Mussalmans should have their special representation. I do not see any reason why the Government should fail to do justice to the Mussalmans. Provisions ought to be there to safeguard the interests of all the communities, without making any difference between one section of the population and the other. Just because there are some sections of the population which have secured a monopolistic position, are the Government afraid to disturb that anomaly? If that is the view of the Government, I believe that is not a thing which is worthy of the Government of India. Once more I make the request to the Government that they should try to see things in their proper perspective and do justice to the Mussalmans.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. Chairman, during the course of the speeches that have been delivered on this amendment, a great deal has been said about the interests of the minority communities. I do not know, Sir, what is meant by the interests of the minority communities in this connection. As my Honourable friend Mr. Tyson pointed out today and as the Honourable the Educational Adviser to the Government of India pointed out the other day, the participation of the minority communities in University affairs can depend only on the extent to which Muslim graduates are prepared to take part in

[Pandit Hirday Nath Kunzru.]

the administration of the University and the extent to which Muslims regard the University as their own by sending their sons to it. In both these respects, however, as my Honourable friend Mr. Sargent showed the other day, the Muslim community had lagged behind other communities. The reason may be, as he said, that Aligarh being so near to Delhi, the Muslims choose to send their sons to the Muslim University. But, if it is so, how can they complain that there are not enough Muslim electors among the registered graduates or that Muslims are not adequately represented on the Court? I do not know, Sir, as I have already said, what is meant by Muslim interests. Do Muslims want that their representation in the University should be arranged on the basis of the percentage of Muslims in the population of Delhi—

THE HONOURABLE MR. HOSSAIN IMAM: Yes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:—or their percentage in the total population of India excluding the Indian States? Or do they want that they should be given representation on the Court and the other bodies on the same principle on which they have been given representation in the Public Services?

My Honourable friend said "Yes" in answer to one of the questions that I put. I think the answer that he gave meant that he wanted the Muslims to be represented in proportion to their percentage in the population of Delhi. It is very easy for my Honourable friend to shake his head approvingly when such a thing is mentioned but not quite so easy to defend it on grounds of equity. If Muslim graduates will not get themselves registered as graduates of the Delhi University, or if Muslims will not send their sons for education to the Delhi University, is it equitable that they should demand that share in the administration of the Delhi University which they consider themselves entitled to by virtue of their proportion to the other communities in the city of Delhi? I see no justification for this demand. I am not in the least opposed to the representation of Muslims on the Court or on the other bodies. But if they desire their proper representation, the remedy is in their own hands. What they want is that they should continue to patronise other universities and neglect the Delhi University and still have a large representation on it.

THE HONOURABLE MR. HOSSAIN IMAM: Is not the Honourable Member a member of the Executive Council of the Benares as well as the Allahabad University?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I am. I am there as a registered graduate or a donor. I do not demand representation on the Allahabad or the Benares University Executive Council simply because I am a Hindu or an inhabitant of the United Provinces. If my Honourable friend will bear that simple consideration in mind, he will be able to take a much more correct view of the position than extraneous considerations have so far allowed him to take. My Honourable friend said that he wanted the Muslims to be represented on the Court in proportion to their population of Delhi. The University of Delhi is not meant for people living in the city of Delhi only. People living in the Province of Delhi can also attend it. On what grounds, then, does he take into account only the Muslim population of Delhi and not the Muslim population of the whole province? Again, it was said that the University was Imperial. It might therefore be said that the Muslim percentage in the total population of India should be taken into account. But all these considerations, as I have said, are fallacious. The University is not meant for Hindus or Mussalmans as such. It is meant for students of all communities and therefore no bar is placed in the way of admission of Muslim students to the University.

THE HONOURABLE MR. HOSSAIN IMAM: You are forcing us into Pakistan.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Nothing of the Kind You are if I may say so without disrespect, saying something which is wholly irrelevant and you know that it is so.

THE HONOURABLE MR. HOSSAIN IMAM: You are bringing forward this argument—

THE HONOURABLE THE CHAIRMAN: Order, order. Please address the Chair.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: "It is no use saying 'You are forcing us into Pakistan' and bringing in an irrelevant issue."

This has got nothing to do with Pakistan. Can Hindus claim representation on any University simply because of their population. If the Mussalmans or the Hindus in a University do not choose to get themselves registered, they cannot get representation.

THE HONOURABLE MR. HOSSAIN IMAM : Is that the only way of getting into the Court ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The only other way is nomination.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir. Out of 137, there are only 25 from Registered graduates.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : There are University teachers and so on.

THE HONOURABLE MR. HOSSAIN IMAM : There you are. The whole object is there.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the object is to get

1. P. M. a certain proportion of the teachers, deal with it directly. But why introduce it in this indirect manner ?

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, we are not discussing the composition of the Court. We were discussing at the moment the Selection Committee.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Selection Committee is concerned only with one person, the Vice-Chancellor, not with the teachers. The question that my Honourable friend raises is irrelevant even to the amendment which he has put forward. I shall be very glad indeed if Muslim graduates register themselves in larger numbers in the Delhi University. If Muslim students join it in greater numbers it will be a matter of satisfaction to everybody. Nobody wants that any University should deny admission to members of any community or make it difficult for them to gain admission into it. But the Muslims do not take interest in the Delhi University ; they prefer other universities, it may be on grounds which they consider very good. Why should they then unnecessarily blame others. For the small part they have so far played in the Delhi University.

Now, Sir, I should like to say a word about what fell from my Honourable friend Mr. Tyson. He seemed to me to speak with two voices. In the earlier part of his speech he seemed to be against communal representation and referring to one of the amendments that have not been moved asked whether it could be justified in view of the figures relating to the participation of Muslims in the Delhi University quoted by the Educational Adviser to the Government of India the other day. Yet in the second part of his speech he seemed to be almost apologetic and said that he was expressing no opinion on the principle of communal representation. It seems to me in view of what Mr. Tyson said that the trouble with regard to communal representation is really due to the attitude of Government. They opposed communal representation in the other House. Now it is sought to be made out that it was opposed simply because the University had not been consulted on the subject. It was also said by Mr. Tyson that increased provision had been made for the representation of minorities through nomination. If I were inclined to pursue this matter further I would ask him on what principle the power of nomination was to be exercised by Government. How is the interest of any community in the Delhi University to be judged except on the basis of the figures quoted by the Educational Adviser to the Government of India ? If he accepts that basis, how does he justify the increased nomination ? The method of nomination is not acceptable either to Hindus or to Muslims. But apart from that, I should like to understand how the Education Secretary can be acquitted of the charge of having been inconsistent in the speech that he made. It is time that the Government clarified their position. A position like the one taken up by my Honourable friend Mr. Tyson is not fair either to Government or to the other communities or cultures concerned. For my part, I think that there is only one principle on which Government can proceed. It should be pointed out to the Muslims that the gates of the Delhi University are open to them and that Muslim graduates if they get themselves registered in larger numbers will be able to influence the affairs of the University to a much greater extent than they are able to do now.

[Pandit Hirday Nath Kunzru.]

Sir, I will say nothing with regard to the question of the appointment of teachers, because the amendment does not relate to that subject. If, however, any other amendment is brought upon that point, I shall be quite prepared to express my opinion on that. I will only say that if the Delhi University appoints competent Muslims as professors or readers or lecturers, I shall not have one word to say against their choice. But it is obviously difficult to choose professors and readers merely on the ground that the applicants belonged to certain communities. The constitution of selection committees so far as colleges are concerned is laid down in the Statutes. I do not think it can be said that the scales are weighted against the Mussalmans so far as its composition goes and there need therefore be no fear that the claims of deserving Mussalmans will be ignored. I am entirely in favour of having a fair selection Committee and choosing competent Muslims both on arts and science sides to instruct the students of the Delhi University so that both Hindu and Muslim teachers may be able to shed their liberalising influence on the students and enable them to develop themselves as citizens of a freer and greater India than we unfortunately know at the present time.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I shall not reply to the communal aspect and the explanation given by the Honourable Mr. Tyson now. I shall reserve it to be dealt with on a later amendment. I regret that at this moment in spite of my endeavours to keep out the communal wrangle this hydra has found its way into this Chamber. If Dr. Kunzru will excuse me, when we are discussing an amendment we have to confine ourselves to it. The Honourable Mr. Tyson discussed the general question of Muslim representation without bringing in particular items which make it up and Dr. Kunzru unnecessarily hammered and went on hammering the question of graduates for which we have got a specific amendment not only in my name but that of Dr. Kunzru himself. The matter could very well be discussed then, their numbers and proportion, etc. When I said that you are forcing us to Pakistan, what I meant was that every time we bring up any grievance we are told that you have not had a share in the past and so you are not entitled to a share in the future; that those who have got into the stride and are in the swim must have a monopoly and no consideration will be shown on the excuse of nationalism. Sir, I shall deal more fully when I come to deal with communal amendment. At this moment, Sir, I simply wish to say a few words on this particular amendment.

The Honourable Mr. Tyson laid stress that the choice of the Chancellor would be restricted if the University fails to send in a Muslim as its representative. May I say, Sir, that his choice may be restricted but the field will not be restricted. If he wants an educationist my community can give him an educationist of eminence not only of an India-wide reputation but almost of international reputation, men of full college experience of every type. He can get any number of them from my community. It is wrong to say, Sir, that his choice will be restricted, except in one respect, in the white skin! That is the only field in which he will not find a Muslim, he cannot get a European. If he wants to have purposely a European member in the committee for selection, of course, it will be denied to him, but for every other conceivable reason, whether it would be experience of any kind, educational, administrative or anything, he has got ample choice to select from among the Muslims and his choice will not be restricted. I, therefore, think, Sir, that it is better to say that the Government is not willing to accept an amendment rather than to bring out laem excuses for not accepting the amendment.

THE HONOURABLE THE CHAIRMAN : Amendment moved :—

"That in clause 5 of the Bill in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim', be inserted."

Question put : the Council divided :

AYES—3.

Agar Ali Khan, Hon. Maulvi.
Hossain Imam, Hon.

Padshah Sahib Bahadur, Hon. Saiyed Mohamed.

Ashraf Said, Hon. Mr. *
Boznan, Hon. Mr. G. S.
Charanjit Singh, Hon. Raja.
Conran-Smith, Hon. Mr. E.
Ghosal, Hon. Sir Josna.
Hydari, Hon. Mr. M. S. A.
Jogendra Singh, Hon. Sir.
Jones, Hon. Mr. C. E.
Kalikar, Hon. Mr. V. V.
Khurshid Ali Khan, Hon. Nawabzada.
Kunzru, Hon. Pandit Hirday Nath.
Lal, Hon. Mr. Shavax A.
Mahomed Usman, Hon. Sir.

Menon, Hon. Sir Ramunni.
Mitra, Hon. Mr. D. N.
Mukherjee, Hon. Sir Satya Charan.
Pillai, Hon. Mr. N. R.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray, Hon. Mr. S. N.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy, Hon. Sir Satyendra Nath.
Sapru, Hon. Mr. P. N.
Sargent, Hon. Mr. J.
Sinha, Hon. Kumar Nripendra Narayan.
Tyson, Hon. Mr. J. D.

The Motion was negatived.

THE HONOURABLE THE CHAIRMAN : The question is :—

“ That clause 5 stand part of the Bill ”.

The Motion was adopted.

Clause 5 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 6.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That clause 6 of the Bill be omitted.”

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : Sir, before my Honourable friend proceeds to move his amendment, I submit that the amendment is out of order. I shall read out the relevant portion of the ruling given by Sir Henry Moncrieff-Smith on the 22nd March, 1926 :—

“ I find an amendment on the paper standing in the name of the Honourable Lala Ram Saran Das again. His amendment is ‘ That clause 7 of the Bill be omitted ’. I think a little reflection will show him that that amendment is not in order because our Standing Orders lay down that no such amendment shall have the direct effect of a negative vote. The Motion before the House is that clause 7 do stand part. The Honourable Member cannot therefore move that it do not stand part. It is, however, open to him to speak against the inclusion of the clause and to vote against it”.

In view of this ruling, I submit the amendment is out of order.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, as the amendment is out of order, I shall not move it. I shall oppose the clause.

THE HONOURABLE THE CHAIRMAN : The question is :—

“ That clause 6 stand part of the Bill.”

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose this clause, because it brings in a Hitlerian power to the Vice-Chancellor. At the moment, the Act says that the Vice-Chancellor shall be responsible for the discipline of the University “ in accordance with this Act, the Statutes and the Ordinances”. The Honourable Mr. Tyson wants that the Vice-Chancellor should be made, in the matter of discipline, independent of Ordinances and Statutes as well as of the Act. Whatever the Vice-Chancellor might deem to be necessary for the discipline of the University, he might do. I think, Sir, that it is really giving the same power to the Vice-Chancellor as is enjoyed by the Governor General in the matter of making Ordinances.

Similarly, the Vice-Chancellor is to be the supreme authority. He cannot be bound down by anything. What will be his criterion after the removal of this limitation, I do not know. I should like the Honourable Mr. Tyson or the Honourable Mr. Sargent to explain what is the significance of this omission, and why he is being made independent of the Act, the Statutes and the Ordinances. I have some doubts, and that is why I am opposing the clause.

THE HONOURABLE MR. J. D. TYSON : Sir, my Honourable friend has imputed to me, in perfect good faith, a motive which I can assure this Honourable House never actuated me for a moment. The last sentence of sub-section (5) of section 12 of the Act says that the Vice-Chancellor shall be responsible for the discipline of the University “ in accordance with this Act, the Statutes and the Ordinances”. The same section, in sub-section (2), lays down that “ it shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose”.

Sir, whether these words are in the Act or not, it is quite impossible for the Vice-Chancellor to act lawfully in contravention of the Act, the Statutes or the Ordinances, and it is nowhere laid down that he can in any way be exempted or act as a dictator, and contrary to the Act, the Statutes and the Ordinances. We object to the provision in the Act that he shall be responsible for the discipline of the University “ in accordance with the Act, the Statutes and the Ordinances”, because

[Mr. J. D. Tyson.]

as a matter of fact, neither the Act nor the Statutes nor the Ordinances give the Vice-Chancellor any help whatsoever in the matter of discipline. They nowhere lay down what he is to do and what he is not to do. If we delete these words, it will be open to the Vice-Chancellor to take appropriate action in matters of discipline,—to make the punishment fit the crime, as the phrase goes. Now, it has been argued, in a recent incident when some fairly serious misdemeanour took place and the Vice-Chancellor wished to send the offender down—to rusticate him, as the phrase goes—that as no power is specifically vested in the Vice-Chancellor under the Act, the Statutes or the Ordinances to visit this particular crime with any punishment, he was precluded from punishing this undergraduate. That is a position in which no Vice-Chancellor responsible for discipline could acquiesce.

If we delete these words, the Vice-Chancellor will in no way be excused from following the Act, the Statutes and the Ordinances. But in matters of discipline, as my Honourable friend will realise, it is impossible to make a catalogue of all the possible misdemeanours which can be devised by the undergraduate mind and to apply a procedure and a punishment to each. These things must be left to a certain extent to the discretion of the Vice-Chancellor. If these words are deleted as we suggest, it will still be open to the University to lay down in its Statutes or Ordinances that in certain classes of offences he shall not impose a punishment over and above a certain scale, or that he shall take a certain line, and he will be bound by such directions: but the fact is that the University has not hitherto prescribed any machinery or penal code to help the Vice-Chancellor in maintaining discipline, and therefore the words that we seek to delete are meaningless and really, in a way, mischievous.

I would only add that this was one of the points brought before the University when we consulted them about the Bill, and the University themselves not only approved of our proposals to delete these words, but went on to suggest a further amendment, in a Statute about the powers of principals of colleges, to make certain that there should be no overlapping between the powers of the Vice-Chancellor and their's. So, in this matter we have the University behind us.

THE HONOURABLE MR. HOSSAIN IMAM: May I just say one word? Is there any provision of this nature in any other university whereby the Vice-Chancellor is not subject to the Act, the Statutes and the Ordinances?

THE HONOURABLE MR. J. D. TYSON: I am afraid I failed to make myself plain. The deletion of these words will not make the Vice-Chancellor any less subject to the Act, the Statutes and the Ordinances. We are only cutting out words which would bind him to act only according to certain provisions which do not exist.

THE HONOURABLE MR. HOSSAIN IMAM: I understand these words exist in respect of other universities. For instance, in respect of the Lucknow University the provision is exactly the same as in the original Act here.

THE HONOURABLE THE CHAIRMAN: The Question is:—

“That clause 6 stand part of the Bill.”

The Motion was adopted.

Clause 6 was added to the Bill.

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

The Council re-assembled after Lunch at Three of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

THE HONOURABLE THE CHAIRMAN: Clause 7.

***THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadian):** Sir, before the discussion of clause 7 begins I want to submit that amendments Nos. 85, 86, 87 and 88 standing in my name at the end of the List of Amendments ought to be taken up because they deal with section 18 and the first part of section 22, whereas clause 7 deals with the latter part of section 22 of the original Act.

THE HONOURABLE THE CHAIRMAN: You cannot, in this amending Bill, try to amend the Act itself. You can only ask the Bill as it stands to be amended—either added to or subtracted from. But simply because an amending Bill has been

introduced into the Legislature, it does not lie in the mouth of any Honourable Member to try and amend the main Act unless the main Act itself is before the House, and therefore I do not think that any of your amendments can be sustained.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : But section 22 itself is being amended by the present Bill, Sir.

THE HONOURABLE THE CHAIRMAN : True, but it is one clause of it only that is sought to be amended.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : But if the second part is before the House, I submit I can bring in amendments to the first part. Section 22 is for the consideration of the House.

THE HONOURABLE THE CHAIRMAN : Not the whole of it.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Something is going to be added to it.

THE HONOURABLE MR. SHAVAX A. LAL : Clause (a) of section 22 is not touched by the Bill at all. I take objection to the moving of these amendments Sir, and that is in accordance with the ruling given by our present President in 1938. The President ruled out an amendment moved by my Honourable friend himself in 1938. As that particular clause, which he sought to amend, was not before the House, the President ruled that no amendment could be moved. That is my submission, Sir.

THE HONOURABLE THE CHAIRMAN : The point is this. Simply because a section of an Act contains a number of clauses and one clause is sought to be amended, the Honourable Member cannot amend the whole section. Therefore, in view of the precedent already established, I disallow amendments Nos. 85, 86, 87 and 88. These amendments cannot be moved in view of the observations already made.

The Question is :—

“ That clause 7 stand part of the Bill. ”

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I oppose this clause. The reason for our opposition is very simple. I will not take up much time of the House. The Honourable Mr. Tyson, when speaking about communal representation, was very insistent that any change to be made in the University must be subject to the consideration of the University. Here is an instance in which the Honourable Mr. Tyson has gone against the opinion of the three bodies in the University—the Court, the Executive Council as well as the Academic Council. All the three reported against this proposal. I have referred to this matter in my general discussion and so I will not repeat my arguments. But I will remind the House that at the moment this power is not enjoyed by the Executive Council. I should like to be convinced by very strong reasons why, in spite of strong opposition, this is being done. Am I to take as an earnest of future action from the Government that when the University opposes a thing, they will come out as strongly as they are doing now for giving the Executive Council a power which it does not want on the terms on which it is given ? If this is an earnest of that, I would welcome it in spite of the fact that I am opposing clause 7 at the moment.

THE HONOURABLE MR. P. N. SAPRU : May I explain our attitude, Sir ? I am very strongly, as I have said, for a unitary type of university. We recognise, however, that this represents a compromise. We do not say, “ Go ahead with a federal university ”. By all means try the experiment, but, on reflection, after hearing what the Honourable Mr. Sargent had to say about the state of colleges in the Delhi University, I have come to the conclusion that it is absolutely essential that the Executive Council should have the power of recognising or withdrawing recognition from colleges. I suggested that the power, so far as the Executive Council is concerned, should reside in a two-thirds of the Executive Council. But this is a different proposition altogether. Now, whatever the University might say, whatever the Executive Council might say and whatever the Academic Council might say, the question has got to be looked at from the point of view of the interests and efficiency of higher education and I am afraid, Sir, that the Court is much too unwieldy a body

[Mr. P. N. Sapru.]

to deal with the very intricate and delicate questions which arise when matters relating to affiliation or withdrawal of recognition of colleges are discussed.

Sir, I do not want to take up more time. I oppose the Honourable Mr. Hossain Imam's suggestion.

THE HONOURABLE MR. J. D. TYSON : Sir, this is definitely a departure from the existing situation in the Delhi University under which a college is recognised by the passing of a Statute and recognition also requires the passing of a Statute modifying the original Statutes. The Court is a body of between 130 and 140 persons, made up in a variety of ways, drawn from a variety of walks of life and from a variety of localities. Quite a proportion of the members are not resident in Delhi. It meets ordinarily once a year, though it can, of course, be called oftener. We have definitely felt, Sir, that it is for the Court, in its capacity as a legislative body, to lay down conditions under which recognition should be accorded to colleges and non-compliance with which conditions might entail the taking away of recognition. But we have felt that it was necessary, if the threat of taking away recognition was to have any substance in it at all, that there should be an effective machinery for taking that recognition away. We hope very much that it will not be necessary that any college should have its recognition taken away from it. It is a very serious thing not only for the college itself but for the staff and students of the college. But it is in the last resort a weapon that must be in the armoury and we feel that it should be in the armoury in an effective form. Therefore, Sir, we have in this and another amendment to the original Act sought to distribute the responsibility of according and taking away recognition between this legislative body and the executive body, the Executive Council, in a way more in keeping with their respective composition and functions. We have provided—it does not arise under this amendment—we have provided safeguards to prevent the power being abused. It is no reflection on the Court that we should take this power away. The power was only, as far as I can see, conferred on the Court by a Statute about 1936 and we think that was on a misreading of the original intention. As I say, it is no reflection on the Court to say that on account of its composition, numbers and the fact that many of its members are non-resident we do not think it is the most suitable body in the University to exercise this important function. We feel that it is necessary especially for the taking away of recognition that a body of persons in touch with the day-to-day administration of the University should handle the matter. The Court will lay down all the conditions. It will be for the Executive Council as judge to apply those conditions and to say whether they are satisfied. I do not wish to press analogies too far because universities differ so very much in the composition of their various bodies, but there are analogies—I will put them no higher than that—in the Universities of Agra and Nagpur. And as regards the University of Delhi it is not quite true to say that we have flouted the opinion of the University of Delhi in this matter. The Court from whom it is sought to take this power naturally objected. When reference was made to them the Court said, in effect, "We think that this power should reside with us but, should this not be accepted by the Select Committee on the Bill, we would favour the adoption of the views of the Executive and Academic Councils". The Executive and Academic Councils said :—

"They agree that section 28 (g) refers to the conditions or general principles governing recognition of colleges and the withdrawal of such recognition and not to the executive action of recognition and withdrawal of recognition. The statute should provide the general principles". (By that they meant that the Court should provide the general principles.) But the executive action of recognition or the withdrawal of recognition must be by the Executive Council in accordance with the Statutes".

Then, Sir, they went on to say that they would like to see provision made for a two-thirds majority. That does not arise at this stage. Though the Court were against us, as we thought they would be, the Executive Council and the Academic Council supported our proposal. That is all I have to say. We do attach importance to this, and, as I say, we have provided safeguards and we think that this is better than the Statute of 1936.

THE HONOURABLE MR. HOSSAIN IMAM : You did not read out the opinion of the Executive Council fully. On what conditions were they prepared to have it ?

THE HONOURABLE MR. J. D. TYSON : It is not exactly relevant here. I did not seek to hide it. I said that they made further recommendations about the machinery required; they wanted a two-thirds majority. They said :—

"They feel, however, that an important executive action like this must be by a substantial majority of the Executive Council; a majority of not less than two-thirds of the members present should, in their opinion, be required. They suggest, therefore, the following :—

'The Executive Council shall have power, by a resolution passed by a majority of not less than two-thirds of the members present, to recognise a college or to withdraw such recognition in accordance with the Statutes and the Ordinances.'

As the Honourable Member has made me refer to it, I may further say that the quorum for the Executive Council is six. Two-thirds of the members present might be four and we have provided that there should be a majority of the whole Executive Council, present or not present. We think that ours is a better safeguard than the two-thirds that they have suggested.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court' be added at the end".

This is the opinion of the Court which I have supported. I have nothing more to say.

THE HONOURABLE MR. J. D. TYSON : I have nothing to add.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : The Question is :—

"That clause 7 stand part of the Bill."

The Motion was adopted.

Clause 7 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 8.

THE HONOURABLE MR. HOSSAIN IMAM : I rise to move :—

"That in clause 8 of the Bill in the proposed clause (g) the words 'Executive Council' be omitted."

This refers to section 28 of the original Act. The amendment which I move is a corollary to the amendment which I moved before. The power should not vest in the Executive Council.

THE HONOURABLE MR. J. D. TYSON : It is the same point exactly. My Honourable friend seeks to omit the words "Executive Council". But recognition, by the decision just arrived, is to be by the Executive Council. I oppose the amendment.

Question put and amendment negatived.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 10.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose it. The reason for my opposition, Sir, is that the amendment says :—

"The Colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the Statutes, but shall include all colleges recognised at the commencement of the said Act as colleges of the University so long as such recognition continues."

If this amendment is made in the Act, Sir, the position will be that the colleges which are now recognised will lose their independence and the present position is, Sir, that the colleges that have been recognised by the Act are there. Their recognition cannot be taken away without some detailed action being taken, but what the Honourable Member probably wishes is to short-circuit it and therefore on the same principle, Sir, because it interferes with the independence of the colleges, I oppose this Motion.

THE HONOURABLE MR. J. D. TYSON : Sir, at present section 34 says :—

"The Colleges shall be such as may be named in the Statutes",

and there is a Statute which names all the colleges.

Now, Sir, we are proposing that in future the according and taking away of recognition should not be done by Statute but should be done, in accordance with the Statutes, by the Executive Council, and so we have proposed to make section 34 of the Act read :—

"The Colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the Statutes, but"—and this is the safeguard—"shall include all colleges recognised at the commencement of the said Act as colleges of the University so long as such recognition continues".

[Mr. J. D. Tyson.]

So, Sir, this is really consequential on the new procedure that we have introduced and the latter part is designed to carry on existing recognition, and is a safeguard, therefore, for the colleges at present recognised.

So far as "short-circuiting" goes, the procedure for the withdrawal of recognition will be found at page 14 of the Bill, clause (33) of Statute 33, where the machinery is laid down. The Executive Council after due enquiry and consultation with the Academic Council may by a majority of all the then members of the Executive Council withdraw recognition subject to an appeal. But, Sir, I do not honestly think that the colleges have anything to fear with regard to their independence from section 34 as it stands and as we seek to amend it.

THE HONOURABLE MR. P. N. SAPRU : I think under the clause as it stands it will be possible for new colleges also to be established and recognised, so that it is of advantage to the Honourable Mr. Hossain Imam to have a new clause.

THE HONOURABLE MR. HOSSAIN IMAM : Without this amendment too recognition can be had.

THE HONOURABLE MR. J. D. TYSON : Yes, there is provision, Sir, for this recognition.

THE HONOURABLE THE CHAIRMAN : The Question is :—

"That clause 10 be added to the Bill."

The Motion was adopted.

Clause 10 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 11.

THE HONOURABLE MR. HOSSAIN IMAM : This clause, Sir, is the real *piece-de-resistance* of this Bill, because it is by this clause that the three-year course is being introduced but it has been so camouflaged that it was difficult for a man like me, who has not much knowledge of university affairs, to find out where the real thing was laid.

Sir, I am not going to oppose it. I rather want information on the subject. The three-year course, Sir, has been characterised by the Government as an experiment and by the Opposition as a well-established principle. I for one, Sir, am a waverer between the two. I am neither opposed to it nor in support of it. I want to see how it fares but I have certain difficulties, Sir, which I wish to be clarified. One of the difficulties, Sir, which I find in the three-year course is that we have not got anything about the Board of Higher Secondary Education. Probably this Board of Higher Secondary Education has not yet been created or is about to be created. It has not been stated, Sir, what would be the constitution of this Board of Higher Secondary Education, what will be its curricula and also how it will affect the schools that at the moment exist in Delhi. We know, Sir, the difficulties of the private schools. As it is, they are in great difficulty already; but if you tag on a further one year to their course there will be an additional difficulty that they will have to teach subjects which they are at present not teaching. I refer, Sir, to the Science subjects. In most of the schools there is no Science teaching in the sense in which you want the first-year Science course to be incorporated. What is the intention of the Government in this matter? It is not such an easy matter that you can allow it to pass muster. The schools will be in great difficulties both for housing and for expenditure which are the greatest possible impediment that can be placed in the way of the higher secondary education. The position at the moment is that either people will have to give up Science in the college because they will not have passed in the Science subjects from the Higher Education Board or if they have to go for the Science courses they will have to get admission in certain wealthy schools with the result that, I coming from a poor nation, will be the greater sufferer than my sister nation.

Then, Sir, we have not here anything to show whether in the three-year course there will be any provision for any examination like the intermediate to take place or whether there will be any sort of Certificate or Examination, or diploma. What will you do in the first of the three-years? Will an Intermediate degree continue to be given by the University after the first year or as was suggested by my Honourable friend Mr. Sapru you will follow the Oxford Moderation method. We must have full

information on this subject, Sir, and we must have an assurance that schools will be given full help to teach science courses. By full help I do not mean meeting part of the cost : I mean that those who cannot afford it must have practically the full payment of the extra cost incurred on science teaching, because it is very essential that if Government is going to embark on this experiment they must not queer the pitch of higher secondary education. Otherwise the result will be that higher secondary education will be much curtailed. Admissions to the colleges have already been reduced ; as was stated by my party in the other House, the admissions this year have been on a very reduced scale as compared with previous years. For these reasons, I want to have an elucidation of this point.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. Chairman, I should like to have information from Government on an entirely different point. The question raised by my Honourable friend Mr. Hossain Imam is an important one. The Educational Adviser to the Government of India dealt with it the other day in the course of his speech. But the matter is so important that further elucidation is desirable, and the specific questions that Mr. Hossain Imam has put require a clear answer from Government.

But the question that I myself have to ask relates to the Board of Higher Secondary Education. Government propose to make this Board responsible for the reorganisation of secondary education. Though the extent of its jurisdiction will be less than before, it will, in respect of reorganisation, enjoy much greater importance than it does at the present time. It may not be able to control the entire intermediate education as it does at present, but the task of reorganising education is not a small one. I should like to know whether the present Board of Higher Secondary Education has been established by Statute. If it is not a statutory body, will Government take steps now to give it a statutory basis ? In other words, will they bring forward legislation defining the constitution and the functions of this Board ? The matter is, in my opinion, of great importance. I believe that in every other province except Delhi the Boards of Secondary Education are statutory bodies. At any rate, the United Provinces Board of Intermediate and High School Education owes its existence to an Act of the United Provinces Legislature. That example should be followed in respect of Delhi.

There is another reason, too, why I am anxious that the Board of Higher Secondary Education should have a legislative basis. When a Bill dealing with the future constitution of the Board comes before us, it would be possible to discuss properly many questions relating to secondary education which could be discussed only incidentally in connection with the present Bill. We are trying to change the system of education that prevails at present in Delhi Province. Government hope that Delhi will give a lead to other provinces. It is necessary, therefore, that we should have an opportunity of discussing basic questions relating to the authority that should in future control secondary education, and the manner in which it will exercise its power. It is only in that case that it will be possible for us to satisfy ourselves that the reorganisation of education will be a real thing.

THE HONOURABLE MR. JOHN SARGENT (Nominated Official) : Sir, I will do my best, although I doubt my powers of exposition, to clarify this situation as far as I can. As I think Honourable Members realise, if what I might call the well-tried experiment of the three-years' course is to be introduced, it is necessary to regularise in this way the admission examination to the three year's course. Under Statute 36 of the Act as it stands, admission to a Degree course in the University depends on passing the intermediate examination of some university, or passing an examination recognised as equivalent thereto. Although, as I said the other day, we hope that before very long we shall have raised the high school leaving standard up to the standard of intermediate, we cannot, in fairness either to ourselves or to other universities whom we may approach, claim that at the moment the high school examination which will take place at the end of class eleven is equivalent to intermediate. Therefore, it is necessary to make provision for the recognition of that examination for

[Mr. John Sargent.]

admission to the degree course of the University. It is also necessary, Sir, to make provision, as we have done in the proviso, for the recognition of the examination which the University themselves are holding at the end of the present preparatory course. That preparatory course will fade away as sufficient high schools in the city of Delhi become recognised and as their products supply the University, as we hope they will, with an adequate number of well qualified candidates for admission.

That, Sir, is the reason for this amendment of the Act, in order to regularise the position and bring in the examination of the Delhi Board of Higher Secondary Education as a recognised form of admission to the University. The intermediate examination will still remain a means of admission to the degree course. But, as I said the other day, probably the University will suggest, in order to obtain the co-operation of other universities, that a person having passed the intermediate examination of another university will be admitted to the second year of the degree course rather than the first. I hope this has clarified the technical reason for the introduction of this particular clause.

The wider issue has been referred to of the reorganisation of the high schools in Delhi in order to facilitate this. I do not know whether my Honourable friend Mr. Hossain Imam is familiar with what has been going on in Delhi in the last 12 or 15 months. We have fortunately been able to put at the disposal of high schools in Delhi a very considerable sum of money to help them in reorganisation both in regard to providing accommodation for science and also for employing more highly qualified teachers, which we have laid down as a condition of recognition for the eleventh class. We have offered to every school in the Delhi area—in Delhi and New Delhi—an opportunity of qualifying as a higher secondary school, if it so desires; and those schools that have applied—and I am delighted to say that a very large proportion of the 38 secondary schools have applied—are being inspected by a recognition committee, which is awarding them advance grants out of the sum which Government have placed at its disposal. This amounts roughly to Rs. 1½ lakhs for non-recurring and Rs. 1½ lakhs for recurring expenditure. So far as is known, the recognition committee have been able to make grants which have satisfied the governing bodies of the schools concerned that they will be enabled to provide additional accommodation and the additional standard of teaching which will be necessary to make the eleventh class a success and prepare their students for admission to the University. I have not so far heard any complaint either that the assistance given has been niggardly or that there has been any discrimination other than that of educational standard in accepting schools as higher secondary schools. Some of them have been accepted straightaway, others have been accepted conditionally on their complying with the requirements which have been laid down.

An interesting point has been raised by my Honourable friend Mr. Kunzru with regard to the Board of Higher Secondary Education under whose auspices the higher secondary examination will be conducted. This Board is really not a new Board. Since 1926 there has been a Board of Secondary Education in Delhi. That Board was set up not by a Statute but by an executive act of the Chief Commissioner, approved by the Government of India. That, however, does not appear to have affected its standing as its examination has been approved as a school leaving certificate examination for admission purposes by all the Universities in India. I have been into this matter though in the time that has been at my disposal I have not been able to carry out exhaustive inquiries. But there seems to be a mixture of practice in regard to these examination boards for high schools and intermediate colleges. Some of them, as in the case of the United Provinces, are definitely set up by an Act of the Legislature, while others are not. I understand that the Madras Secondary School Board was set up by an Act of Government and not by an Act of the Legislature. I believe the same thing is true in Dacca. The same is true of the Intermediate Board in Rajputana, Central India and Gwalior but to a certain extent that is a Central Government responsibility. It does not, therefore, appear to be essential that a Board of this kind should be set up by Statute. What is essential, of course, is that universities in India should recognise its examination for the purpose of their admissions and as we have hitherto succeeded in obtaining that this recognition with regard to the old Board of Secondary Education in Delhi, we hope that the present reconstituted Board

of Higher Education, which takes its place, will be similarly successful in obtaining recognition. As I have said, I am always delighted to find Legislatures taking an interest in Education and if, after all this prolonged discussion, the House would welcome further educational measures designed to give statutory recognition to this Board, no doubt the matter will be taken into consideration. But I think that so far as the Delhi University is concerned, and so far as other universities are concerned, the examination of this Board now finds a place in the Delhi University Act and from that point of view, its *bona fides* and status *vis-a-vis* other universities will be guaranteed. As I say, the old Delhi Board was exactly on the same basis as the new one in the matter of securing recognition from other universities for its examination and I fail to see any risk in our approach on this particular point. Since its examination was and has been accepted by other universities in this country for admission to their own universities, I am optimistic that the higher examination of the new Higher School Secondary Board will, with the assistance of the University and, if necessary, with the assistance of Government, be equally successful in securing recognition. I do not know whether I have been able to clarify the points which were raised but I have done my best to do so.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask a question, Sir, whether the intermediate examination will be held by the University in future or not ?

THE HONOURABLE MR. JOHN SARGENT : I am sorry I omitted to answer that point and with your permission, Sir, I should like to do so now. Universities generally, I think, like most of us are anxious to reduce the number of examinations rather than otherwise. But, as I have said, the whole question of examinations, their technique and all other matters concerning them, is at the moment under consideration by an expert committee of the Central Advisory Board of Education and from discussions to which I have listened and in which I have taken part in the Academic and other Councils of the Delhi University, I understand that they are awaiting the advice of that Committee before taking any firm decision in this matter.

THE HONOURABLE MR. P. N. SAPRU : Sir, one very important question which was raised by the Honourable Mr. Kunzru and the Honourable Mr. Hossain Imam was whether the constitution of this Board was to be regulated by an Act of the Legislature or by an executive fiat. On that question, the Honourable Mr. Sargent has not thrown any light—

THE HONOURABLE MR. JOHN SARGENT : Excuse me, Sir, on a point of explanation, may I say quite definitely that I stated that the original Board of Secondary Education in Delhi was set up by an Act of the Chief Commissioner with the approval of the Government and not by Statute and that it has now been reconstituted as the Higher Secondary Board of Education on exactly the same basis.

THE HONOURABLE MR. P. N. SAPRU : Sir, it was constituted by an Act of the Chief Commissioner in 1926. Its constitution, therefore, is governed by an executive fiat and not by an Act of the Indian Legislature. What I wanted to know was whether it was the intention of Government to have the whole question of Secondary Education brought before the Legislature. Government can do it by setting up a Board of Secondary Education by an Act of the Central Legislature. In the United Provinces, the Board of Intermediate Education and High School was set up by an Act of the Provincial Legislature.

Sir, I was just going through the Sadler Commission Report on this point and I find that one of the recommendations that they made about the Board of Secondary and Intermediate Education was that it should have a majority of non-official members. I should like to know whether this Board of Secondary Education which has been constituted by the Chief Commissioner has a body of non-official members ? If it has a majority of non-official members, then how are these non-official members elected ? In the United Provinces the University is directly represented through election on the Board of Intermediate and High School Education. Further, the Legislature of the province is also represented on the Board of Intermediate and High School Education by elected representatives.

Sir, the question of secondary education touches the people very intimately. I know and I am glad to hear that a definite responsibility has been undertaken by the Central Government to help educational institutions here to reorganise themselves.

[Mr. P. N. Saprū.]

But it is an experiment which can only succeed with public co-operation and in order that you might be able to secure public co-operation, it would seem essential that you should have public support and you can have public support if you take public opinion into consultation. The Central Legislature is the proper body for passing an Act regarding organising Secondary education in Delhi. Delhi has got no Legislature of its own and therefore the Central Legislature is the proper authority before which a Bill should come for reconstituting secondary education. When that Bill comes up, it will be possible for us to review the question in regard to secondary education in all its aspects. The Board of Secondary Education should not be a mere Department, as the Sadler Commission said, of the Department of Public Instruction. What we should like to know is whether the non-official element is sufficiently strong on that Board or not at the present moment ?

THE HONOURABLE MR. J. D. TYSON : I do not claim any personal knowledge of the Board, but I can certainly provide the information so far as the present regulations go. This is the reconstituted Board. There is a group of five, first of all, who are officials,—the Superintendent of Education, Delhi, Chairman, the Assistant Superintendent of Female Education, a nominee of the Superintendent of Education, Delhi, the Chief Medical Officer, Delhi or his nominee, and the Principal, Delhi Polytechnic—he happens to be an official for the time being. Then there comes a group of 10 who are elected namely, seven representatives of the University of Delhi, two representatives of the Delhi Municipal Committee, elected by that body, and one representative of the New Delhi Municipal Committee, to be elected by that body. Then comes a group of members who I suppose are really, most of them, non-officials. This group consists of seven persons. Two principals of boys' higher secondary schools to be elected by the principals of higher secondary schools; the headmaster of a boys' secondary school preparing candidates for the S. S. L. C. examination, to be elected by the heads of such schools; the principal of a girls' higher secondary school, to be elected by the principals of higher secondary schools for girls; a headmistress of a girls' secondary school preparing candidates for the S. S. L. C. examination to be elected by heads of such girls' schools. Then there is another group of six persons, including two women, of whom one shall represent the interests of the rural areas of the province, to be nominated by the Chief Commissioner to secure adequate representation of all interests. And finally there are two representatives elected by the managers of recognised schools from among themselves. It seems to cast the net pretty widely, if I may say so.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : But what is the objection to putting it on a statutory basis and giving it greater dignity and also bringing us more into touch with secondary education here ?

THE HONOURABLE THE CHAIRMAN : That question does not arise.

The Question is :—

“ That clause 11 stand part of the Bill. ”

The Motion was adopted.

Clause 11 was added to the Bill.

Clauses 12, 13, 14 and 15 were added to the Bill.

Sub-clause (1) of clause 16 of the Statute was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Amendment No. 10.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I move :—

“ That in clause 16 of the Bill, sub-clause (vii) of clause (1) of Statute 2 in the proposed Schedule be omitted. ”

I want this item, the Chairman of the Muslim Chamber of Commerce, Delhi, to be omitted. My object is to see that in educational institutions no communalism is introduced. This refers to the constitution of the Court. I believe the Court is not a political body or a religious body; it is purely an educational body. If the information that has been given to me is correct, on this point the Government opposed it in the other House but as they were pressed by my Muslim friends they accepted this item. I request the Government not to allow communalism to enter the portals of the Delhi University by back door or front door. I would have equally objected even if the item was about the Hindu Chamber of Commerce. I do not

make any distinction between the Chairman of a Hindu Chamber of Commerce or the Muslim Chamber of Commerce. I therefore submit that this particular item should be removed.

THE HONOURABLE MR. HOSSAIN IMAM : I find it very convenient to speak on communalism on this direct issue—whether communalism should be allowed in the University or not. When people talk of communalism I think they would be well advised to follow the precept given by the Honourable Member for Education, Health and Lands in his opening remarks which were “I cannot deny the existence of this factor”. The whole life of India from the Executive Council down to the *qhaprassi* is built up on communal issue.

THE HONOURABLE MR. V. V. KALIKAR : Avoid it in educational institutions.

THE HONOURABLE MR. HOSSAIN IMAM : Education in Delhi is really a part of the Government Department because of the enormous amount of the cost which the Central Government is bearing for it. If it had been an endowed college which was drawing its money from its own people, you would be justified in saying that there should be no communal representation. But when the money comes from the common pool, what is the justification for denying it? It is right to say that communalism is a canker, that it is a microbe? I would like to ask the Honourable Member for Education, Health and Lands what was the microscope with which he examined; the naked eye cannot see a microbe and that also involved an expert examination, which has not yet taken place. So it is like giving a dog a bad name and then hanging him for it. The question of communal representation is one on which one need not be ashamed. We have heard much of the temple entry by *Harijans*. They are allowed to come within the portals but not to touch the idol or to perform *puja*. The same thing is being done with us. We will be admitted to the University as applicants for the purpose of getting education.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Even the Brahmins cannot touch the idols.

THE HONOURABLE MR. HOSSAIN IMAM : They can perform *puja* and the *puja* is denied—

THE HONOURABLE THE CHAIRMAN : The Honourable Member is usurping too much. He does not know anything about Hindu temples. In South India even non-Brahmins are not allowed to go beyond a certain place in the temple.

THE HONOURABLE MR. HOSSAIN IMAM : Let alone the Academic Council and the Executive Council. This is in keeping with the attitude of my Honourable friends of the Hindu nations. Sir, I therefore most respectfully submit that I welcome the change in the tone of Mr. Tyson's speech today. I have made a note of what he said. I welcome this. No pronouncement on communal representation has been yet made by the Government of India.

He stated his difficulties: that he was faced with a spate of amendments at the tail-end after the Consideration Motion had been finished and when clauses were being considered. He also said that he wanted to consult the University, but of course whatever might be the excuse I will not dilate upon it but that is one of the reasons and he also made a very different statement that the question of communal representation cannot be thrown out like this. It wants a closer examination and the great thing which he said, Sir, was that the Bill as it was framed was framed merely for the purpose of bringing in the three-year course and there was no review. This was a great statement—that there was no review—and the Bill did not propose to tackle the question of communal representation. All these statements are very welcome to me and I note and I do hope that the Government will in its own good time do something and that we on our part have some hopes still left that even a wooden Government can become human sometimes.

THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, I do not wish to enter into the larger question of communalism in universities raised by the Honourable Mr. Hossain Imam. I was under no illusion at any time as regards the attitude of Government towards communalism and therefore I cannot say that I was either disappointed or surprised at the speech of my Honourable friend Mr. Tyson. I pointed out in my original speech that the principle of communalism had in fact been

[Mr. P. N. Sapru.]

conceded in this Bill. Whether it should have been conceded or not is a different proposition : I will not go into that question at this moment. I will merely confine myself to this amendment. Now I have a real difficulty in regard to the concession which has been made to the Muslim Chamber of Commerce. I think that it will be a most unfortunate development and I am looking at it from the question not only of industrial interests. I am not so much interested in industrial interests as labour interests. I think it will be a most unfortunate development in this country if we begin to recognise communalism in functional institutions. (*Hear, hear!*) If we, for example, were to recognise a Muslim Trade Union and a Hindu Trade Union, an Anglo-Indian Trade Union and a European Trade Union and a Christian Trade Union then we do not know where we shall end. I am looking at this question from the point of view of working class solidarity. Mr. Kalikar is looking at it from the point of view of the solidarity of the commercial community, which is also important. A concession of this nature will have repercussions so far as working class unity is concerned and the demand may be put forward that Muslim Railwaymen's organisations may be recognised, Hindu Unions may be recognised, Depressed Classes Union may be recognised. What we have got to do is to endeavour to improve the lot of the average man and the common man. We are all looking at these questions from the point of view of the vested interests of the middle classes, whether Hindu middle classes or Muslim middle classes and Mr. Hossain Imam in asking that this clause should stand is doing no good to the Muslim working classes who after all count and should count in any civilised community.

THE HONOURABLE MR. J. D. TYSON : Sir, I will not make any comments on what has fallen from my Honourable friend Mr. Hossain Imam, whose speech I regard as being in a manner a reply to the one I made on an earlier amendment, but coming straight to the amendment itself I must say I have a good deal of sympathy with what has fallen from the Honourable the Mover and from the Honourable Mr. Sapru and I may say that in another place when the amendment by which this clause was inserted in the Bill was moved it was opposed from Government Benches on the ground that it was introducing a communal element. But, Sir, to our astonishment the amendment received warm support from no less a person than the Leader of the Congress Nationalist Party, who said he did not regard this as communal at all and that what was sought to be recognised here was a business community, and, Sir, there was strong support for the amendment from all parts of the House,—Hindus, Parsis and from all around us in the House.

THE HONOURABLE MR. V. V. KALIKAR : That was no ground for the Government to remain neutral.

THE HONOURABLE MR. J. D. TYSON : We were certainly nonplussed by the feeling in the House that this was not a communal amendment at all. It was justified as one intended to give business interests their representation and especially local business interests and, Sir, we allowed it to go at that. We remained neutral and allowed it to be passed, but Sir, having admitted it in the Bill I am loth now to cut it out in this House. We did accept it and I think I must stand on it.

Question put and amendment negatived.

(Amendment No. 11 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 12.

THE HONOURABLE MR. V. V. KALIKAR : Sir, I move :—

"That in clause 16 of the Bill, sub-clause (xii) of clause (1) of Statute 2 in the proposed Schedule be omitted."

The argument that I used on the first amendment applies also to this amendment. It is a religious body and I do not think, that the cause of education will be furthered or will in any way get a lift because certain religious bodies are represented in the Delhi University. After all, Sir, this is a religious body and difficulty may arise tomorrow that the Arya Samajists or Vishnuvites may want a representation or the other sects of the Hindus may want a representation. So what I want the Government to do is to avoid this sort of representation in the Court when the Court is meant for looking after the educational and administrative affairs of the Delhi University and not the religious affairs of the Delhi University. I therefore submit that the Government is committing a grave mistake in accepting this sort of representation on the Board.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I have to oppose this amendment of the Honourable Mr. Kalikar. I need not dilate on the reasons, but I may point out that at the moment there are exclusive—almost exclusive—organisations which are recognised as fit for sending representatives.

THE HONOURABLE MR. V. V. KALIKAR : Not religious.

THE HONOURABLE MR. HOSSAIN IMAM : Being in a majority and in a position to dominate the organisation, you call yourself a nationalist; in fact you remain a Hindu. Just like the Indian National Congress. It is not necessary for you to make only Hindus come into your organisation, like the Hindu Mahasabha, which I think is more honest and truthful. We have got the Bengal Chamber of Commerce. We have got the National Chamber of Commerce. They are two quite separate bodies. Membership is open to all, no doubt, but in effect one is dominated by the Europeans and the other by the Hindus. (*Interruption.*)

As I said, Sir, it is no use at the tail-end of the year 1943 complaining, and trying to keep this flood of communalism from rising above your head. It is bound to come. It has come, and it will go on increasing, and no amount of pettifogging will stop it. Government have included a representative of the Delhi Hindustani Mercantile Association. This body is in effect a Hindu body. That was why, perhaps, Government was influenced—(*Interruption.*) It is not included in the Bill; it will be found in the Calendar. The Delhi Hindustani Mercantile Association is one of the bodies authorised by the Chancellor to send a representative. That was one of the reasons why Government accepted the amendment. You have got these communal bodies already.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the membership of the Hindustani Mercantile Association confined to any one community?

THE HONOURABLE MR. HOSSAIN IMAM : It is predominantly a Hindu organisation—just like the Congress.

THE HONOURABLE MR. J. D. TYSON : Sir, I admit that the two gentlemen added to the Court in this case represent Muslim bodies and must themselves be Muslims. But it was represented to us that these Wakfs handle funds to a great extent devoted to education, and that these could be regarded as educational rather than communal representatives. I can only say again that the attitude of Government in accepting the amendment which put this into the Bill had the support of the Congress Nationalist Party in another place. We should like to keep it in.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I should like to put a question to Government on this subject. The Majlis-e-Awakaf mentioned here may be bodies which are connected with education or donate large sums of money to educational institutions. They are, however, purely Muslim bodies. If other charitable societies are established with sufficient endowments to enable them to aid educational institutions, will Government recognise them as bodies which ought to be given the right to send representatives to the Court of the Delhi University? The principle underlying the clause which has been opposed by my Honourable friend Mr. Kalikar is an important one. If you are going to recognise Muslim charitable organisations because they take interest in education, how can you logically refuse to give representation on the Court to Hindu charitable bodies which also are interested in education and which may be making donations to educational institutions? I should like Government to make their position clear on this point. If the only reason why the Wakfs have been given representation is that they are concerned with education, then on the same principle you will have to allow other bodies, that are not Muslim, also to be represented on it.

THE HONOURABLE MR. J. D. TYSON : It is a hypothetical question that my Honourable friend Pandit Kunzru has asked me. But should such a case arise, and should the University—for we are now dealing with the Statutes—should the University themselves decide to amend their Statutes to give representation to such a body as has been suggested, we would certainly examine it on its merits if it came to Government. But it is hardly for Government to say: it would be for the University to deal with a case like that.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 13.

THE HONOURABLE MR. HOSSAIN IMAM :

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

'at least eight of whom shall be Muslims'."

Sir, this refers to the representation of graduates. This matter was very thoroughly discussed in the other House and I do not think I would be justified in making a long speech on it. But I do wish to point out the difficulties which we have to face. The number of colleges in Delhi is six, out of which only one is a Muslim institution, and that too, owing to paucity of funds, is not able to give the boys of Delhi a very diversified, and, I should say, a very advantageous education. The boys who go to Aligarh go there not because they are averse to being educated in Delhi, but because they cannot find the same amount of variety in the teaching which they can avail themselves of in Aligarh. For this reason some of the boys go to Aligarh for their education. Added to that, there is also this fact, that many graduates of other universities and who are resident in Delhi are not eligible to become registered as graduates. All these difficulties stand in the way. The number of Muslim students who pass out every year from Delhi is not in keeping with the population of Muslims in Delhi itself.

I do not ask Government to make special laws for us. I want that Government should make the Muslims who pass out from other universities but are resident in Delhi eligible to be registered as graduates. If Government could do that, the deficiency in this respect would be very easily met. There is no lack of Muslim graduates residing in Delhi. The number of Delhi Muslim graduates available is small. If the Government is prepared to examine the question of Muslim representation, I would welcome some consideration even on the model of the amendment which is going to be moved by my Honourable friend Dr. Kunzru. Therefore I will not dilate on the subject further.

THE HONOURABLE MR. J. D. TYSON : Sir, for the general reasons that I have already given, I am afraid we cannot accept this amendment. Muslims at present have only two out of 25 seats elected by registered graduates. Whether they will get more under proportional representation remains to be seen. As regards registered graduates, I will say this that in another place we have cut down the fees which are required for registration and I hope that that will in itself help a community which we have some reason to suppose is perhaps poorer than some of the other communities with which it is in competition. But I cannot accept the present amendment which seeks to make a definitely communal reservation.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 14.

***THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY :** Sir, I beg to move :—

"That in clause 16 of the Bill in clause (2) of Statute 2 in the proposed Schedule, after the word 'elected' the words 'by the process of proportional representation by single transferable votes' be inserted."

THE HONOURABLE MR. J. D. TYSON : Sir, on a point of order, before my Honourable friend proceeds, may I solicit your ruling as to whether this amendment is at all in order. May I draw attention to sub-section (2) of section 18 of the Act—

THE HONOURABLE MR. P. N. SAPRU : Then will my amendment also be out of order ?

THE HONOURABLE MR. J. D. TYSON : May I deal with my Honourable friend (Honourable Mr. Kumarsankar Ray Chaudhury) first ? I do not know what amendment the Honourable Mr. Sapru is talking about. Sub-section (2) of section 18 of the Act lays down that the number of members to be elected or appointed under certain clauses to the Court and the tenure of office shall be as prescribed by the Statutes and—these are the words to which I would draw attention—the mode of election of members to be elected under clauses (xi) and (xii)—that is to say, graduates of the University elected by the registered graduates from among their own body and persons elected from among their own body by the teachers—shall be prescribed by the Ordinances. So, Sir, the machinery is laid down already by the University in the Ordinances. The Act requires that it should be prescribed by the Ordinances and if we are now to prescribe something by the Statutes, we should be prescribing something which was repugnant to section 18, sub-section (2) of the Act.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: If you will look into the scheme of the original Act, you will find that the Act provides for the creation of a Court and lays down certain Statutes as the first Statutes and then says that so far as the Statutes are concerned, the Court is authorised to modify, repeal or amend them. And this the Court can do within the limitations of section 18. That has got nothing to do with the power of the Legislature to frame the Statutes or to make provisions in them. As a matter of fact, the present Bill is seeking to take away the powers of the Court to frame Statutes by framing a set of Statutes themselves, and therefore I submit that the Legislature has ample power to provide for any necessary amendments that they think fit to be put into the Statutes. What the present Bill itself proposes is to provide for new Statutes and therefore no point of order arises. My Honourable friend Mr. Hossain has also dealt with the number of persons to be elected. That was quite an independent matter. - So, I do not think that the point of order can be raised in regard to my own amendment.

THE HONOURABLE MR. CHAIRMAN: What have you to say on the merits ?

THE HONOURABLE MR. P. N. SAPRU: Then you rule that the amendment is in order ?

THE HONOURABLE THE CHAIRMAN: I do not want to rule. I will put to the House the amendment on the merits.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: As regards the merits of my amendment, I submit that Government have already approved of the principle in the other House and in this House also they have said that they are agreeable to certain forms of representations which would bring in minority communities, and this is the best form in which the different communities can be introduced into the Court. I therefore submit that this is a proper amendment to be accepted by the House.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I have only a few words to say. I feel that it was not quite playing the game for the Honourable Mr. Tyson to bring forward this objection namely, that section 18 is not before the House, and if we try to amend the section, we could do it only if it was incorporated in the Bill. If a particular provision is not incorporated in the Bill, you cannot stand up and say the Act stands in the way. It will be the duty of the Government to make the necessary amendment of the Act. Had section 18 been before the House and we had brought the amendment to section 18, the Honourable Member would not have been justified in bringing forward this objection. But, as it is, section 18 is not before us—

THE HONOURABLE THE CHAIRMAN: You can speak on the merits.

THE HONOURABLE MR. HOSSAIN IMAM: On the merits I think there is no quarrel, because the Government themselves promised that they will endeavour and use all their influence to see that the system of proportional representation is accepted by the Court. What the Honourable Member said was that he is not prepared to accept this amendment on the lines proposed, but his goodwill is for it. I have nothing more to say.

THE HONOURABLE MR. P. N. SAPRU: May I say one word on the preliminary objection ?

THE HONOURABLE THE CHAIRMAN: You need not speak on the preliminary objection. You can speak on the merits.

THE HONOURABLE MR. P. N. SAPRU: On the merits, I must say that I have a very great deal of sympathy with the desire of the various cultures in this country that they should find a fair representation in the governing bodies of the university. But the Honourable Mr. Tyson's speech has been of a revealing character. He has told us that Muslim participation in the University is very small and that Muslims are very largely to blame for this small participation in the University. The position as I find from the Honourable Mr. Tyson's speech is that one-eleventh of the registered graduates are Muslims, and that only one-sixth of the students reading in the Delhi University are Muslims. This is a very deplorable state of things and the main reason why I should like to support the amendment of the Honourable Mr. Kumarsankar Ray Chaudhury—in fact, I prefer his amendment to my own and Mr. Kunzru's next amendment—is that if proportional representation is guaranteed, there will be an inducement to the Muslim graduates to register themselves as

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members of the University as registered graduates. Incidentally it will result in some financial gain to the University. If Muslim graduates feel that there is some form of proportional representation, then they may register themselves in larger number than they do today in the Delhi University. That is why I prefer the amendment of my Honourable friend Mr. Kumarsankar Ray Chaudhury to the amendment which we have tabled. Representation in a University cannot be decided on the same basis as representation in a State. In a State you have territorial representation. You take into account the population of the country and you decide your representation on the basis of territory and population. Sometimes you have to take into account other considerations also. But a University is an academic body and there are other considerations that have got to be taken into consideration in deciding the question of representation. We have to see what is the part that any particular culture is playing in the development of University life? Here, for example, you have got six colleges. Only one college is a Muslim college. What is the number of graduates who have registered themselves? What is the number of students who are receiving instruction in a particular culture in the University? These are questions which you have got to consider when you are determining what the proportion of representation of any particular community in the University should be. Because Muslims are 30, 40, or 50 per cent. in a particular area, they should have representation in proportion to their population is a proposition which would be academically unsound. There is nothing academically unsound in providing for a system of the single transferable vote in university elections. This system will enable every organised group to find adequate representation and if Mussalmans organise themselves and register themselves in the University they will be able to pull their weight, as Mr. Tyson said, in the affairs of the University. Therefore, even if you rule this amendment out on technical grounds, I do earnestly hope that proportional representation will be introduced by Government. We have no desire to be unfair or unjust to our Muslim friends. We should like them in fact to take a larger interest than they do in universities other than Aligarh. We Hindus have a University in Benares and still we take a great deal of interest in other universities, such as Allahabad and Lucknow. Why cannot the Muslims think of other universities than Aligarh? If they will take interest in the affairs of the Delhi University they will find that they will be able to stand on their own legs and they will not need these props of special representation, communal representation, etc., on which they wish to rely for their representation in university bodies.

With these words I would like to give strong support to the amendment of my Honourable friend Mr. Kumarsankar Ray Chaudhury. In fact I prefer his amendment to my own.

THE HONOURABLE SIB RAMUNNI MENON (Nominated Non-official): Sir, I am not in the least opposed to the principle of proportional representation. Nobody, as far as I can see, is opposed to it. But my difficulty is that the particular amendment is proposed to be inserted in a place where it is absolutely inappropriate. "To be elected by the method of proportional representation" is the wording. That presumes that you have already provided, either by way of definition or by the prescription of a procedure, for the method of proportional representation, which is not the case in the Act. Therefore, if you introduce it here, it will make very inappropriate reading. I am not raising a point of order, but I doubt very much whether it will be consistent with the wording of the Act. I am not in the least opposed to proportional representation. But while I support the principle of proportional representation, I am opposed to the form in which it is sought to be introduced here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: For the reasons given by my Honourable friend Mr. Saprū, I support Mr. Kumarsankar Ray Chaudhury's amendment.

THE HONOURABLE MR. J. D. TYSON: May I begin by saying that my Honourable friend Mr. Hossain Imam has, quite unwittingly, I am sure, done me an injustice in saying that it was not very sporting of me to raise an objection to this amendment being moved. I came into the House—I hope my Honourable friend will

take my word for it—this afternoon five minutes early in order to take such steps as might be necessary to see that amendments 85 to 88 to the Act were moved at the appropriate place, because, as I explained to the person whom I sought to influence, unless that were done my apprehension was that amendments to the Statutes would not be in order; and it was when I found that the practice of the House was not to admit such amendments as 85 to 88 my case for taking them in that particular place fell away. But I submit on the merits of this particular amendment that we should be doing an entirely infructuous thing if we were now to put into the Statutes something which would be repugnant to the Act. It is quite true that we are amending certain Statutes which the Court has the power to amend and in due course the Court will resume its power and do what it likes with the Statutes. But this is a different matter. The Court when it makes a Statute must make a Statute in accordance with the Act. We did look into this matter and we have been advised that if we were to pass this now in these terms it would not be effective, as it would be repugnant to the wording of 18 (2) of the Act. If a Statute is repugnant to the Act, the Statute to that extent must lose force. Having said that—and I think it is a conclusive reason why we should not go on with the amendment—I would like once more to say that I favour very much myself the proposal of proportional representation. We have every intention, on this side, of inviting the University to consider introducing proportional representation in its representative bodies and of using our influence to see that it goes through. As I said this morning, we have some hope that in official circles in the University the same principle will be viewed with favour. I am afraid I cannot accept the amendment. I fully accept the principle behind it.

* THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Sir, I see no repugnance between section 18 and my amendment. Statutes have been framed already. The original Act says that the number of members to be elected or appointed shall be prescribed by Statutes and the mode of election by the Ordinances. In spite of that Statutes have been framed by the Act itself. Therefore the construction that is to be put on sub-section (2) of section 18 is with regard to future amendments and future making of Ordinances. That does not take away the right to freedom. The Statute and sub-section (2) have to be construed to refer to future amendments that have to be made by the Courts and the Executive Councils. There is no repugnance between our making a Statute and leaving subsequent amendments to be made by the Courts and the Executive Councils.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 15.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Sir, when notice of this amendment was given both my Honourable friend Mr. Sapru and I had before us the report of Mr. Tyson's speech in the other place from which we gathered that while the difficulties that he was dealing with could be dealt with properly if the system of proportional representation were adopted, it was too late to adopt that system at the stage reached by the debate. I carried away the impression that in the Honourable Member's opinion this could not be done without an amendment of the scheme of the Bill. Besides, my information was that the number of Muslim registered graduates was about 25 per cent. of the entire number of registered graduates. As, however, this information has turned out to be wrong, and the Education Secretary has assured us that the Government would use their influence with the University to have the system of proportional representation accepted in connection with the election of representatives of registered graduates I do not want to move this amendment.

THE HONOURABLE THE CHAIRMAN: Amendment No. 15 is not moved for the reasons mentioned by the Honourable Pandit Kunzru. Amendment No. 16.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

“That in clause 16 of the Bill to clause (3) of Statute 2 in the proposed Schedule the following be added at the end:—

‘at least four of whom shall be Muslims.’”

THE HONOURABLE MR. J. D. TYSON: Might I suggest, Sir, that Statutes might be treated all together as a Schedule?

THE HONOURABLE MR. HOSSAIN IMAM: "The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be ten" to this I add that "at least four of whom shall be Muslims".

Well, Sir, I had expected some justice from Dr. Kunzru—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What injustice have I done?

THE HONOURABLE MR. HOSSAIN IMAM—but I find that either his better or, shall I say, his worse sense has prevailed. After having given an amendment in which he wanted to reserve seats for the Muslims he felt that he has gone too far in giving concessions to the Muslims, or what I call giving justice to the Mussalmans, and he has withdrawn it. This is exactly what I fear from Hindu organisations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But you accepted the principle of proportional representation and I have only accepted the principle which you yourself have accepted. What injustice have I done to the Muslim community there?

THE HONOURABLE MR. HOSSAIN IMAM: I was only going to say that when they want to do some justice or even think of setting right the injustices they have done they become ashamed of doing so.

"Kabhi neki bhi uske ji men gar aji hai mujhse
Jafain kar ke apni ead sharma jai hai mujhse."

Sir, the matter about representation of the Muslims in the class of teachers is of very great importance to us. If we want to provide in this amendment that the representatives of the teachers in the Court should contain a number of Muslims the old points are there. We want to have a place in the sun, a share in the lands of the gods and in the monies that come from His Majesty's Government. So I move this amendment.

THE HONOURABLE MR. J. D. TYSON: Sir, I am afraid that I must oppose it on the general grounds that I have mentioned this morning. I have really nothing to add.

Question put and amendment negatived.

(Amendment No. 17 was not moved.)

THE HONOURABLE THE CHAIRMAN: Amendment No. 18.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

"That in clause 16 of the Bill, in clause (4) of Statute 2 in the proposed Schedule—

(i) for the word 'twelve' the word 'thirty-two' be substituted; and

(ii) the following be added at the end, namely, 'of whom—

(a) ten persons shall be elected by the Anglo-Arabic College and Schools Society, Delhi, from amongst its members;

(b) five persons shall be elected by Jamia Millia, Okhla, Delhi, from amongst its members, and

(c) five persons shall be elected by the All-India Anjuman-i-Taraqqi-e-Urdu, Delhi, from amongst its members."

I hope the Honourable Member has no objection to its admissibility.

Sir, I have, by this amendment, tried to test the *bona fides* of my friends, whether their support for functional representation is genuine or not. I want a representation not to avowedly communal bodies but to bodies which are non-communal. Jamia Millia is anti-League, pro-Congress and consists of Muslims as well as of Hindus and the Anjuman-i-Taraqqi-e-Urdu has the privilege of having as its president Sir Tej Bahadur Sapru. No doubt it is predominantly a Muslim organisation. I wish, Sir, that on this occasion at least the members of the Progressive Party will do what they profess to accept in principle. I do not think that I would be justified in inflicting a speech when we have so much to go ahead. Therefore, I conclude my remarks.

THE HONOURABLE MR. J. D. TYSON: Sir, I have just received this amendment. It has, rather, only come to us today. The Statutes as they stand at the moment provide that one of the elements of the Court shall be eight persons to be elected by associations or bodies approved by the Chancellor on the recommendation of the Court and in another place, Sir, we raised that number to 12. At the moment the eight places in the Court which are filled by this rather curious method of representation go, two to the Delhi Municipality, one to the Delhi Bar Association, one to the Jamia Millia, Okhla, one to the Delhi Medical Association, one to

the Delhi Hindustani Mercantile Association—and this is what my Honourable friend was quoting when he was having some talk with the Honourable Dr. Kunzru some time ago—and two to the Board of Secondary Education. So, there are six associations recognised by the Chancellor, on the recommendation of the Court, to send, between them, eight representatives to the University. Well, Sir, those are the bodies recognised for this purpose, and we have already raised the number of members so elected to 12 in another place, though the allocation cannot of course be made till the Court has made recommendations to the Chancellor and the Chancellor has accepted them ; that will only be after the Bill has been passed.

My Honourable friend now seeks to substitute 32 for 12, and to stipulate how the additional persons are to be added. I am doubtful if that is really very much in keeping with the wording of the Statute to which we are adding, which says that the number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed 12. This has to be read with section 18 of the Act—persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court. This amendment does seem to take away any power that the Court may have to make a recommendation, or any discretion that the Chancellor might have, and, further more, it does upset the balance—it raises the number from 12 to 32 at one fell swoop. I am afraid I cannot accept it.

Question put and amendment negatived.

(Amendments Nos. 19 and 20 were not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 21.

THE HONOURABLE MR. P. N. SAPRU : Sir, I move :—

“ That in clause 16 of the Bill, in clause (b) of Statute 2 in the proposed Schedule—
(i) for the words ‘ twenty-five ’ the word ‘ fifteen ’ be substituted ; and
(ii) for the word ‘ eighteen ’ in line 3 the word ‘ five ’ be substituted.”

Sir, the object of the amendment is to reduce the number of the Chancellor's nominees. As I have pointed out, there is a tendency in the Bill towards over-officialisation, and the amendment is intended to attack this tendency. I do not think I need give the reasons in detail ; I have already given my reasons in my speech at the consideration stage. I will therefore merely content myself with moving this amendment.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose this amendment. I do not wish to say much about the first part of the amendment—the proposed reduction from 25 to 15 ; but, I have much to say about the second part. Even if belated justice is proposed by any power, my friends belonging to the group of “ Haves ” always stand up and fight the “ Have-nots ”. This is the practical exposition of socialism and social justice that we get here. As long as you have got a thing, if anyone asks to have his due share, you are not prepared to give it. Whether the demand is fair or not, it must be reduced. You may also apply the same analogy to taxation. Here we are, in this year of grace 1943, considering an Act which has been in force for twenty-one years, and very little justice has so far been done to the minorities—not only religious minorities, but also economic minorities. For instance, labour—a favourite subject—and womens' organisations. All these are to be jumbled up into five representatives.

THE HONOURABLE MR. P. N. SAPRU : I do not say they should be jumbled up into five.

THE HONOURABLE MR. HOSSAIN IMAM : This is all that you will allow the Chancellor to have the right to nominate—in a house of 135 or so. This is the extent of your generosity ! I am really surprised at the Honourable Member.

THE HONOURABLE MR. P. N. SAPRU : I should be glad if they secured all the seats.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, this provision has been introduced in the other House as a method by which it is proposed to equalise the position somewhat. It is not a substantial amount of justice. It is just a sample of justice—I would say, a first instalment. Just as we are getting reforms in instalments, so this was the first instalment of communal reform in the body of the University. I welcomed that from this point of view, and I thought my Honourable

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friend would not be so harsh on us as to refuse even this belated justice being given to us. Therefore I oppose the amendment.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are you in favour of nomination ?

THE HONOURABLE MR. HOSSAIN IMAM : Nomination is better than nothing. This is just half a loaf.

***THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY :** Sir, I am opposed to this sub-clause (6) being introduced into the Act. I think sub-clause (4) ought to be sufficient. Sub-clause (4) says: "The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor....." (*Interruption.*) These will come in by the process of election. They will be elected representatives. Sub-clause (6) brings in the principle of nomination. Different communities may form themselves into associations and may come in under sub-clause (4); instead of taking advantage of the process of nomination, they should come in by election under sub-clause (4).

THE HONOURABLE MR. J. D. TYSON : Sir, I am afraid I did not entirely follow—though I tried very hard to do so—the submission of my Honourable friend from Bengal. Sub-clause (4) refers to people who are elected by associations approved for the purpose by the Chancellor. Here we are dealing with quite a different category of persons—persons directly nominated to the Court by the Chancellor. It is quite true that the existing provision is for 15 such nominated persons in a Court of about 125, and that on behalf of Government I myself moved in another place that the figure should be raised to 25. The Court, in other various ways, was also increased: it is about 137 or 135 now. We did this quite deliberately—both raising the figure from 15 to 25 and putting in the phrase that 18 of those places

5 P.M. should be to ensure the representation of minorities. We wished to see that the minorities had a voice in the Court. We were encouraged to do that by finding that it was done, I think in those exact words, in the Act of the University of Madras. This nomination of seats to the Senate is no new thing nor is it peculiar to Delhi. Even the University of Allahabad provides for it in the Statutes—"persons appointed by the Chancellor"—and I understand that there are 15 such persons. I may say, Sir, that in the matter of nominations, I consider that we have been modest. Thirteen Universities out of 18 in India seem to have provision for nomination to the Court or Senate by the Chancellor. The approximate number of these Courts or Senates is something between 100 and 150. I find that Patna and Allahabad have 15 so nominated which is what Delhi had. Lucknow has 20 nominated by the Chancellor, Madras has 30, Bombay 40, Dacca 40, the Punjab 60 out of 75 and Calcutta not less than 80 out of 100. We are in fairly good company and, as I say, we are modest as compared to the older universities in the matter of numbers. We put it in deliberately and I am very anxious that it should remain there.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 22.

***THE HONOURABLE MR. HOSSAIN IMAM :** Sir, this is a counterblast to my Honourable friend Mr. Sapru's amendment. I wish the number to be increased. Sir, I move:—

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'twenty-five' the words 'twenty-six at least half of whom shall be Muslims' be substituted."

I simply wanted to secure the 18 which has been given to the minorities. This is a very elastic term. I want to have whatever share I should have in a specific manner. I have not tried to increase the number. I have rather decreased it by the two amendments, Nos. 22 and 23. I take only 18 seats out of 26 instead of 25. Sir, I urge that the Muslims should have half the share.

THE HONOURABLE MR. J. D. TYSON : Sir, if I may liken myself to a baffle wall, having resisted the blast, I must resist the counterblast. I have no further arguments to adduce.

Question put and amendment negatived.

***Not corrected by the Honourable Member.**

THE HONOURABLE THE CHAIRMAN : Amendment No. 23.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to clause (6) of Statute 2 in the proposed Schedule the following be added at the end :—

‘ three of whom shall belong to the Scheduled classes and two shall be representatives of Labour ’.”

Sir, I am a member of the oppressed classes pleading for the depressed classes. There are many things which are common between me and Labour, one thing is poverty and with the Scheduled classes the thing is a little less public knowledge. Sir, I hope that Government, even if they are not able to accept the amendment here, will at least accept it in action. I hope that when the time comes for nomination by the Vice-Chancellor, these things will be kept in view and justice will be done to these Scheduled classes and Labour.

*THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, I must say I have got a very considerable amount of sympathy with the desire for an adequate representation of the Scheduled classes and Labour in the University Court. The system of nomination which has been provided in the Bill is intended for this purpose. Eighteen seats are going to be reserved for minorities and I hope that in filling up those 18 seats, the Chancellor will take into consideration the claims of the Scheduled classes and also Labour. The Honourable Mr. Hossain Imam, for political reasons, wants to exploit the Scheduled classes. I have a much more genuine sympathy with the Scheduled class than he has. It may suit him today to talk of the Scheduled castes. But when there is a Hindu-Muslim riot he will begin violently to abuse these Scheduled classes and say, “ Well, these are the men who have murdered my brethren ”. I do not want to use these poor people for political purposes. But while I cannot support the amendment as it stands, I sympathise with the spirit of the amendment and I would request Government to take into consideration the claims of the Scheduled classes as also of Labour. In my scheme of life nobody is a depressed class man or an upper class man. I believe in the equality of all classes.

THE HONOURABLE MR. J. D. TYSON : Sir, I fully share the sentiments which I hope inspire this amendment and I would only say that we phrased the clause when we moved it in another place with this definitely in mind, for the phrase is that “ the number of persons to be appointed by the Chancellor..... shall be twenty-five of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented ”. We certainly had in mind minorities like the scheduled classes and it was our hope that in filling these seats, the Chancellor would keep all minorities in mind.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 24.

THE HONOURABLE MR. HOSSAIN IMAM : Sir I move :—

“ That in clause 16 of the Bill, after sub-clause (iv) of clause (1) of Statute 3 in the proposed Schedule, the following sub-clause be inserted and the subsequent sub-clauses be renumbered accordingly, namely :—

‘ (v) the Principal of Jamia Millia, Okhla, Delhi.]

(vi) the Secretary, All-India Anjuman-i-Taraqqi-e-Urdu, Delhi ’.”

This refers to the constitution of the Executive Council. It is the first amendment which I am moving on the Executive Council. I wonder what is the yardstick by which the Government measures out the quantum of justice which it will give. We have been given some representation by one method or other in the Court. By an amendment accepted in the other House five persons have been added who are capable of advising on subject of Islamic culture in the Academic Council. Now you give some representation in the two bodies to the Mussalmans. But when it comes to the controlling body, the executive body, all our appeals fall on deaf ears. We have been given no representation whatsoever. For this reason I have given notice of this amendment. This amendment is a new one and it was not moved in the other House. I do hope that in the future revision of the Delhi University Act, which I hope will come shortly, some provision will be made for the representation of Muslims at least by this method. These are non-communal organisations which are open to the Hindus as well and their ability to represent on the Executive Council will also be conceded by every just

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men. One is a very distinguished educationist Dr. Zakir Husain and the other is also equally well known, Dr. Abdul Huq. The reason why I gave notice of this amendment was not that I had hope of getting the thing done because I am not optimistic enough, but I have some hope that in the end justice will be done to the Mussalmans.

Sir, I move.

THE HONOURABLE MR. J. D. TYSON : Sir, this, as my Honourable friend has stated, is quite a new amendment. I confess that, as it was not on the printed list I was working on yesterday, I saw it only this afternoon. I fear that my attitude to it must be one of negation. The Principal of the College out at Okhla and the other gentleman are both well known persons but this would open the door to a variety of claims and we are anxious not to expand the executive body of the University too widely. We have already been criticised in certain quarters for having expanded the Executive Council and I must plead guilty to have sought to add two ladies and a professor to the Council. But we are anxious to keep the number down. As it is at the moment the number is 23 out of which Muslim representation is 3—one Principal, one elected by the Academic Council and one of the two nominated members. There is a possibility—I will not put it higher than that—but there is a possibility that one of the lady members will be a Muslim. In selecting the two lady members the Chancellor will keep in mind the minorities. If that is done that would make four. But I do not like this particular amendment for the reasons I have given.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 25.

THE HONOURABLE MR. HOSSAIN IMAM : Sir I move :—

“ That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word ‘ five ’ the word ‘ seven ’ be substituted and after the words ‘ their own number ’ the following be added :—

“ and at least three shall be Muslims elected by the Muslim members of the Court from among their own number ; ”

This is for the purpose of giving better representation to the Muslims on the Executive Council. We realise that the Executive Council is a body on which representation is absolutely necessary if we are to have any share in the educational activities of the University. It is really the Executive Council which functions in the matter of the day-to-day administration of the body. We have not tried to take anything from those who have. I have purposely tried to increase the number and get our representation from the increased number so that my friends may not have a complaint that their position would be worse. We want to have something by way of an addition, a sort of gain from the Government or from the Statute. I hope the Government will keep this object in view also for the future.

THE HONOURABLE MR. J. D. TYSON : My attitude to this must be in line with what I said this morning and it also has the objection that it adds to the number of the Court. I am afraid I must oppose it.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 26.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I move :—

“ That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule, after the word ‘ elected ’ the words ‘ by the process of proportional representation through single transferable votes ’ be inserted ”.

I submit there cannot be any technical objection. Section 21 of the Act says :—

“ The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes ”.

I therefore submit that there cannot be any technical objection to my amendment. As regards the principle of the amendment that has been approved by almost all the elected members of this House and also tacitly recognised as sound by the Government member. I therefore submit my amendment for the acceptance of the House.

THE HONOURABLE MR. J. D. TYSON: Sir, I have not taken any objection to the amendment and I very much support the principle. But when we cannot introduce this principle of proportional representation in one place, let us not do it piecemeal by amending it in another place. Let us rather, as I have said, approach the University and ask them to put it right throughout all their bodies either by amending their Statutes or their Ordinances as the case may be. Let the thing be done properly and not piecemeal. I oppose the amendment.

Question put and amendment negatived.

(Amendment No. 27 was not moved.)

THE HONOURABLE THE CHAIRMAN: Amendment No. 28.

THE HONOURABLE MR. P. N. SAPRU: Sir, I move:—

“ That in clause 16 of the Bill, in sub-clause (vi) of clause (1) of Statute 3 in the proposed Schedule—

(i) for the word ‘ two ’ the word ‘ three ’ be substituted; and

(ii) after the word ‘ Council ’ where it occurs for the second time the words ‘ one of whom shall be a Professor of the University ’ be inserted ”.

Sir, the two members are to be elected, as the House knows, by the Academic Council to the Executive Council and one member is to be appointed by the Professors of the University from their own number. Now, Sir, what I submit is that the Professor of the University appointed to the Executive Council should be elected by the Academic Council. I do not say that the Professors should not have any representation on the Executive Council. That is not my position. My position is that they should receive the support of a wider electorate. If they go with the support or with the backing of a wider electorate they will carry greater weight in the counsels of the Executive Council. Therefore, I have suggested that instead of being elected by Professors, paid or honorary, they should be elected by the Academic Council. I have nothing more to say in regard to my amendment. I hope, Sir, that this will be accepted.

THE HONOURABLE MR. JOHN SARGENT: Sir, I hesitate very much to differ from my Honourable friend Mr. Sapru in a matter of this kind, but I venture to think that if there is a place for Professors at all on the Executive Council of the University—and I think there is myself—their opinion would be of more value if it represented the outlook of the professorial class than if it represented the outlook of the teachers as a whole who dominate the Academic Council. After all the Professor is the head of his department. He is responsible for the standards of instruction in his department. I can conceive an occasion where a Professor might feel very strongly that the time had come when the standards in his Department, or possibly somebody else's, ought to be very substantially strengthened. I can conceive that the knowledge that he favoured such a proposal might not commend him to some of the teachers on the Academic Council upon whom, if this amendment were passed, he would have to depend. I cannot say that the Executive Council will necessarily agree with him but I do say that if the Professors representing a certain category of importance in the University are put on the Executive Council at all, it would be better in spite of the smallness of their number, that they should go there to represent people who are responsible for maintaining a standard of learning in a particular subject. For this reason I would sooner that one Professor represented Professors than that he should have to go for his suffrages to the members of the Academic Council.

Question put and amendment negatived.

(Amendments Nos. 29 and 30 were not moved.)

THE HONOURABLE THE CHAIRMAN: Amendment No. 31.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

“ That in clause 16 of the Bill, in clause (1) of Statute 3 in the proposed Schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix):—

‘ (viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (vii) of clause (1) and clauses (4) and (6) of Statute 2 ’.

This is, Sir, another method of bringing in our representatives in the Executive Council. What it proposes to do, Sir, is that it introduces not only communal representation but a better thing, a separate electorate as well. The people who will

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come as electors would be the Sadr of the Majlis-e-Awkaf, the members elected by the Association and the members nominated by the Chancellor. The reason why we want this amendment is, Sir, that we are not satisfied with the amount of representation which is promised by Mr. Tyson, that in the new Court in addition to the people that we have got it is quite possible that one more representative may be possible for us. We wish, Sir, to have a representative on whom we can count and on whom we can always rely to bring forward the grievances of the Muslims. I had a sample of it, to which reference was made by Mr. Tyson also. We all know that the Muslim League Party did not join the Select Committee. There were two Muslim representatives on the Select Committee. Well that is the kind of stuff which you can get outside the Muslim League and therefore, Sir, I move this amendment.

THE HONOURABLE MR. J. D. TYSON: Sir, I am afraid that this is again in line with the amendments that I have had to refuse. It really seeks to add representatives; it increases the Executive Council. For that reason, for one thing, I do not like it and it does seek to create a very special constituency which could only be returned by persons of a certain community to the Executive Council.

Sir, I must resist it.

THE HONOURABLE MR. HOSSAIN IMAM: I was wrong, Sir, that it will introduce separate electorate. It is joint electorate; all the nominees will vote.

THE HONOURABLE MR. J. D. TYSON: It is a special constituency, Sir.

Question put and amendment negatived.

THE HONOURABLE SIR JOGENDRA SINGH (Leader of the House): May I suggest that we adjourn at 5-30 P.M.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May I suggest, Sir, that if we go on for ten minutes more we can reach the 40th amendment. We would take much more time to reach the remaining amendments if we adjourn now. They can be dealt with more quickly just now.

THE HONOURABLE THE CHAIRMAN: Yes. Amendment No. 32.

THE HONOURABLE MR. P. N. SAPRU: Sir, in view of the decision on this question on an earlier amendment, I do not propose to move amendment No. 32.

THE HONOURABLE THE CHAIRMAN: Amendment No. 33.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I beg to move:—

“That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word ‘four’ the word ‘six’ be substituted and at the end of the sub-clause the words ‘of whom at least two shall be Muslims’ be added.”

This clause refers to the power of the Chancellor to nominate members. The Chancellor has the power to nominate four persons, and his choice has been restricted to women as far as half this number is concerned. Two members will be women. I think it will be too much for me to ask that the Chancellor should nominate both the remaining two from my nation. I therefore want to increase the number, and in spite of the fact that the Honourable Mr. Tyson is very much afraid of increasing the number of the Executive Council, I think he could very well stand an addition of two only.

THE HONOURABLE MR. J. D. TYSON: If I understood my Honourable friend aright, he entirely denied, by implication, the possibility of one of the two ladies being a Muslim. I do not know why. As the Schedule stands, the Chancellor will nominate four persons two of whom shall be women. I do not know why my Honourable friend should think that it will not be possible to have two Muslim representatives from among the two men and two women that will be nominated. But I cannot accept that the number should be raised to six of whom two shall be Muslims. I do not want either half of it, but especially the second half would not be in line with the course that I have to steer.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 34.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule the following be added at the end:—
‘and at least two shall be Muslims’.”

This just tries to meet the difficulties created by not increasing the number. You have power to nominate four members, out of whom you may have two ladies and two gentlemen. Under this amendment, you will have to give two seats to Muslims, whether both of them go to ladies, or one of them is a lady or one a gentleman. You can have any combination or permutation that you like.

THE HONOURABLE MR. J. D. TYSON: Sir, I do not wish to bind the Chancellor. We have no doubt that he will have in mind the combinations and permutations to which my Honourable friend has referred. I oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 35.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:—
‘and one a member of the Scheduled Classes.’”

I again appeal for some justice and equity to these people who have been denied justice for ages—not centuries, but ages.

THE HONOURABLE MR. P. N. SAPRU: When did it occur to the Honourable Mr. Hossain Imam that the Depressed class people had been denied justice for ages? I very deeply sympathise with the Depressed classes—I do not like the phrase “Depressed classes” I think it is monstrous. Is the object of this amendment to make a political alliance with the Scheduled castes, or is the object of this amendment to secure efficient University administration? If the object is to make a political alliance with the Scheduled castes, then I say he will fail in that object. I can see no valid argument for the amendment.

THE HONOURABLE MR. J. D. TYSON: I am sure the Chancellor will bear in mind the claims of that community also, but I do not wish to bind him by putting it in the Statutes.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 36.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:—

‘(ix) Four members of the Court elected by the Muslim Members of the Court.’”

This was the amendment about which I then spoke—that I am introducing separate electorates. It was a mistake due to my notes: the numbers got jumbled together. This is a pure and simple method of representation by means of a separate electorate in the Executive Council.

Sir, I move.

THE HONOURABLE MR. J. D. TYSON: Sir, I oppose the Motion.

Question put and amendment negatived.

THE HONOURABLE SIR MAHOMED USMAN: I suggest that we stop here, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I request the Honourable the Leader of the House to agree to go up to No. 40; we shall then have disposed of nearly half the amendments.

THE HONOURABLE SIR MAHOMED USMAN: Yes.
(Amendment No. 37 was not moved.)

THE HONOURABLE THE CHAIRMAN: Amendment No. 38.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end:—

‘providing adequate representation of Muslims and minority communities in the services of the University.’”

Sir, this is a very important amendment which I am moving. It deals with the powers of the Executive Council.

Sir, the Executive Council is responsible for the appointments made to the teaching staff of the University. Although there is a separate Statute by means of which the constitution of the committee of selection is fixed, I am referring at this particular juncture to the paucity of Muslims in the services of the University. I remind the

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House that we have not asked in this amendment for any proportion of Muslims in the Board of Co-ordination or in the post of Deans and Wardens. The posts of Deans, as we well know, are those of heads of departments, and therefore I have not asked that the share of Muslims should be laid down. I may not be justified in asking for it. But when I look up the list of teachers of the University—we have got a very exhaustive list in the Calendar of the Delhi University—I find that among the recognised teachers who have no better qualifications than pure and simple M.A. I really wish the Government would step in and impose a duty on the Executive Council that it should see that equity and justice do prevail.

It is said sometimes that the number of University professors is small. The lecturers belong to the colleges. One fact must not be neglected. The colleges are not paying out of their own funds. They are getting substantial help from the Government of India. In ordinary secondary schools you find there is a provision that in governing bodies of schools there must be no sectarian consideration. Here we have got managing societies most of which are completely sectarian. We have not imposed any rules on them that they should not be sectarian but give representation to all classes and interests. Now that you are going to give large sums of money, it is necessary that every community must be represented, especially so in the case of the girls' college because it is the only girls' college we have in Delhi. If we are not represented properly there, the education of our girls will suffer. I therefore hope, Sir, that Government will examine the list of the teaching staff and find out how much injustice has been done to us. I will just remind the House of one or two facts. We have got among the recognised teachers of the University people who have got no better qualification than the pure and simple M.A. degree. Not only one, but I find that there are four teachers in one subject only of Economics who are authorised to teach up to M.A. standard and who have no other qualifications than a simple M.A. of one University. If you could have only M.A.s for teaching up to the M.A. standard, I do hope that Muslim claims will not be neglected and that they will get their due share.

THE HONOURABLE MR. P. N. SAPRU : Sir, the Honourable Mr. Hossain Imam hardly realises that post-graduate teaching or even for the matter of that, undergraduate teaching, is a difficult affair and if the quality of education suffers, not only the Hindu students will suffer but Mussalman students will also suffer. Their quality also will go down. If a teacher does not know his business or if he is talking nonsense, then his students will just make fun of him. It is not easy to maintain discipline in a class. It is more difficult, I assure you, Sir, than many people imagine it to be. It is difficult to handle a class and I may assure my Honourable friend Mr. Hossain Imam that even Muslim students will handle rather unsympathetically the teacher who does not know his business. The Honourable Mr. Hossain Imam said that in the Delhi University there were four teachers who have no higher qualification than the possession of an M.A. Degree. But probably he does not know that the Masters Degree is the highest degree, normally speaking. The Ph. D. and the B. Lit. have been instituted in British Universities to satisfy the desire of Colonial students for a Doctorate or the B. Lit. or the D. Sc. These are Research Degrees and some of the greatest Professors in England have been content to remain as M. As. You want to know whether he is a first class M.A. or second class M.A. or a third class M.A. You want to know his teaching experience. You want to know so many other things before you pronounce a judgment upon his efficiency. The Vice-Chancellor of my University, who is a very eminent scholar of English Literature, is only an M.A. and he consistently refused to sit for any Doctorate examination because he looked upon these Doctorates as cheap degrees. When I serve on a selection committee, I start with a prejudice against the Ph. Ds. of London. I want to know whether a man has had a good Honours degree at Cambridge or Oxford or any other recognised University and I prefer a good Honours degree to a Ph. D. or for the matter of that, in some cases to a D.Sc. or D. Lit. Mr. Hossain Imam should talk about things he knows. He ought not to talk about things he does not know.

THE HONOURABLE MR. JOHN SARGENT : Sir, this amendment, which refers to the services of the University, covers both teachers and the office services of the University. So far as the second category is concerned, I am glad to find that the minorities

already have a very fair representation. In regard to the teachers, Government are as anxious as my Honourable friend the Mover of this amendment to see an adequate representation of his community and other minority communities on the staff of the University. But I think that for the reasons I gave the other day and judging from the applications received in certain Faculties and the number of Muslims and other minorities available, it would be quite unreasonable to insert a condition of this kind in the Statutes. The very fact that the amendment does not specify a number seems to me to make it all the more objectionable. It merely says "adequate representation". It would be left to both parties to decide what that meant, and if it was in fact—as it is—extremely difficult to find minority community teachers in certain subjects, the University will, if faced with a clause of this kind, feel itself placed—as any man of honour and goodwill would—in a position of very considerable difficulty in deciding any individual case. For that reason I feel I must oppose this amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 39.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule, after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted".

Sir, I do not think it is necessary to make a speech on this amendment. We know that nothing is being accepted by the Government. We only want to enter our protest. We know that even this immovable mass is bound to move if irresistible force is applied. I bank more on my own force and the amount of public opinion which I can create than on the mercies of this Government. The Government have an excuse for everything. I can see that point. But it does not lie with them to say that there has been no wrong in the past. I want an open and inquiring mind. I only want the Government not to be complacent and think that everything is for the best. I want them to examine thoroughly whether any injustice is being done or not. (*Interruption.*) I have been forced by circumstances to embark on a subject in which I know my own deficiency. I started with saying that I am a novice in this subject and I have learnt many things out of this debate and from my Honourable friends.

THE HONOURABLE MR. JOHN SARGENT : Sir, there are two aspects of this question and my Honourable friend has only referred, I think, to one of them. I am glad of that. There is first of all the question whether the minority communities and the Muslims in particular are getting a fair share of the examiners. I take it that for the sake of their own pockets they should have a reasonable share of the spoils! From that point of view I understand that 76 out of 224 examiners this year belong to minority communities.

THE HONOURABLE MR. HOSSAIN IMAM : I am glad to hear that.

THE HONOURABLE MR. JOHN SARGENT : My Honourable friend has not raised a much more questionable point which was raised in another place and perhaps I need not trouble to refer to it.

Question put and amendment negatived.

THE HONOURABLE MR. CHAIRMAN : Amendment No. 40.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, after clause (d) of Statute 4 in the proposed Schedule, the following new clause be inserted :—

'(e) to fix in consultation with the Academic Council, holidays and vacations in the University'."

This is a non-communal amendment. I simply want that in these matters the Academic Council and the Executive Council should both have a finger in the pie. There is some reason to feel that the holidays of the Delhi University are not quite satisfactory. Therefore I have moved this Motion.

THE HONOURABLE MR. P. N. SAPRU : I have a strong feeling that we have far too many holidays in our schools and colleges. In England we have got a rational system of holidays in the universities. There they have six weeks term, and then six weeks vacation and then they get their long vacation and the vacation can be utilised for purposes of study. Here we get every sixth day or seventh day a holiday. Sometimes we get a holiday because a distinguished personage has visited the university. The less number of holidays we have the better for university education. I hope that the Honourable the Education Member will curtail the number of educational holidays during his tenure of office.

THE HONOURABLE MR. J. D. TYSON : I understand that this amendment seeks to give statutory force to what is already in fact the practice in the University. I hope it will not be pressed. We should not like to hold the Bill up simply to give statutory sanction to this.

Question put and amendment negatived.

The Council then adjourned till Eleven of the Clock on Tuesday, the 31st August 1943.