

MR. CHAIRMAN: Subject to correction the result*** of the division is:

Ayes: 23

Noes: 33

The motion is not carried by the required majority. It is not passed.

The motion was negatived.

17.53 hrs.

**ALIGARH MUSLIM UNIVERSITY
(AMENDMENT) BILL**

MR. CHAIRMAN: The House will now take up the next item in the agenda, the Aligarh Muslim University (Amendment) Bill.

SHRI G. M. BANATWALLA (Ponmani): Sir, I beg to move:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, as passed by Rajya Sabha, be taken into consideration."

Sir, this Bill originated in the Rajya Sabha as a Private Members' Bill, moved by the hon. Member, Shri Triloki Singh and it was passed by that House. Now I have the honour and pleasure to move in this august House for the consideration of the Bill that has been passed by the Rajya Sabha.

Sir, I had also introduced in this House an identical Bill, which of course aimed at the amendment of the Constitution. That Bill became a victim of procedural difficulties and could not come up for discussion. In the meantime, the Rajya Sabha has passed this Bill. I have come before this House to move this Bill, and I am sure the House will join me in passing this Bill and placing it on the statute book.

The Bill represents the strong sentiments and aspirations of Muslims who have courted arrests and even shed their blood for the restoration and legal recognition of the minority character of the University in a manner as to secure the protection of Art. 30(1) of the Constitution.

I quote this Article. Article 30(1) says:

"All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice."

It is, however, most unfortunate that untenable arguments are formulated and advanced in order to deprive the Muslims of their university. It is unfortunate that such arguments are advanced that the university was never established by the Muslims that the university had no link whatsoever with the Muslims exclusively, that the Muslims never had exclusive power for administration of the university and that non-Muslims have been given admission in the university. I say that all such arguments are most unfortunate. It has been contended that from the point of view of establishment and from the point of view of administration Aligarh Muslim University has no link with any particular community exclusively. Therefore, the University cannot lay any claim to be a minority institution as envisaged by Article 30(1) of the Constitution and consequently the Muslims cannot claim to have governing powers. Such was the nature of contention made by the hon. Minister Dr. P. C. Chunder, in the Rajya Sabha when the Bill was under consideration.

***The following members are recorded their Votes:

AYES: Shri A. Sunna Sahib.

NOES: Prof. Samar Guha, Shri Shambhunath Chaturvedi and Shri Sushil Kumar Dhara.

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(DR. PRATAP CHANDRA CHUN-
DER): On the basis of Supreme
Court decision.

SHRI G. M. BANATWALLA: I
will come to all those things. I have
just started, and I am sure that by
the time I end, you will be on my
side.

About this contention, the least that
can be said is that it is most unfor-
tunate. I am constrained to remark
that the contention is a perversion of
facts with complete disregard for all
truthfulness and honesty. That the
University is a Muslim institution and
that it was primarily founded for the
benefit of the Muslims is a question
that cannot be disputed. It is un-
questionable. Sir, I would here refer
to the Report of the Allgarh Muslim
University Inquiry Committee, 1961,
appointed by the Executive Council
of the University in consultation with
and at the instance of the Govern-
ment of India. It is popularly known
as the Report of the Chatterjee Com-
mittee. At page 110 of the Report it
is clearly stated:

16.00 hrs.

"After a careful study of the then
prevailing conditions in India, that
great man, the late Sir, Syed Ahmad
Khan, arrived at the conclusion that
the backwardness of the Muslim
community was due to the neglect
of the modern education. The In-
dian war of Independence had left
the Muslims of India who had play-
ed a notable part in it frustrated
and disorganised.....

"They had a violent prejudice
against Western education and all
that it stood for. Sir Syed felt
that that attitude was greatly in-
jurious to their interests. He,
therefore, wanted them to have the
benefits of a liberal education on
western lines for, without that he

felt they would not be able to pro-
gress along lines which would fit
them to make their full contribu-
tion to the country of their birth."

MR. CHAIRMAN: He may contin-
ue the next day.

16.01 hrs.

HALF-AN-HOUR DISCUSSION

EXPEDITIOUS DISPOSAL OF CLAIMS FOR
GRANT OF EX-GRATIA COMPENSATION FOR
PROPERTIES LEFT IN FORMER EAST
PAKISTAN

PROF. SAMAR GUHA (Contd.):
This half-hour discussion is regard-
ing the unfortunate condition of the
refugees from the former East Pakis-
tan. This relates to their properties,
and the question is whether they will
get any kind of compensation or not.

It is known to you and to this
House that after partition, those re-
fugees who migrated from West Pakis-
tan exchanged their properties and
also got compensation in cash and
kind to the tune of about Rs. 400
crores. But in the case of refugees
from East Pakistan, although their
number was much larger than those
who migrated from West Pakistan,
not a single farthing of compensation
was given to them for the properties
they had left behind, worth thousands
and thousands of crores, both movable
and immovable.

It is also known that at the time of
partition, and also in 1956 under the
Nehru-Liaqat Pact, it was agreed by
the Government of Pakistan and the
Government of India that the minori-
ties, those who migrated to Pakistan
and the minorities who had come from
Pakistan to India would retain their
rights of property, both movable and
immovable, and that they would be
allowed to dispose of their proper-
ties also. At that time there was no
passport, no restriction for going from
this side to the other. In 1953 pas-
sport was imposed, and there was no