

Wednesday, 22nd March, 1916

**COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA**

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**BOOK NO. 2**

**P. L.**

**ABSTRACT OF THE PROCEEDINGS**  
**OF**  
**THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA**  
**ASSEMBLED FOR THE PURPOSE OF MAKING**  
**LAWS AND REGULATIONS**  
**1916**  
**VOLUME LIV**

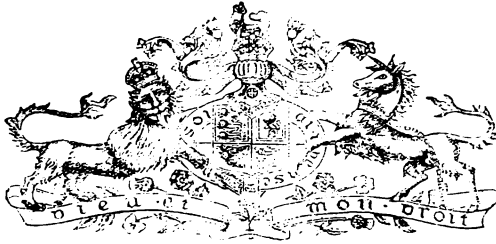


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1916



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER  
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915  
(5 & 6 Geo. V, Ch. 61).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on  
Wednesday, the 22nd March, 1916.

PRESENT :

The Hon'ble SIR WILLIAM CLARK, K.C.S.I., C.M.G., *Vice-President, presiding,*  
and 56 Members, of whom 50 were Additional Members.

**RESOLUTION RE TRANSFER OF CONTROL OF THE  
CALCUTTA UNIVERSITY.**

**The Hon'ble Mr. Surendra Nath Banerjee** :—“Sir, I have  
the honour to move the following Resolution which stands against my name,  
namely :—

“That this Council recommends to the Governor General in Council to consider the  
advisability of placing the University of Calcutta on the same footing with the Universities  
of Madras and Bombay in respect of the relations between the Calcutta University and the  
head of the Local Government for purposes of administration and control.”

“Sir, under the provisions of the Indian Universities Act of 1904, His  
Excellency the Viceroy is the Chancellor of the Calcutta University, and large  
powers of control are vested in the Government of India. To us, who are  
graduates of the Calcutta University, it is a matter of pride and honour that  
His Excellency Lord Hardinge should be the head of our University, and  
speaking for myself, I will say this, that but for the approaching retirement  
of His Excellency, I for one would not have brought forward this Resolution.  
Speaking as Chancellor of the University of Calcutta at the Convocation held  
on the 15th March, 1915, His Excellency was pleased to observe that his position

[*Mr. Surendra Nath Banerjee.*] [22ND MARCH, 1916.]

as Chancellor of the University brought him in direct contact with the student community of India. In them and in their welfare, Lord Hardinge has always felt a keen and abiding interest. We cannot forget the incognito visit which His Excellency paid to some hostels in Calcutta, with a view to ascertaining for himself, after personal examination, the conditions under which the students lived in those hostels. Sir, nothing so powerfully appeals to the imagination of an Oriental people as when a ruler conceals his personality when doing good; and the memory of this visit will long remain an abiding possession with the student community of Calcutta. Lord Hardinge has always been a generous patron of the Calcutta University. The Government of India have paid a sum of over 42 lakhs of rupees for our hostels, besides other grants, the capitalised valuation of which would amount to about 36½ lakhs. Sir, I feel it my duty to make this public statement as some acknowledgment, however inadequate, of the obligation which we are under to our retiring Chancellor.

“Sir, my Resolution has a constitutional bearing, and it is intimately connected with the raising of the status of our Province to that of a Presidency Government. Bengal was made a Presidency Government by the Royal Proclamation of the 12th December, 1911. A part of that proclamation was embodied in a Parliamentary Statute in January, 1912—Statute 2 & 3 Geo. V. Chapter 6. I will read the first clause of the Statute, which is pertinent to the Resolution now under discussion, Clause 1 says:—

‘It is hereby declared that the Governor and Governor in Council of the Presidency of Fort William in Bengal shall, within that Presidency as so delimited as aforesaid, have all the rights, duties, functions and immunities which the Governors and Governors in Council of the Presidencies of Fort St. George and Bombay, respectively, possess, and all enactments relating to the Governors of those Presidencies, etc., etc.’

“Now, this is the important part:

‘Provided that, if the Governor General in Council reserves to himself any powers now exercisable by him in relation to the Presidency of Fort William in Bengal, those powers shall continue to be exercisable by the Governor General in Council in the like manner and to the like extent as heretofore.’

“Therefore, Sir, it is obvious that, under the provisions of this Statute, the Governor of Bengal is placed exactly on the same footing with the Governors of Madras and Bombay, save and except in respect of certain powers and functions which are reserved to the Governor General in Council, and which at the time were being exercised by him. Those powers and functions are two in number: (1) authority to fill temporary vacancies on the Bench of the Calcutta High Court, and (2) authority as Chancellor of the Calcutta University. Lord Crewe was then Secretary of State, and when introducing this Bill he made certain observations which, with the permission of the Council, I will read as bearing upon this particular proviso. I am quoting from Hansard. He said—

‘I now come to the clauses of the Bill. The first clause (that is the clause I have just read) declares that the Governor of Bengal should have all the rights, duties and functions which the Governors of Madras and Bombay possess. The effect of the clause is to give the Governor of Bengal these extra powers given by the later enactments under which power was taken to apply to any new Presidency the powers which the Governors of the other Presidencies possess. Then, the House will observe—this is the important part—that two provisions are attached to this first clause. These provisions depend upon the fact that the powers of the Calcutta High Court are not, as matters stand, curtailed although the area of Bengal is changed and a new Lieutenant-Governorship is created. The power which is pointed to in proviso (a) is this: that the High Courts Act of 1871 gives the Governor General in Council power to appoint temporary Judges to the High Court of Calcutta.’

“Nothing is said about the Calcutta University, for the simple reason that the same grounds apply. The size of the Province of Bengal was curtailed, but the jurisdiction of the Calcutta University remained the same as before, extending over the new Province of Bihar and Orissa, over Burma and Assam. It was not thought desirable at the time that a local Governor should exercise authority over areas outside his territorial limits. The same

[ 22ND MARCH, 1916. ] [ *Mr. Surendra Nath Banerjee.* ]

objection, of course, would not apply to the Governor General in Council. The Governor of Bengal, who succeeded the Lieutenant-Governor of Bengal, stepped into his position as Rector of the Calcutta University. That is a new office altogether in connection with the Calcutta University, which does not exist in any other University. The powers and functions of the Rector are defined in section 28 of the Universities Act. Clause 1 says that the Rector shall take precedence at Convocations next after the Chancellor, but before the Vice-Chancellor. Clause 2 says that the Chancellor may delegate all or any of his powers to the Rector. Sir, I do not know whether any powers have been delegated. My own impression is that they have not been; but I should like to be corrected if necessary. This I do know as a matter of fact, that from time to time in reference to important considerations, the opinions of the Rector are invited by the Government of India. These opinions—I am not a lawyer, but I venture to think that I am right in making the observation—these opinions have no statutory force, but they have a moral value, as coming from the Governor of a great Province and a Governor of such great popularity and one held in such high esteem and regard as Lord Carmichael.

“ Sir, I have dwelt upon the constitutional aspect of this question in order to indicate that the conditions which led to the acceptance of the constitution at that time are now in process of change and transformation. I take it, Sir, that the new province of Bihar and Orissa will soon have a University of its own. I presume that the Bill is nearly ready; and with Sir Harcourt Butler, our ex-Education Minister, as Lieutenant-Governor of Burma, I take it that within a measureable distance of time, Burma too will have a University suited to its own requirements. Sir, the Governor or the Lieutenant-Governor of every province in India is the Chancellor of the University belonging to that province. Why should an exception be made in the case of Bengal? I urge this proposition, not indeed on the ground of administrative symmetry. Administrative anomalies may and do exist, and they are tolerated so long as no inconvenience is caused, no injustice is perpetrated; but I rest my case upon far higher grounds. My submission is this, that the University system of a province should be in direct touch with and controlled by the public opinion of that province, and for this purpose the head of the Government should be the Chancellor of the University. Sir, I look forward to a time—it will not perhaps be within our life-time, it may be a dream, but many of our dreams have become realities—when the Chancellors and Vice-Chancellors of our Universities will be elected by the members of those Universities, and I think we who are here working for the future, may prepare the ground for this consummation. I do not indeed place my Resolution upon that exalted basis. But I give expression to a suggestion which occurs to me as I am speaking upon this matter. Sir, the Government of India, when it was located in Calcutta, was in direct touch with the sources of local public opinion; but that is not and cannot be the case now. I will say this, that I can conceive of no possible objection to the acceptance of my proposition except this, that the Governor of Bengal as Chancellor of our University may exercise authority over areas outside his jurisdiction. I ask, are there not Governors and Lieutenant-Governors who are doing that now? The Lieutenant-Governor of the United Provinces is the Chancellor of the Allahabad University, and as such he exercises authority over affiliated institutions in the Central Provinces and in Ajmer, which are distinct and separate administrative units. Take another case, which is even more pertinent and apposite. The Governor of Madras as Chancellor of the University exercises authority over affiliated institutions in Ceylon, which is not a part of the Government of India, and is not even subject to the jurisdiction of the Secretary of State for India. Yet, Sir, no catastrophe, no cataclysm has occurred. The authorities in Ceylon have not complained of the curtailment of their power or of the loss of their dignity. Educated Ceylon goes to sleep without any perturbation of conscience or loss of self-respect. In view of these cases, may I not ask those who are opposed to this proposition to re-consider their views in the light of the facts to which I have referred? But,

[*Mr. Surendra Nath Banerjee; Mr. Dadabhoj.*] [22ND MARCH, 1916.]

Sir, I desire to place my case upon a still higher ground. We have been promised provincial autonomy by the great Despatch of the 25th August, 1911. Attempts have been made to whittle down the significance of that message. What has been written, however, cannot be unwritten, *scriptum manet*; and we as the representatives of the people will see to it that this beneficent message is redeemed in the fulness of time. Provincial autonomy is bound to come sooner or later. I hope it will come in the train of those political readjustments that are inevitable after the war. Provincial autonomy, if it means anything, means this, that each province should be self-contained, self-dependent, self-governing. If my Resolution is accepted and given effect to, it will be a distinct step towards the fulfilment of the pledge which is contained in the Despatch of the 25th August, 1911, and which will for ever be associated in the annals of Indian administration with the name and fame of Lord Hardinge. Sir, it does not seem to me that it is necessary that there should be immediate legislation upon this point, if my proposition is accepted. The Chancellor may delegate his powers, under the section to which I have referred, to the Rector. The Rector, without the name, will then become the *de facto* Chancellor. The experiment may be tried; and if it is found successful, legislation may be undertaken afterwards. My proposition is an exceedingly moderate one. All that I ask the Government to do, is not to jump to a conclusion or to come to a finding with regard to the great issues which I suggest. All that I ask the Government of India to do, is to consider—mind you, nothing more than to consider—the advisability of carrying out a reform which will make the head of the Local Government the responsible head of the University. I do not want that my Hon'ble friend should get up in his place and say 'we are not in a position to accept that proposition, and we cannot make Lord Carmichael at once Chancellor of the University.' I do not want that. I want you to consider the proposition. I want you to consider it from the standpoint which I have suggested, in the light of the facts which I have mentioned. I want you also in justice to those who are opposed to me, to consider the objections that may be raised. I do not think that any proposition can be more modest, or more reasonable, and therefore it is with some confidence that I submit this Resolution for the acceptance of the Council."

**The Hon'ble Mr. Dadabhoj** :—" Sir, I have not the slightest desire to oppose this Resolution. But, in my opinion, the Council should carefully weigh certain relevant facts. At present, besides Bengal, Bihar, Assam and Burma are served by the Calcutta University. So long as that University is under the direct control of the Government of India, Bihar, Assam and Burma have no cause to complain. But if that control is taken away and the University is placed under the direct control of the Government of Bengal, those provinces may have a just cause for complaint. This question of the Calcutta University being placed under the direct control of the Government of Bengal would not have arisen had the Capital not been transferred to Delhi; but it is curious that after the Durbar announcement, the then Vice-Chancellor, Sir Ashutosh Mukherjee, emphasised the point in his Convocation address with evident satisfaction that the Calcutta University would still be connected with the Government of India, and that His Excellency the Viceroy would continue to be the Chancellor. I need not apologise for reading a passage from Sir Ashutosh Mukherjee's celebrated Convocation speech. He said :

'Gentlemen, at the beginning of my speech, I referred to a kind of crisis in the affairs of our University. We are all conscious, conscious not without deep regret, that this crisis is indeed not confined to the academic precincts. Great changes are accomplishing themselves which affect the life of our whole province. Bengal has been for more than a century the leading province of India; Calcutta has been the capital, in name no less than in fact, of a great Empire; and now these high distinctions are all at once passing away from us. Calcutta, Bengal are discredited and cannot help feeling desolate. The gloom of grievous bereavement lies heavy on our minds; we feel like men who have 'fallen from their high estate.' The changes which

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we somehow cannot help deploring may indeed ultimately be fraught with good to the general; . . . in fact we hope and trust that this will be so; but this reflection on the good of the whole naturally is but cold comfort to that part which is called upon to pay the price. Our University—to return to what concerns us most nearly—loses the distinction it has enjoyed for so long a time as the University of the capital city of India. We only trust that the privilege to have our gracious Viceroy as the Chancellor of our University will be preserved to us. But in any case he will no longer reside in our midst, and highly prized opportunities of confiding to him direct our needs and wishes will be taken away from us. . . .

**The Hon'ble Mr. Surendra Nath Banerjee:**—"What is the date of the speech?"

**The Hon'ble Mr. Dadabhoj:**—"1912. I have not finished the quotation. Now comes the most important passage—"

'The University has in the past been indebted to its benevolent Chancellors for so much that we naturally view the possibility of severance, even the possibility of weakening of the customary bond with distress and apprehension. In addition, as misfortune never comes single, it appears likely that before long the jurisdiction of the University may be contracted very considerably; and a large section of the members of the University apprehend that this may mean to us loss of prestige, (and such loss is no light matter), loss of influence, loss of income, and with it loss of power to do good work. It is an irony of fate that all this happens to us just at a moment when we held ourselves justified in looking back with some pride and satisfaction on the work accomplished in the immediate past.'

"Apparently the Vice-Chancellor reflected on that occasion the Bengal public opinion. Since then nothing exceptionally serious has happened to discount the advantages referred to by Sir Ashutosh. We have not found so far any expressed desire on the part of Bengal for a change in the administrative control and status of the University. The only act of serious interference on the part of the Government of India since the transfer of the Capital to Delhi was the requisition made by that Government sometime ago for the dismissal of three University lecturers for political reasons. Even if the Government of India ceased to have any direct connection with the Calcutta University, and it was found that certain lecturers were undesirable, it would be easy for that Government to secure their dismissal through the Government of Bengal. The advantage to Bengal from the suggested change is not therefore clear.

"Sir, my Hon'ble friend has remarked that things are now in a process of change and transformation, and all what we ask is that the matter may be closely inquired into by the Government of India. Surely there can be no objection to such a modest request. I hope that the Government will see its way to accept this Resolution, and ascertain whether the Governments of Bihar and Orissa, Assam and Burma would like the proposed change, or whether they would prefer to remain under the existing arrangements."

**The Hon'ble Lieutenant-Colonel Gurdon:**—"Sir, speaking from our point of view in Assam, it is impossible not to regard the Hon'ble Mr. Banerjee's Resolution except with feelings of considerable apprehension. I would venture to submit that so long as the University of Calcutta ministers to the needs of more than one Province, it cannot safely, with due regard to the interests of the other Provinces, be brought under a single Provincial Government. The University of Calcutta, assuming that it is Calcutta under control as well as in name, must be governed always by the interests of Calcutta, which obviously cannot always coincide with the interests of a frontier Province like Assam, with its peculiar tribes and peoples, both of the hills as well as of the plains, many of which differ so greatly, both in languages and customs, from the inhabitants of Bengal. What can the professional men of Calcutta, who form the majority of the University Syndicate, know or care of the interests of Assam? We may be quite sure that occasion for conflict would not be infrequent, and that when it arose, we should find it difficult to obtain a hearing. With the Government of India, however, as the controlling authority, our interests are safe.

[ *Lieut.-Col. Gurdon ; Mr. Setalvad.* ] [ 22ND MARCH, 1916. ]

“I can quite understand the position of the Bengali who does not see why he should not have a University of his own. We, in Assam, would like to have a University of our own when the time comes—but there is no reason why the Bengali should be allowed to interfere with existing rights and to claim exclusive control of the University which was founded more than half a century ago for the ‘Presidency of Fort William in Bengal and other parts of India,’ and which has by later orders or enactments, been given the Provinces of Bihar and Orissa, Burma, and Assam, as well as Bengal, in which to exercise the powers which have been conferred upon it. I spoke of ‘existing rights.’ The rights referred to are the powers which are conferred upon the Government of India by the Act of Incorporation, the Indian Universities Act (Act VIII of 1904), the Regulations, and the powers conferred by the University Act of 1904 on the Chancellor, in which Assam, as a coparcener in this University with the Province of Bengal and other parts of India, is materially interested. I would refer, in particular, to section 25 of the Indian Universities Act which lays down that the Senate, with the sanction of the Government (*i.e.*, the Government of India) may, from time to time, make regulations consistent with the Act of Incorporation, as amended by the Universities Act, and with the University Act to provide for matters relating to the University. The present regulations for examination, according to the Matriculation, Intermediate Arts, and B. A. standard, provide for papers in composition in certain vernacular languages which include Assamese and certain other languages. It is a matter of the greatest importance to us in Assam that these examination rules should not be altered without our consent. Under the existing law no alterations in the regulations can be made without the sanction of the Government of India, and under existing circumstances, no alterations would, I venture to think, be made by that body without obtaining the views of the Chief Commissioner of Assam. Should the control of the Government of India in respect of sanctioning regulations be withdrawn, what guarantee have we that no alterations would be made in the regulations without our consent being previously obtained?”

“Burma and Bihar are contemplating Universities of their own; Assam, in process of time, will adopt a similar course. When that happens, Bengal may be safely left, I venture to think, so far as we are concerned, to manage the University of Calcutta, which will then have no authority in Assam.

“In conclusion, Sir, although there would seem to be good grounds for not disturbing, on the lines indicated by the Hon’ble Mr. Banerjee, the existing state of things as regards the University, I can only submit that should it be decided to undertake the inquiry suggested in the Resolution, Assam interests may be very carefully considered before a decision is arrived at.”

**The Hon’ble Mr. Setalvad:**—“Sir, as one connected with the active, day by day work of the Bombay University for many years, I have followed this debate with great interest. My Hon’ble friend Mr. Banerjee has pleaded for the transference of the control of the Calcutta University from the Government of India to the Government of Bengal. When I saw the Resolution on the Agenda paper, I expected to hear from my Hon’ble friend the reasons why he wants this transfer. I hoped to hear from him of the inconvenience felt by the Calcutta University and the disadvantages suffered by it by being controlled by the Government of India. I also expected to hear of the advantages that he hoped the Calcutta University would derive by having the control transferred to the Government of Bengal. But in his eloquent speech I have searched in vain for these reasons. He has told us that the Bombay and Madras Universities are controlled by the Local Governments, and he pleaded that the same should be the state of things with regard to the Calcutta University. May I tell my Hon’ble friend that there have been occasions in the history of the Bombay University when we wished that the control of the University rested with the Government of India, and not with the Government of Bombay.



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[ *Mr. Setalvad.* ]

“ My Hon'ble friend wishes that the Bombay model should be followed. I suppose, Sir, in each case it is the distance that lends enchantment, for I can tell my Hon'ble friend really and truly that there have been occasions in the history of the Bombay University when we have wished that we had less of provincial control over us ; and I will illustrate what I mean.

“ In the year 1910-11, we were surprised in the University one day to find several letters addressed to us by the Bombay Government, suggesting to us that the University should undertake various changes in its courses of study and various other matters. That was the first occasion in the history of the Bombay University when we had such direct interference in its affairs by the Bombay Government. One of the suggestions made by the Bombay Government was that English History, which till then formed a compulsory subject in the B. A. course, ought to be abolished. The matter was discussed at great length and debated in the University, and the overwhelming opinion was in favour of the retention of English History in the B. A. course. After long debates, a conclusion was arrived at, in which the Director of Public Instruction concurred, that English History should be retained in the B. A. course. I may say that the resolution was arrived at with only one dissentient in the whole Senate. But when that resolution went up to the Local Government for confirmation under the Regulations, what happened? The Bombay Government were quite prepared to set aside the unanimous vote of the Senate, and, not satisfied with the reasons which prompted the Senate to retain English History in the B. A. course, they absolutely ordered the Director of Public Instruction to bring forward a resolution in the Senate reversing that unanimous decision of the Senate and to abolish English History from the B. A. course, and the poor Director of Public Instruction, whatever his personal views were about the matter, was obliged to obey that mandate. The resolution was moved by the Director of Public Instruction in pursuance of that mandate, and furthermore all Government officials who were members of the Senate were officially told—a written whip was sent round to them—to go to the Senate meeting that day when that resolution came up, and to vote in favour of the motion of the Director of Public Instruction. This was openly mentioned at the meeting of the Senate on that occasion and could not be denied. With all this whipping, with all this interference, the result was no doubt that they gained their proposition and the resolution was passed ; but even then they were able to pass it with a majority of 4. I am saying this for the purpose of showing how the sentiments and the feelings of the Senate must have been against that proposition which was forced on them by Government in that manner. However, the Local Government's view prevailed against the almost unanimous opinion of the Senate in the matter, and so in Bombay English History is still eliminated from the B. A. course although the whole Senate is still of the same opinion. I hope and expect, however, that very soon the matter will come up again for discussion.

“ I am putting this as an illustration before my Hon'ble friend so that he may consider whether, in advocating the transfer of control from the Government of India to the Bengal Government, he may not be jumping from the frying pan into the fire. Because, with provincial control you will get local official prejudice, and it is local official prejudice that would come into play more than local public opinion if you have the Local Government controlling the Calcutta University ; whereas, the Government of India, being isolated and detached from local prejudices, are very often, to my mind, able to take a larger view of things than Local Governments can. Therefore, I beseech my Hon'ble friend to consider whether it is really wise to ask for this change in which he may go further and fare worse.

“ To my mind, Sir, the real remedy for the evils of the present University system lies entirely in another direction, and that remedy is one, I venture to submit, that ought in course of time—I think very soon—to be applied to all Indian Universities. What is really needed is, that the Universities should be put more under popular control than they are now ; that the

[*Mr. Setalvad; The Vice-President; Mr. Arbuthnot.*] [22ND MARCH, 1916]

control of Government, either the Provincial Government or the Government of India, should be removed as far as possible, and that the Senate should be really made a popular body. When I speak of a popular body, I do not mean that it should be popular in the sense of other assemblies. No doubt you have to secure on the Senate the presence of educationists, professors, teachers, and people of that class; but just consider what the present constitution of the Senates is. You have the Senate composed of 100 members, of whom 80 are nominated by Government, a further 10 are allowed to be co-opted by the 80 people so nominated by Government, and only 10 are left for election by graduates. When the University was first established in 1857, it was all right in those days when education had not progressed in the country and there was nothing else possible but that Government should nominate all the members of the Senate: but what a confession it is that even after 58 years, although rapid strides have been made in education, you still allow 10 people out of a Senate of 100 to be elected by the graduates of the Universities whom you have turned out by this time in thousands. To my mind, Sir, the time has now arrived when a larger proportion of elected members—"

**The Hon'ble the Vice-President:**—"The Hon'ble Member is wandering a good deal from the point. We are discussing the eventual control of the Calcutta University."

**The Hon'ble Mr. Setalvad:**—"I am pointing out that the remedy for the present unsatisfactory state of the Calcutta University does not lie in the change the Hon'ble Mr. Surendra Nath Banerjee is advocating, but in the direction which I am trying to show."

**The Hon'ble the Vice-President:**—"The Hon'ble Member is wandering from the point."

**The Hon'ble Mr. Setalvad.**—"I won't elaborate it, but what I wish to point out is that the real remedy lies in the direction that I have indicated and not in asking for one control to be substituted for another. The real remedy is to free the Universities from Government control, whether Provincial or Imperial, make them more amenable to popular control, popular in the sense I have indicated. Therefore, Sir, one is not quite sure of the wisdom of the change which my Hon'ble friend is advocating. However, as he has said, all that he is asking for is consideration of the matter by the Government of India. Of course there cannot be any objection to the consideration of any matter at all; but, as I have indicated, it is a matter which is beset by many difficulties; it is a matter which requires to be very carefully considered before any conclusion can be arrived at; and if the matter is to be considered by the Government of India, I do hope and trust that all the objections raised by Burma and Assam, and the various objections that I have pointed out, will be carefully considered."

**The Hon'ble Mr. Arbuthnot.**—"Sir, it is a matter of some regret to me that in this matter I find myself compelled to oppose to some extent my Hon'ble friend Mr. Banerjee in a matter which he evidently has so very much at heart. Not, indeed, that I desire to oppose the Resolution itself. The Resolution is couched in terms which are most persuasively moderate. All he asks is that the Council should recommend to Government the consideration of the advisability of taking certain action in regard to the administration and control of the Calcutta University."

"It is difficult to object to a Resolution couched in such studiously moderate language and of such strictly limited scope. But it was clear from the speech of my Hon'ble friend that he hopes that the very small seed he is planting now will at no distant date bear fruit, and with that unflinching enthusiasm which is

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so characteristic of him, he hopes that the mere consideration of the question will lead to action being taken at once in the direction which he desires. He hopes that the Council having recommended Government of India will at once proceed to consider, and having considered, they will immediately be convinced, that being convinced, they will without delay, with all the zeal of fresh converts, proceed to take action on their newly formed conviction. But, Sir, it is just in regard to this that I desire to enter a caveat, or perhaps to phrase it more correctly, invoke a moratorium. Sir, as Mr. Banerjes has already pointed out to this Council, the Province of Burma, in spite of her size and her importance as one of the major Provinces of the Indian Empire, has no University of her own, and is in all matters connected with University education, under the control of the Calcutta University. We are in hopes that this anomaly will, at no distant date, be rectified. The matter has for some time been under consideration, and I am instructed to say that detailed proposals for the establishment of a University at Rangoon will shortly be submitted to the Government of India. The Government of Burma, and the Educational Syndicate, which is a representative body consisting of officials and non-officials, of which I myself have the honour to be a member, and which advises the Local Government on all matters connected with higher education, and also public opinion in Burma attach supreme importance to the establishment of a University for Burma at Rangoon at the earliest possible opportunity. Detailed proposals, which have been drawn up by the Director of Public Instruction, in consultation with the Educational Syndicate and also, I understand, in communication with my Hon'ble friend Mr. Sharp, will, as I have already said, very shortly be submitted for the sanction of the Government of India and the Secretary of State, and Sir Harcourt Butler hopes, and I hope (and I trust that on this matter we shall not be found to be unduly optimistic) that it will be found possible to introduce the necessary legislation in this Council in the Autumn Session of the current year, and that thereafter the necessary Bill which will of course be entirely non-contentious will be passed into law at the earliest possible opportunity. If this is done, we are in hopes that we may have our University in working order in about two years from the present date. But, Sir, I submit that it would cause very great embarrassment and confusion if, while our University were in the making and before it was in thorough working order, any change were made in the existing arrangements.

"I must further add that public opinion in Burma would be extremely hostile to the submission of matters connected with University education in Burma to any Government except the Government of Burma or the Government of India. I trust that in this matter my remarks will not be misconstrued, and that I shall not be taken to imply anything in any way derogatory to the Government of Bengal or its present distinguished head. But I think this Council will readily sympathise with our view that the interests of Burma, and that the point of view of Burma are more likely to receive sympathetic treatment and careful consideration from the Government of India whose angle of vision must necessarily be wider than that of any Local Government, and which is also untrammelled by local and occasionally selfish interests.

"For these reasons, Sir, I would express the hope that, if this Resolution is accepted, it will be found possible to give an assurance that no change will be made in existing arrangements until Burma has a University of her own and ceases to be dependent in matters connected with University education on the Calcutta University."

**The Hon'ble Maharaja Ranajit Sinha of Nashipur:—**  
"Sir, I beg to associate myself with the Resolution moved by my Hon'ble friend on the right. Undoubtedly it is a great honour for the Calcutta University to be associated with the Government of India with the Viceroy as her Chancellor, but, Sir, at the same time it is desirable that the Chancellor should be in touch with the University and the people interested or connected

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with it. At present we have the privilege of having a Chancellor who spent two winters in Calcutta and who came in contact with all the persons interested in the University, and had been able to discuss with them as to her needs and aspirations, but, in future, the Government of India being situated at a long distance from Calcutta, I am afraid the Chancellors will have but little opportunity of coming in contact with the people of the Calcutta University and discussing with them any matters educational. But at the same time I recognise the objection raised by the people of different Provinces that whereas the Calcutta University exercises jurisdiction to places beyond Bengal, this should not be placed under the Local Government, so I endorse the suggestion made by my Hon'ble friend that certain duties of the Chancellor may be delegated to the Rector, I mean His Excellency the Governor of Bengal, subject to general control which may be exercised by the Government of India from time to time. I think there is no harm in accepting that view of the question. Further, it appears that the Allahabad University is still exercising jurisdiction over such parts where the Local Government has no jurisdiction, and such is the case in Madras also. So I hope the suggestion made by me will commend itself to the Council. For the present, my friend has only asked that the matter may be considered by the Government of India, whether it is desirable to do so, and as such I think there can be no objection to the Resolution being accepted by the Council."

**The Hon'ble Rai Sitanath Ray Bahadur:**—"Sir, in my opinion, the Resolution is an exceedingly modest one. If my Hon'ble friend Mr. Banerjee had asked that immediate action should be taken to transfer the Chancellorship of the Calcutta University to the Governor of Bengal, then I would have opposed it. All he has asked for, is that public opinion, the opinion of the Bengal educated community and different public bodies should be invited to see whether it is desirable or not that the head of the Bengal Government should be the Chancellor of the Calcutta University. I welcome the friendly remarks of my Hon'ble friend Mr. Setalvad, but I could not understand the captious criticism which was made by my Hon'ble friend from the Central Provinces. He does not feel uncomfortable on account of his Province having been placed under the University of Allahabad, but he is very sorry that Burma and Assam should be absolutely placed under the control of the Calcutta University. To that my reply is that Burma is going to have a University of its own, so that my friend need not be disconsolate on that account. The only province which will have a grievance is Assam, but that I may say is a minor province, and there cannot be any conflict of interests between Assam and Bengal. However, the Hon'ble Mover does not ask that immediate action should be taken; all that he asks for is that the opinion of the educated public, of the different public bodies and of the Calcutta University should be invited in order to see whether the change is desirable or not from the point of view of Bengal. I, therefore, beg to support the Resolution of my Hon'ble friend."

**The Hon'ble Maharaja Sir Manindra Chandra Nandi of Kasimbazar:**—"Sir, I beg to support this Resolution. So long as the seat of the Government of India remained in Calcutta, it was eminently desirable that the University of Calcutta should remain under the direct control of the Supreme Government. After however the transfer of the Capital from Calcutta to Delhi, the Presidency of Bengal has been placed on the same footing as the sister Presidencies of Madras and Bombay, and it stands to reason that the University of Calcutta should be placed on the same level as the Universities of Madras and Bombay as regards control and administration. The affairs of all Indian Universities are subject to the supervision of the Government of India, and the University of Calcutta should be placed in the same position."

[22ND MARCH, 1916.] [*Maung Bah Too; Rai Ghanasyam Barua Bahadur.*]

**The Hon'ble Maung Bah Too** :—“ Sir, on behalf of the people of Burma I desire to oppose this motion. We are in hopes that we will in the course of two or three years have the fulfilment of one of our earnest desires and have a University of our own at Rangoon. But meanwhile Burma, in matters of University education, is dependent on the Calcutta University, and so long as Burma is in any way connected with the Calcutta University, the Burman people would very strongly resent any change, which would place the control of that University under the Government of Bengal, instead of under the Government of India. If the Resolution is accepted, I trust that an assurance will be given to us in Burma that no change will be made, until Burma has a University of her own.”

**The Hon'ble Rai Ghanasyam Barua Bahadur** :—“ Sir, it may easily be conceded that the privilege aimed at by the Resolution may be looked upon as only a legitimate aspiration of the Presidency of Bengal, as it desires nothing more than what her sister Presidencies have already been enjoying. My Hon'ble friend the Mover, however, no doubt sees the distinctive feature of the Calcutta University in the fact that by the Act of Incorporation it was made the University for the Presidency of Fort William in Bengal and other parts of India, and that it still continues to be the University for four different Provinces including Bengal. Its position in this respect is superior to the other Universities and its responsibilities greater. I should think its dignity is also higher though the Hon'ble Mover does not seem to think much of it; but it is strange that my Hon'ble friend's views are at entire variance with the views which have been just read out by the Hon'ble Mr. Dadabhai, of the distinguished Bengali Vice-Chancellor, one of the greatest educationists of the day, Sir Sutosh Mukerjee on this point. My Hon'ble friend is anxious to have the whole thing governed by his own Province. This is only in keeping with the principle of Provincial autonomy which he so much advocates; and as a sentiment of Provincial patriotism, if I may so call it, nobody should have reason to find fault with his desire. He has brought in the example of the Central Provinces and its relation to the Allahabad University in support of his claim, and he thinks that Bengal, in connection with the other Provinces which are dependent upon the Calcutta University, will not be in any other position than what the University of Allahabad already is in connection with the Central Provinces. I do not know what the relations between the Allahabad University and the Central Provinces have been in the past, but I have no doubt conflicts must have arisen, and if I am rightly informed, I have reason to believe that the Government had at times to take vigorous steps to mitigate occasional misunderstandings and to adjust the relations between the two Provinces in the matter of University education. I do not at all mean to suggest that the Government of Bengal will lack in the power of efficiently governing the University or equitably adjusting its relations with the other Provinces. Nor do I mean to suggest that the august body, known as the Calcutta University, will ever be consciously unjust or unfair in any matter whatsoever. But who is to act as the arbiter when there are honest differences of opinion between the Government of Bengal and any of the other Provincial Governments concerned? Provincial Governments are at their best; only Provincial Governments and their own interests as disclosed by local public opinion, on which my Hon'ble friend rightly lays so much stress, and often greatly stayed by it, will always be and are bound to be their first concern; besides, local opinion as to any matter in difference is not unlikely to carry conviction. From our past experience I hope I shall be excused if I say that Bengal public opinion and the measures adopted by the Bengal Government are sometimes found to be at variance with the opinion and interests of her less favoured neighbours. Let me cite an instance in the case of my own Province in a matter closely connected with education, *viz.*, the recognition of the Assamese language as a separate language and the advancement of

[ *Rai Ghanasyam Barua Bahadur* ] [ 22ND MARCH, 1916. ]

education in Assam with the aid of its own vernacular. As Hon'ble Members are aware Assam was under the Government of Bengal for a long time after its annexation to the British Raj. For administrative convenience of its own the Government of Bengal imported a large number of Bengali clerks and subordinate officers into the Province. At the beginning of the administration Assamese was recognised as the language of the Courts; but Bengali soon succeeded in driving it out and taking its place in the Courts and schools. Bengali clerks and officers then began to pour in to fill more and more posts in the administration, and the Assamese became ousted from all important positions. Education found its progress impossible, and the second grade college which was established at Gauhati had ultimately to be abolished instead of being raised to a higher status. The Assamese leaders of the day and some benevolent American missionaries who had studied the people and the language for 20 years made a protest as clear and strong as possible from the beginning and formally moved the Bengal Government in 1854 saying that incalculable mischief was and would be done to the people of Assam, and that their educational and material progress would greatly suffer by this unnatural process. But the Government of Bengal instead of yielding to popular clamour thought rather of putting themselves on their defence, and it was after a long struggle of close on 20 years that in 1871 they were convinced of their mistake, and Sir George Campbell, the then Lieutenant-Governor of Bengal, ordered the Assamese language to be reinstated in the Courts and primary schools. Bengali, however, continued in the middle and high schools down to the time of Sir Henry Cotton, when Assamese began to be taught in the Dibrugarh middle school in 1898. From that time it has been gradually introduced into all the schools of the Assam Valley, with the exception of certain schools of the Goalpara district. At last recognition was granted by the University of Calcutta which allowed its inclusion in its list of vernaculars both for Matriculation and degree examinations.

"Bengali has thus had the advantage of being for nearly half a century the only officially recognised language in the Assam Valley, and for nearly three-quarters of a century the only medium of instruction in all but village schools. That this state of things must have had a disastrous effect upon the language and its literature is evident. Assamese had to fight for its very existence. It would have been lamentable had the fight ended otherwise. A people who had developed themselves on lines of their own, whose literature had characteristics distinct as their own individuality, would have been generally crushed down into 'hewers of wood and drawers of water.' There was therefore much more at stake than the mere recognition or non-recognition in official circles of a particular language. The future of a whole race was in question. Now of course the language has been fairly and finally settled, though the disastrous effects of the mistaken policy pursued for so long a time are still visible on every side we turn our eyes in Assam, and will continue to do so for a long time yet. I have dwelt at some length on the point only to show how a single mistake or difference of opinion may have far-reaching effects on the destinies of a whole race.

"Now, Sir, one word about public opinion in Bengal. It has a great respect for its own cherished views whatever the world may have to say against them. Even on this Assamese language question which was set at rest after thorough discussion extending over half a century and more, a leading Bengali journal had in its columns the following so late as the 20th December last :—

'Unfortunately, however, there is a tendency on the part of our bureaucratic Government to create new languages where there are none, and to raise each petty dialect to the dignity of a language. Thus, Assamese, which is undoubtedly a dialectic variation of Bengali, has been made into a separate language, chiefly, we believe, under the advice and influence of some Christian Missionaries. There are some foolish and misguided people whose local vanity is gratified by this kind of thing; but still it must be said that the tendency to multiply dialectic differences and to raise dialects to the rank of languages is against the true interests of civilisation and progress.'

[22ND MARCH, 1916.] [*Rai Ghanasyam Barua Bahadur; Dr. M. N. Banerjee; Mr. Cumming.*]

“Comment on this effusion is needless. The writer may, however, profit by reading the opinion of at least a better authority than himself. I will read out a passage from a book entitled *A Bengali Grammar*, also an *Assamese Grammar* by Professor G. F. Nicholl, M.A., a great oriental scholar, who was Lord Almoner's Professor and Reader in Arabic in the University of Oxford, Oriental Lecturer of Balliol College, Oxford, Professor of Sanskrit and Persian in King's College, London. He says—

‘Assamese is not, as many suppose, a corrupt dialect of Bengali, but a distinct and co-ordinate tongue, having with Bengali a common source of current vocabulary. Its Sanskrit did not come to it from Bengal, but from the Upper Provinces of India, this all who carefully examine the matter will readily admit.’

“That being the case, Sir, it is not at all unnatural that, when a proposal comes up for giving full control to Bengal in any matter in which other Provinces are commonly interested with Bengal, they should feel disposed to look upon the situation with some apprehension and uneasiness. Bihar and Burma, I understand, are going to have their Universities in a few years. If the Government of India thinks of divesting itself of the powers it now has over the University of Calcutta, I humbly suggest that similar provision should be made for a separate University for Assam also, and ask Bengal to wait till all these dependent Provinces have been provided with their own Universities. But till then, the Government of India should, in my humble opinion, retain its present control over the Calcutta University. The Resolution of course asks the Government only to consider the advisability of taking a certain step. If it should mean nothing more than a consideration of the pros and cons of such a step, there can be no serious objection to the Resolution being accepted, and discussions opened with the Local Governments concerned in the matter. If it should, however, mean anything more than that, I feel it my duty to oppose the Resolution.”

**The Hon'ble Dr. M. N. Banerjee:**—“Sir, I give my hearty support to the Resolution moved by the Hon'ble Mr. Surendranath Banerjee. I should like to add to the arguments that have been put forward in favour of the proposed change that the Chancellor of the University nominates 80 per cent. of the Fellows, and that the Governor of a Province is more likely to know the persons who are best fitted for the purpose.

“I further submit that, if this Resolution is accepted, it will remove many of the difficulties and much of the delay which educational institutions have to suffer from in the matter of affiliation to the University, and which will continue so long as the existing state of things remains.

“As to the expressions of Sir Asutosh Mukherjee which my Hon'ble friend Mr. Dadabhoj has quoted, I think they are not so argumentative as giving utterance to the sentiments which Sir Asutosh felt at the time.

“As regards the suggestion which the Hon'ble Mr. Setalvad has made of undue interference on the part of Local Governments in University affairs, I think such cases are very rare and exceptional, and they may happen in any form of University control.

“As regards the objections raised by the Provinces concerned, I will leave my Hon'ble friend the Mover to reply to them.

“I again give my hearty support to the Resolution moved by my Hon'ble friend.”

**The Hon'ble Mr. Cumming:**—“Sir, I trust I shall not weary the Council at this stage by offering a few observations on the Resolution from the point of view of the Local Government concerned. The Hon'ble Mr. Banerjee has given his reasons, regarding some of which there is difference of opinion; but, regarding his narrative of facts, in the main, I think the Council may take it as correct. I am in a position to say that the Government of Bengal

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would welcome a change of the nature indicated in the Resolution, but with certain reservations.

"It seems to me, Sir, that there is a general principle involved; and that principle is a well-known one in administration. Where there is responsibility, there should be authority; and in fact power or authority cannot be divorced from responsibility without serious consequences. In the present circumstances of Bengal, since the Government of India have moved from their former headquarters in Calcutta, the position of the Government of Bengal is such that it has a responsibility of which it cannot divest itself. Now, in the application of that principle, there are two points to be considered. First of all, as regards the position of the Rector, under the existing law the Lieutenant-Governor was the Rector; and to that position the Governor has succeeded by the tacit consent of all concerned. At the same time, in the Act no special duties are assigned to the Rector, and I believe I am correct in saying the Act does not countenance the delegation of any powers or functions of what is known in the Act as 'the government' to the Rector. I consider, Sir, that this position offends against the proposition which I stated, namely, that where there is responsibility, as there is now, there should be authority.

"Next as regards the Government of Bengal, in the same manner, circumstances have changed since 1904. In that year, as has already been stated to the Council, the 'government' was placed in the hands of the Governor General in Council.

"But it is well known that in the cases of Madras and Bombay, under the same Act the authority of the 'government' was given to the respective Governors of those presidencies. In fact, the Local Government of Bengal is not mentioned at all in the Act of 1904. I am, therefore, to say that the Government of Bengal would welcome any change whereby ultimately, as regards its own territory, it would not be in a worse position than the sister Governments of Madras and Bombay.

"I said that there were certain reservations. These reservations have been the subject of comment in the course of the debate, and very properly so. There are undoubtedly real difficulties on account of the fact that at present the jurisdictions of the Presidency of Bengal and of the University of Calcutta are not continuous. There would be a great advantage in making the jurisdictions continuous. It is true, as has already been explained in the course of the debate, that, in the case of the United Provinces and in the case of Madras, the Governments in those areas do control colleges which are affiliated outside their areas. But, at the same time, I consider that, as long as there is official control of the Universities, that control should, as far as possible, be concentric with the jurisdiction of Government. It should be recognised in this connection to what a great extent Bengal proper is involved. In Bengal, there are 41 colleges affiliated; in Bihar, there are 7; in Assam, there are only 2, and possibly in the future 3; and in Burma, there are only 2. It is obvious then to what a great extent the existing Government of Bengal is interested in the large number of colleges which are under its territorial jurisdiction. Of course, if, as is probable, the two Universities of Bihar and Burma materialise, as I understand they will, and as I personally hope they will, the position will become altered, and then there will remain only the Administration of Assam. I think it should not be impossible that, when that state of things has been reached, an equitable arrangement may be made so that the ruler of Bengal and the Government of Bengal should be in a position to control the University affairs within the areas of existing Bengal and Assam. I quite agree with those Members who have spoken who say that under existing circumstances, without casting any reflection, they feel that it is proper that the authority should remain as an outside impartial controlling authority; but if these changes should come about, I can say, on behalf of the Government which I have the honour to represent, that they would be welcome. With these reservations and remarks, I support the Resolution."



[22ND MARCH, 1916.] [*Mr. Oldham; Mr. Walker; Mr. Surendra Nath Banerjee; Pandit Madan Mohan Malaviya.*]

**The Hon'ble Mr. Oldham :—**" Sir, I had not intended to say anything on this Resolution this morning, more especially as I have no instructions. In view of the fact that the Right Hon'ble the Secretary of State has already decided that a separate University for Bihar and Orissa (the scheme for which is cut and dry) should be established at Patna, and of the fact that, as I understand, the necessary short legislation to give practical effect to that decision will be brought forward at the earliest possible date, it may seem that the Province of Bihar and Orissa is not so vitally concerned with this Resolution as certain other provinces or administrations, who may not be so far advanced in the matter of their University schemes. Furthermore, objection does not seem called for at this stage in view of the very broad terms of the Resolution, viz, that this Council recommends to the Governor General in Council 'to consider the advisability of' placing the University of Calcutta on the same footing with the Universities of Madras and Bombay, etc. I realise the misapprehension which frequently attaches to the meaning of the words 'consider' and 'consideration,' especially on the part of applicants for boons or favours! But I have little doubt that the Government of India will not misapprehend the terms; and I have no doubt that the Government of India will come to no final decision, one way or the other, in this matter—will do nothing that might prejudice the interests of any individual Local Government or Administration, without formally consulting those Governments or Administrations, and without giving the fullest consideration to any arguments which they may have to bring forward, or difficulties which they may think necessary to raise. It seems hardly necessary to request that a formal assurance be given to this effect."

**The Hon'ble Mr. Walker :—**" Sir, I had not anticipated addressing the Council on this Resolution, but the Hon'ble Mover and also some other Hon'ble Members have referred to the concrete instance of the relations of the Central Provinces to the Allahabad University as an argument, which is likely to remove the apprehensions that may be felt by Governments, other than the Government of Bengal, at the prospect of the change contemplated in the Resolution. The Hon'ble Mover has stated that the existing arrangements with the Central Provinces and also in Ceylon have not resulted in any catastrophe—"

**The Hon'ble Mr. Surendra Nath Banerjee :—**" I did not say that with reference to the Central Provinces; I said it with reference to Ceylon."

**The Hon'ble Mr. Walker :—**" Very good; at the same time that is not much of an assurance. The Hon'ble Mover did not say that the existing arrangements have proved satisfactory, and I can assure the Council that the existing system, under which education in the Central Provinces is subordinated to an institution essentially connected with another province, has no friends in that province, official or non-official. It is the prospect of obtaining a University of our own that is looked forward to as the only satisfactory solution of several problems."

**The Hon'ble Pandit Madan Mohan Malaviya :—**" Sir the Resolution has given rise to a very curious discussion in which, on the one side, is expressed a rather strong opinion on behalf of Bengal that it should be freed from the control of an authority which is not present in Bengal, and, on the other side, an equal apprehension that, if that control is removed, the interests of provinces other than Bengal will suffer. But, if I may say so, the very intense earnestness of the arguments, put forward by the representatives of Burma, Assam and other provinces, that the present state of things should continue, furnish a strong support to the Resolution which has been moved by the Hon'ble Mr. Banerjee; for that shows, Sir, that they are naturally

[ *Pandit Madan Mohan Malaviya.* ] [ 22ND MARCH, 1916 ]

anxious that the interests of their provinces should not suffer by the control which the Governor General exercises over the affairs of the Calcutta University being removed. Sir, in the absence of the control of the heads of their respective provinces, over a University which governs them, they find most satisfaction in the control which is exercised by the Governor General over it. On the other hand, Bengal has risen to urge that its University should be placed on the same footing with the Universities of Madras and Bombay. I think, Sir, there is much to be said on both sides of the question. A great deal can be said in favour of the view that the head of the Government of Bengal should be the head of the University of Bengal. In ancient days when the Calcutta University was started, things were different, the Governor General of India being the supreme head of the Government, was naturally made *ex-officio* Chancellor of the University. But, since that time much water has flowed down the Hooghly; the Punjab and the United Provinces have had separate Universities established in them. The Governor General no longer has his head-quarters in Calcutta, and Bengal has been raised to the status of being under a Council government; it has been placed on the same footing as Madras and Bombay; and it is somewhat anomalous that the Governor of Bengal should not be the head of the University of Calcutta which is primarily the University for Bengal, as the Governors of Madras and Bombay are the heads of the Universities of Madras and Bombay. I do not think that the real reason for the change which is advocated is that the exercise of the control, of the nominal control, it can only be nominal, by the Viceroy is resented; the object is that the guidance and control of the head of the Government of Bengal who is ever present in Bengal,—which is direct and immediate, should be available to the University in the fullest measure for the benefit of the University of Calcutta. It should be remembered that Bengal is the largest province which is interested in the existing arrangements and in the present proposal. As the Hon'ble Mr. Cumming has pointed out, Bengal has the largest number of colleges which are under the control of the University of Calcutta, and it should not be made to suffer, because it has extended its hospitality to other provinces which are less favoured than it is, by admitting students from colleges existing in those provinces—from Burma, Assam, and Bihar and Orissa to its own examinations. There is much force in the contention that Bengal should not be placed under the disadvantage of not being allowed to have the head of its Government as the Chancellor of its University. At the same time, there is much to be said in favour of the view urged by Burma and Assam that their interests should be safeguarded. If the recommendation contained in the Resolution is accepted even before Universities come into existence at Patna and in Burma and in Assam, it should still be possible to safeguard their interests both in the matter of the vernaculars that prevail in those provinces and in other respects so far as the interests of the students of those Provinces are concerned. But the true solution lies in another direction; the root of trouble lies in the fact that the provision for University education is so unsatisfactory, is so poor in India. That for the whole area which is even now under the jurisdiction of the Calcutta University, and which comprises a population more than twice as large as the population of the United Kingdom, there should be only one University is a matter on which neither the people nor the Government can be congratulated. Leaving alone Burma, Bihar and Orissa and Assam, Bengal alone has a population of nearly 50 millions, a population larger than that of the United Kingdom, and yet there is only one University in it, whereas in the United Kingdom there are 18 to 21 Universities. The real solution therefore lies in expediting the establishment of Universities in Burma, in Bihar and Orissa and also in Assam. One speaker has said that Assam is not a sufficiently large province to have a separate University of its own. I do not agree with him. I submit that having a population of over seven millions, nearly equal to that of Belgium, it is a sufficiently large province to have a University of its own. And I hope that one result of this Resolution, if it leads to no other result, will

[22ND MARCH, 1916.] [ *Pandit Madan Mohan Malaviya; Raja Sir Muhammad Ali Muhammad Khan, of Mahmudabad.* ]

be to expedite the efforts which are being made for the establishment of a University in Burma, and for the establishment of a University for Bihar and Orissa at Patna, and I hope also that the result of the discussion will be to suggest to the Government of India the desirability of seriously considering whether Assam should not have a University of its own. No doubt Burma, Bihar and Orissa and Assam are under a debt of gratitude to Bengal for the advantages of higher education which the students of these provinces have received during half a century from their connection with the University of Calcutta. But it is undeniable that if Universities had been established in Burma, Bihar and Orissa and Assam when their separate administrations were established, the progress of higher education in those provinces would have been immensely greater, and the condition of the people would have been immensely better. Therefore, I hope, Sir, that, while the Government of India will be pleased to accept the Resolution as it is worded, that it will expedite the establishment of a University in Burma, and of a University in Bihar and Orissa, and also take into its serious consideration the question of a University being given to Assam."

**The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, of Mahmudabad:**—"The present system governing the management of the Calcutta University stands self-condemned. It is avowedly a system of double control, and, as such, is open to obvious objections. No man can serve two masters. In this case, too, the system prevents either master from taking an adequate interest in the University. The Government of India are now absent from Calcutta for 12 months in the year, and cannot possibly have that first-hand acquaintance with the local problems which they possessed of old, and which is essential for dealing with the affairs of a large University such is the University of Calcutta. On the other hand, the Local Government who can never be quite sure of the attitude of the Government of India in any particular matter cannot but adopt a non-committal and unattached attitude, in fact an attitude of irresponsibility. The result is delay, and, what is worse, there is apt to be friction, or at least the opportunity for friction, not only between the University and Government, but between the two Governments. The present debate has amply shown that what I am saying is not only true on paper, but that the present system has given rise to great practical difficulties which have neither enhanced the reputation of the Government of India nor tended to the advancement of education. It might of course be objected that so long as there are no separate Universities in Burma and Bihar and Orissa, it may be undesirable to transfer the control of the Government of India over the Calcutta University to the Government of Bengal. But we have yet to know wherein this undesirability lies. We have precisely the same system prevailing in the case of the University of Allahabad which, though under the control of the United Provinces Government, exercises jurisdiction over the Central Provinces and certain Indian States. The same is the case with the Lahore University. Why the Calcutta University should be unnecessarily harsh or severe in its attitude towards the Colleges that exist in Burma, Assam and Bihar and Orissa, is difficult to understand though, if such suspicion was reasonable, the transfer to the Local Government might be made subject to a proviso reserving the control of the Government of India so far as colleges outside Bengal were concerned. I am, however, opposed to shelving the present question till there are separate Universities in Bihar, Burma and Assam. For this will mean that we shall have to wait for a very long time, and the present system, as I have said before, with its inevitable delay and friction, will continue to the detriment of education not only in but outside Bengal.

"Lastly, it is clear that the proposal of my Hon'ble friend, the advantages of which outweigh its disadvantages has the support of public opinion generally in Bengal. This fact, of itself, merits serious consideration.

[ *Raja Sir Muhammad Ali Muhammad Khan, of Mahmudabad ; Khan Bahadur Mian Muhammad Shafi* ] [ 22ND MARCH, 1916. ]

“ In conclusion, I submit that I support the Resolution to strengthen the hands of their Honours the Lieutenant Governors of Burma and Bihar to have Universities for Burma and Bihar.”

**The Hon'ble Khan Bahadur Mian Muhammad Shafi:—**

“ Sir, I rise to give my cordial support to the Resolution moved by my friend the Hon'ble Mr. Surendranath Banerjee, because of the hope which I entertain that a careful consideration of the advisability mentioned in his Resolution will lead to the realisation not only of the object which Bengal has in view, but also of the ultimate object which both Burma and Assam have at heart. The apparent antagonism in the speeches delivered to-day by the Hon'ble Mr. Surendranath Banerjee, the Hon'ble Colonel Gurdon and the official Member for Burma, is, when closely examined, no antagonism at all. It seems to me that just as outside control is irksome to Bengal, so, from the point of view of Assam and Burma, if the change contemplated by the Hon'ble Mr. Surendranath Banerjee were to be brought into existence, would the resulting outside control be equally irksome to Assam and Burma. I am sure that our friends from Bengal will fully realise that the Assamese and the Burmese people are perfectly within their rights when they say that, if the Bengal people desire that the control of their provincial educational affairs should be vested in the hands of their own Government, the Assamese and the Burmese people are perfectly justified in adopting the same attitude with regard to their own provincial educational affairs.

“ My Hon'ble friend Mr. Setalvad has mentioned a certain incident which occurred in Bombay in order to caution the Hon'ble Mr. Surendranath Banerjee lest in the change which our Bengal friends advocate they might be—I do not know whether that expression was quite justified—‘jumping out of the frying pan into the fire.’ Well, Sir, so long as the control of educational institutions rests in the hands of individuals who entertain strong opinions with regard to given questions, so long must these incidents occasionally happen, whether that control is in the hands of Provincial Governments or in those of the Imperial Government. I will give one illustration. The Hon'ble Mr. Setalvad is fully aware of the controversy raging round the question of the alternatives of the Matriculation examination and the School Final examination, with reference to which we have had a very heated and very interesting discussion recently in the Senate of the Bombay University. Well, the same question is already under discussion in the Punjab University, with which I have been closely connected for the last twenty years. Perhaps the Hon'ble Mr. Setalvad will be surprised to hear that the suggestion of the substitution of a School Final in place of the Matriculation examination, so far as our province is concerned, emanated from the Imperial Government, and not from the Provincial Government. For a long number of years the Provincial Government resisted the suggestion of the Imperial Government that a School Final examination should take the place of the Matriculation examination, but, in spite of that resistance, finally it had to give way and the question was brought up for discussion at a meeting of the Senate of the Punjab University. Certain members of the Senate took objection to the course that had been adopted in this connection, in that the proposal had come up for discussion before the Senate over the heads of the Oriental Faculty which was vitally interested in the final determination of this question. The matter was referred to the Oriental Faculty, with the result that 29 members of that Faculty voted against the proposal and only 4 in its favour. We shall see what will be the final result of the discussion of this question in the Senate. But, as against the instance given by my Hon'ble friend Mr. Setalvad, I have ventured to give this instance that has occurred in the Punjab, to show that so long as the control, not only of educational problems but of other problems as well, rests in the hands of strong men, whether those men belong to Provincial Governments or Imperial Governments, these little incidents must occasionally happen.

[22ND MARCH, 1916.] [*Khan Bahadur Mian Muhammad Shafi; Sir C. Sankaran Nair.*]

"It seems to me, Sir, that there is a great deal to be said in favour of the Resolution which has been moved by my friend Mr. Surendranath Banerjee. All that the Resolution asks for is a consideration of the advisability of the change advocated, and I hope that the consideration which is requested will result in what seems to me to be the only solution of the educational problem involved in the existing situation, and that is, the grant of at least one University to every province, whether it be a major province or a minor province, and possibly of a larger number of Universities than one to some of the provinces of India."

**The Hon'ble Sir C. Sankaran Nair:**—"Sir, if the educated men of Bengal desire that the higher education of the Bengalis should be in the hands of their own Government and of their own University, it would only be a natural wish on their part. They have the sympathy of the Government of India. The general observations which my friend made with reference to the desirability of such a transfer are of great weight. And if the Council had been asked now finally to decide the question, it might be necessary to examine them in some detail, but he has only asked that the Government of India should take the matter into consideration, not that the Council should finally decide upon the question of transfer. The Government are prepared to accede to this request. But while conceding so much, I should not be understood to accept the special reasons which have been put forward by some gentlemen for transfer of the control from the Government of India to the Government of Bengal. It was stated by one of the Hon'ble Members that, so far as the appointment of Fellows is concerned, it is eminently desirable that the Government of Bengal should be the final authority instead of the Government of India, as the Government of Bengal is more in touch with the men available for appointment as Fellows than the Governor General here is likely to be. That may be so, but my Hon'ble friend has also noticed the objection, that the Governor of Bengal may not be able to pay the same attention to the claims of Provinces outside Bengal like Bihar and Orissa and Burma. He would ordinarily be guided in his choice by the Vice-Chancellor, a local gentleman, and by the Director of Public Instruction who has control only over the Province of Bengal. It was further said by one of the Hon'ble Members, Dr. Banerjee I think, that so far as affiliation is concerned, they would like the Governor of Bengal to be the final authority and not the Government of India. In view of certain events that have taken place, I can quite understand the reason why that objection was put forward, but it is permissible to doubt whether, in the conditions that now exist in Bengal, it is not desirable that an outside authority should have the final say in the matter. These are the only two special reasons that have been put forward. The transfer of the control from the Government of India to the Government of Bengal has been opposed by certain speakers who are of opinion, for certain general reasons, that it is not advisable. My friend the Hon'ble Mr. Setalvad opposes it also from the experience that he has gained of what he considers to be the undue interference of the Government of Bombay with the University of Bombay, while my Hon'ble friend Mr. Shafi's experience is the other way, and he would rather have the Local Government itself to control the University. It is not necessary now, for the reason that I have already stated, for the Council to come to any final conclusion, because we are not asked to make the transfer now.

"My friends from Assam are strongly against any transfer because they think that Assam literature and the interests of education in Assam would not be properly attended to by the University and Government of Bengal. That too is a matter which would require consideration when the final decision has to be made. But at present I do not think it necessary for the Council even to consider it because the Government of India have finally resolved to give effect to the objection that has been advanced by the representatives from Burma and from Bihar that no transfer should be effected, unless their claims are settled in the way they wish them to be settled, that is until the Universities of Rangoor

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and Patna have been constituted, or until those schemes have approached completion. We think that, as those schemes are now under consideration and as those Universities are likely soon to come into being, it is not advisable that the transfer should be effected at present.

“ My friend, the Hon'ble Mr. Surendra Nath Banerjee referred to certain instances such as the Central Provinces and Ceylon to justify his contention that it cannot be said that, because the Government of Bengal have no jurisdiction over the Provinces of Burma and Bihar, the University of Calcutta too should not be allowed jurisdiction there. So far as the Central Provinces are concerned, they apparently are not satisfied with their position, and they want a University for themselves. So far as Ceylon is concerned, they have come under the jurisdiction of Madras of their own accord, and they do not seem to wish to leave it. It will be time enough to consider their case when they want a University of their own. For these reasons, the Government of India consider that if the transfer of the University of Calcutta to the control of the Government of Bengal is to be carried out, it should not certainly be carried out till these two Universities have come into being, and when the question has to be taken up for final settlement, I have no doubt whatever that the arguments which have been urged by the representatives from Assam will be given their due weight. Subject to these reservations, the Government of India would accept my Hon'ble friend's Resolution.”

**The Hon'ble Mr. Surendra Nath Banerjee:**—“ Sir, I thank the Hon'ble Member in charge of the Department for accepting the Resolution. Bengal opinion would have been more pleased if he could have seen his way to accept the Resolution without the reservations to which he has referred. There has been an animated debate over this matter, but really, if we look to the bottom of the whole thing, there is perfect agreement and unanimity in regard to it.

“ I do not think my Hon'ble friends, the official members—and I congratulate them on having broken their golden silence on this occasion—really object to our Governor being the Chancellor of our University. What they are apprehensive of, and what they object to, is that their University affairs would come under the direction of the Government of Bengal and would pass away from the control of the Viceroy of India. They do not object to our being autonomous in this matter, but they want to safeguard their own interests. I think they are quite right. I confess that if I were in their position, I would take precisely the same view. I have no quarrel with them, but I have a quarrel with the Government in regard to this matter. I desire to call the attention of my Hon'ble friend Sir Sankaran Nair, to section 28, clause 2. Of course he was an eminent Judge, an ex-Chief Justice, and my reading of the law must be subordinated to his interpretation of it. But this is, so far as I can make out, a matter of common sense. This is what section 28 clause 2, says—”

*A Voice:*—“ What Act ?”

**The Hon'ble Mr. Surendra Nath Banerjee:**—“ It is the Universities Act of 1904.

“ This is what section 28, clause 2, says —

‘ The Chancellor may delegate any power conferred upon him by the Act of Incorporation or this Act to the Rector.’

“ Since, therefore, the Chancellor is at liberty to delegate any or all his powers, my submission is this. Let the Chancellor delegate his powers in respect of colleges within the territorial limits of Bengal to the Governor, and let him retain control over the other Provinces. I think that section justifies that. So far as Bengal is concerned, let the Chancellor delegate the powers that are vested in him—and the section gives him the authority—in respect of the affiliated institutions in Bengal—and they are 41 in

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number, Sir, out of 48—retaining his power in respect of the institutions outside the territorial jurisdiction of Bengal. That seems to me the obvious solution of the problem. These institutions, in the outlying areas of Burma, of Assam and of the new Province, will continue, as now, under the authority of the Governor General. There will be a change so far as we are concerned, and our Governor will be *de facto* Chancellor, though not in name. The Viceroy will continue to be the Chancellor in name, but by this delegation, the Governor of Bengal will become the *de facto* Chancellor for the affiliated institutions in Bengal. This, Sir, seems to me to be a solution of the question that will reconcile conflicting interests, and divergent views, conciliate Bengal opinions and the opinions which have been expressed in this Council Chamber to-day. I think that is the solution, and I really do not know why the Government should not see its way to accept it. But, if, for reasons with which I am unacquainted, Government is not able to adopt it, then my submission is that it should expedite the creation of these different Universities. I am entirely in favour of the creation of a University in Assam. Why should not Assam have a University of its own and work out its educational destinies in its own way, according to its lights and according to its requirements? I do not at all share the cynicism—if I may be permitted to express myself in that way—of the Hon'ble Colonel Gurdon who asks 'What do the Calcutta lawyers know about the educational requirements of Assam?' The Calcutta lawyers are not the masters of the University. 80 per cent. of the Fellows are officials or non-officials nominated by the Government. If I am excused for using strong language, I will say this, that they are the creatures of the Government. And what have the Calcutta lawyers to do with the matter? Over and above the Calcutta lawyers there is the Government of Bengal and the Government of India. Assam has done wonderfully in the matter of educational development. And let those who malign the Calcutta lawyers bear in mind that these lawyers have had a large hand in helping forward the educational development of Assam. My Hon'ble friend Mr. Dadabhojy quoted the opinion of the Hon'ble Sir Ashutosh Mukerji. That opinion is a matter of antiquarian history to-day. The opinion is as old as the year 1912. I am not permitted to disclose the secrets of conversations which I have had with Sir Ashutosh Mukerji, who is a high educational authority, but I imagine that the spirit of his dreams has undergone a change and that the opinions which were paraded before us in that ostentatious fashion, so peculiar to my Hon'ble friend over there are not admitted by him at the present moment. They may be relegated to a museum of things ancient and when the biographer of Sir Ashutosh Mukerji attempts to write his life he may refer to it and may draw the lesson that even the greatest amongst us are sometimes apt to be versatile.

"I say, Sir, once again, with all the emphasis that I can command, that we in Bengal—and I represent the public sense and the public conscience of Bengal in this matter—do not in the smallest degree desire to stand in the way of the creation of the Universities in Assam, in Burma and in Bihar and Orissa. We shall welcome them with enthusiasm because we shall recognise them as the products, the children, the progeny of the Calcutta University. We shall have the satisfaction of knowing that we have helped forward the educational development of these Provinces. No jealousy, no malice, no feeling of antagonism will mar the beautiful prospect that will open out to them and to us. We are anxious that they should have Universities of their own, but we are also anxious that justice should be done to us, and that the head of our Government should also be the Chancellor of our University. There is no mistake as to what official opinion in Bengal is. My Hon'ble friend to my right, Mr. Cumming, in that quiet, dignified but firm way which is characteristic of him, stated plainly what the views of the Government of Bengal are. And then there are the representatives of public opinion in Bengal. Official and non-official opinion is united in the demand which I have ventured to put forward to-day before this Council. And that demand affects 41 of the colleges and schools of the Calcutta

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University, as against seven in the other Provinces. We do not want to stand in their way : give them their Universities, but do not bar the way against us. Do not flout public opinion in Bengal by refusing to us the reform which we are entitled to have because we are a Presidency Government. My Hon'ble friend Mr. Setalvad, has asked : ' Why have you not brought forward cases to justify your motion ? ' My friend is a lawyer ; I am not, but I understand the tricks of lawyers. And I will tell him this, that I did not want to prejudice this controversy or handicap it by creating irritation and bad feeling at the commencement. I had a bundle of cases in my pocket, and I could produce them just now, of mandates issued by the Government of India, being carried out in defiance of the wishes of the Senate. I do not want to refer to them because I deem it inexpedient to injure my case or handicap it by creating irritation. Therefore, my friend will pardon me if he thought there was a flaw in the arguments that I ventured to bring forward. I am grateful to my friend the Hon'ble Sir Sankaran Nair for accepting the Resolution, but I hope he will give effect to the section to which I have referred. And if, for legal reasons with which I am unacquainted, he is not able to do so, I earnestly appeal to him to expedite the creation of these Universities which may enable us to place the Governor of our Province at the head of our University. That would be the first step towards freeing the University from that official control to which my Hon'ble friend Mr. Setalvad referred ; and as popular opinion in Bengal is a growing power, we shall soon bring the Chancellor of our University under our own control."

The Resolution was put and agreed to.

The Council adjourned to Friday, the 24th March, 1916.

A. P. MUDDIMAN,

*Secretary to the Government of India,  
Legislative Department.*

DELHI ;

*The 30th March, 1916.*