

16.00 hrs.

ALIGARH MUSLIM UNIVERSITY  
(AMENDMENT) BILL—Contd.

(Amendment of sections 2 and 5)

MR. CHAIRMAN: We will now take up further consideration of the Aligarh Muslim University (Amendment) Bill Mr. Banatwalla to continue his speech.

SHRI G. M. BANATWALLA (Ponnai): Mr. Chairman, Sir, there is no dearth of evidence that establishes the Muslim character of the Aligarh Muslim University. Take history inch by inch, second by second. It will be extremely clear that the character of the University is essentially a minority one. It was the Mohammedan Anglo-Oriental College at Aligarh which was constituted as a University. And this is what David Lelyveld says in his book *Aligarh—Fir Generation*, at page 146:

"The task for the age of Muslims, he (that is Sir Syed Ahmed) argued, was the advancement of teaching. The means, quite specifically, was the Muhommedan Anglo-Oriental College at Aligarh."

Mr. Chairman, Sir, when Principal Beck arrived in Aligarh at the end of 1833, he referred to the institution as the new Cambridge founded by the Indian Mohammedans.

When the All-India Mohamedan Education Conference met at Lahore in December 1898, the proposal which it adopted was the proposal for the establishment of a Muslim University. Again, Sir, at the Sixteenth Session of this Conference which met in Delhi, Sir Sultan Mohamed Shah Agha Khan visualised the University as a Muslim Oxford.

The Muslim character of the University is prominently borne out from a despatch by the Government of India to the Secretary of State in November, 1911. I quote it from the Report of the Chatterjee Enquiry Committee, page 111. This is what the despatch said, which clearly speaks about

the Muslim character of the University. I quote:

"...this new and intersting educational experiment supported by the confidence of the Government and the Muhammedan community be the source of enlightenment and will prosperity to that community and will fitly crown and carry on tht noble work and the lofty hopes of Sir Syed Ahmed Khan."

Again, a communication dated August 9, 1912 from the then Education Member to the President of the Constitution Committee of the Aligarh Muslim University said:

"It had been the dream of Sir Syed Ahmed Khan which occupied his thought in declining years to found a University for Muhammedans at Aligarh."

When I am referring to this particular communication, an important point should be borne in mind. In this very communication dated August 9, 1912, by the Education Member to the President of the Constitution Committee, certain stipulations were made with respect to the powers of the Governor-General and the powers of the other units.

It was also stipulated that the University would be named as Aligarh University, and not Muslim University. There was a strong reaction, and the Constitution Committee, which met at Lucknow on August 11 and 12, rejected the condition, recording that the University shall be acknowledged as an institution of the Muslim minority, and shall be named as a Muslim University.

Look at the Preamble of Original Act of 1920. It refers to the University as a teaching and residential Muslim University. It is a contradiction to call it a Muslim University and deny the minority character of the University.

So great has been the emphasis upon the Muslim character of the University that the University required every

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employee to pledge his allegiance to it, namely, the Muslim character of the University. The wording of that undertaking of allegiance is important, and I may read out that wording from the Report of the Chatterjee Enquiry Committee, page 105:

"I solemnly declare that I will not, by my words or conduct, do anything which is repugnant to the character of the University as a Muslim institution."

It is, therefore, shocking that the Muslim character, the minority character, of the University should today be denied to it.

Despite this mass of historical evidence, it is unfortunate that in Aziz Basha's case the Supreme Court held that the University was not established by Muslims, but was established by the Act of 1920. The Supreme Court held that it was the Central Legislature that had brought the Aligarh Muslim University into existence, and must be held to have established it. This view is quite apparently based on such a narrow and untenable conception and meaning of the word "established" that Mr. Seervai, a leading constitutional lawyer, was stunned as he remarked that this was the first case in which the Supreme Court had departed from the broad spirit in which it had always decided cases involving cultural and educational rights of minorities. Such was the strong judgment or opinion passed by a leading constitutional lawyer. It is there in the *Constitution Law of India, Volume I*, by Mr. Seervai.

I submit that the only way in which the Muslims could have established the University was to invoke the legislative process. That was the only way left to them. The law is very clear. Let me refer to Halsbury's *Laws of England*, Third Edition, Volume XIII, page 707. It is clearly stated that the essential feature of a University is that it is incorporated as

such by the supreme power. Several cases have been cited here. Halsbury's laws discuss several attributes of a University including the right to confer degrees. But then it says explicitly at page 107 and I quote:

"But possession of these attributes will not make an institution a University in the absence of any expressed intention of the sovereign powers to make it one."

When this is the position that the essential feature of a University is that it is incorporated as a University by the sovereign power, by the legislative procedure, by an Act of Parliament, then I submit that the only way left to the Muslims to establish the University was to provide everything but to invoke the legislative process. What the Act of 1920 did was really speaking to incorporate the Mohammedan Anglo-Oriental College of Aligarh as a University.

An important point must also be borne in mind. Clause 1 of Article 30 of the Constitution speaks in terms of the rights of minorities to establish educational institutions of their choice. Without incorporation as a University, without legal recognition of the degrees conferred by such an educational institution, the educational institution of their choice established or to be established by a minority community cannot fulfil the real objective of their own choice. The right under Article 30, Clause 1, in any other case, cannot be effectively exercised. Therefore, there has to be a legal recognition of the degrees. Otherwise, the right under Clause 1, Article 30 cannot be effectively exercised. When the legal position is that a University can be incorporated only by an Act of Parliament, it is a fraud upon the Constitution to say that a minority community can establish its own University.

It has been held by the Court that the term "educational institution" includes a University. Now what is the position that we have? On the

one hand we say that a minority can establish an educational institution including a University and on the other hand we take this particular attitude that a University can be established only by an Act of Parliament. Such an attitude, I have said, is a fraud upon the Constitution. The Supreme Court Judgement in Aziz Basha's case, therefore, has done a judicial wrong. It has rendered the real right under Clause 1 of Article 30, a teasing illusion, a promise of unreality. The need is, therefore, imperative to rectify this wrong and this Bill precisely serves this purpose. I once again come to what Seervai has said at page 614, Volume 5 of his book "*Constitutional Law of India*".

MR. CHAIRMAN: You have already taken about 20 minutes.

SHRI G. M. BANATWALLA: It is a very important Bill which has been passed by the Rajya Sabha. There are several aspects of the Bill.

AN HON. MEMBER: Time may be extended.

SHRI K. GOPAL (Karur): There are a number of members who want to speak on this Bill. So, time may be extended.

SHRI G. M. BANATWALLA: I quote Seervai. He says:

As regards the meaning given by the Court to the word 'establish' it is submitted that the meaning is not correct. It could not be disputed that 'found' is one of the meanings of the word 'establish' and it is submitted that, in this context, it is the correct meaning, as is clear from the definition of the word to 'found' namely to set up or establish, especially of endowments. The Muslim community established a University and provided it with the total 'Endowments'. Even if the definition given by the Court were correct, namely to bring a University into existence, it is submitted that the Muslim community brought

the University into existence is the only manner which a University can be brought into existence, namely by invoking the exercise, by the sovereign authority, of its legislative power. The Muslim community provided lands, buildings, colleges and endowments for the University and without these, the University, as a body corporate, would be an un-real abstraction.

Such is, therefore, the clear nature of the matter.

With respect to Aziz Basha's case, I have said that the Supreme Court, by such a narrow, untenable meaning given to the word 'establish' has done a great wrong to Art. 30(1). As I have said, it is contradictory to say that a minority can establish a University and, at the same time, hold that the University can be established only by an Act of Parliament. I have even read out the opinion of a leading Constitutional lawyer Shri Seervai.

Let us examine the position with respect to the administration of the Aligarh Muslim University. It is argued that the administrative powers never vested exclusively with the Muslim community and therefore the University is not a minority institution as envisaged by Art. 30, Clause (1). I must say that the entire history of the Aligarh Muslim University stands eloquent testimony to the Zeal of the Muslim minority to retain administrative powers. As an instance I may narrate the incident which occurred before the Aligarh College was incorporated as a University.

On February 22, 1909 the Lt. Governor Mr. John Hewett visited the Aligarh College and he was presented with an address by the students and staff and others. Now, during the course of his reply, the Lt. Governor happened to remark that there must not be more than 60 students in a class and the number of periods taken by a teacher should not be more than four. Nawab Waqar-ul-Mulk, the

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then Secretary of the College, wrote a letter to the Principal asking for the time-table. The Principal thought that it was interference in his work and he submitted his resignation to Nawab Waqarul-Mulk with a copy to the Lt. Governor. The Lt. Governor sat in judgment. He summoned Nawab Waqarul-Mulk, supported the stand of the Principal and passed an order and then made Nawab Waqarul-Mulk, also to sign that particular order.

Now, I quote from this book 'Indian Muslims' by Ram Gopal.

"The self-respect of the Muslims was roused, and an agitational mood created. The trustees held a meeting and contended that the Lieutenant-Governor, as Patron, had no authority to interfere in the affairs of the Colltge. The protest was voiced at public meetings of Muslims in a number of towns in India, the copies of the proceedings being sent to the Lieutenant-Governor. The statesman in him yielded to this demonstration of protest, which he had never expected from loyal Muslim leaders. At his own suggestion, a deputation met him and he withdrew his order."

The purpose of mentioning all this is to establish this particular point that the Muslim, with great zeal, have protected their administrative powers. I have already referred to a communication dated August 9, 1912, by the Education Member to the President of the Constitution Committee. In this particular communication, the then Education Member of the Government had laid down several stipulations, as I have said earlier, as regards the powers of the Chancellor, the powers of the Governor-General in Council and others. These stipulations led to a deadlock which persisted for several years.

Sir, it must also be borne in mind when we are considering the source

of administrative powers that the Original Act of 1920, prior to its amendment in 1951, laid down that only Muslims were to be the members of the Court. Indeed, powers were given to outside authority like the Viceroy, but it cannot be said that such powers mean that the exclusivt administrative powers never rested with the Muslims. The position is crystal clear after the Supreme Court's opinion in the Kerala Education Bill of 1957. Chief Justice Das rightly observed that the power to manage an educational institution did not involve the power to mismanage it and that, therefore, a large measure of control designed to secure proper management must be allowed to Government. I, therefore, submit that the various provisions in the Act about powers to some other outside authority were merely to enable the Rector and the Visitor to see that the supreme Governing Body of the University did not misgovern the University. Such powers, therefore cannot be construed to imply that the administration did not vest in the community.

In the Rajya Sabha the hon. Minister Dr. P. C. Chunder has argued that even non-Muslim students have been admitted in the University and, therefore, it does not have the minority character, it does not have the Muslim character. It is to the credit of the Aligarh Muslim University that it always followed an open door policy with respect to admission. This liberal and secular attitude is in no derogation to the minority character of the institution. Surely, the principle of tolerance cannot be made to imply that it abrogates or compromises the principle of secularism and also the minority character. This matter has also been categorically settled by the Supreme Court when it gave its opinion in the Ktrala Education Bill, 1957. The point that was raised by the Education Minister in the Rajya Sabha is outdated, I say this because Their Lordships have already held:

"...By admitting a non-member into it, the minority institution does

not shed its character and cease to be a minority institution. Indeed, the object of conservation of the distinct language, script and culture of minority may be better served by propagating the same amongst non-members of the particular minority community. In our opinion, it is not possible to read this condition into article 30(1) of the Constitution."

Sir, one more erroneous notion needs to be examined.

It is argued that in the Seventh Schedule of our Constitution we have a Union List. Item 63 of the Union List names certain institutions and calls them national institutions. Among those institutions, the Aligarh Muslim University is also named. It is, therefore, said that the Parliament is competent to make laws in respect of the Aligarh Muslim University. Now, Sir, strange is the logic that says legal recognition of military character will, as per Art. 30(1) place all powers with the community and oust the authority of the Parliament. That does not happen. The Seventh Schedule merely lays down the competence of the House and any such argument, I say, is outmoded. The Supreme Court has reiterated in a series of cases, namely, the Kerala Education Bill case, *Sidhrabai vs. State of Gujarat*, (1963) 3 SCR 837, *St. Xavier's College Society vs. State of Gujarat* AIR 1974 SC 1389, that the right to administer is not the right to maladminister. If you accept the Aligarh Muslim University as a minority institution, still this Parliament will have power to pass laws. There will be power for some sort of legal regulation. Art 30 is in terms absolute. But it has been repeatedly held by courts that reasonable restrictions in the interests of efficiency of instruction, discipline, health, sanitation and the like may be imposed. It is only the substance of the right that is free from restriction. Therefore, there need not be any misunderstanding that by the legal

recognition of the minority character of the Aligarh Muslim University, the authority of this Parliament is ousted to make laws. It remains within the frame-work which I have just outlined and which are the embodied in the decisions of the Supreme Court.

Art 30 also does not imply that only a particular type of education should be given. Some wonder where is the question of minority character in the teaching of engineering, in the teaching of medical sciences. They say, in the teaching of engineering, in the teaching of medical sciences and in the teaching of all these things where is the question of minority character? Here we must understand an important thing and for which I will again invite the attention of the House to Seervai who observes at page 603:

"The right to establish educational institutions of their own choice was not limited to teaching their religion alone or their language alone. No limitation had been placed on the subjects to be taught in such educational institutions. Minorities would ordinarily desire to establish such institutions as would serve both purposes, namely, the purpose of conserving their religion, language or culture and also the purpose of giving good general education to their children."

The position, therefore, is extremely clear. The only argument that comes is that there is the Supreme Court decision in Aziz Basha's case. But I put it to our hon. Education Minister that if he sincerely believes that the only hurdle in the restoration and recognition of the minority character of the Aligarh Muslim University is the decision of the Supreme Court in Aziz Basha's case then is it not a fact that umpteen times this House has sat to set at naught decisions of the Supreme Court which have implied a grave injustice to the country at large? Even Seervai has said that the decision is capable of great mischief and must be over-ruled. These are the points which need to be con-

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sidered. Looked at from any point of view and looked at from any angle, the case for the restoration and legal recognition of the minority character of the Aligarh Muslim University is very sound and iron-clad.

Mr. Chairman, Sir, from the point of view of its establishment; from the point of view of its administration, from the point of view of the scope of university, from the point of view of the content of education and from every point of view, Aligarh Muslim University is a Muslim minority institution. Let not obstinacy; let not prejudices and let not misguided ideas come in the way. The Supreme Court decision in Aziz Basha's case is patently erroneous. It is necessary to bring about a change in order to see that the secular concept embodied in Article 30 clause (1) is duly respected. The Supreme Court decision has rendered a great wrong to the Aligarh Muslim University. It has done a great wrong to the Muslim minority and to the secular concept embodied in Article 30 of the Constitution. It has deprived Article 30 clause (1) of the greater part of its content. Article 30, which is a magnificent enunciation of the educational and cultural rights of the minorities, breath, life and vitality in the campus of the Aligarh Muslim University and in its traditions. These traditions are not at all in contradiction to the national traditions. Therefore, Mr. Chairman, I come before this House to see that the necessary justice is established. The facts are there. The case is very clear.

Now, Mr. Chairman, before I conclude I have to invite the attention of the House to the words of Mr. Hunter and I quote him from 'Sayed

Ahmed Khan' by K. A. Nazami. It was Mr. Hunter who said this about the institution and I quote:

"You, gentlemen, who have built this college will bequeath a far nobler monument to posterity. You leave behind you a magnificent memorial not of discord but of the reconciliation of races. A monument of beneficent energy and not of destructive force... It stands forth as an example to all India of a Mohammedan institution which effectively combines the secular with the religious aspects of education."

Sir, my only appeal to this House is to see that this example is not killed and trampled. The day will be dark in the history when the House also is misled into such a narrow conception of Article 30 clause (1) which is untenable. I appeal to the Government, I appeal to the Treasury Benches, I appeal to every section of this House, to rise above party considerations and see to it that the minority rights—about which they speak day in and day out—are truly upheld. The decision in the Aziz Basha's case is a finding not on facts. As far as facts are concerned, the facts are admitted. The finding is on point of law. There is a very narrow, legal, interpretation, which is untenable, as I have already submitted. Sir, we cannot say that University can be established only by an Act of Parliament and also say in the same breath that the Minorities can establish universities. This cannot be the case. Therefore, Sir, I plead before the honourable House to rise above party considerations and place this Bill on the statute-book. This Bill, as I have already said, has received the approbation of the Rajya Sabha. It originated there as a Private Member's Bill by Shri Triloki Singh, the hon. Member there. I hope the House will rise with one voice to give its support to this Bill and to place this important Bill on the statute-book, thus ensuring that the Aligarh Muslim Uni-

versity with its minority character, continues to be a shining star in the firmament of educational institutions that we have in this country.

MR. CHAIRMAN: Motion moved:

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

SHRI A. C. GEORGE (Mukandapuram): Mr. Chairman, Sir, the spirit of this Bill and the core of this legislation is that institutions of the minorities have to be protected and their individuality has to be retained. Sir, it is not unknown, even to the members who may be temperamentally against the core of this Bill, that the minority institutions have played a vital role in developing the educational system in this country. It is well-known that the touchstone of democracy—especially in a country like India—is the welfare and the goodwill of the minorities. That is why, Sir, during the past 30 years—during the days of the Congress Government—the minorities were feeling that India is a real secular country, India is a country where there is no difference between Christians, Muslims, Sikhs, Hindus and Parsees, that this country will group up beyond the narrow confines of communal obscurantism. It is in this context that I would like to discuss these things here.

During the past two years their confidence has been steadily eroded—I may say even consciously eroded. Some of the members of the present Government and some of their guiding spirits behind the present Government are allowing it to be eroded. It is not unknown further that the institutions run by the minority are well-known for their discipline and their standard of education and their general attitude towards life as well as general attitude towards living. These institutions are playing their role where a higher proportion of

numerical population are minorities. Sir, the attitude must be one where these institutions must be allowed to retain their individuality and should be allowed to be grown. The present Government and the ruling party, in particular, has often times taken an attitude that is really a sort of an inspiration derived from the RSS source. We must not allow that thing to prevail in the educational institutions in humanitarian endeavours.

Sir, I come from Kerala State where the level of literacy is more than 80 and a sizeable extent of yeoman service in the field of education is given by the missionaries, as well as the minority institutions. But quite often their freedom and liberties are curtailed thereby restraining their growth. Sir, in many States, I can point out that education continues in spite of the Government's attitude. I was also in the ruling party and I was a part of the Government for at least six years. I do not deny that. In North Eastern States education has spread to a greater extent in spite of the Government's attitude and the minority institutions always took care to see to it that even the underdogs are given proper facilities in regard to education. But the ruling class have always tried to see that the minorities and the lower class are denied the social status and social recognition.

In this context I would like to welcome the Bill and the spirit behind the Bill and also the core behind this legislation. I would only like to add that in a country like ours where we have democratic and secular system of Government, we can show to the world—there is an utter chaos in Pakistan, in Bangladesh, in Nepal and in Sri Lanka—the rights of the minority community are not trampled down and here is a country which is following the path of secularism where the minorities and institutions grow, prosper and play a vital role in the education field.

DR. V. A. SEYID MUHAMMAD (Calicut): Mr. Chairman, Sir, for several reasons, it has become almost impossible to speak on this Bill without emotion, particularly so for me who had the good fortune to be a student of that great institution which is my *Alma mater*. But, Sir, I shall avoid as much emotions as possible and avoid emotional overtones.

This Bill has become necessary mainly due to the judgment of the Supreme Court in Azeez Bashas case. There while interpreting the expression "established" by minorities in Article 30 of the Constitution, the Supreme Court gave an extremely amazing and patently wrong interpretation. I shall come to that aspect later.

Sir, this history from 1870 onwards of the Aligarh Muslim University, in the sense how it was originated as an idea and how it was translated at different stages, has been elaborately dealt with by Mr. Banatwalla. I shall not go to details. But if necessary I shall point out the main hall-marks and mile-stones on the march of those who wanted to establish a University—a Muslim University in Aligarh. There are considerable misconceptions in various quarters about the content, meaning and scope of secularism and the spirit of the idea contained in Article 30 of the Constitution. I can put it in no better way than the way in which the great Jurist Shri S. R. Das has put it while discussing the Kerala education matter. He said that this country, India for thousands and thousands of years witnessed the advent of innumerable races, Aryans, Huns, Mangols and various others; wave after wave of conquerors, merchants and other persons who carried culture and traditions to this country and what is accumulated in this country is the sum total of the traditions, ideas and culture which has been built up by these people who visited this country and settled down here. In the course of years, a cultural ethos has been developed in

this country of tolerance and encouragement, and the development of innumerable strains of culture which become the very foundation of Indian culture. Shri S. R. Das has mentioned that this is the very idea which is contained in the songs and poems of our great poets like Tagore and Bharati and which is contained in our national anthem. He said it is this great idea which has been incorporated in Article 30 of the Constitution. It is not as if Article 30 created a situation in the Constitution, a provision in the Constitution, which has planted by immediate political expediency to give special treatment to a particular minority in this country. As he said, it is the sum total of the ethos and spirit and the cultural essence and traditions of this country which has been incorporated in Article 30 of the Constitution.

So, if anybody thinks, when you talk in terms of the provisions of Article 30, that Article 30 contains certain provisions for special treatment, as if somebody wanted to bestow some special privilege to certain people, that will be a distorted view of the history of this country, a total negation of the cultural traditions of the country, a total contradiction of the historical facts and spirits embodied in Article 30 of the Constitution.

Having said this as the introduction, let me now say a few words, as I said, the important hallmarks in the development of the institution which is known as Aligarh Muslim University. In 1870, as I understand—I am talking from memory—a Committee was set up under Justice Mahmood, who is considered as one of the greatest jurists of this country. That Committee recommended the establishment of a Muslim University in this country. Subsequently, at the time when the foundation of Mohammedan Anglo Oriental College was laid, Sir Syed along with others felt the necessity of forming and estab-

lishing a Muslim University in this country. Shri Banatwalla has quoted series of instances, historical events, dates, chapter and verse. For almost half a century—from 1870 to 1920 would be almost 50 years—this idea was growing. Attempts were being made. And by the time, in 1920 the Aligarh Muslim University Act came into being, 3 societies were already there, viz., the MAO College Society, the Muslim University Association and the Muslim University Foundation Committee. All the 3 committees were there for years, spreading the idea of establishing a university and collecting money for that purpose. By that time, negotiations went on with the Government of India on the one hand and the Secretary of State and the representatives of the Muslim community on the other. All the parties understood that what was aimed at and what was being done was the establishment of a Muslim University. I have seen the arguments based on the contractual obligations which are entered into between the Government of India and the Muslim. I am not going into it, assuming that there was no correct at all. For 50 years, all the parties concerned understood that what was being done was establishment of a Muslim University. Funds were collected for that purpose. By that time, in 1920, Rs. 20 lakhs had been collected and invested in the MAO College. Government insisted that in order to convert this into a University or to establish a university, another Rs. 30 lakhs would be required. And the Muslim community—rich, poor and the middle class—came forward and generously contributed; and then within a short space of time Rs. 30 lakhs were collected. You may recall from the speeches which have been made, that the contribution of the Government of India was only Rs. 1 lakh. It is with the Rs. 30 lakh and Rs. 20 lakh worth of assets which were held by the College, that the Aligarh Muslim University was established.

My learned colleague now very ably and very elaborately analyzed,

with the help of the comments of Shri Seervai, how absurd was the decision of the Supreme Court. Mr. Seervai had said that the Supreme Court decided on technicalities. But the technicalities themselves must be correct. About deciding an issue on technicalities, which technicalities themselves are erroneous—I am not attributing any motive, but my feeling is that the Supreme Court went absolutely at a tangent, taking the expression 'established' in the Constitution and the expression used in the statute to say that it was the Act which established the university, in order to say that the Muslims had not established it.

Take a company, for example. Without going into the legal subtleties, when a company is being established under the Companies' Act, it is the incorporation that is being done. That company is established by the promoters. It is significant to note that the Supreme Court, in spite of its technical rigmarole, has referred, a number of times, to these people who were collecting funds and establishing the university as the promoters of the University. You need not be legal experts and pandits, but the promoters, the people who establish the company and what is being done under the companies Act is only a technical incorporation of the company. I went through various definitions. The Supreme Court said: establishment means to bring into existence. But in the Warton and other dictionaries which were being referred to, there are three definitions or meanings of establishment which come squarely within the proposition which has been canvassed. One of them is established is found, the other is to create and the third is to start. All these definitions will certainly bring the Aligarh Muslim University within the ambit and the scope of the expression contained in the Constitution. Then to reject and pick up only one definition which says: to bring into existence and they say that the statute has brought it into existence. It is

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against the historical facts, it is against the spirit, it is against the aspirational historic ethos—as I already said elaborately—which has been established or embodied in Art. 30 of the Constitution.

I may ask one question to my colleagues. If it was not intended, what was the meaning of calling a university of calling Banaras University as Hindu University? There were innumerable universities in this country. There are now about 100 and odd universities. What was the special meaning to be given, if it was not established by the Muslims, if it was not intended to be established by the Muslims to call it a Muslim University or to call Banaras University as a Hindu University if it was not university of Hindus? Everybody knows that the funds were collected, attempts were made and the work was done for the object. The only thing is that no university can be established except by and through the machinery of incorporation; and the moment the incorporation is done, legally it comes into existence. I am sorry, I have taken more time.

MR. CHAIRMAN: There is a long list of the speakers. Unless you cooperate with me, it will not be possible for me to give a chance to every Member.

SHRI K. GOPAL: Time must be extended.

MR. CHAIRMAN: Even if time is extended, Mr. Gopal, there are about 40 speakers. Then how it is possible for me to give time to every speaker. I am not giving more than 10 minutes to any Member. I have given him 15 minutes. I have given him more time.

DR. V. A. SEYID MUHAMMAD: I am not going to trouble you asking for time. I am going to sit down by saying that I strongly support the Bill

and would request every Member of this hon. House to support it irrespective of party affiliation and other considerations.

श्री मोहम्मद शफी कुरेशी (अनन्तनाम) :  
सभापति महोदय इस बिल के मुताबिक कानूनी राय या दलल देना या कानूनी तरीके से बहस करना बिल्कुल से ठीक है लेकिन यहाँ पर ज फैसला होगा। वह फैसला हम सबकी मर्जी से होगा। कानूनी जो पेशदगियाँ इसमें थीं, सुप्रीम कोर्ट के सामने उस पर बहस हुई और एक फैसला दिया गया। लेकिन आज पार्लियामेंट में हमको वोटों की बुनियाद पर यह फैसला करना है कि बिल पास होगा या नहीं। राज्य सभा ने इस बिल को पास किया है। वहाँ पर बहस हुई और आज यह जो बिल यहाँ पर आया है मैं बड़े बाग़दब तरीके से हमारे जो साथी सामने बैठे हैं उनसे इन्तिज़ा करूँगा कि वे बड़े ठुड़े दिल से इस पर गौर करें और इस बिल के पास होने में मदद करें।

17.00 hrs.

सर सैयद अहमद खान ने 1857 के बाद जो माहौल हिन्दुस्तान में देखा उससे उन्हें इस बात पर यकीन हो चुका था कि हिन्दुस्तान का मुसलमान अगर अपनी आजादी के लिए और आजादी के बाद मुल्क की तरक्की के लिए काम करना चाहता है तो जब तक उसको माडर्न किस्म की तालीम नहीं दी जायेगी, अंग्रेजी और साइंटिफिक तालीम नहीं दी जायेगी तब तक वह एक अच्छा रोल इस मुल्क में भ्रदा नहीं कर सकता। इस ख्याल को मद्दे नजर रख कर उन्होंने एक छोटा-सा बीज बोया था जो बाद में पौधा बना और आज एक बहुत बड़े दरख्त की सूरत में हमारे सामने मौजूद है, जिसको हम मुस्लिम यूनिवर्सिटी, अलीगढ़ के नाम से याद करते हैं। आपको सुनकर ताजुब्ब होगा कि जब कालिज की बुनियाद रखी गई तब सिर्फ तीन तालिम इल्म सारे हिन्दुस्तान में मिले जोकि तीनों पैर-मुस्लिम थे। उनमें एक ही मुस्लिम नहीं था।

जाहिर है कि जब उन्होंने इस इदारे की बुनियाद रखी तो मकसद यहाँ था कि जहाँ मुस्लमान कोशिश करें अपने लिए एक यूनिवर्सिटी कायम करें वहाँ, जैसा कि बनतवाला साहब ने कहा, इस इदारे के दरवाजे तमाम लोगों के लिए खुले रहेंगे। अब इन्होंने यहाँ पर तमाम दलील दी हैं। अग्रेज जिसके की हम गुलाम थे, उन्होंने इस इदारे के मुताल्लिक क्या कहा? उन्होंने भी हमारे साथ अच्छा मुलूक किया लेकिन आज हम गैरों से नहीं बल्कि अपनी से बात कर रहे हैं। अगर गैरों ने अच्छा मुलूक किया है तो अपनी से हमें तवक्की है, उम्मीद है कि वे उससे भी अच्छा मुलूक करेंगे।

बहुगुणा साहब यहाँ से चले गये, मुझे याद है कि जब हमारी हुकुमत थी और एक बिल लाया गया था तो उस बिल को काबिना के सामने पेश किया गया था। मुझे अच्छी तरहसे याद है, एक ही धावाज थी बहुगुणा साहब की, उन्होंने बगैर किसी खांफ के बगैर किसी डर के प्राइम मिनिस्टर से कहा था कि हमने यह वायदा हिन्दुस्तान के मुसलमानों से किया है कि इस इदारे का माइनारिटी करैक्टर बरकरार रखा जायगा। वे यहाँ से उठ कर चले गए लेकिन मुझे यकीन है वे अपने वायदे पर कायम हैं और उस वक्त भी थे। उस वक्त उन्होंने बड़ी हिम्मत का काम किया था। मिसेज बहुगुणा यहाँ पर है इसलिए उम्मीद है उन तक यह बात पहुँच जाएगी।

जनता सरकार ने कुछ गलतियों को दुरूस्त किया है, उन को सुधारा है इस लिए मैं महसूस करता हूँ अगर पहले कोई गलती हुई है तो उसको आज वे कौन सपोर्ट कर सकते हैं। जनता सरकार का यह दावा है कि जो भी गलतियाँ हुई हैं, जहाँ भी बेइंसाफी हुई है, ख्याह वह हमारे वक्त में हुई या उससे कबज हुई उसको वे दूर करेंगे। आज हिन्दुस्तान की नजरें इस पार्लमैट की तरफ लगी हुई हैं, खास तौर पर माइनारिटीज की, वे देखना चाहते हैं कि जनता सरकार यह जो दावा करती है कि वह हमेशा

इन्साफ और हक की तरफदारी करेगी उस पर अमल करती है। जो बिल यहाँ पर आया है उस पर आप पार्टी लेवल से ऊपर उठकर सोचे। इस के जरिए से अगर माइनारिटीज की डीलजोई हो सकती है, अगर उनके अन्दर कांफिडेज और एतमाद पैदा हो सकता है समझता हूँ जनता सरकार का यह एक बहुत बड़ा काम होगा। हम इस के लिए उम्मीद; पहले से ही मुबारकवाद देते हैं हालांकि अभी पता नहीं है वे क्या करने वाले हैं।

एक बात मैं और अर्ज करना चाहता हूँ जैसा कि मैंने पहले भी अर्ज किया है, कि अगर माइनारिटीज कम्प्युनलिस्ट हो जाते वह अपने को ही नुकसान पहुँचा सकती है लेकिन अगर माइनारिटी उस के नजर से देखें तो उससे सारे मुल्क को नुकसान पहुँच सकता है त्रिलोकी सिंह का जो बिल राज्य सभा में पास हुआ है उसकी नर्वयत को आप देखें तो उस में कुछ भी नहीं है, उसमें एक ही तजवीज है कि अलीगढ मुस्लिम युनिवर्सिटी को बनाने का जब ख्याल आया था उसमें यही कि मुसलमानों के लिए मुसलमानों की कल्चर, तहजीब और तमझुन कायम करेगी। उसके बाद उसने तबदीली आई 1920 में और 1971 में एक ही बात जिसको दोहराया जाता है, यह कहना कि यह कम्प्युनलिस्ट है, इसका कम्प्युनल करैक्टर हो जाएगा—मैं समझता हूँ यह बात बिलकुल सही नहीं है हमारी जो मौजूदा सरकार है—यहाँ पर हमारे बहुत से साथी बैठ हुए हैं, मैं उन को याद दिलाना चाहता हूँ—आप के इलेक्शन मेनिफेस्टो में इस बात को दोहराया गया था कि अलीगढ मुस्लिम युनिवर्सिटी के माइनारिटी करैक्टर को खत्म करने की जो कोशिश की गई है, उस को बहाल करने के लिए जनता पार्टी पूरी कोशिश करेगी। मैं इसी वायदे की आप को याद दिलाना चाहता हूँ और मुझे यकीन है—हमारे वजीरे तालीम यहाँ पर बैठ हुए हैं मैं समझता हूँ उन्होंने भी उसी मेनिफेस्टो को लेकर इलेक्शन लड़ा होगा तो जनता ने जो एतमाद आपको दिया है, उस में यह बात शामिल है कि अलीगढ युनि-

[श्री मोहम्मद शफा कुरेशी]

बसिटी के माइनारिटी करक्टर को बहाल करेंगे। मैं कानूनी बहस में नहीं जाना चाहता क्योंकि कानूनी बहस से निकलने वाला कुछ नहीं है। यह बिज अगर आप चाहें तो यहां पास हो सकता है और अगर नहीं चाहें तो पास नहीं होगा। आज तमाम हिन्दुस्तान की नजर आप की तरफ लगी हुई है और बहुत से ऐसे मसले हैं जहां पर नैकुर करक्टर को इस्टेब्लिश करने के लिए आप को बहुत कोशिश करनी पड़ी है और आगे भी करनी पड़ेगी, लेकिन यह एक ऐसा मौका आपको मिला है—जिम में जनता पार्टी इस बिल को सपोर्ट करके—जिम से किसी को कोई नुकसान नहीं पहुंचता है—यह साबित कर सकती है कि हिन्दुस्तान में सैकुलरिज्म की बुनियाद बहुत मजबूत है। इस लिए मुझे यह यकीन है कि इस बिल का आप इस ऐवान में जरूर पास करायेंगे—इससे न सिर्फ हिन्दुस्तान में आप का विकार वृद्ध होगा बल्कि बाहर की दुनिया में जो आज हमारी तरफ नजर उठा कर देख रहे हैं—उनकी नजर में भी आपका विकार वृद्ध होगा। मैं इस में कोई सियासी बहस नहीं करना चाहता हूँ, लेकिन एजुकेशन मिनिस्टर साहब मैं आप से अर्ज करूंगा—आप कानूनी दाव पेश में न पड़ें। आप यह देखिए—आप एक सियासी आदमी हैं, महकमा तालीम आपको दिया गया है—आप को ठंडे दिल से यह मोचना चाहिए कि आप को इस में क्या कदम उठाना है।

मुझे मालूम है—जब हम ने गलती की थी, तो उसका खमियाजा हमको उठाना पड़ा। यह बात याद रखिये—अलीगढ़ मुस्लिम यूनिवर्सिटी का मसला उस वक्त एक बहुत बड़ा मसला था, जिस ने जनता की राय में तबदीली पैदा की थी। क्या आप भी इस वक्त वही गलती करना चाहते हैं? क्या आप भी उसी गलती को दोहराना चाहते हैं? हम तो आप से यह तबक्की रखते हैं कि जो गलती हम से हुई है—हमें उस गलती को

मानने में कतई ऐतराज नहीं है—लेकिन आप उस गलती को न करें, जिस से आप की क्रेडिबिलिटी कमजोर हो जाय, खतरे में पड़ जाये। अलीगढ़ मुस्लिम यूनिवर्सिटी ने एक बहुत शानदार रोल इस मुल्क में सैकुलरिज्म को बनाने में प्रदा किया है। डा० कर्ण सिंह साहब यहां पर मौजूद हैं—ये उस जमाने में हमारे सदरे-रियारत थे, हालांकि उनके बलूगियत पर पहुंचने में कुछ टाइम था, लेकिन उससे पहले जो फैसला हुआ कि काश्मीर हिन्दुस्तान का हिस्सा बनेगा, यह फैसला उन लोगों ने लिया था, जिन में 95 परसेन्ट वे लोग थे, जो अलीगढ़ यूनिवर्सिटी में पड़े हुए थे। उन में शेख मुहम्मद अब्दुल्ला थे, जनाब गुलाम मुस्मद सादिक थे सैयद मोर कासिम थे, दूसरे बहुत से लोग थे, जो उन में शामिल थे। इस लिये यह इलजाम लगाना कि इससे फिरावाराणा नजरिये को बढ़ावा मिलता है—उन्होंने उसे गलत साबित किया और जब मौका आया—एक अहम फैसला करने का, एक तरफ मजहब की पुकार था और दूसरी तरफ सैकुलरिज्म, डेमोक्रेसी और हिन्दुस्तान की एकता की पुकार था—उस वक्त उन्हीं लोगों ने सही फैसला लिया, जो वहां तालीम पा चुके थे। लीजिये—बहुगुना साहब आ गये हैं...

सभासति महोदय : वह तो आप को सपोर्ट करते हैं।

पेट्रोलियम, रसायन और उर्बरक मंत्री श्री हेमवती नन्दन बहुगुणा : आप और मैं तो इकट्ठे थे, जब वह बात हुई थी।

श्री मोहम्मद शफा कुरेशी : मैंने मिसिज बहुगुना से यही कहा है कि वह आप को उसकी याद दिलायें। लेकिन उनको शिकायत है कि आप बहुत कम मिलते हैं। बहुगुणा साहब उस वक्त कैबिनेट मीटिंग में मौजूद थे और मैं यकीन से यह बात कहता हूँ—जब यह मसला पेश किया गया तो किसी

की जुबान नहीं खुली। अगर किसी ने जुबान खोली तो वह बहुगुणा साहब थे और जो जो भ्रलफाच आप ने उस वक्त कहे थे— वे मुझे याद हैं। आज मैं बहुगुणा साहब को अपने उस वायदे की याद दिलाना चाहता हूँ। यह भी आप इन से कहिये कि हम ने बड़ी गलती कर के उसका खमियाजा उठाया है, आप वह गलती मत करना।

**हेमबतो नन्दन बहुगुणा :** खमियाजा उठाने दो, आप क्यों परवाह करते हैं।

**मौहम्मद शफा कुरेशी :** नहीं, मैं तो यह चाहता हूँ कि कम से कम एक बार हिन्दुस्तान की पार्लियामेंट तमाम इन झगड़ों में, इन फितनों से और इन छोटी-छोटी बातों से ऊपर उठ कर यह बात साबित करें कि जहाँ पर माइनोंरिटीज के हक्क का मसला आता है, उस वक्त हम सब लोग उन हक्क की हिफाजत करने के लिए एक हो जाने हैं और हम में कोई फर्क नहीं रहता है। मुझे यकीन है कि मैंने जो आप लोगों से अजंदाश की है, आप इस का कबूल फरमाएँगे और यह जो बिल आया है, चन्द्र साहब, आप भी खुदारा जरा सोचिये और आप वंगरोक्रेट का वीफ ले कर मत आइए, आप अपने दिल की बात कहिये और जो फाइल कहती है, उसका छोड़ कर आप दिल का जुबान से यहाँ पर बोलिये। मुझे यकीन है कि अगर आप यहाँ पर अपने दिल की जुबान से बोलेंगे, तो यह बिल पास हो जाएगा।

[श्री मوصद शमیع قریشی (انگلت

ناگ): سبها پتی مہودے - اس بل کے متعلق قانونی رائے یا دلائل دینا اکانومی طریقے سے بحث کرنا ایک طرح تو تھیک ہے لیکن یہاں پر جو فیصلہ ہو گا وہ فیصلہ ہم سب ہی مرضی سے ہوگا - قانونی جو پمپھیدگیہاں اس میں تھیں سہریم کورٹ کے سامنے اس پر بحث ہوئی - اور ایک فیصلہ

دینا گیا - لیکن آج پارلیمنٹ میں ہم کو ووٹوں کی بنیاد پر یہ فیصلہ کرنا ہے - کہ یہ بل پاس ہوگا یا نہیں - راجہ سبھا نے اس بل کو وہاں پر پاس کیا ہے وہاں پر بحث ہوئی اور آج یہ جو بل یہاں پر آیا ہے میں بڑے با ادب طریقے سے ہمارے ساتھی سامنے بیٹھے ہیں ان سے التجا کرونا کہ وہ بڑے تھلے دل سے اس بل پر مور کریں اور اس بل کے پاس ہونے میں مدد کریں -

سر سید احمد خان نے 1857 کے بعد جو ماحول ہندوستان میں دیکھا اس سے انہیں اس بات پر یقین ہو چکا تھا کہ ہندوستان کا مسلمان اکثر اپنی آزادی کے لئے اور آزادی کے بعد ملک کی ترقی کے لئے کوئی کام کرنا چاہتا ہے تو جب تک اس کو ماقوم طریقے سے تعلیم نہیں دی جائیگی - انگریزی اور سائنٹفک تعلیم نہیں دی جائیگی تب تک وہ ایک اچھا رول اس ملک میں ادا نہیں کر سکتا - اس خیال کو مد نظر رکھ کر انہوں نے ایک چھوٹا سا بیج بویا تھا جو بہت بعد میں پودا بنا - اور آج ایک بہت بڑے درخت کی صورت میں ہمارے سامنے موجود ہے - جس کو ہم مسلم یونیورسٹی علی گڑھ کے نام سے یاد کرتے ہیں - آپ کو سن کر تعجب ہوگا کہ جب کالج کی بنیاد رکھی گئی تب صرف تین طالب علم

اشری مصد شمع قریشی)

سارے ہندوستان میں ملے جو کہ تیلوں غہر مسلم تھے - ان میں ایک بھی مسلمان نہیں تھا - ظاہر ہے جب انہوں نے اس ادارے کی بنیاد رکھی تو مقصد یہی تھا کہ جہاں مسلمان کوشش کریں گے اپنے لئے ایک یونیورسٹی قائم کریں جیسا کہ ہمد والا صاحب نے کہا اس ادارے کے دروازے تمام لوگوں کے لئے کھلے رہیں گے - جب انہوں نے بہار پر تمام دلہلیوں کی تھیں انگریز جس کے کہ ہم غلام تھے انہوں نے اس ادارے کے متعلق کیا کہا - انہوں نے بھی ہمارے ساتھ اچھا سلوک کیا لیکن آج ہم فہروں سے نہیں اپنوں سے بات کر رہے ہوں - اگر فیروں نے اچھا سلوک کیا ہے تو اپنوں سے ہمیں توقع ہے کہ وہ اس سے بڑا اچھا سلوک کریں گے - بھوگنا صاحب یہاں سے چلے گئے مجھے یاد ہے جب ہماری حکومت تھی اور یہ بل لایا گیا تھا - تو اس بل کو قابیلا کے سامنے پیش کیا گیا تھا - مجھے اچھی طرح سے یاد ہے ایک ہی آواز تھی بھوگنا صاحب کی - انہوں نے بغیر کسی خوف کے بغیر کسی نظر سے پرائم مینسٹر سے کہا تھا کہ ہم نے یہ وعدہ ہندوستان کے مسلمانوں سے کیا ہے کہ اس ادارے کا مانیورٹیز کریکٹر برقرار رکھا جائے گا - وہ یہاں سے اٹھ کر چلے گئے لیکن مجھے

یقین ہے وہ اپنے وعدے پر قائم ہیں اور اس وقت بھی تھے - اس وقت انہوں نے بڑی ہمت سے کام کیا تھا مسز بھوگنا یہاں پر میں اس لئے امید ہے ان تک یہ بات پہنچ جائیگی -

جلتا سرکار نے کچھ غلطیوں کو درست کیا ہے ان کو سدھارا ہے اس لئے میں محسوس کرتا ہوں اگر پہلے کوئی غلطی ہوئی ہے تو اس کو آج وہ کہے سے سوورٹ کر سکتے ہوں - جلتا سرکار کا یہ دعویٰ ہے کہ جو بھی غلطیاں ہوئی ہیں جہاں ہو بے انصافی ہوئی ہے وہاں وہ ہمارے وقت میں غلطیاں ہوئی ہیں یا اس سے قبل ہوئی اس کو وہ دور کریں گے - آج ہندوستان کی نظریں اس پارلہمدت پر لگی ہوئی ہیں خاص طور پر مانیورٹیز کی - وہ دیکھنا چاہتے ہیں کہ جلتا سرکار یہ جو دعویٰ کرتی ہے کہ وہ ہمیشہ انصاف اور حق کی طرف داری کریگی اس پر عمل کرتی ہے - جو بل یہاں پر لایا گیا ہے اس پر پارٹی ٹھول سے اوپر اٹھ کر سوچیں - اس کے ذریعہ سے اگر مانیورٹیز کی دلجوئی ہو سکتی ہے اگر اس کے اندر کانفیڈینس اور اعتماد پیدا ہو سکتا ہے تو میں سمجھتا ہوں کہ جلتا سرکار کا یہ ایک بہت بڑا کام ہوگا - ہم اس کے لئے اس کو پہلے سے ہی مہارکھاد

دیتے ہیں حالانکہ پتہ نہیں ہے کہ وہ کہا کرنے والے ہیں۔

میں یہ کہنا چاہتا ہوں اور مرض کرنا چاہتا ہوں جیسا کہ میں نے پہلے بھی عرض کیا کہ اگر مائینورٹیز کمیونیسٹ ہو جائے تو وہ اپنے کو ہی نقصان پہنچا سکتی ہے لیکن اگر مہزینتی اس تنگ نظر سے دیکھے تو وہ سارے ملک کو نقصان پہنچا سکتی ہے۔ تیلوکی سنگھ جی کا جو بل راجیہ سبھا میں ہوا ہے اس کی نویت کو آپ دیکھیں تو اس میں کچھ بھی نہیں ہے۔ اس میں ایک ہی تجویز ہے کہ علی گڑھ مسلم یونیورسٹی کے بنانے کا خیال جب آتا تھا اس میں یہی تھا کہ مسلمانوں کے لئے مسلمانوں کے کلچر تہذیب اور تعلیم قائم رکھنے کی اس کے بعد اس میں تبدیلی آئی۔ ۱۹۱۰ میں اور ۱۹۷۱ میں ایک ہی بات کو تہرایا جاتا ہے۔ یہ کہنا ہے کہ کمیونیسٹ ہے اس کا کمیونل کریکٹر ہو جائیگا۔ میں یہ سمجھتا ہوں کہ یہ بات صحیح نہیں ہے ہماری جو موجودہ سرکار ہے یہاں پر ہمارے بہت سے ساتھی بیٹھے ہوئے ہیں میں ان کو یاد دلانا چاہتا ہوں آپ کے الیکشن مینیسٹرو میں اس بات کو دہرایا گیا تھا کہ علی گڑھ مسلم یونیورسٹی

میں مائینورٹیز کریکٹر کو ختم کرنے کی جو کوشش کی گئی ہے اس کو بہال کرنے کے لئے جلتا پارٹی پوری کوشش کریگی۔ میں اس وعدے کی آپ کو یاد دلانا چاہتا ہوں۔ اور مجھے یقین ہے ہمارے وزیر تعلیم یہاں پر بیٹھے ہوئے ہیں۔ میں سمجھتا ہوں کہ انہوں نے یہ اسی مینیسٹرو کو لیکر الیکشن لڑا ہوگا۔ تو جلتا جو جو اعتماد آپ کو دیا ہے اس میں یہ بات شامل ہے کہ علی گڑھ مسلم یونیورسٹی کے مائینورٹیز کریکٹر کو بہال کریں گے۔ میں قانونی بحث میں نہیں جانا چاہتا کیونکہ قانونی بحث میں کچھ نکلنے والا نہیں ہے۔ یہ بل اگر آپ چاہیں گے تو یہاں پاس ہو سکتا ہے۔ اور اگر نہیں چاہیں گے تو پاس نہیں ہوگا۔ آج تمام ہندوستانی کی نظر میں آپ کی طرف لگی ہوئی ہیں اور بہت سے ایسے مسئلے ہیں جہاں پر سکولر کریکٹر کو استعمال کرنے کے لئے آپ کو بہت کوشش کرنی پڑی ہے اور آگے بھی کرنی پڑیگی۔ لیکن یہ ایک ایسا موقعہ آپ کو ملا ہے جس میں جلتا پارٹی اس بل کو سپورٹ کر کے جس سے کسی کو کوئی نقصان نہیں پہنچتا ہے یہ ثابت کر سکتی ہے کہ ہندوستان میں سکولرزم کی بلحاظ بہت مصبوط ہے۔ اس لئے مجھے یقین ہے کہ اس بل کو آپ

[شری محمد شفیع قریشی]

اس اہوان میں ضرور پاس کرالینگے اس سے نہ صرف ہندوستان میں آپ کا وقار بلند ہوگا بلکہ ہر باہر کی دنیا میں جو آپ ہماری طرف نظر میں آتا کر ہماری طرف دیکھ رہے ہیں ان کی نظر میں بھی آپ کا وقار بلند ہوگا۔ میں اس میں کوئی سیاسی بحث نہیں کرنا چاہتا ہوں لیکن ایجوکیشن منسٹر صاحب میں آپ سے عرض کرونگا کہ آپ قانونی داریوں میں نہ پڑیں۔ آپ یہ دیکھئے۔ آپ ایک سیاسی آدمی ہیں محکمہ تعلیم آپ کو دیا گیا ہے آپ کو تھلڈے ڈال سے سوچنا چاہئے کہ آپ کو اس میں کما قدم اٹھانا ہے۔

مجھے معلوم ہے جب ہم نے غلطی کر لی تھی اس کا خمیازہ ہم کو اٹھانا پڑا۔ یہ بات یاد رکھئے۔ علی گڑھ مسلم یونیورسٹی کا مسئلہ اس وقت ایک بہت بڑا مسئلہ تھا۔ جس نے جلنا کی رائے میں تبدیلی کی تھی۔ کیا آپ بھی اس وقت وہی غلطی کرنا چاہتے ہیں۔ کہا آپ بھی اسی غلطی کو دہرانا چاہتے ہیں ہم تو آپ سے یہ توقعہ رکھتے ہیں کہ جو غلطی ہم سے ہوئی ہے ہمیں اس غلطی کو ماننے میں قطعی اعتراض نہیں ہے لیکن آپ

اس غلطی کو نا کریں جس سے آپ کی کریڈیٹبلٹی کمزور ہو جائے۔ خطرے میں پڑ جائے۔ علی گڑھ مسلم یونیورسٹی نے ایک بہت شاندار رول اس ملک میں سیکولریزم کو بنانے میں ادا کیا ہے۔ فاکٹر کرن سنگھ صاحب یہاں پر موجود ہیں۔ یہ اس زمانے میں ہمارے صدر ریاست تھے۔ حالانکہ ان کے مقبولیت پر پہنچنے میں کچھ ٹائم تھا لیکن اس سے پہلے جو فیصلہ ہوا کہ کشمیر ہندوستان کا حصہ بنے گا۔ یہ فیصلہ ان لوگوں نے کیا تھا۔ جن میں ۹۵ پرسیڈنٹ وہ لوگ تھے۔ جو علی گڑھ مسلم یونیورسٹی میں پڑھے ہوئے تھے۔ ان میں سے ایک محمد عہدہ تھے۔ بنام غلام محمد صادق تھے۔ سید مہر قاسم تھے۔ دوسرے بہت سے لوگ تھے جو ان میں شامل تھے۔ اس لئے یہ الزام لگانا کہ اس سے فرقے دارانہ نظریہ کو پڑھاوا ملتا ہے انہوں نے ایسے غلط ثابت کیا۔ اور جب موقعہ آیا ایک اہم فیصلہ کرنے کا۔ ایک طرف مذہب کی پکار تھی۔ اس وقت انہی لوگوں نے صحیح فیصلہ لیا۔ جو وہاں تعلیم پنا چکے تھے۔ لیجئے۔۔۔ بھوکنا صاحب آگئے ہیں۔

بہاؤتبی مہر دے۔ وہ تو آپ کو سہوٹ کرتے ہیں۔

شری ھوم وتی لندن بھوگنا - آپ  
اور میں تو اکتھے ہیٹھے ہوئے تھے جب  
وہ بات ہوئی تھی -

شری محمد شفیع قریشی - میں  
نے مسز بھوگنا سے یہی کہا ہے کہ  
وہ آپ کو اس کی بیان دلائیں -  
لیکن ان کو شکایت ہے کہ آپ بہت  
کم ملتے ہیں - بھوگنا صاحب اس  
وقت کیپلیٹ میٹینگ میں موجود  
تھے اور میں یقین سے یہ بات کہتا  
ہوں کہ جب یہ مسئلہ پیش کیا  
گیا تو کسی کی زبان نہیں کھلی -  
اگر کسی نے زبان کھولی تو وہ بھوگنا  
صاحب تھے اور جو الفاظ آپ نے کہے  
تھے وہ مجھے باز یاد ہیں آج میں  
بھوگنا صاحب کو اس وعدے کی یاد  
دلانا چاہتا ہوں - یہ بھی آپ ان  
سے کہیں گے کہ ہم نے بڑی فطی کر کے  
اس کا خمیازہ اٹھایا ہے - آپ وہ  
فطی مت کرنا -

شری ھوم وتی لندن بھوگنا -  
خمیازہ اٹھانے دو آپ کہوں پرواہ کرتے  
ہیں -

شری محمد شفیع قریشی - نہیں  
میں تو یہ کہتا چاہتا ہوں کہ کم  
سے کم ایک بار ہندوستان کی پارلیمنٹ  
تمام ان جھگڑوں سے ان فتنوں سے اور  
ان چھوٹی چھوٹی باتوں سے اوپر  
اٹھ کر یہ بات ثابت کرے کہ جہاں

پر مائینورٹی کے حقوق کا مسئلہ ہے  
اس وقت ہم سب لوگ ان حقوق  
کی حفاظت کرنے کے لئے ایک ہو  
جانے ہیں اور ہم میں کوئی فرق  
نہیں رہتا ہے - مجھے یقین ہے کہ  
میں نے جو آپ لوگوں سے جو عوض  
داشت کی ہے آپ اس کو قبول  
فرمائینگے اور یہ جو بل آیا ہے -  
صدر صاحب بھی خدارا ذرا سوچئے اور  
آپ پدموکریٹ کا بریف لیکر مت  
جائے - آپ اپنے دل کی بات کہئے  
اور جو فائل کہتی ہے اس کو چھوڑ  
کر آپ دل کی زبان سے یہاں بولئے  
مجھ یقین ہے کہ اگر آپ یہاں پر  
اپنے دل کی زبان سے بولینگے تو یہ  
بل پاس ہو جائیگا -

DR. KARAN SINGH (Udhampur):  
Mr. Chairman, Sir, from Kashmir to  
Kanyakumari and from Gujarat to  
Assam, the Aligarh Muslim Univer-  
sity today has become a symbol of  
the hopes and aspirations, as well as  
the fears and suspicions, of the Mus-  
lims of India. When such a visit  
minority is involved, no longer  
remains simply a question confined  
to that minority community but it  
becomes a national issue. It is as a  
national issue that we should look at  
this problem.

May I quote here what Dr. Zakir  
Hussain, our former President said :

"The way Aligarh participates in  
the various walks of national life  
will determine the place of Muslims  
in India's national life. And, the  
way India conducts itself towards  
Aligarh will determine largely the  
form which our national life will  
acquire in the future."

[Shri Karan Singh]

Sir, I have the honour to be a Doctor *honoris causa* of Aligarh Muslim University and therefore, I claim some close association with it. Of course with the Banaras Hindu University, it was closer--I was Chancellor of that sister institution for many years. But with Aligarh Muslim University I have this bond. Apart from the emotive aspects of the problem, if one looks into the merits of the case and studies the history of the development of the Aligarh Muslim University it becomes crystal clear that the promotion the initiative and the momentum for setting up of this institution came from the Muslim community. As my colleague Shri Shafi Qureshi has pointed after the Mutiny or the so-called first Indian war of independence, there was a reaction and some of the Mullas had given a *fatwa* that Muslims should not go to English schools or English medium schools. Sir Syed Ahmed had the vision to realise that unless the Muslims are brought into the mainstream of national life educationally, they will remain for ever backward and undeveloped. Therefore, in 1870 he conceived the idea of a Muslim university. He was the first Muslim to send his son to England to become a barrister. When he returned, Sir Syed Mohamud was a very eminent judge and it was under his chairmanship that Sir Syed Ahmed appointed a committee to study the possibility of setting up a Muslim Oxford or Cambridge in India. A plot of land was bought in Aligarh and a junior high school was started. In 1870 the then Viceroy, Lord Lytton, laid the foundation-stone for the Mohammedan Anglo-Oriental College. In his speech, Sir Syed Ahmed said that it was to be developed into a Muslim University and the Viceroy had also welcomed it. For 20 years thereafter, Sir Syed tried to collect money for this Post Graduate College. He passed away in 1894. After a few years in 1910, I think, Sir Harcourt Butler was the Education Member of the Government of India. He

asked the Raja of Mahmoodabad to pursue the idea again and in 1911, the Aligarh Muslim University Foundation Committee was formed under the chairmanship of the Aga Khan with the Raja of Mahmoodabad as Secretary. It is significant to note that the Government asked not the Law Ministry of the Government of India but this Committee under the Chairmanship of Aga Khan to frame the Bill for a possible University. They wanted a charter. The Viceroy said it should be set up by an Act. There were protracted negotiations between the Government and the representatives of the Muslim community. It is all on record. Meanwhile there were parallel developments. The Banaras Hindu University was set up in 1915, and in 1920, the Muslim University Act was passed.

I will just take five minutes of the House to show that when Mohd. Shafi, the then Education Member, introduced the Bill in the Indian Legislative Council, Lord Chelmsford who was the Viceroy, himself presided over that meeting. At that time, it was rare for the Viceroy to do so, because the Home Member usually used to preside. What did the Education Member say when he introduced the Bill? He said, and I quote:

"My Lord, today your Excellency's Government is committing to the custody of the Muslim community a sacred trust, the incalculable benefits of which will be enjoyed not only by themselves but also by their children and children's children. Indeed upon the manner in which they discharge this sacred trust will depend the future welfare not only of the present generation of the Indian Mussalmans but also of the generations come."

What could be clearer than this? And then the Viceroy himself said after passage of the Bill: 'I should like to add my congratulations to the Muslim community on the passage of

the Bill." It is so crystal clear when you study this that it has been set up by the Muslims and it is essentially a Muslim Institution.

I do not want to go into the long history. Thereafter, in 1965 as a result of certain very unhappy circumstances, the Act was repealed. It was replaced by an Ordinance. And then came this judgement of the Supreme Court in the Aziz Basha case that it was not set up at the instance of the Muslims but by an Act of Legislature. Sir, I am not a lawyer like my distinguished colleague but even a layman can realise that you cannot have a university without an Act. Does that mean that there can be no university set up by any minority community? It seems to be self-evident. But Sir, even if there is a legal weakness it is exactly that legal weakness that this Bill seeks to remove. Therefore, without going into the genuineness or rightness or otherwise of the Supreme Court judgment, that can be debated in its own forum, if we pass, if this hon. House passes this Bill, then the objection which the Supreme Court has taken which is an objection on law, not on fact, will stand remedied and automatically this will become a minority institution and will have the benefits under Article 30 of the Constitution.

I am not going into the political aspects. In our manifesto in 1971, we said that it would be restored and then we tried to wriggle out of it. In their manifesto in 1977, they said, it would be restored. And now, they are also trying to wriggle out of it. Sir, I would appeal to the hon. House that this is not a question simply of some legal quibbling. It is very clear. The Minorities Commission also has clearly expressed the view that this should be a minority institution. Their report is along those lines. There are lots of judgments I can quote.

Why should be grudge to the Muslims of India one university out of 100

universities in this country? The Muslims are six or seven crores of people. If one university out of 105 universities is to be dedicated to the welfare of the Muslims, should we have any objection? Why should we be so graceless? Why should we try and hide behind legalities and other quibblings? Why should we not come forward and say that this has always been a minority institution and we reiterate, that by passing this Bill? Let it not be said that in the history of free India, we did not display the imagination, compassion and the understanding that was necessary to rise to the occasion. When emotions are involved, rightly involved not wrongly—I do not say wherever there are emotions, we should bend—where they are based on solid fact, I think, we must go out of our way. The Nation expects this from this hon. House. I would, therefore, urge the Parliament to act fearlessly as the tribune of the people. This Bill which was introduced by Shri Triloki Singh in the Rajya Sabha has been passed. Let the Lok Sabha not lag behind. Let us, by this fully justifiable gesture, once again bring a sense of fulfilment and understanding and happiness into the hearts of our largest minority.

SHRI C. M. STEPHEN (Idukki): Sir, I rise to support this Bill in my personal capacity as also on behalf of my party. The history of this institution has been spelt out in very great detail by all the distinguished members who preceded me. I do not want, therefore, to cover that ground.

This particular Bill seeks to make available to the University the character that has got to be its. Today we call it "The Aligarh Muslim University". We put the word "Muslim" there but the word is put without any meaning at all. Merely a caption will not make an institution. A Muslim University, if it is to be a Muslim University, it has got to be of a character which comes under the protection of article 30. That protection can be available only if the institution is accepted as established by the community. What

[Shri C. M. Stephen]

exactly is meant by "establishment of an institution by a community" has been the subject matter of judicial decisions. Contentions have been raised in so many cases that in order that an institution be called a minority institution, it must be established by the entire community; that contention was raised umpteen times before the Supreme Court, and that contention has equally been repelled by the Supreme Court. Therefore, a declaration by the Act that the institution is accepted as an institution established by the Muslims, an Act which interprets all that has happened previously as tantamount to the establishment of the institution by the Muslims, will be conclusive on the question as to whether a University is of a minority character. It is this that the Bill seeks to establish.

To speak very briefly, the anomaly or rather meaninglessness of the present situation of calling a University a "Muslim University" without giving it recognition as virtually or legally a Muslim University, has got to be taken away. Either the word "Muslim" must be dropped, or, if the word "Muslim" is to be retained, it must be clarified that the retention of the word "Muslim" means that the institution was established by the Muslims. Then all the privileges or the protection that the Constitution provided for the minority institutions would automatically follow. This is the simple thing that has been sought to be achieved by this Bill.

As was pointed out by my friend Dr. Karan Singh, when an institution has come to symbolise the aspirations and the dreams and expectations of great community, when anything that happens to that institution kindles emotions on millions of people in our country, when a move against that institution is symbolically taken as a move against that community, any move in acceptance of the status of the University and in furtherance of

the interests of community is accepted as service to that community.

Secularism will have no meaning unless we accept the emotions, recognise the emotions and legislate in accordance with the dreams and aspirations of that community, which is all that has been done by this. Everything seems to have happened in the past against the feelings of the community. Atonement has to be done and atonement is sought to be done by the amendment of the Aligarh Muslim University Bill. It is in that spirit I very solidly and strongly support this Bill, and I hope that this House will unanimously pass this Bill and show that India remains a secular State, and that every community, including the Muslim community, can have a sense of protection, . . . and that that protection is given not in a spirit of just reservation, without any reservation, but with wholehearted joy that support is given. Let that message be one that goes out of this House by accepting this Bill!

I support this Bill.

श्रीमती कमला बहुगुणा (फूलपुर) :  
सभापति जी, बड़े अफसोस की बात है कि आज आजादी के 30 साल बाद भी हमको इस बिल को डिस्कप करना पड़ रहा है। यह यूनिवर्सिटी जिस दिन ब्याल में आयी थी, उसके बाद इसको लड़ना पड़ा और आज 80 साल बाद भी इसको लड़ना पड़ रहा है, इससे ज्यादा शर्म की बात इस देश के लिये और क्या हो सकती है। मेरी समझ में एक बात नहीं आती कि जो यूनिवर्सिटी ब्याल में मुसलमानों के आई, जिसके लिये 25 साल उन्होंने संघर्ष किया और उस संघर्ष के बाद उसका नाम मुस्लिम यूनिवर्सिटी पड़ा, आज उस पर यह बहस हो रही है कि उसका मुस्लिम करेक्टर है या नहीं। अलग-अलग यूनिवर्सिटी कोई साधारण यूनिवर्सिटी नहीं है। इस यूनिवर्सिटी के साथ करोड़ों इन्सानों के सैटीमेंट्स, इमोशन्स जुड़े हुए हैं।

इस यूनिवर्सिटी का जिस वक्त ख्याल आया था, उस इतिहास में मैं जाना नहीं चाहती, उस हिस्ट्री में मैं एक्टर नहीं करना चाहती, क्योंकि हमारे कई साथियों ने उसकी हिस्ट्री रिपॉर्ट की है। एक बात तो सच है कि डेप्युटेशन आफ्टर डेप्युटेशन 25 साल जब इस यूनिवर्सिटी के रिकर्निशन के लिये जाते थे, तो हिन्दुस्तान के हर कोने से, हर प्रांत से उसमें लीडर्स भी, नेशनलिस्ट्स भी, एजुकेशनलिस्ट्स भी मुस्लिम कम्युनिटी के थे जो वाकई लड़ाई लड़ते थे। यह कहना कि आज उसे मुस्लिम कंटेक्टर देने में कोई डर है, तो मैं तो डर समझती नहीं क्योंकि मोहम्मद अली जैसे आदमी उसमें थे जो कि नेशनलिस्ट थे और आजादी की लड़ाई में उन्होंने इतना बड़ा हिस्सा लिया, हम कैसे कह सकते हैं कि वह किसी दिन एंटी-नेशनल थे ?

इसके अलावा आप देखें कि इस यूनिवर्सिटी के कायम करने में यहाँ नहीं कि उन्होंने लड़ाई लड़ी, गुरु में एक शर्त लगाई गई थी कि 30 लाख रुपया जब आप इकट्ठा करेंगे, तब आप की बात कंसीडर करेंगे। उस 30 लाख रुपये को सिर्फ इस कम्युनिटी ने इकट्ठा किया, किसी और का इसमें कंट्रिब्यूशन नहीं रहा। जब इस बात को रखा कि हमको इस यूनिवर्सिटी यूनिवर्सिटी को दिया जाये तो उसकी हर शर्त पूरी की गई थी।

यह बात सच है कि जिस वक्त उस यूनिवर्सिटी की बात आई थी, तो कहा गया था कि इसका नाम अलीगढ़ यूनिवर्सिटी किया जायेगा। उस वक्त, हमारे आनरेबल मेम्बर ने बताया कि किस तरह से लड़ाई की गई थी और मुस्लिम बड़े उसमें इन्वॉल्व किया गया था। तो मुस्लिम बड़े जब उसमें लगा दिया गया तो मुस्लिम यूनिवर्सिटी तो वह हो ही गई, उसका ख्याल था मुस्लिम कल्चर, मुस्लिम लैरनिंग, उसको माइन्सट्रि कर क, जैसा सर सैयद

का ख्याल था, एक स्ट्रीम लाइन में लगाया जाये। इमें कोई शक नहीं है कि माइनोरिटीज के डिस्टिन्क्ट कल्चर है इस कंट्री में, वह कल्चर रिप्रजेंट करते हैं, चाहे वह क्रिश्चियन हों, चाहे मुस्लिम हों, चाहे बौद्ध हों और यह कंट्री तो मशहूर रहा है हजारों वर्षों से टोलरेंस के बारे में। कभी रिलीजन के नाम पर इस मुल्क में ज्यादा झगड़ा नहीं हुआ, यह हमका लीगेंसी है ब्रिटिश एम्पायर की और ब्रिटिश रूल की जिसने हमको इतना झगड़े में डाला।

मैं आशा करती हूँ कि यह आर्टिकल 30 जो सब कम्युनिटीज का तमाम इस्टीमेशन को आज मान रहा है, उसका इस अलीगढ़ मुस्लिम यूनिवर्सिटी को मुस्लिम कंटेक्टर देने में क्या तकलोफ है और क्यों नहीं मान रहा है, यह बात समझ में नहीं आती है।

जनता पार्टी, इस देश के इन्सानों के जब्बत पर आई है, एक यकीन लेकर आई है। वह जरूर है कि गलती तो उसी दिन हो गई थी जिस दिन इस कंटेक्टर को बदला गया, बदलना नहीं चाहिये था, और उसी दिन से मुस्लिम इन्टेलीजेंसिया क दिल् और दिमाग में यह बीज काटे की तरह चुभ गई। अगर हम चाहते हैं कि मुस्लिम कम्युनिटी की वाकई हमदर्दी पायें, वाकई यकीन पायें, वाकई हम उनका साथ इन्साफ करें, तो इस कांटे को जनता पार्टी को निकाल कर फेंक देना चाहिये और हमेशा के लिये और हमेशा के लिये मुस्लिम माइनोरिटी का कंटेक्टर इस यूनिवर्सिटी का देकर इस चैप्टर को क्लोज कर देना चाहिये।

इन शब्दों के साथ मैं अपना पूरा-पूरा समर्थन इस बिल को देती हूँ और आशा करती हूँ कि जनता पार्टी इस देश के हर वर्ग की भावनाओं का ख्याल करते हुए इसका पूरा समर्थन करेगी।

श्री तेज प्रताप सिंह : (हमीरपुर) :  
समापति महोदय, मुझे बड़ी खुशी है कि मुझे इस बिल पर बोलने का अवसर मिल रहा है। मैं कुछ अधिक नहीं कहना चाहता हूँ, लेकिन मैं सारे साहबान का ध्यान इस बात की ओर दिखाना चाहता हूँ कि इस समस्या के साथ हमारे मुजलमान भाइयों की महान भावनायें जुड़ी हुई हैं। हमारा इतिहास यह बताता है कि फिरकावाराना भाव हमारे देश में कभी नहीं रहे। हमारे यहाँ यह ट्रेडिशन रही है कि हमेशा एक दूसरे का बराबरी के साथ खाल रखें। यह एक मूल्य की बात है और इसी लिये हमारे देश का नाम सारे संसार में प्रसिद्ध है, और हम इस पर क्रोध कर सकते हैं।

श्री अनंत माला और दूसरे मेम्बरों ने सब बातों पर विस्तृत रूप से प्रकाश डाला है। अलीगढ़ मुस्लिम विश्वविद्यालय के साथ मुजलमान भाइयों की भावनायें जुड़ी हुई हैं। हम मुस्लिम कल्चर को बहुत बड़ा समझते हैं। और उसकी कद्र करते हैं। जब हम उसकी कद्र करते हैं, तो यह समझ में नहीं आता है कि कोई मुस्लिम यूनिवर्सिटी के नाम के खिलाफ कैसे हो सकता है। यह कानूनी दांव पेच की बात समझ में नहीं आती है कि मुस्लिम यूनिवर्सिटी आर्टिकल 30 के अन्तर्गत संरक्षण नहीं पा सकती है।

सुप्रीम कोर्ट का हवाला दिया जाता है। सुप्रीम कोर्ट तो कानूनी हिसाब से उसकी बारीकियों में जाती है। लेकिन यह पार्लियामेंट उन बारीकियों में न जाकर करोड़ों करोड़ जनों की भावनाओं का आदर करती है—और उसे करना चाहिए। खास तौर से हिन्दुओं का यह फ़र्ज है, जो यहाँ बहुमत में हैं, कि हम अपने मुसलमान, ईसाई और बौद्ध भाइयों में यह भावना पैदा करें—अपने वाक्यांश में—कि वे हम पर विश्वास करें और उन्हें यह भरोसा रहे कि वे अपने कल्चर को बढ़ा सकते हैं। हमारी

कोई भावना उनके खिलाफ नहीं है। यह हमारा फ़र्ज है।

इस बारे में ज्यादा कुछ कहने का न तो समय है और न उसकी कोई बजह है। मैं सिर्फ इतना ही कहना चाहता हूँ कि हमें सर्व सम्मति से इस बिल को पास करना चाहिए। जैसा कि डा० कर्ण सिंह ने कहा है, अगर इस बारे में कोई कानूनी अड़चनें हैं भी, तो हमारा ज्यादा फ़र्ज हो जाता है। अगर सुप्रीम कोर्ट का कोई ब्यू है, तो उस ब्यू को हम बदल सकते हैं। यह पार्लियामेंट सब से बड़ी संस्था है, सारे देश की जनता की भावनाओं को प्रदर्शित करने वाली संस्था है। तो जब हम इन भावनाओं से ओतप्रोत हैं और सब मिन्न कर के चाहते हैं, बड़ी खुशी की बात है कि सब लोग इधर के और उधर के भी दलगत भावनाओं से ऊपर उठ कर इस असली बुनियादी चीज को महसूस करते हैं कि हमें इसका समर्थन करना चाहिए न। हमें सर्व सम्मति से इसे पास करना चाहिए। यह मुस्लिम यूनिवर्सिटी भी एक ही हमारे देश में है जिससे उनकी भावनायें जुड़ी हुई हैं, जिसमें वह अपने कल्चर को डेवलप कर सकते हैं अपने लेक्चर का डेवलप सकते हैं। अपनी लेक्चर को डेवलप कर सकते हैं। तो हमको इसमें कोई आपत्ति नहीं है, बल्कि हमारा सहयोग है और हम चाहते हैं कि वह भी संस्कृति फले फूले ताकि सारे देश में, सारे भारतवर्ष में जो तरह तरह के गुलदस्ते सजे हुए हैं विभिन्न संस्कृतियों के, विभिन्न भाषाओं के, वे गुलदस्ते, वे क्यारियां बड़ें, फूलें फलें। इस में हमारे देश की शान है और तरक्की भी इसी में जुड़ी हुई है। इन शब्दों के साथ मैं आशा करता हूँ कि छोटी मोटी भावनाओं से, कानूनी दांवपेच की भावनाओं से ऊपर उठ कर हम इसको सर्व सम्मति से पास करेंगे ताकि हम अपने भाइयों में ऐसी भावनायें पैदा कर सकें कि वे यहाँ पर सुरक्षित ही नहीं हैं बल्कि बराबर से अपने कल्चर को भी डेवलप कर सकते हैं। उस

कल्चर से हम भी बहुत सी बातें सीखते हैं। इन शब्दों के साथ मैं चाहता हूँ कि हम सब पार्टी भावनाओं से अलग होकर के जो बुनियादी बातें हैं उससे ओतप्रोत होकर इस बिल को समर्थन प्रदान करें और सर्व सम्मति से एक इतिहास कायम करें कि जो गलती हुई, चाहे वह किसी से भी हुई हो, उसको हम दूर करेंगे जिसमें एक ऐसे समाज की रचना हमारे यहाँ हो जो सर्व धर्म समभाव की भावना से ओतप्रोत हो कर आगे बढ़े।

श्री प्रब्रंजित शशीरिया (इटावा) : सभापति महोदय, जो बिल यहाँ पर जिस रूप में उपस्थित किया गया है मैं उसका समर्थन करता हूँ इस आशा से कि जो भावनाएं आज देश में चल रही हैं, देश के अन्दर जिस तरह से कुछ लोग विष-वृक्ष को पैदा कर रहे हैं उसको जड़ मूल से नाश करना इस बिल के द्वारा ही संभव होगा। जिन व्यक्तियों ने आज एक अविश्वास की भावना हमारे मित्रों के दिलों में पैदा कर दी है, उस भावना को दूर करना ही जनता पार्टी का स. से बड़ा काम होगा। मैं बहुत ही मुन्नसर में अपनी बात रखना चाहता हूँ। पता नहीं मेरा नाम कैसे आया। मैं तो इस पर बोलने के लिए तैयार नहीं था, लेकिन जैसे भी आया, मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि सर्व सम्मति से इसे हम लोग पास करेंगे।

डा० रामजी सिंह (भागलपुर) : सभापति महोदय, जनता पार्टी का यह सौभाग्य और दुर्भाग्य दोनों है कि जो काम यह करना चाहती है उसका श्रेय इसको निजता नहीं है हमारे शिक्षा मंत्री जी ने अलीगढ़ मुस्लिम विश्वविद्यालय के स्वरूप को फिर से पुनर्निष्ठित करने के लिए और उसकी स्वायत्तता को लौटाने के लिए पहले ही एक बिल का प्रारूप रखा था, यह सब आप लोगों के सामने है। अभी जो लोग इस बिल का

समर्थन कर रहे थे वे वही लोग हैं जिन्होंने उसकी स्वायत्तता का अपहरण किया था।

इस बिल में तो केवल दो बातों की ओर थोड़ा सा इशारा हमारे माननीय मित्र श्री बनतवाला ने किया है एक यह किया है कि इसका अल्पसंख्यक चरित्र हो और एक थोड़ा सा और उन्होंने संशोधन किया है। वस्तुतः हम जब देखते हैं अलीगढ़ मुस्लिम विश्वविद्यालय के इतिहास को तो आज हमारे माननीय डा० कर्ण सिंह और स्टीफन साहब कितनी बड़ी बड़ी अच्छी बातें कह रहे थे, हम तो चमत्कृत हो रहे थे कि इस कालाधि के इतने कम समय में उन की स्मृति किस तरह से टूटती और पलटती है, शायद हो सकता है कि यह स्थान का दोष होता है। प्रो० नूरुल हसन साहब ने जब अलीगढ़ विश्व-विद्यालय की स्वायत्तता पर प्रहार किया था तो कहा था :

"There was no question of declaring the AMU a minority institution since the Union Government was anxious to ensure that the Muslims formed part of the mainstream of national life. Nor was he anxious to make the AMU a hot-bed of Muslim communalism."

और भी बातें कटी गई हैं। श्री के सी पंत, मिनिस्टर आफ स्टेट होम अफेयर्स ने भी उस समय कहा था :

"He intervened in the debate on the Bill in Parliament and also explained that "if this is to be minority institution, Parliament cannot legislate on it!"

उसके बाद कहा :

"We do not want India to be divided into a Hindu and Muslim India."

मैं इतना ही कहूंगा कि जिन्होंने अलीगढ़ विश्व-विद्यालय के अल्पसंख्यक चरित्र को निवृत्त

[डा० राम जी सिंह]

लिया था, जिन्होंने उसकी आजादी को खत्म कर दिया था, आज देर से ही सही पर उसका समर्थन कर रहे हैं। मुझे इस बात की खुशी है। मैं इतना ही कहना चाहूंगा कि इस बिल के पछे एक राजनीति है। क्योंकि मुस्लिम विश्वविद्यालय की स्वायत्तता प्रकट करने के लिए इस बिल में कोई जिक्र नहीं है। हमारे बन्तबाला साहब कुछ परिश्रम किए होते, अलीगढ़ मुस्लिम विश्वविद्यालय की जो आजादी छीन ली गई थी, प्रो० नूरुल हसन की कांग्रेस के सदस्य यहाँ पर बैठे हुए हैं जिन्होंने उसकी आजादी को खत्म कर दिया था, उस आजादी को लाने के लिए कुछ भी नहीं है लेकिन बोट की चिन्ता है। श्री त्रिलोकी सिंह का बिल पास हो जाता है तो उसका श्रेय मिलेगा उनको और अगर पास नहीं होता है तो जनता पार्टी बदनाम हो जायेगी। इसी लिए मैंने कहा कि बदनसीब है जनता पार्टी की। जो बिल पहले आना चाहिए था वह नहीं आया और अब सांप छछूंदर वाली स्थिति है।

मैं जब विश्वविद्यालय की चर्चा करना चाहता हूँ तो यह जरूर हुना चाहूंगा—डा० कर्णसिंह जी बड़े विद्वान आदमी हैं—वाड़े अलीगढ़ विश्वविद्यालय हो या हिन्दु विश्वविद्यालय हो, विश्वविद्यालय विश्वविद्यालय हुआ करता है। विश्वविद्यालय किसी हिन्दू, राजपूत या ब्राह्मण का नहीं होता है। यही कारण है जो प्रगतिशील कमीशन की जो रिपोर्ट है

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यह आप ही लोगों ने बनाया था, हमने नहीं। उन्होंने यह बात कही थी :

"These two Universities are national institutions and must al-

ways remain as such. It is essential that the Central Universities should maintain their national character."

इसका क्या अर्थ है, आप जानें। चर्जी कमेटी की रिपोर्ट अभी प्रस्तुत की गई है। चर्जी कमेटी ने भी बहुत स्पष्ट रूप से कहा है। जब वहाँ के वाइस चांसलर अली यावर जंग पर कातिलाना हमला हुआ था और डा० जाकिर हुसैन साहब को अलीगढ़ छोड़कर जामिया मिल्लिया बनाना पड़ा—वह सारा इतिहास हमारे सामने है। तब चर्जी कमेटी बनी थी जिसने कहा है :

"In our opinion, apart from standing for those things every University must recognise as true objectives of university education, it should develop and emphasize the study of what we may describe as the contribution of the Muslim community to the complex pattern of our national culture and in fact to the worldwide culture of humanity."

समू साहब ने नोट आफ डिसेन्ट दिया था जिसमें लार्ड हाल्डेन का "डेडिकेटेड लाइफ" का बयान था।

We are not talking of Muslim "Madarsas, we are not talking of Sanskrit patashalas.

शिक्षा और शिक्षण संस्थायें यदि सम्पत्ति की दासी होती हैं तो वह मुक्त नहीं रहती हैं, वह निस्तेज और निर्वीर्य हो जाती हैं। मध्य युग में जब कैथेड्रल चर्च में, मंदिरों तथा मस्जिदों में शिक्षा बन्द थी तो उसका तेज प्रकट नहीं हुआ था। इसलिए शिक्षा को साम्प्रदायिकता के साथ या किसी भी परिधि में बांधना शिक्षा के साथ अन्याय है। इसीलिए यूनिवर्सिटी के विषय में कहा जाता है :

"University is a place of research where new and necessary knowledge is to be developed."

A university is neither Hindu nor Muslim.

यह भारत का दुर्भाग्य रहा है और यही कारण है कि हिन्दुस्तान का विभाजन हुआ। हिन्दू विश्वविद्यालय को मालवीय जी ने "काशी विश्वविद्यालय" कहा था, हिन्दू शब्द उस को नहीं दिया था, यह तो उन लोगों ने जो साम्प्रदायिक थे, उन्होंने जोड़ा था।

इसलिये, सभापति महोदय, जैसा शफी साहब ने कहा—यह बात ठीक है कि अलीगढ़ विश्वविद्यालय के साथ सिर्फ हिन्दुस्तान की ही नहीं, बल्कि बाहर के मुसलमानों की भी आकांक्षायें जुड़ी हुई हैं—इसका मैं आदर करता हूँ, इस का मैं स्वागत करता हूँ, लेकिन इतिहास के सत्यों को केवल बातें बनाने से उलझाया नहीं जा सकता है। लेजिस्लेटिव कौन्सिल का प्रेसीडिंग हमारे सामने है, 1920 में यह विश्वविद्यालय बनाया गया था। यह किसी आदमी ने नहीं बनाया था, सदन ने बनाया था, लेजिस्लेटिव एक्शन से बना था। इस लिये यह कहना गलत कि किसी एक आदमी ने बनाया था।

सुप्रीम कोर्ट का डिसीजन हमारे सामने है—सुप्रीम कोर्ट के पांच जजों ने—जिन में हमारे हेगड़े साहब भी थे और दूसरे जजेज भी थे—पांचों जजों ने सर्व-सम्मत फैसला दिया था—उस जजमेन्ट के सम्बन्ध में कहा गया है कि मिसव बस जजमेन्ट था, गलत जजमेन्ट था। आज हम ऐस कह सकते हैं, चूंकि आप को ये चीजें भूट नहीं करती। लेकिन मैं यह सत्य इस लिये रखना चाहता हूँ कि लोगों की नजर में साफ चीज आये। इस का हल आशय होता चाहिये—मैं इस का विरोधी नहीं हूँ—लेकिन राजनीतिक लाभ उठाने के लिये हमारे विरोधी दलों के लोग जो कह रहे हैं—मैं उन को प्रणाम करता हूँ, आप के राजनीतिक चित्र को हम भी समझते हैं। लेकिन मैं अपने शिक्षा मंत्री जी से अनुरोध करता हूँ कि सचमुच में हिन्दुस्तान के मुसलमानों की भावना का आदर करते हुए, उन की आकांक्षाओं का आदर करते हुए यह बिल जो बनाया वाला साहब लाये

हैं, यह एक शो-पीस है, इस के अतिरिक्त कुछ नहीं है, केवल दो शब्दों का बिल है जिस में उस की आजादी को बनाये रखने की बात भी नहीं है। लेकिन जो बिल मंत्री ने रखा था—उस में कितनी देर कर दी, ऐसी हालत में संशय होना स्वाभाविक है। सभापति महोदय, जब मैं चुनाव लड़ रहा था, मेरे पास पैसा नहीं था, अलीगढ़ विश्वविद्यालय के नौजवानों ने आ कर मेरे निर्वाचन क्षेत्र में काम किया—इसे मैं कैसे भूल सकता हूँ। सचमुच में बहुत देर हुई है, दो वर्षों की देरी से संशय और आशवास उत्पन्न होना उचित ही है। इस लिये रचनात्मक दृष्टि से—चूंकि यह सवाल अलीगढ़ विश्वविद्यालय का है, मुसलमानों की एसपि-रेशन का सवाल है, ईरू का सवाल है—मैं ईरू को भी इस के साथ जोड़ता हूँ—इन सवालों को लेकर आप उन्हें आश्वस्त करें, सदन को आश्वस्त करें कि अब इस में देरी नहीं होगी, बल्कि इसी सत्र में इस बिल को पारित कर दें और अल्प-संख्यक लोगों का पूरा सहयोग आप के साथ होगा, ताकि अलीगढ़ विश्वविद्यालय को न केवल अल्प-संख्यक चरित्र प्राप्त हो जाय, बल्कि उस की आज दी भी वापस हो जाये। मैं बनातवाला साहब से भी यह आग्रह करूंगा—वे भी अपने बिल को इसी शर्त पर वापस करें जब कि शिक्षा मंत्री जी इस सदन को आश्वस्त करें कि इसी सत्र में इस को पास करेंगे, अन्यथा वे कभी वापस न करें। यदि हमारे शिक्षा मंत्री जी आश्वस्त करते हैं कि काम्प्रीहेंसिव बिल को इसी सत्र में पास करेंगे, तब इस में एक भी व्यक्ति विरोध मत करे। यह हिन्दू-मुस्लिम एकता का ऐतिहासिक प्रमाण होगा। हम लोग सब मिल कर आदरणीय बहुगुणा जी से भी आग्रह करें कि इस काम में सब लोगों का साथ लेकर, आवश्यकता हो तो विरोधी दल के नेताओं को भी साथ ले कर, इस बिल को इसी सत्र में पारित करने का वचन दें।

MR. CHAIRMAN: The time allotted for this Bill was two hours. The time so far taken is one hour and 55

[Mr. Chairman]

minutes. Only five minutes are left. What is the sense of the House?

SOME HON. MEMBERS: The time may be extended.

MR. CHAIRMAN: Somebody has to move.

PROF. DILIP CHAKRAVARTY: (Calcutta South). Sir, I move:

"That the time be extended by another four hours."

MR. CHAIRMAN: For Private Members' Bill, the maximum time is only four hours. We cannot have more than four hours.

THE MINISTER OF PETROLEUM AND CHEMICALS AND FERTILISERS (SHRI H. N. BAHUGUNA): This is a very important Bill and a lot of people want to speak. There must be enough time for the Government also to consider the views and also, if necessary, consult the Opposition on the Bill that the Government is bringing about. I think no harm will be done if the time is extended by another two hours.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): The time may be extended by another two hours at the maximum.

MR. CHAIRMAN: Is it the pleasure of the House to extend the time for this Bill by two hours?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: The time for the Bill is extended by two hours.

SHRI P. K. KODIYAN (Adoor): I support the Bill moved by my hon. friend, Shri Banatwalla. One need not be a student of law or an expert

on legal affairs as to understand the utter absurdity of the Supreme Court Judgement in Aziz Basha's case. As it was pointed out by my hon. friend, Shri Banatwalla, the Supreme Court has given a very narrow interpretation and the judgement delivered was mainly based on a technical objection or a technical point. When I went through the proceedings of the discussion on this Bill in the other House, I was surprised at the hon. Minister of Education advancing an argument, and I would say the sole argument in his entire speech that because of the Supreme Court ruling in Aziz Basha's case the Government is not in a position to do anything and that the Rajya Sabha and the Parliament should not go against the ruling of the Supreme Court. I should say that if the Supreme Court ruling was too technical, our hon. Minister of Education has gone further on to hold that technicality to perpetuate a wrong done to the minority. Now, without going into the merits of the Bill, I should say that the situation obtaining in the country also will have to be taken into consideration when we discuss this measures.

Nobody will dispute that there is a growing insecurity and lack of confidence among the minorities in our country—not only the religious minorities but also the other minorities like the Harijans, the Scheduled Tribes and other weaker sections. I do not know why the ruling Party is not taking this opportunity, nay, seizing this opportunity to allay the fears among the minorities by magnanimously accepting this Bill and thereby upholding the minority character of the Aligarh Muslim University. I am really pained that they are advancing on a course which I should say, will create more troubles in our country because of the latest feeling among the Christian community on account of the non-official Bill that has been introduced in this House on religious conversion.

Now, as I could understand that the ruling party and government are moving in a direction which will only antagonise more and more the minority sections religious or otherwise—I would appeal to the ruling party Members to desist from such a suicidal course and accept the Bill which has been moved by my hon. friend, Shri Banatwalla.

MR. CHAIRMAN: Mr. Asokaraj.

\*SHRI A ASOKARAJ (Perambalur): Mr. Chairman, on behalf of All India Anna Dravida Munnetra Kazhagam, I wish to say a few words on the Aligarh Muslim University Amendment Bill.

I am sure, Sir, you will agree with me that Article 30 of the Constitution bears repetition:

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

On the basis of this Fundamental right guaranteed to the minorities in our country, the State shall not discriminate in the matter of assisting financially such institutions managed by the minorities.

The monotonous recurrence of communal disturbances ending in loss of life and property of the minorities goes to prove that the Government have not been able to exercise their powers effectively. There is no reservation of job opportunities for the minority communities, as we have reservation arrangements for the scheduled castes and scheduled tribes belonging to the majority community. India occupies second place in the matter of having the largest

number of muslim population. When the Government are unable to secure the life and property of the minority communities, how can we expect that they would be able to foster their cultural propensities or educational inclinations? I hope that if the minorities entertain such genuine apprehensions, we are duty bound to remove them. If they ask of the Government as to why should they not have the Aligarh Muslim University when there is Banaras Hindu University, will the Government be able to give a satisfactory reply? I will quote another example. We have schools run by Indian Air Force, Indian Navy and Indian Army. The managements of these schools give preference and priority only to the children of Defence personnel. What is wrong in that? Similarly there can be nothing wrong if the wards of minorities are given priority in admissions in the Aligarh Muslim University Colleges. Why have we given special status to Jammu and Kashmir? The Government was afraid that if the outsiders are allowed to own lands in Jammu and Kashmir the traditional moorings and the cultural bearing of the people of Kashmir would be wiped out. Should we not do the same thing in the case of Aligarh Muslim University?

18. hrs.

We proclaim from all the available national and international forums that we are a secular State. How do we ensure that secularism becomes the soul force of the nation if we do not respect and honour the sentiments and sensibilities of minority communities? I welcome the constitution of Minorities Commission. But I am sorry that the Government have not taken steps to implement the recommendations made by the Minorities Commission which inquired into the communal riots at Aligarh. A particular recommendation of this Commission referred to the Aligarh Muslim University. I suggest that the Gov-

\*The original speech was delivered

in Tamil.

[Shri A. Asokaraj]

ernment should unwarranted hindrances and interferences in the day to working of this great institution. After coming to power, the Education Minister assured this House that he would soon make amends and restore the minority character of this University. This has not yet been done. The Aligarh Muslim University should not be a pawn in the chess game of politics. We have been politicalising everything—religious sentiments, education, poverty, unemployment, backwardness of areas and the inhabitants, minorities etc. The Government should respect the educational aspirations and cultural attachment of Muslims in our country. In 1965, the Aligarh Muslim University Act was amended by the then Education Minister, Shri Chagla. After 7 year 1972, Shri Nurul Hassan, the then Education Minister amended radically the same Act, making the Aligarh Muslim University an organ of the Government of India. It was making a mockery of separate identity of the minorities. Now after 7 years, in 1979 we should undo the injustice done to Muslims by restoring back to the Aligarh Muslim University its minority character.

If we want to give the minorities the much needed sense of security and the feeling of certainty that they would not be swallowed by the majority communities then their home of higher education the Aligarh Muslim University must be given back its minority character and this particular amending Bill must be accepted by the Government. We will be honouring ourselves by honouring the sentiments of our own Muslim brethren.

With these words, I conclude my speech.

श्री अजयबहाल तिवारी (खलीलाबाद) :  
सभापति जी, आज अलीगढ़ मुस्लिम विश्व-

विद्यालय के सम्बन्ध में एक महत्वपूर्ण विधेयक पेश किया गया है। वैसे मैं इस विधेयक की आवश्यकता नहीं समझता था क्योंकि सरकार की तरफ से एक विस्तृत विधेयक अलीगढ़ मुस्लिम विश्वविद्यालय के सम्बन्ध में आ गया है। और 1977 के चुनाव में जनता पार्टी ने देश के जो अल्पसंख्यक हैं, मुसलमान हैं, उनसे यह वायदा किया था कि कांग्रेस सरकार द्वारा 1965 और 1972 के संशोधनों के जरिये जिस प्रकार से अलीगढ़ विश्वविद्यालय के चरित्र और उसकी स्वायत्तता को बाधित पहुंचाया गया है हम उसे वापस करेंगे, और उसके अनुरूप बिल तैयार हो गया है। यह मैं जरूर कहूंगा जैसा कि हमारे डा० रामजी सिंह ने कहा है कि सरकार की तरफ से जल्दी ही इस बिल को लाकर पाम करना चाहिये।

मेरा सम्बन्ध तो इस अलीगढ़ मुस्लिम विश्वविद्यालय के बिल से 1973 में ही हो जाता है क्योंकि मैं इसके सम्बन्ध में सत्याग्रह भी कर चुका हूँ और मैं जेल भी गया हूँ। जब 1965 और उसके बाद 1972 में यह संशोधन लाये गये जिसके जरिये विश्वविद्यालय के अन्दरूनी मामलों में सरकारी हस्तक्षेप किया गया, उस समय देश के मुसलमानों के मन में यह शंका फैली कि अलीगढ़ विश्वविद्यालय में सरकार का हस्तक्षेप बढ़ेगा, क्योंकि जैसा कि तमाम वक्ताओं ने कहा है कि और यह सही भी है कि अलीगढ़ विश्वविद्यालय के साथ अपने देश के मुसलमानों की भावनाएं जुड़ी हुई हैं और मकसद भी सर सैयद साहब का यही था, वह चाहते थे कि देश के मुसलमानों में नई तालीम, विज्ञान की तालीम, नई टेक्नोलॉजी की तालीम और जो दुनिया का ज्ञान है, उसकी उन्हें शिक्षा मिले। केवल मदरसे की तालीम से या केवल कुरान की आयतों से वह न तो राष्ट्रीय धारा में आ सकते हैं और न देश की प्रगति में सहायक हो सकते हैं। और जो आज आवश्यकता है, उसको भी पूरा नहीं कर सकते हैं। इसी दृष्टि को रख कर इस विषय

कल्पना की गई और उसके बाद यह सही भी है कि अलीगढ़ विश्वविद्यालय की अपने देश के विकास में राष्ट्रीय आन्दोलन में और हर क्षेत्र में अपनी एक भूमिका रही है। मैं यह मानने को तैयार नहीं हूँ कि वह केवल मुसलमानों के लिये ही सीमित रहा है, क्योंकि जो मुझे रिपोर्ट देखने को मिली है, उसके मुताबिक पहला ग्रेजुएट वहाँ का एक हिन्दू ही था। आज भी अच्छी तादाद में वहाँ हिन्दू विद्यार्थी पढ़ते हैं, ला० अमरनाथ जैसे खिलाड़ी भी वहाँ पर हुए हैं और दूसरे लोग भी तरक्की कर रहे हैं। परन्तु यह बात जरूर मन में छटकती है कि हमारे विश्वविद्यालय का जो स्वरूप हो, वह आज कैसा हो और उसकी स्वायत्तता के बारे में सरकार का नज़रिया कैसा हो।



अलीगढ़ विश्वविद्यालय, जिसके साथ देश के मुसलमानों की भावनाओं का सम्बन्ध है उसके बारे में हमको यह जरूर विचार करना होगा कि हम उस विश्वविद्यालय के पुराने किरदार को कायम रखें और इसमें कोई शक नहीं है और यह बहस का भी विषय नहीं है कि मुस्लिम विश्वविद्यालय की स्थापना करने में सर सैयद साहब ने उस समय के मुसलमानों का सहयोग लिया, तमाम मुसलमानों ने उसमें दान दिया, जमीन दी और पैसा नैदिया, जो शर्तें थीं, उनको पूरा किया और उनके मन में, जैसा सर सैयद साहब ने कहा कि मैं ऐसे मुस्लिम प्रोक्सफोर्ड और मुस्लिम कैंम्बरिज की स्थापना करना चाहता हूँ, यह भावना थी। अगर इस मकसद से इस विश्वविद्यालय की स्थापना की गई थी तो इसके विकास में और इसकी तरक्की में सरकार की तरफ से जितनी भी मदद देनी चाहिये, जितना भी वातावरण आवश्यक हो, पैदा करने की कोशिश की जानी चाहिये।

आज माइनोरिटीज के मन में जो दहशत है, उसको हमें दूर करना पड़ेगा और अपने

मनसूबे तथा अपनी ईमानदारी हमें प्रदर्शित करनी पड़ेगी कि यह जनता सरकार अपने वायदे पर दृढ़ है और जो उस अलीगढ़ विश्वविद्यालय का किरदार है, उसको कायम रखेगी, क्योंकि उससे अपने देश के मुसलमानों का सम्बन्ध है, उनकी संस्कृति का विकास हो, उनकी जो थियीलाजी है, उसका अध्ययन हो व और भी तमाम इस प्रकार के शोध हों। अगर अलीगढ़ यूनिवर्सिटी में ऐसा होता है, तो हम संसार के मुस्लिम देशों के साथ भी अच्छे सम्बन्ध रख सकते हैं, क्योंकि तक्षिला और नालन्दा की तरह यह विश्वविद्यालय भी एक इन्सानी बिरादरी और नये ज्ञान का केन्द्र होगा—आज भी बनारस विश्वविद्यालय है—,जहाँ दुनिया के तमाम हिस्सों से विद्यार्थी आकर पढ़ते हैं। अलीगढ़ विश्वविद्यालय में भी दुनिया के तमाम हिस्सों से छात्र आकर पढ़ते हैं। लेकिन अगर हम उस का स्तर और ऊंचा करें, वहाँ के वातावरण को और स्वस्थ बनायें और उसके पुराने किरदार को बदस्तूर रखें, तो काफ़ी लोग बाहर से आकर पढ़ेंगे और उससे हमारे आपसी सम्बन्ध भी अच्छे रहेंगे, और हम जिस मिली-जुली संस्कृति को देश में पैदा करना चाहते हैं, उसको पैदा करने में सहूलियत मिलेगी, बढ़ावा मिलेगा। यह केवल एक कम्प्युनिटी या किसी विशेष वर्ग का प्रश्न नहीं है। यह एक राष्ट्रीय हित की बात है। इसलिए मैं इस बिल की भावना से पूर्णतया सहमत हूँ कि इस विश्वविद्यालय के किरदार, स्वायत्तता और आज़ादी को बदस्तूर कायम रखना चाहिए।

सरकार स्वयं एक ऐसा बिल ला चुकी है। मैं चाहूँगा कि वह बिल इसी सत्र में पास किया जाये। वह बिल सम्पूर्ण देश के अल्पसंख्यकों की भावना की कद्र और इज्जत करेगा और उनके मन में यह विश्वास पैदा करेगा कि उनकी भावनाओं का आदर किया जायेगा और उनके हित और उनकी तहजीब महफूज रहेंगे।

SHRI P. SHIV SHANKAR (Secunderabad): Mr. Chairman, Sir, I rise to strongly support this Bill. The Bill, in my submission, has two very significant contours. Firstly, it has an emotional aspect and secondly the legal aspect which is inherent in the very Bill itself. As regards the legal implications, I would like to submit that it is well known that the precursor of the Aligarh Muslim University was the Mohamedan Anglo Oriental College, Aligarh. This institution was the product of the societies registered under the societies Registration Act, 1860. It is by virtue of the Aligarh Muslim University Act, 1920 that the Societies were dissolved and the entire property of the institution by virtue of the legislation was sought to be vested in the authorities that were created under the Act. This happened much before the Constitution. How I wish that the societies which existed prior to 1920 were to be revived so that such societies could claim their rights, their fundamental rights as enshrined in Article 31(1) of the Constitution. While I would like to come to this aspect slightly later, my submission is that this Aligarh Muslim University Act, 1920 which was passed prior to the Constitution has totally negated the character of the University as a minority institution because in those days, there was no legal rights vested in the minorities as such, and much less the Fundamental Rights.

Sir, it is very well known that we seek to achieve in this country a socialist, secular, democratic republic. Our aim is to make the society in this country based on secularism. This is the objective that the Constitution seeks to achieve. It is in furtherance of this objective that various provisions have been incorporated in the Constitution by the founding fathers, so that secularism may ultimately stand out as a reality, and not merely an illusion. It is only in furtherance of that, that article 25 was engrafted in the Constitution as the fundamen-

tal rights, to say that every person has a right to follow religion, according to his own conscience.

Articles 25 to 28 deal with the freedom of religion. They protect the rights of the minorities and others to follow their religion and worship, according to the dictates of their conscience. As regards articles 29 and 30, they deal with the culture and the rights of the minorities to establish educational institutions.

I would like to say as to why this particular amendment of the Bill was ushered in. My friends have made it clear that it was the judgement of the Supreme Courts in Aziz Basha's case which created the complication. If you kindly refer to that judgement what is apparent is, that the Aligarh Muslim University (Amendment) Act of 1965 was challenged in Aziz Basha's case. There the question arose by way of a writ petition whether, under article 30(1), it is the minority that has established this institution and, therefore, entitled to administer the same. This was the problem that came up before the Supreme Court.

Unfortunately, as I said the 1920 Act totally obliterated the character of the institution having been established by the minority. It is only by virtue of the provisions of the Constitution that the minorities have got the right, and that too a fundamental right, to establish and administer the educational institutions. It is in that context that the Supreme Court was to consider the issue and the Supreme Court assigned 3 reasons to negative the claim that the protection is not afforded under article 30(1) of the Constitution. The first ground on which they set out their judgement was:

"...the provision of section (6) of the Act of 1920 that the degrees conferred by the University would be recognized by the Government, showed that the Aligarh University, when

it came to be established in 1920, was not established by the Muslim minority, for the minority could not insist on the recognition by the Government of the degrees conferred by any university established by it."

I would like to submit that quite a lot has been said against the judgement of the Supreme Court. I very much wish that the Supreme Court judgement is—and it will have to be—carefully scanned in the perspective of the law that existed. Having regard to section (6) of the 1920 Act, the Supreme Court went to proceed that the minorities cannot insist upon their degrees being recognised by the Government.

As far as I am concerned, I very respectfully beg to differ from the opinion of the Supreme Court in this regard. It is a question of individual opinion. Since the court has rendered its opinion, we have got to bow down; but what I submit is that I have not been able to appreciate as to why a minority cannot request the Government that its degrees should be recognized. This is something which I have not been able to understand; but the Supreme Court has pegged its argument on this basis and in my submission this is really unfortunate.

The second ground which has been assigned by the Supreme Court is that while interpreting the expression 'establishment' they said that the word 'establishment' was not a term of Art and the definition given in various dictionaries shows—every one of its meaning was found—and in the context it meant "to bring into existence". This is perfectly all right and there is nothing wrong in it? what I am not able to understand is, if it is to mean 'to bring into existence', the minority has got every right to bring into existence any institution; they could water it, and rear it to see that it prospers for the benefit of the society at large.

The third ground that has been given is: notwithstanding, that under

section 23 of the Act of 1920 the court was constituted—the Supreme governing body of the university—and that the court was to consist exclusively of Muslims, the other provisions of the Act of 1920, particularly those relating to rector and the visitor showed that the management of the university was not vested in the Muslim community. This is not based on a proper appreciation of the provisions of article 30(1) of the Constitution. Two significant words in article 30(1) of the Constitution are: 'establish and administer'. The minority has a right to establish an educational institution. That is the first part of it. Then what has been said by the largest court; the nine judges of the Supreme Court in St. Xavier's case of 1974, is that the minorities in this country have got their birthright to establish an institution of their own choice and administer the same. The Supreme Court had been holding consistently right from their opinion on the Kerala Education Bill, under article 143 of the Constitution that when it is a question of administration, the government of the day can only regulate it. If regulation transgresses and trenches on the field of administration, to that extent it is unlawful. The minority institution has got the right to administer the same has got to be made distinguished from the power of the government to regulate. Any wrongful regulation on the part of the government has been consistently struckdown by the Supreme Court right from 1959 upto the latest judgement in 1976.

This Bill seeks to achieve the minority character and the significant amendment that has been sought to be brought in is in section 2(1) which says "university means educational institution of their choice, established by the Muslims of India, which originated as the Muhammadan Anglo Oriental College, Aligarh and which was subsequently incorporated as Aligarh Muslim University." The idea is to give legal recognition to the fact that this is a minority institution. Once this recognition is given by law, other things follow, namely, that this minori-

[Shri P. Shiv Shanker]

ty institution will have the right to administer itself and once they are so entitled their rights accrose.

Before I go further, I should like to observe shortly on what some of my friends have said with reference to the Bill that the Government seems to be bringing forward. When once this Bill is passed, any Bill that would be brought by the government and any of its provisions, if they interfere with the administration of this institution, would be violative of article 30(1) of the constitution. Therefore, in my submission when once this Bill stands passed, there is no necessity for any other Bill being brought and it is only a process of regulation by Government, the correctness of which it is better to leave it to the realm of the court. When once we have said that this is a minority institution, which declaration is to be found in this amendment, the rest of the matter, what type of regulation the government seeks to bring in, whether it transgresses the power of regulation and enters the area of administration, that portion will have to be necessarily left to the realm of the judiciary. Any interference with the rights of the minority would only mean that the Supreme Court or any High Court would be enabled to strike it down under article 30(1) of the Constitution. I must submit shortly before I complete my submission that so far as the question of rights under Article 30 are concerned which the minorities enjoy, they cannot be put better than what Chief Justice S. R. Das has said in the Kerala Education Bill:

"So long as the Constitution stands as it is and is not altered, it is, we conceive, the duty of this Court to uphold the fundamental rights and thereby honour our sacred obligation to the minority communities who are of our own. Throughout the ages endless inundations of men of diverse creeds, cultures and races Aryans and

non-Aryans, Dravidians and Chinese, scythians, Huns, Pathans and Mughals—have come to this ancient land from distant regions and climes, India has welcome them all. They have met and gathered, given and taken and got mingled, merged and lost in one body. India's tradition has thus been epitomised in the following noble lines:

'None shall be turned away

From the shore of this vast sea of  
humanity That is India'

Indeed India has sent out to the world her message of goodwill enshrined and proclaimed in our National Anthem:

Day and night, thy voice goes out  
from land to land, Calling Hindus,  
Buddhists, Sikhs and Jains round  
by throne and Parasees, Mussalmans  
and Christians.

Offering are brought to thy shrine  
by the East and the West to be  
woven in a garland of love.

Thou bringest the hearts of all peo-  
ples into the harmony of one, life,  
Thou Dispenser of India's destiny,  
Victory, Victory, Victory to thee."

This is the best exposition as to what was thought of by the founding fathers in the context of Article 30(1) of the Constitution.

May I submit the Supreme Court in St. Xavier's case as to what Article 30(1) meant, said. I quote:

"The right conferred by Article 30(1) is intended to be real and; effective and not a mere pious and abstract sentiment; it is a promise of reality and not a teasing illusion. Such a right cannot be allowed to be whittled down by any measure masquerading as a regulation."

Therefore, my submission is that once it is declared by virtue of this Bill that this institution has a minority

character, and has been established by the minority other things automatically follow. The rights flowing from Article 30 need not be given by anyone. This declaration by itself brings in the Constitutional rights in its train.

A lot was said by my friends on the other side about the Bill to be brought by the Government. I may submit that once this character has been recognised, there is no necessity or any Bill and only a case of regulation. Any regulation that transgresses the powers will have to be struck down as violative of Article 30 of the Constitution.

My friend Dr. Ramji Singh has referred to certain aspects. Particularly he has said that it was the legislature that has brought this Act of 1920 to show that there was nothing wrong. As I said, it was the legislature in 1920 that totally obliterated the societies that existed under the Societies Registration Act; and I am confident, if 1920 Act was not there, the societies which were responsible for establishing that institution would have after 1950 claimed that it was a minority institution and, in such case, this Bill was un-necessary. Therefore, let us not go into those questions.

I am submitting that the minorities have suffered a lot in this country for the last 30 years. We, as politicians, have not allowed them to join the mainstream of our national life. We have been using them for the purpose of our selfish ends to elections whenever it has become necessary for us to do so. The prosperity and cohesive nature of the country would stand strengthened in the minorities asserting their rights.

**SHRI CHITTA BASU (Barasat):** The Bill which is under....

**MR. CHAIRMAN:** Shri Chitta Basu will continue.

Now we take up Half-An-Hour Discussion. Shri Arjun Singh Bhadoria.

18.30 hrs.

### HALF-AN-HOUR DISCUSSION

#### SCHEMES FOR DEVELOPMENT OF CHAMBAL VALLEY AREA

**श्री अर्जुन सिंह मधोरिया : (इटावा) :**  
सभापति जी, संसदीय इतिहास में यह एक संग्राम है, यह एक अनोखी घटना है संसदीय इतिहास में जबकि एक प्रश्न तीन विभिन्न रूपों में तीन सप्ताह में तीन बार आया है। पहली बार जब यह सवाल सदन में आया तो इस सवाल को देश के पुलिस मंत्रालय या गृह मंत्रालय के सुपुर्द करके इसे टालने की कोशिश की गई। हमारा प्रश्न सम्पूर्ण चम्बल घाटी के विकास और उस क्षेत्र में बहने वाली पांच नदियों, हिमालय की कोख से निकली जमनोत्री, राजस्थान से निकलने वाली चम्बल और मध्य प्रदेश से निकलने वाली तीन नदियां बकारी, पूहज और सेंफ, से सम्बन्धित था। ये पांच नदियां एक ही स्थान पर मिलती हैं, संगम करती हैं, जिन को पंचनदा कहते हैं। पंजाब में सिर्फ पांच नदियां बहती हैं और उत्तर प्रदेश के इटावा जिले में ये पांच नदियां एक केन्द्र पर जुड़ती हैं, मिलती हैं और एक संगम बनाती हैं। इस विकास के सवाल को ला एण्ड आर्डर, न्याय और व्यवस्था का सवाल बता कर के, समाप्त करने की कोशिश की गई लेकिन मुझे खुशी है कि अध्यक्ष जी की कोशिश से, उन के हस्तक्षेप से इस सवाल को गृह मंत्रालय की हथियारबन्द पुलिस के दफ्तर से निकाल कर, योजना आयोग की ठंडी अलमारी में रखने की कोशिश की गई। फिर से यह दूसरा सवाल ठीक एक हफ्ते के बाद 28 मार्च को आया। 28 मार्च को हमारे माननीय राज्य मंत्री ने जो उत्तर दिया, वह तो उत्तर वहीं देंगे जो ठंडी अलमारी से