

12.32 hrs.

**ALIGARH MUSLIM UNIVERSITY
(AMENDMENT) BILL***

**THE MINISTER OF EDUCATION
AND HEALTH AND SOCIAL WEL-
FARE (SHRI B. SHANKARANAND):**

Sir, I rise today to make a statement of momentous importance, which will be welcomed by all Members of the House, and indeed, by all sections of our country's population.

Education is both a means of conserving what is best in our cultural heritage and an instrument to create a modern, progressive and great society. It must, therefore, reflect the aspirations of the people and should be so organised. . ."

Sir, I beg to move for leave to introduce a Bill further to amend the Aligarh Muslim University Act, 1920.

SHRI GEORGE FERNANDES (Muzaffarpur): I have given notice of my intention to oppose the introduction of the Bill. I am rising under rule 72; and I am referring to rule 67. Rule 67 says:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from. . ."

"or not entered in the list of pending notices, as the case may be, unless the Speaker otherwise directs."

There is a Bill pending before the House: and in fact, there are three Private Members' Bills which are pending before this House, one moved by Mr. G. M. Banatwalla, second moved by Mr. Ram Jethmalani and the third moved by Mr. George Fernandes. Now all the three Bills are concerned with the amendment of the Aligarh Muslim University Act. Now the hon. Minister may make a point that the rule says that only identical Bills shall not come. Now

the Bill that the hon. Minister is seeking to introduce is one clause Bill and that clause is the enactment, short title, amendment of section 2 of the Aligarh Muslim University Act, 1920. This is how it reads: "In section 2 of the Aligarh Muslim University Act, 1920, for clause (1), the following clause shall be substituted, namely:—

"(1) 'University' means the educational institution of their choice established by the Muslims of India which originated as the Mohammandan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University."

This is one sentence clause that is sought to be introduced through this Bill. Now here is a copy of the Bill No. 18 of 1980 which is also the Aligarh Muslim University (Amendment) Bill, 1980 by Shri George Fernandes. Now clause 2 of that Bill is identical to every comma, to every full stop, to every letter and to every alphabet to the Bill which the Minister is now seeking to introduce. In so far as the introduction of this Bill now is concerned, if the Minister's intention or the government's intention is to amend the Aligarh Muslim University Act, then there is a pending Bill and under Rule 67, it is not open to the government, it is a mandatory rule which says that it shall not whether received before or after the introduction of the pending Bill. There is a pending Bill, that is, Bill No. 18 of 1980 as introduced in Lok Sabha. Therefore, if there is any notice received thereafter, it shall be removed from or not entered in the list of pending notices. Therefore, my submission is that this Bill being identical attracts the Rule 67 and therefore cannot be moved here today. There is already a Bill and that Bill may be considered. I am not insisting that the Bill moved by Mr. George Fernandes be considered or there is a Bill moved by Mr. Banatwalla, they may consider that if the government chooses to consider that

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or there is a Bill moved by Mr. Ram Jethmalani; which they may consider that. But if they are insisting on a technical point, then my submission would be that the Bill moved by me must be taken into consideration. The government need not come forward with any other Bill. They may also raise a small technical point and the small technical point is that my Bill says that in clause 1, sub-clause (ii) it shall come into force at once, because this is a matter on which there has been a lot of agitation in Aligarh, all over the country. This has been a major issue over the years. Despite all the agitation the government has failed to come forward with any legislation. We were also in the government. We had also problems. But earlier while the Muslims were agitating on this question for years and years while they were agitating, the Congress Government of the day at that time refused to come forward with this Bill. Now I can see that they are taking shelter perhaps behind a technical point and saying that there is a difference between the Bill moved by Mr. George Fernandes and the Bill that is now sought to be moved on the last day of the current session of the Lok Sabha by the government. My Bill says that the Act shall come into force at once. Their Bill does not say when the Act shall come into force. In other words, in keeping with their traditional style of functioning, this may be one more assurance that has come that they are introducing the Bill and let that Bill be there. Whether it comes in the next session or not, it does not make any difference. So, let the Bill be there. It stays in cold storage and if and when it suits the government they want to regulate it, they may want to bring it forward. But I don't think this is a technical point on which anybody can raise an issue. The issue in the substantial section that is sought to be brought in, that is the real Bill. There may submission is that there is an identical Bill that is pending before the House and this attracts Rule 67. Therefore,

I would urge upon the government and say that the motion moved by the Minister is out of order and ask the government either to accept Mr. Banatwalla's Bill or Mr. Jethmalani's Bill or if they want to stick to the rule then Mr. George Fernandes' Bill.

MR. DEPUTY-SPEAKER: Under what rule?

SHRI CHANDRA PAL SHAILANI (Hathras): Rule 377.

MR. DEPUTY-SPEAKER: You want to speak on the point raised by Mr. Fernandes?

SHRI CHANDRA PAL SHAILANI: I belong to Aligarh.

MR. DEPUTY-SPEAKER: I am not permitting you now, you can discuss it afterwards. I am sorry, many of you do not know the rules. Please sit down. Dr. Karan Singh.

SHRI CHANDRA PAL SHAILANI: **

MR. DEPUTY-SPEAKER: It will not go on record. Dr. Karan Singh.

DR. KARAN SINGH (Udhampur): Under rule 72, I rise to oppose the introduction of this Bill on somewhat more fundamental basis than my friend Mr. George Fernandes, who raised the technical point. On the 3rd May 1979, the Lok Sabha passed the Aligarh Muslim University Amendment Bill, 1979 which was a very comprehensive Bill containing a number of useful amendments. It was passed unanimously by the Lok Sabha and it was sent to the Rajya Sabha for their consideration. Meanwhile, Lok Sabha was dissolved and therefore that Bill has lapsed. The Rajya Sabha has passed the one clause Bill and it is pending in Lok Sabha. The proposal that had been made originally was that the new legislation would combine the provisions of the Bill passed by the Lok Sabha and the definition in Babu Triloki Singh's Bill in Rajya Sabha and that the government would come forward with a comprehensive Bill containing both these. I am started to see that instead of doing that the government had come forward with a single clause Bill. What happens to

**Not recorded.

all the 'beneficial and useful changes made in the Aligarh Muslim University Amendment Bill of 1979 that was passed by the Lok Sabha unanimously and that has got to be incorporated? That is nowhere there. A single one clause Bill is there. I am sorry to say, I never use strong language, either it is a deliberate attempt to mislead public opinion or the Minister may kindly clarify why a comprehensive Bill including the earlier one has not been introduced.

SHRI DINEN BHATTACHARYYA (Serampore): It is an election stunt.

SHRI B. SHANKARANAND: The hon. Member Mr. George Fernandes has raised an objection for moving this Bill, under rule 67. Very wisely he read half of the clause and left the latter part of it. If he had read the full clause perhaps he would have been convinced himself, rather than being convinced by others. The rule says:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be,....."

He read this much.

SHRI GEORGE FERNANDES (Muzaffarpur): I read the entire rule, you are a witness, Mr. Deputy-Speaker. The hon. Minister cannot make a false statement here. I take strong exception to this. I challenge the Minister, I read the entire clause. He must not make a wrong statement. He must listen to the proceedings.

SHRI B. SHANKARANAND: I am not here to denigrate the statement made by Shri George Fernandes. May be, listen to me, I might have heard. If I am wrong, I stand corrected.

MR. DEPUY SPEAKER: He stands corrected.

SHRI B. SHANKARANAND: But I lay emphasis on the latter part of the clause which says—'unless the Speaker

otherwise directs'. The House should be fully convinced that only on the direction of the Speaker this item has been entered in the List of Business. It is not on my direction or anybody's direction it appears on the List of Business. It is only on his direction.

SHRI GEORGE FERNANDES: There was an identical Bill pending. Was the Speaker (*Interruptions*).

SHRI B. SHANKARANAND: Listen to me fully. Now he said there are two Bills pending before the House.

SHRI GEORGE FERNANDES: Tree Bills.

श्री मनोराम बागड़ी (हिसार) : प्राधा झूठ बोलते हैं ।

श्री बी० शंकरानन्द : ग्रन्थ चार भी कहे, तो हम क्या कहे । (व्यवधान) ।

MR. DEPUTY SPEAKER: Order please.

SHRI B. SHANKARANAND: Mr. George Fernandes' Bill is not exactly an identical one. May be, it is a similar Bill. But the rule does not say of the similar bill. It says 'identical'.

SHRI GEORGE FERNANDES: Is it not identical?

SHRI B. SHANKARANAND: It is not identical. You have yourself explained why it is not identical. I need not explain it. You have yourself given explanation how it differs from the official Bill.

SHRI GEORGE FERNANDES: I wanted with immediate effect and this is 'not with immediate effect' but at some time and some future date or wait.

SHRI B. SHANKARANAND: Let us not indulge in accrimony in the House. I think the entire House is interested in this. (*Interruptions*) As far as Dr. Karan Singh's objection is concerned, I do not think is an objection. (*Interruptions*). As far as Dr. Karan Singh's objection is concerned, I do not think

he considers it as an objection. Perhaps, he suggests.....

DR. KARAN SINGH: It is a very major point.

SHRI B. SHANKARANAND: That is why I said, he suggested both these Bills one passed in the Lok Sabha and the other which was passed in Rajya Sabha should be combined and a comprehensive Bill should have been brought forth. That is his suggestion. This cannot be taken as an objection. He suggests. (*Interruption*) I do not know why all this when every section of the House welcomes such a Bill and they are eager to see that the minority community character is restored to the Aligarh Muslim University. That is your intention. I take them to be so. The Bill having been passed in this House and in the Rajya Sabha, should be combined, I think that is the intention. The Government has come with the honest intention to see that this amendment is done and if there is any other suggestion, that can also be taken into consideration at the time of discussion and the passing of the Bill.

So, there are, I think, no valid objections and the Bill may be allowed to be introduced. (*Interruptions*)

MR. DEPUTY SPEAKER: This is my decision. I will see.

SHRI B. SHANKARANAND: Further I want to say a few words on this because they have raised objection. While moving I.....

SHRI GEORGE FERNANDES: No statement can be made. He is seeking permission to move the Bill. How can he make a statement? Under what rule he is making a statement? (*Interruptions*). Under what rule he is making a statement?

SHRI B. SHANKARANAND: I am explaining.

SHRI GEORGE FERNANDES: You cannot. No explanation. I am on a point of order. Under what rule is the Minister while introducing the Bill

can make a statement? He is seeking leave of the House to introduce the Bill. (*Interruptions*)

MR. DEPUTY SPEAKER: You are not making a statement.

SHRI GEORGE FERNANDES: He has taken the statement in his hand.

SHRI B. SHANKARANAND: No, no.

SHRI GEORGE FERNANDES: He has only to seek the leave of the House. The rules are every clear. (*Interruptions*). Under what rule? Rules are very clear. No statement can be made by the Minister.

MR. DEPUTY SPEAKER: Shri George Fernandes has raised an objection. It is for him to reply. Let him reply.

SHRI GEORGE FERNANDES: I want your ruling. I want to understand. You are the custodian of the House. He has committed breach of the rules. (*Interruptions*).

SHRI B. SHANKARANAND: I have to reply to your objection.

SHRI GEORGE FERNANDES: Every day this is happening. We want your ruling. We do not want their ruling. You give me your ruling. (*Interruptions*) He has to seek the leave of the House. (*Interruptions*). No, you have immediately to put it... (*Interruptions*). I want your ruling. There is constant breach of every rule being committed in this House. Earlier, I raised a constitutional point. The Minister says, he wants to make a statement. Under what rule?

MR. DEPUTY-SPEAKER: The Minister is replying to what Shri George Fernandes has objected to. Therefore, after he replies, Shri George Fernandes can always raise it. I would give my ruling. Don't insist on my ruling.

SHRI GEORGE FERNANDES: He got up to make a statement. You have to protect us. You have to uphold the rules. He has finished his reply. (*Interruptions*).

MR. DEPUTY-SPEAKER: He has not finished his reply. That is what he says.

SHRI B. SHANKARANAND: Is he not interested in the Bill? Education is a means of ... (*Interruptions*).

SHRI GEORGE FERNANDES: Under what rule is he reading the statement? (*Interruptions*) He cannot do this. Sir, you cannot allow the Minister to make a statement. (*Interruptions*).

श्री भगवान् देव : (अजमेर) इनको कानून की बात करने का हक नहीं है। ये तोड़फोड़ करने वाले हैं।

MR. DEPUTY-SPEAKER: Please don't address each other. Please address the Chair. The Minister has sought leave of the House to introduce the Bill. Shri George Fernandes and Dr. Karan Singh have raised some objections and the Minister was replying to the objections. Afterwards, he himself said that he is making some statement. He started reading...

SHRI B. SHANKARANAND: I did not say that. I said, I want to reply to the objections raised by the hon. Members. (*Interruptions*).

MR. DEPUTY-SPEAKER: At this stage, the Minister cannot make a statement or read something else. Only when the Bill is under discussion, he can do that. Therefore, if it is a statement or some other thing, he cannot read it. Therefore, the Minister cannot make a statement.

SHRI B. SHANKARANAND: I want to tell something for the Muslim brothers of this country. If the opposition does not want it, I am so sorry. They want to prevent what I want to say to the minorities of this country and they want to thwart it. (*Interruptions*).

I can now understand the interest taken by the opposition in the minorities.

SHRI GEORGE FERNANDES: There should be classes for the Ministers.

MR. DEPUTY-SPEAKER: Let us be fair even to our Ministers.

SHRI B. SHANKARANAND: You have failed as a Minister.

SHRI GEORGE FERNANDES: I am prepared to teach you.

SHRI B. SHANKARANAND: You have failed as a Minister. You cannot be an exemplar.

MR. DEPUTY-SPEAKER: Shri George Fernandes had given notice of his intention to oppose the introduction of the Bill. I have looked into the matter and I find that Clause 2 of the Bill now being introduced by the Minister of Education and Clause 2 of the Bill by Shri Fernandes are identical. There is a slight difference in the two Bills, namely, there is an additional sub-clause (2) of Clause 1 relating to commencement of the Act in the case of the Bill by Shri Fernandes.

The Bill was introduced by Shri Fernandes on 1st February, 1980. It secured the 17th Position in the ballot for consideration of Private Members' Bills held on 3rd March, 1980 and as such could not be included for consideration either on 14th March or today. In any case, the consideration of Private Members' Bills in the House depends on the position they secure at the ballot.

I have accordingly given permission for introduction of the Government Bill in accordance with the provisions of Rule 67 of the Rules of Procedure of Lok Sabha.

There is a precedent for it. A Government Bill, namely, the Maintenance of Internal Security (Repeal) Bill, 1978 was permitted to be introduced on 19th April, 1978 although an identical Private Member's Bill was pending in Lok Sabha at that time.

MR. DEPUTY-SPEAKER. Now, the question is:

"That leave be granted to introduce a Bill further to amend the Aligarh Muslim University Act, 1920."

The motion was adopted.

SHRI B. SHANKARANAND: Sir, I introduce the Bill.