

plants with a total capacity of nearly 12 lakh tonnes have already been approved.

I am quite hopeful that with the present announcement of a rationalised price structure and provisions for incentives, there would be an even greater momentum in the establishment of new capacity in the Cement Industry. At present, in spite of a record production of cement, demand has out-stripped supply on account of a phenomenal spurt in construction activities in the fields of Agriculture, Power, Industry and Housing. We have had to make good part of the shortage by importing cement at much higher cost. I am sure that with the renewed interest shown in investment in the Cement Industry, we would succeed in doubling our capacity and production within the next five years and reach self-sufficiency in this essential commodity.

MR SPEAKER: Just one word, so that somebody might not come in the picture....

SHRI SHYAMANANDAN MISHRA (Begusarai): I seek your guidance with regard to a matter which is very much in our minds. Two statements have been made, on economic policy: one was by Mr. Dharia, and another by Mr. Fernandes, the Minister of Industry. What is this House expected to do, apart from hearing these statements? When the Foreign Trade policy for a Year has been laid down by the Government, and it is conveyed to the House, the House has a duty in the matter. The Chair cannot simply say that it cannot do anything, since the Government is not a position to find time. Then we will refuse to listen to the statement made by the hon. Minister.

MR. SPEAKER: We will consider it.

The House now stands adjourned to meet again at 2. P. M.

13.01 hrs.

The Lok Sabha adjourned, for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch of Fourteen of the Clock.

ALIGARH MUSLIM UNIVERSITY
(AMENDMENT) BILL—Contd.

[MR. DEPUTY-SPEAKER *in the Chair*]

PROF. P. G. MAVALANKAR (Gandhinagar). I rise to lend my support to this important measure which has come in the nature of undoing many wrongs that has been done in the previous parliaments, especially by the amending Acts of 1965 and 1972. I also feel that this Bill could have come much earlier. I know there were certain constraints of time; none-the-less I should have liked this Bill to have been passed earlier than it is going to be now. It also gives me an opportunity to express some of my views on broad issues of university autonomy and university functioning in our county. I also welcome the discussion on this Bill because it affords us the scope for making corrections, and gives me an occasion for seeking some clarifications and also for reiterating some of my convictions, in the brief time at my disposal.

I want to start with a warm tribute to the great patriot, pioneer educationist and visionary Sir Syed Ahmed Khan who in 1873 laid the foundation for the Aligarh Muslim University by his imaginative act of setting up this centre, he had sown the seed so well and so carefully, and he nurtured the plant with care and vision; it has now fruited into a great seat of higher learning and education, that is Aligarh Muslim University. We are happy at that. Let us stress this point that Aligarh Muslim University is an important place of

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higher education precisely because it is a national institution, it is not a sectarian institution; it is not a narrow institution; it is a national institution with this important additional factor, namely that it is a national institution with emphasis on the study at depth of Muslim culture, language, religion, philosophy, etc.

I referred to the two earlier amendments, 1965 and 1972 amendments. I wonder why and how those came about, I have no time to go into the political overtones of the then governments which promoted them to go in for those amendments but I must say that although the amending Bills at that time contained the statement of objects and reasons, those were not the real objects and reasons. I am afraid the real objects and reasons were to teach some kind of lessons to certain types of people and what is much worse—to interfere politically into the academic institutions and bodies of higher learning in our country. That is something which as an academician I cannot tolerate. That is why I feel that those two amending Acts were also wrong in so far as they distorted academic freedom and autonomy and democratic functioning of the University, and they diluted the representation of Professors, students and many institutional devices which were built in University administration.

To-day, we are confronted with two issues. First is, should the Aligarh Muslim University retain, what is called a minority character? Second question is about the autonomy. The first question is a particular question. The Second question is a larger question. On the particular question, I believe that there will be time to-morrow when my friend Mr. Banatwala's Bill which is already under discussion may come and we may discuss the

question of making Aligarh University an institution with its own minority character. I do not want to go into that aspect at this stage. I do wish to suggest that the question of tutonomy of the University and the democratisation of the University functioning which I say is a larger question is a very important one. In our Constitution in Article 30(1), it has been clearly mentioned that minorities have rights to promote their interest of educational, cultural importance and the right is protected, I do not want to go into the legality of Supreme Court interpretation, specially in the light of Act of 1965. But my view is clear that whatever the Constitution it is there and whatever the Supreme Court judgement, after all the Supreme Court judgement is liable to correction by the Supreme Court themselves. They can still revise their own earlier decision I do not want to go into that aspect at this stage. My point is to stress that minority rights must remain in tact. That minority language and culture, not only of Muslims, but of all minorities, and the continued study of those minority languages and culture must be promoted. I am now talking about this Bill—Aligarh Muslim University Bill—and its special purpose is, and if I may call it that way, its unique flavour, is learning and education of Muslim culture and philosophy etc., and that must be protected and promoted.

I want to ask a question of the hon. Minister—why was the Minority Commission not consulted prior to bringing of this Bill into this House? I suppose, the House knows that the first Chairman of the Minority Commission, Shri Minoo Masani resigned precisely on this issue; besides other issues, his main grievance was that Minority Commission was not consulted before this Bill was brought to the Parliament. Now if the Minority Commission is set up by the Janata Government, and I welcome that step of the Janata Government, I do not

know why the Janata Government fell short of asking an advisory opinion and constructive opinion of the Minority Commission. I am sure they would have gone into the depth of the matter and they would have given us a valuable report. Of course, they have given us a report but my point is, it should have been earlier rather than later, specially in view of the fact that the Minority Commission's reports and activities so far have been helpful and constructive. I want to emphasise and reiterate once again that Aligarh Muslim University and for that matter, all such national institutions, although they are meant for specialised flavour, they are national institutions and they cannot be considered as communal or sectarian institutions of learning at all. Only their speciality and flavour have to be retained on their cultural campuses and for their cultural imports.

Now, Sir, a University by very definition, is a wide-horizoned and a broad based temple of learning. It is a place where quest for truth goes on earnestly and for all the times and with all the devotion and sincerity at the command of all people who are involved in that exercise. Therefore, no University can afford to have narrow or petty considerations. Therefore, I say further, exclusiveness of any kind would be harmful and detrimental to national unity and integration.

Having said that, in the remaining time at my disposal, I want to suggest in some details, if you permit me, the great harm that was done not only to Aligarh Muslim University but to many universities in this country, by State legislative enactments and Parliamentary enactments, in terms of erosion and corrosion of the University autonomy and democratic functioning of the University administration. I congratulate the Minister on bringing this Bill. He himself said, he is glad he got this opportunity to pilot this Bill and thereby restore

autonomy in this university. But my point is, although the Bill does fairly and adequately restore autonomy, it does not do so quite fully and quite well. This can be seen from the fact that Dr. Chunder himself has moved many amendments to make the representation of various institutions better and wider. That itself shows that he is not satisfied with the kind of arrangements he made originally. Mr. Banatwalla also has given many amendments. All this shows that it would have been better if a Bill of this nature had been introduced last year and referred to a Select Committee so that the Select Committee's report would have come by now and we would have been benefited by more mature and cool consideration and discussion of the various aspects involved, instead of Parliament spending its limited time in a hurry as it were to amend this or that provision and make the functioning more autonomous. Autonomy is inherent in the university. University endeavour and image is meaningless if there is no autonomy. I find that increasingly this is being corroded.

Take the question of appointment of Vice-Chancellor. The Vice-Chancellor is to be appointed by a particular method. I know that many universities have tried their best to find out the safest, the best and the most suitable method of appointing the Vice-Chancellor. But none of the methods employed so far has been found completely satisfactory acceptable by and large. A number of experiments have been done. I oppose the fact that in the matter of appointment of Vice-Chancellor, a lot of political interference and a lot of political domination by this party or that party comes into operation. That is bad. My friend, Shri Somnath Chatterjee is sitting to my left. His party is governing in West Bengal now. I say with distress that the West Bengal Government's Calcutta University Bill, which is now before a Select Committee has got a provision which

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says that in the ultimate analysis, if the Vice-Chancellor is not going to be appointed by the methods spelt out in the Bill, the appointment will be made by the Chancellor, that is, the Governor, in consultation with the Education Minister, which in fact means interference by the Government in the university affairs. I should have liked that the court or the senate gives a panel of three names, out of which the Chancellor chooses one. That is better. I believe every one will agree that the Vice-Chancellor is the head of the university and he has a lot to do. His position is pivotal. His decision-making power is crucial. What happened in my own State of Gujarat? The Gujarat University was founded in 1950. I want it to go on record that it was the political interference during those times by the Congress Government which prevented my father from becoming the first Vice-Chancellor of that university, a place which he had earned by being the Chairman of Gujarat University Committee. He was Speaker at that time and in fact he was ready to give up Speakership to become Vice-Chancellor. Not only that. Years later, a man like Dr Vikram Sarabhai was denied the Vice-Chancellorship precisely because of the kind of Political interference that took place in those days. The country can say that because he was denied Vice-Chancellorship, he could become Chairman of the Atomic Energy Commission and that was an advantage to the country. But my point is that appointment of Vice-Chancellor should not be a matter of political football political gimmicks and games.

Let me make another point. Participation freedom, responsibility and instructed contribution to the university's good and welfare by the professors, teachers and students on the one hand and by the non-teaching staff on the other—all these combined together must make the university a good body.

This Bill has done some good by giving representation at various levels and into various bodies like the Academic Council, Executive Council, Court, etc. That process must be extended because if there is mismanagement of university administration, the solution is not political interference, but the remedy is to inject more democracy into the administration and make the university people more responsible by giving more responsibility to the professors, teachers, students and non-teaching staff. The democratic functioning of a university can only be ensured by keeping official control completely out or at least to the minimum by keeping extra-academic interests totally out, and by making political meddling and assaults impossible. Only then we shall be able to have true autonomy in the right sense of the term. The confidence of the Muslims, the confidence of the minorities, the confidence of academicians have to be earned and retained by all concerned. If we do that especially in regard to the Aligarh Muslim University, then I am quite sure that the principles of secularism, modernity, culture and education can well be harmoniously blended together.

I hope, the Minister will bring a new Bill keeping in view all these things. I wish him success. I hope, he will not stop there and he will proceed in the right direction and make this University and indeed all universities in India more autonomous, more free and more academically fruitful and successful.

श्री० राजजी सिंह (भागलपुर) : उपरोक्त महोदय, प्रलीगढ़ मुस्लिम विश्वविद्यालय पर जो चर्चा हो रही है, उसमें ज्यादा चर्चा प्रलीगढ़ और मुस्लिम तथा हिन्दू की हो रही है, जबकि सबसे प्रमुख चर्चा विश्वविद्यालय के संबंध में होनी चाहिए।

नेहरू जी ने विश्वविद्यालय के उद्देश्यों के विषय में कहा था —

"A university stands for humanism, for tolerance for reason, for the adventure of ideas and for the

search for truth. It stands for the onward march of the human race towards ever higher objectives. If the universities discharge their stands adequately, then it is well with nature and the people."

डा० राधाकृष्णन् ने भी विश्वविद्यालय प्रायोग की अपनी रिपोर्ट में कहा था :—

"Universities are the houses of intellectual adventure. Everything is being brought to the test of reason, venerable theologies, ancient political arrangements, a thousand things which a generation ago looked as fixed as the hills."

डा० कोठारी ने विश्वविद्यालय के उद्देश्यो पर प्रकाश डालते हुए कहा था कि विश्वविद्यालय का उद्देश्य नये ज्ञान का मधान और पोषण करना है, पुरे उत्पादक के साथ, निर्भय होकर सत्य के अन्वेषण में जुट पटना है और नई आवश्यकताओं और नई खोजों के संदर्भ में प्राचीन ज्ञान और विश्वासों को व्याख्या करना है ।

जब विश्वविद्यालय की चर्चा होती है, तो वह कोई धार्मिक प्रथा की चर्चा नहीं होती है । विश्वविद्यालय में तो गांधी का भी पॉस्टमार्टम किया जाता है और मानस की भी शवपरीक्षा होती है । मैं विश्वविद्यालय का अग्र्यापक होने के नाते लाईब्रेरियर की पुरस्कृत "दि डेड-केटिड लाइफ" में से यूनियनिटी के उद्देश्य के सम्बन्ध में उद्धरण देना चाहता हूँ —

"The University is a places of research new and necessary knowledge is to be developed. It cannot live and thrive under the domination either of the Government or the Church. Freedom and development are the breadth of its nostrils, and it can recognise no authority except that which rests on the right of truth to command obedience."

अमरीका के मुख्य न्यायाधीश, अर्ल वारेन ने भी कहा था :—

"To impose any strait-jacket upon the intellectual leaders in our colleges and universities would imperil the future of the nation."

अलीगढ़ विश्वविद्यालय के सम्बन्ध में जितनी भी रिपोर्टें हैं—सरकार कमेटी की रिपोर्ट, मोज्जगडकर कमेटी की रिपोर्टें आदि—, उन्में भी ध्यान रखना हीमा ।
• सरकार कमेटी ने कहा था :—

"What exactly is meant by saying that Aligarh is a Muslim University and Banaras, a Hindu University. There is talk of having a Sikh university, and possibly a Christian university. What meaning do these terms connote? When we call a place 'university', whether we call it a Hindu or Muslim, whether it is located in Aligarh or in Banaras or in Timbactoo, it must first of all be a University."

इस लिए जब हम इन सवर्भ में चर्चा करते हैं, तो थोड़ा ऊपर उठ कर चर्चा करनी चाहिए । लेकिन इस का मतलब यह नहीं है कि अलीगढ़ विश्वविद्यालय की अपनी कोई परम्परा नहीं है । अलीगढ़ विश्वविद्यालय की परम्परा भारतीय सभ्यता का एक आवश्यक घटक है । जब कान्टीट्यूट एसेम्बली में माइनारिटीज में सम्बन्धित प्राटिकिन 30 पर विचार हो रहा था, तो श्री लोकाय मिश्र ने कहा था —

"Just as there is the ocean to which all the rivers go, to the cultural ocean, to the spiritual ocean that is India, that has been our heritage, all our rivers of culture, language and script, hopes and aspirations must go and form a mighty ocean ever full."

मेरे कहने का मतलब यह है कि भारतवर्ष की संस्कृति को हिन्दू राष्ट्रवाद या सकीण इस्लामवाद का पर्याय नहीं कहा जा सकता है । भारतवर्ष की संस्कृति एक सामाजिक संस्कृति है । हम में जितना हिन्दू विश्वविद्यालय का योगदान है, उन्से कम अलीगढ़ विश्वविद्यालय का योगदान नहीं है । जिस दिन हम इस की योगदान को कम करेगे भारतवर्ष की संस्कृति विखंडित हो जायेगी । इसीलिये जब यह अलीगढ़ मुस्लिम विश्वविद्यालय का बिल लैजिस्लेटिव कोमिल में प्रस्तुत किया जा रहा था तो उन समय मोहम्मद अली साहब ने हम के उद्देश्यों के सम्बन्ध में यह कहा था—

"My Lord, the passing of this Bill means that the Government is ready to co-operate with the Muslim community for the purpose of preserving and promoting their special culture and for providing the necessary means required for their special needs."

सबसूच में जब मुसलमान राजाओं को सभेजों ने खाल किया और उन के साथ बहुत अन्याय हुआ, उस के बाद वह बहुत बाहूँ रहे थे ऐसी किसी संस्था का

[डा० रामजी सिंह]

विभाजन करना, तो बनारस यूनिवर्सिटी को पहले कायम किया लेकिन उस के बाद जब बहुत मांग हुई तो अलीगढ़ मुस्लिम विश्वविद्यालय को कायम किया। मुसलमान लोगों के साथ काफी झगड़ा था जो ने किया है। लेकिन मुस्लिम यूनिवर्सिटी बनाने का मतलब कोई यह नहीं था कि किसी भास तरह की एक धार्मिक संस्था का हम निर्माण करें। सर सीयद अहमद खा, जिन का नाम कौन नहीं जानता, उन्होंने बिस्कुल स्पष्ट कहा था कि यह मुस्लिम जनता जो पीछे पड़ी हुई है, इस को हम धार्मिक विज्ञान और धार्मिक शिक्षा देना चाहते हैं ताकि वह जीवन संघर्ष में किसी से पीछे न रहे। यही मुस्लिम यूनिवर्सिटी का उद्देश्य था और यही कारण है कि जब हिन्दुस्तान आजाद हुआ तो हमारे पहले शिक्षा मंत्री मौलाना अबुल कलाम आजाद जो बिल साफ उस में उन्होंने क्या कहा यह प्राय देखें। प्राय तो हमारे शिक्षा मंत्री उस की आजादी की वापस कर रहे हैं। उन को यहाँ की धारो धारो वाली पीढ़ियाँ याद करती कि उन्होंने उस की आजादी को वापस किया। लेकिन मौलाना अबुल कलाम आजाद ने कहा था कि मुस्लिम यूनिवर्सिटी की आजादी 1920 के ऐक्ट के अनुसार बरतनी थी। वे अपनी ड्रेस भी नहीं पहन सकते थे मुस्लिम यूनिवर्सिटी में बिना गवर्नर जनरल की इजाजत के। मौलाना आजाद के ये शब्द हैं:—

"He advised the students to act upon the Viceroy's words. The day after he spoke, Mr. Beck was called by Sir Syed Ahmed Khan and asked as to why he delivered that speech. Mr. Beck referred to the speech delivered by Lord Dufferin, as was published in Pioneer, and asked Sir Syed if he would go against what the Governor-General had said, Sir Syed had to eat the humble pie, because he could not do anything. Such was the freedom the University had under the British rule"

इसीलिए मौलाना आजाद ने इस की आजादी को वापस किया।

इस के बाद हम देखते हैं छागला साहब ने जब इस का संशोधन किया तो उस समय भी इस के सम्बन्ध में सारी खचाप हुई, वह तो एक प्रगतिशील आदमी थे, उन्होंने भी इस मुस्लिम यूनिवर्सिटी के सम्बन्ध में इस की आजादी को बरकरार रखने की सिफारिश की और इस का जो एक विश्वविद्यालय का स्वरूप है उस को रखने की इजाजत दी।

लेकिन सचमुच में दुर्भाग्य तो तब हुआ जब हिन्दुस्तान की आजादी पर छुरा भोंका गया और जब इंदिरा जी के राज का अक्षतरण हुआ, उस समय केवल हिन्दुस्तान की आजादी नहीं छीनी गई बल्कि मुस्लिम यूनिवर्सिटी की आजादी का जून हो गया और

यही जो आज समर्पण कर रहे हैं इस बिल का और विश्व्याली भासू बहा रहे हैं उन्होंने उस समय क्या कहा था? नूरल हसन साहब यह कहते हैं:—

"Sir, this is a Demand, which is neither in the national interest, nor in the interest of the University itself, nor, I may venture to suggest, of any section of our population, including the Muslim community."

न आजादी चाहिये, न मुस्लिम नाम तक चाहिये, यह है नूरल हसन साहब और इंदिरा कायसे का प्रमाण-पत्र।

इसीलिए सचमुच में जब आप यह बिल लाए तो हिन्दुस्तान के मुसलमान भाइयों के हृदय में यह छुड़ी भाई कि मुस्लिम यूनिवर्सिटी में मुसलमानों की जो आकांक्षा थी उस को समझा गया और उस की आजादी को वापस किया गया।

इसी तरह जो और बहुत सारी कमेटीयों की रिपोर्टें हैं उस को देखें। जो बग कमेटी की रिपोर्टें हैं उस में उन्होंने भी यह कहा था:—

"The Committee has already un-animously recommended that the residential character of the University should be maintained and hence there should be no question of affiliation or grant of privilege of University to colleges established by any outside agency. Consequential amendments necessary to give effect to this recommendation and to maintain its minority character should be carried out in respect of the sections concerned."

एल्फिन्स्टिन कौंसिल की जो रेकमेंडेशन है वह भी इसी प्रकार है:—

"They made no reference to articles 29 and 30 of the Constitution, nor to the minority character of the University. They leave untouched the character of the institution as a national centre of higher learning, open to all, irrespective of differences of caste, community, religion etc., a symbol of our secularism and unity in diversity."

इसके बावजूद, हमारे माननीय मंत्री जी ने जो बिल पेशा है, मैं बहना चाहता हूँ कि लोग चाहें जो कहें, राजनीति करने वाले लोग कुछ कह लकिन यूनिवर्सिटी को जो रूप दिया गया है और जो नामकरण किया गया है उसमें मुसलमान भाइयों की आवाजाज का प्रति ध्वनित किया गया है।

“University” means the educational institution which was originated as a Mohammedan Anglo-Oriental College Aligarh established by the Muslims, of Indian incorporated in 1920 by this Act.

यह स्वीकार किया है पहली बार मुसलमान भाइयों ने कि जो सस्था बनी थी उसको कौमिल न एक्ट से स्वीकृति मिली।

दूसरी बात यह है कि इसकी प्राजादी को भी वापिस किया गया है।

एक बात और भी है। लोगों को बरगलाना तो आसान होना है। लोग कहते हैं कि माग्नारिटी बरैक्टर क्यों नहीं किया गया लेकिन देश में 150 यूनिवर्सिटीज हैं कौन सी यूनिवर्सिटी प्रॉटिकल 30(1) के अन्तर्गत है? जो हमारी लाचारी है उसका भी समझने की बाधाश की जानी चाहिये। सुप्रीम कोर्ट में अपन अजमेण्ट में कहा है

University cannot be said to have been established by the Muslims but one established by the Act of the Indian Legislative Council

सुप्रीम कोर्ट के अजमेण्ट के अन्तर्गत हमारे मन्त्री महोदय विधान के धनसार जितनी दूर तक जा सकने थे गए हैं। सुप्रीम कोर्ट के खिलाफ जान की उनकी ताकत नहीं है। लेकिन जितनी दूर तक जा सकता था गए हैं। उन्होंने स्पष्ट किया है

“University” means the educational institution which originated as the Mohammedan Anglo-Oriental College Aligarh established by the Muslims of India.

इसलिए मैं समझता हूँ हमारे शिक्षा मंत्री जी जा कर सकते थे उन्होंने किया है।

SHRI VASANT SATHE (Akola)
That is an eye-wash Don't deceive yourself

डा० रामजी सिंह जिन्होंने प्राजादी का बून बहाया उनको प्राजादी के लिए बालने का श्रेयकार नहीं है।

मैं अन्त में गजनेन्द्रगदकर रिपोर्ट से कुछ पढ़ना चाहूँगा

The Aligarh Muslim University has over the years made a notable contribution in the education of Muslims and has contributed to the study of Muslim culture and philosophy in depth as one of the prominent academic activities and academic work Indian culture is composite in character and to the enrichment of the composite culture Muslims had made a significant contribution.

गजनेन्द्रगदकर कहते हैं —

These two universities are national institutions and must always remain as such It is essential that the Central universities should maintain their national character.

बहा पर इस्लामिक संस्कृति और सभ्यता की सारी बातें होती रहेंगी। यदि अभी प्राप 8 करोड़ देते हैं तो उनकी इमवाद का प्राप और बढ़ाये ताकि राष्ट्रीय गौरव के रूप में यह सस्था रहे। 38 देशों के जाय बहा पर पठ रहे हैं। दुनिया के पचासा दशों के लोग पढ़ने के लिए बहा पर प्रायण और लोगों को गव होगा कि हम धर्मनिरपेक्ष राष्ट्र में मुस्लिम संस्कृति की पराई भी अपने ही प्यार से होती है जिसका वि बिसे धन्य की।

इन शब्दों के साथ मैं माननीय शिक्षा मंत्री द्वारा प्रस्तुत इस विधयक का हृदय में समर्थन करता हूँ।

SHRI A SUNNA SAHIB (Palghat)
Mr Deputy-Speaker, Sir, really the introduction of the Aligarh Muslim University (Amendment) Bill cuts both ways. Now, it comes as an amendment to the Act of 1920. At the same time I would like to draw the attention of the hon Minister to this— to what extent it will improve the Act Regarding the 1920 Act there were omissions and commissions. By simply introducing certain things, to what extent you are protecting the minority character? There are three

[Shri A. Sunna Sahib]

important factors which are to be taken into consideration—whether it will become an autonomous body, whether it will take into account the interests of the minorities at large, and under Article 30(1) which is much agitated and much spoken of here, whether the minority character of the institution will be kept up.

As far as the other two things are concerned, it is a well-established fact now that the Minorities Commission was not at all happy.

As far as the third point is concerned, the minority character of the institution has to be preserved. What is minority character? The Act itself is a creation of Parliament. To what extent does it protect the interests of the minority? If a minority community starts an institution, it must be allowed to have its own management and outlook, but the present Bill is no improvement upon the Act of 1972. It only makes it appear that we are bringing something better, while actually it is not so. If the intention of the Bill is really to make an improvement, it must preserve the culture and education of the minority.

When we talk of the minority character of the institution, one should not immediately think on lines of communalism. Sir Syed Ahmed Khan founded this institution. Before that the Anglo Oriental College was there. By way of abundant caution, to preserve their culture, the minority community contributed the funds for this institution in full by themselves, and the college was converted into a university.

The university must not only be autonomous, but in its governing body there should be sufficient representation for the Muslims, so that the interests of the Muslims are protected. Irrespective of their caste and creed, all students will be admitted, but at the same time, the minority character of the institution will also have to be preserved.

If under article 30(1) you allow the Muslims to run this institution,

they must also be allowed to preserve their culture as well as religion. In spite of the fact that its minority character is preserved, the public interests and a national outlook will also be maintained. The present Bill is very silent over this matter. So, my respectful submission is that the minority character, as envisaged under article 30(1) should be incorporated in this Bill, while its national character is also maintained.

The Banaras Hindu University and the Aligarh Muslim University are our two eyes. When we come to the Aligarh Muslim University, we should not treat it differently. It must retain its national character, but the interests of the Muslim minority must also be protected. In the governing body proportional representation must be given to the minority, and we must see that their interests are not jeopardised.

When the majority of the members on the governing body are nominated, it is their majority which will prevail, and the minority will have no voice in the administration of the University. Those who have already contributed to the establishment of the institution must be properly represented in its management. So, the Constitution should be suitably amended, so that the interests of the minority also may be protected.

श्री सैयब रियाज़त हुसैन (कनेहपुर) : उपाध्यक्ष महोदय, आज सवाल है अलीगढ़ मुस्लिम यूनिवर्सिटी के माइनोरिटी करेक्टर का। अगर माइनोरिटी करेक्टर बरकरार रखा जाना है, येस्टेन किया जाता है तो बाकी बातें करीब-करीब खत्म हो जाती हैं। माइनोरिटी करेक्टर के बारे में कांस्टीट्यूशन के आर्टिकल 30 (1) में दिया गया है कि सभी माइनोरिटीज को अपने गजुकेशनल इंस्टीट्यूशन को चलाने का हक होगा। मैं समझता हूँ कि जब यह कांस्टीट्यूशन कहता है तो कांस्टीट्यूशन के बयोजब हक देने में सरकार को कोई एनराज नहीं होना चाहिये।

कांस्टीट्यूशन की कसम हम सब ने खायी है कि हम कांस्टीट्यूशन के बकाबार रहेंगे। इसलिए मैं कहूँगा कि अलीगढ़ मुस्लिम यूनिवर्सिटी का माइनोरिटी करेक्टर बरकरार रखने के लिए मुस्लिम कम्प्यूनिटी कोई भीज नहीं मांग रही है बल्कि वह अपना हक चाहती है जो कांस्टीट्यूशन ने उसे दिया है वह उसे हासिल रहे।

सन् 1947 से लेकर 1977 तक बराबर मुल्क में कांग्रेस सरकार रही है। उसने माइनोरिटीज को हक को बजाय बरकरार रखने के उन हकों को, राइट्स को खत्म करने की कोशिश की है। यही वजह है कि आज फिर अलीगढ़ मुस्लिम यूनिवर्सिटी बिल को यहाँ लाने की जरूरत पड़ी है। उपायप्रसन्न मोहोदय, मैं भ्रष्ट करना चाहता हूँ कि इससे पहले की सरकार को यह साजिश रही है कि कौन माइनोरिटी के सामने नये नये प्राबलम्स क्रियेट किये जाए, नयी नयी समस्याएँ पैदा की जाए। बजाय इसके कि इनकी समस्याओं को दूर किया जाना, समस्याएँ पैदा की गयीं। यह माइनोरिटी कम्प्युनिटी की बर्दाश्तमती रही है कि न केवल अलीगढ़ मुस्लिम यूनिवर्सिटी का मसला बल्कि उर्दू का मसला भी जिसका कि ताल्लुक मुस्लिम माइनोरिटी से है, पैदा किया गया है। इसी तरीके से सर्वािसेज के बारे में भी माइनोरिटी कम्प्युनिटी फील करती है कि उनके साथ डिस्क्रिमिनेशन किया गया। यह डिस्क्रिमिनेशन बढ़ता ही रहा है और बढ़ता ही जा रहा है। चाये दिन साम्प्रदायिक दंगे हुआ करते हैं। इन सबका असर सीधे सीधे माइनोरिटीज पर पड़ता है। बजाय इसके कि माइनोरिटीज की समस्याओं को दूर किया जाता, उनके लिए समस्याएँ पैदा की गयीं और वे इसलिए पैदा की गयीं जिससे कि यह कम्प्युनिटी मजबूत न बन पाये और यह कम्प्युनिटी कहीं उर्दू के मामले में, कहीं अलीगढ़ मुस्लिम यूनिवर्सिटी के मामले में, कहीं हिन्दू मुस्लिम राइट्स के मामले में फंसी पड़ी है और उसकी जो इकोनामिक कडीशन है प्राथिक दशा है उसकी तरफ वह न सोच पाये। जब वह कमजोर रहेगी तब वह अपनी तरक्की नहीं कर सकेगी। एक शरीर जो बीमार है, उसके लिए यह कहा जाए कि हम तुम का देवा दे रहे हैं और यही कहते हुए उसे थोड़ी थोड़ी देर बाद ढाँस बघाया जाए और इसी शब्द के नाम पर उसके बोट लेने की कोशिश की जाए तो वह शरीर कैसे ठीक हो सकता है। मैं बहुत ही अफस के साथ गुजारिश करूँगा कि जो काम तीस साल में कांग्रेस सरकार ने किया वह यह किया कि इस कम्प्युनिटी को कमजोर करने की कोशिश की। मैं चाहूँगा कि अब उन चीजों को दूर किया जाए। मैं यह भी चाहूँगा कि जो 1972 का अलीगढ़ मुस्लिम यूनिवर्सिटी एक्ट है उस को खत्म कर के इस यूनिवर्सिटी को ओरिजिनल स्टेट्स देने की कोशिश की जाए। अगर माइनोरिटी करेक्टर का ओरिजिनल स्टेट्स इस यूनिवर्सिटी को दे दिया गया तो इससे न केवल मुस्लिम कम्प्युनिटी में बल्कि सारी की सारी माइनोरिटी कम्प्युनिटीज में यह एहसास पैदा होगा कि सरकार ने सबमूच में बह किया है और उसने बायबा किया था। यह बात मैं ही यही कह रहा हूँ, यह बात हमारे मेमोफैस्टो में भी गयी है जिसके द्वारा हमने इलेक्शन में बायबे

किये हैं। उममें यह कहा गया है कि हम इस यूनिवर्सिटी का माइनोरिटी करेक्टर मेन्टेन करेते। फिर मैं नहीं समझता कि क्या वजह है जो ऐसा नहीं किया जा रहा है? अगर बारीकी से इन बिल को धीरे जो दूसरा ट्राइबेनल है उन दोनों को देखा जाए तो कोई खाम फर्क नहीं है। जो बिल में है मैं पढ़ता हूँ —

“‘University’ means the educational institution, which originated as the Mohammadan Anglo-Oriental College, Aligarh, established by the Muslims of India, and which was incorporated in 1920 by this Act”

जैसा चाहा जाता है उसकी यह लैंग्वेज है।

“‘University’ means the educational institution of their choice established by the Muslims of India which originated as the Mohammadan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University”.

मैंने इन मिलमिले में अपने प्रादरणीय एग्जुकेशन मिनिस्टर से बात भी की है। उन्होंने भी कहा कि इन दोनों में कोई फर्क खास नहीं है। मेरी प्रार्थना है कि जब कोई खाम फर्क नहीं है तो माइनोरिटी कम्प्युनिटी के दिलो दिमाग में जो शक है उसको दूर करने में उसको कोई एतराज नहाना चाहिये और उनको दूर कर दिया जाना चाहिये। मैं अन्वबाद देना हूँ कि हम बिन मे सारी की सारी बात तो प्राप्त ने पूरी कर दी हूँ लेकिन एक यह थोड़ी सी बात जो माइनोरिटी बर्दि की रह गई है, इसको भी प्राप्त पूरी कर दे।

आपने एक माइनोरिटी कमीशन भी बनाया है। उन माइनोरिटी कमीशन का भी एक मकसद है जिम का सामने रख कर उनको बनाया गया है। बिना मकसद वह नहीं बनाया गया है। उस कमीशन न अलीगढ़ मुस्लिम यूनिवर्सिटी के मुताल्लिक अपनी रिपोर्ट भी आपको दी है। मेरी आप से गुजारिश है कि उन कमीशन की रिपोर्ट के मुताबिक और उसकी सिफारिशों का अमली जाया पड़ाने के लिए उसकी जो सिफारिशें हैं उनको प्राप्त इन मौजूदा बिल में इनकारपोर्ट करने। अगर ऐसा नहीं किया जाता है तो एक बात जरूर दिनोंदिमाग में पैदा हुए बंगर नहीं रहेगी कि इन कमीशन का क्या मतलब है? दूसरे इमूज पर भी अगर यह कमीशन अपनी रिपोर्ट देगा तो हो सकता है कि उन की रिपोर्ट के अनुसार सरकार अमल न करे। इस बान्से मैं भ्रष्ट करता चाहता हूँ कि जब कमीशन हम ने मुकदर किया है और हमारी यह मजा थी कि कमीशन जो रिपोर्ट देगा उसके मुताबिक हम काम करेये तो माइनोरिटी—कम्प्युनिटी के दिनोंदिमाग में यह भावना पैदा करने के लिए कि कमीशन की रिपोर्ट पर अमल किया

[श्री ११६ (१९७९) संख्ये ४]

जायगा, उनकी हस्तक्षेप प्राप्त यही से करे। और माइनोंस्ट्री कम्यूनिटी के दिनादिमाग में किसी रिस्क का शक पैदा हो, इसका आप मौका उनका न ब।

बढ़ जा बड़ा गया है कि यह माहानागरी की इस्टीमेशन नज़ा है बल्कि यह एक एक्ट की पैदावार है, उनके बारे में मैं अज़ कम्प्या कि हिन्दुस्तान में बहुत सी यूनिवर्सिटीज़ हैं। हलाहाबाद, बलकला, मद्रास, बनारस, अलीगढ़ यूनिवर्सिटीज़ हैं और हम तरह से और भी बहुत सी हैं। मैं बड़े ही अदब के साथ सुझाविया कम्प्या कि बलकला मद्रास वगैरह जिनको यूनिवर्सिटीज़ हैं और अलीगढ़ और बनारस यूनिवर्सिटीज़ हैं, इन दानों के बरकरार में उन दानों की नेचर में फर्क है। यह नहीं कहा जा सकता है कि सब को एक भा दर्जा है। सब लाग जानने हैं कि बनारस हिन्दू यूनिवर्सिटी की यूनिवर्सिटीज़ में अदब मानन मानवीय ने डाली थी और अलीगढ़ मुस्लिम यूनिवर्सिटी की मर सयद अदब न डाली थी। यही बाद में चल कर यूनिवर्सिटी बनो है। इस मिलमिल में कुछ टाकुमटो प्रोफ़ेसर्स ने सामने पैदा करूया जिन से साबित हो जायगा कि सबकुछ में हम यूनिवर्सिटी में माहानागरी कम्यूनिटी ने सरमाया लगाया। यह बात ज़रूर है कि पैसा बन यासा में मालक न बहुत से नाग गामिन थे। 1911 में एक कमेटी बनी जिसका मकसद यह था कि अलीगढ़ मुस्लिम यूनिवर्सिटी बनाई जाए। उस कमेटी ने उस समय की सरकार से वारंटाइस की। एक पत्र 10 जून 1911 का है जाकि बी वाइसराय ने सनटरी आफ़ स्टेट का लिखा था। इस में उद्दान कहा था

"Constitution of a Muhammadan University at Aligarh We desire to address Your Lordship on this subject The Agha Khan and other leading Muhammadans have conducted this movement with much success and we understand that 25 lakhs of rupees have been promised and that a larger sum is expected"

25 लाख रुपया हम में देने की बात करी गई थी। अब जो जवाब सनटरी आफ़ स्टेट का 18 जुलाई 1911 को आया उस में उद्दाने यह लिखा था

"University At Aligarh Your telegram of the 10th June I approve in principle of the establishment of a University at Aligarh "

कमेटी ने प्रोच किया और कहा कि 25 लाख हैंगे। इसके अलावा और भी रकम दी जायगी। सेवन नहीं मनीं। इसके बाद एक और लैटर है। मैं यह साबित करूया कि इस यूनिवर्सिटी में जो सरमाया

लगा हम की इमारत में और एक्विपमेंट्स में, उस वक्त की सरकार का बग़ायनाम होय था, ज्यादा से ज्यादा कटौतीशन मिफ़े उस कमेटी ने ही किया था। यह लैटर है 2 नवम्बर, 1911 का जाकि सनटरी आफ़ स्टेट ने लिखा था

'As regards finance, it is accepted that for a University of 1000 students (including the school which already exists), an income of not less than 5 lakhs a year will eventually be required From the financial statement appended to this despatch, it will be seen that the present income of the College (including the attached school) is about Rs 2 19 000'

और उस वक्त था ऐगना माहमदन आरिगटल कातज़।

'We propose to make it a condition of stating the University that a sum of 30 lakhs shall be invested, capital expenditure on building, etc being met from the income of this fund or from separate subscriptions. This together with a large estimated increase in fees, etc will raise the funds available for the University to about Rs 3,80,000 We desire to associate ourselves with the movement by contributing from imperial revenues, a sum of one lakh a year The balance of the annual income is thus only Rs 20,000 representing an investment of slightly over 5½ lakhs Seeing that since the death of Sir Syed Ahmad Khan the income of the College has been raised from Rs 70 000 to over Rs 2,00,000 we have little doubt that adequate funds will be forthcoming We recommend therefore that the University be sanctioned conditionally on the investment of thirty lakhs of rupees"

तो हम तरह से साबित होता है कि जो कुछ भी सरमाया लगा अलीगढ़ यूनिवर्सिटी के बनाने में वह ऐगली मोहमदन आरिगटल कातज़ का था जो बाद में अलीगढ़ मुस्लिम यूनिवर्सिटी हो गया। तो यह बहना कि 1920 के एक्ट से यह यूनिवर्सिटी बनी, ऐसा मनीं है। बल्कि यह एक्ट इसलिये बना ताकि यूनिवर्सिटी फ़रमानिया की रेगुलैट किया जाये जो डिप्टी यूनिवर्सिटी के उसको कनफ़र करने के लिये इजाजत दी जाये।

यह मतलब नहीं है कि सरकार ने उसको कायम किया। दरअसल उसको माइनॉरिटी कम्युनिटी ने कायम किया था।

एक बात धीर कहना चाहता हूँ अपने प्रादरणीय मित्रों मन्त्री जी से कि यह बहस का तीसरा दिन है और हाउस में ज्यादातर मैम्बरान ने इस बिजु की सपोर्ट किया है। मैं समझता हूँ किसी वजन को हाउस में खाने की मजा यही हाता है कि यह दखा जाय कि हाउस की क्या प्रापीनियन है। धीर उसकी प्रापीनियन को मानर करना चाहिये। धीर जैसा हमने देखा मैजॉरिटी मैम्बरान ने इसका सपोर्ट किया, धीर इनके माइनॉरिटी कैरेक्टर के लिये सबने कहा है कि धनीगढ़ मुस्लिम यूनिवर्सिटी का माइनॉरिटी कैरेक्टर मेन्टेन होना चाहिये। इसलिये हाउस के मैम्बरान के जा ख्यालान है धीर जजबात है उनको पूहनराम करने हुए, जैसी कि माइनॉरिटी वमीशन की रिपोर्ट भी प्रायी है उनके मुताबिक माइनॉरिटी कैरेक्टर मेन्टेन करने के लिये प्रममेंट खुद सरकार की तरफ से प्राना चाहिये।

MR DEPUTY-SPEAKER: Shri Ram Gopal Reddy.

SHRI CHITTA BASU (Barasat). what about me?

MR DEPUTY SPEAKER Small parties' time is over

SHRI CHITTA BASU: Yesterday, the Chair mentioned my name that I will be allowed to speak

MR. DEPUTY SPEAKER: Prof. Mavalahkar and you were in the same boat.

श्री एम० राम गोपाल रेड्डी (निजामाबाद): उपाध्यक्ष जी, मैं प्रादरब तरीके से प्रार्थ करना चाहता हूँ माननीय विधानसभा दृष्टीन साहब से जा इस हाउस के नये मेम्बर हैं उनका बहु कहना कि 30 साल से लगातार मुसलमानों के साथ धीर धनीगढ़ मुस्लिम यूनिवर्सिटी के ऊपर हमला किया जा रहा है कायदे हुकूमत की तरफ से, यह सही नहीं है। धीर प्राप पंडित नेहरू को भी यह कहते हैं कि बहु भी मुसलमानों के हुकूम पर हमला कर रहे हैं, मेरे ख्याल में इससे ज्यादा धीर कोई सतत बात नहीं होगी। पार्टीशन के पहले से भी धीर उसके बाद भी पंडित नेहरू ने जो खिदमत इस देशके हर सेषनकी, जिसमें मुसलमान, हिन्दू, पारसी, सिख, ईसाई सभी शामिल हैं, इन सब की उम्मीने खिदमत की है। धीर प्राप अच्छे हैं, प्रापके पिताजी या प्रापके दादा जी धीर हैं तो उनसे पूछिये।

श्री सोम नाथ चटर्जी (जादपुर): कौन अच्छे हैं ?

श्री एम० राम गोपाल रेड्डी: धीर भी नौजवान हैं, धीर बूढ़े नहीं हुए हैं। यह कहना कि बहु से लेकर प्राधिर तक, 30 साल के ऊपर जो हमला कर रहे हैं, बहु टीक नहीं है। धीर उर्दू, इस्लाम इन सब का धनीगढ़ के साथ सम्बन्ध है, तो उर्दू तो मैं भी बोलने वाला हूँ धीर प्रापसे प्रच्छा उर्दू लिखने वाला हूँ धीर कभी मौका मिले तो मैं भी तैयार हूँ। इस वास्ते यह कहना कि उर्दू मुसलमानों की जवान है धीर सिर्फ धनीगढ़ मुस्लिम यूनिवर्सिटी से ही इसका सम्बन्ध है, वही उर्दू की जिन्दा रख सकता है, यह बात जिन्कुन गलत है।

एक माननीय सदस्य: यह कौन कर रहा है?

श्री एम० राम गोपाल रेड्डी: उर्दू का सिर्फ मुसलमानों के साथ ही सम्बन्ध नहीं है, उर्दू जानने वाले बहन में धीर भी हैं, उर्दू खने वाले हिन्दू लोग ज्यादा हैं मुसलमानों की बनिम्बत। प्रापका यह कहना कि माइनॉरिटी कैरेक्टर हाना चाहिये, धीर मुस्लिम यूनिवर्सिटी मुसलमानों की है तो उसकी डिफाजत करेगे ना यह जिम्मेदारी हर फर्द की है। यह प्रापकी ही नहीं है, हमारी जिम्मेदारी है। मब की है। जितने लोग इस मुल्क में रहते हैं उन मब की जिम्मेदारी है। धीर एक माइनॉरिटी इन्स्टीटूशन है तो उसकी देखभाल हानी चाहिये, उसकी इन्जन मिलनी चाहिये, उसका तरजीह मिलनी चाहिये।

मैं यह भी कहना चाहता हूँ कि धनीगढ़ मुस्लिम यूनिवर्सिटी धीर बनारस हिन्दू यूनिवर्सिटी में हमारा पैसा लगा हुआ है। मैं हैदराबाद का प्राधमी हूँ धीर इनमें निजाम का पैसा लगा हुआ है। दोनों का निजाम बराबर पैसा दत थे। प्राप पुराने खाते बोलकर देखिये, इनमें हैदराबाद का पैसा लगा हुआ है। बहु पैसा मेग है। इस वास्ते यह कहना चाहिये कि हिन्दू मुसलमान सब लोगों ने उसकी तरफकी के लिये काम किया है।

धियने देवा में बहुत से लोग हैं, हर प्राधमी को हर तरीके से मजहबी होना चाहिये। धीर इसमें कोई फर्द कमजोर हो जाना है, तो उस हद तक मुल्क कमजोर हो जाना है। धीर मुसलमान पिछड़े हुए धीर बैकवर्ड रहे तो उस हद तक भारत देवा, यह मुल्क, हिन्दुस्तान पिछड़ा हुआ रहता है। इस वास्ते हर प्राधमी को धीर तरफकी हो जाये तो उसका मतलब है कि मुल्क की तरफकी होती है।

मैं अपने एक्सेक्यूटिव मिनिस्टर को मुबारकबाद देता हूँ। इस बिजु से यह हुआ है कि मुसलमानों के जजबात को जो जरब पहुँचा था, ठेस लगी थी, बहु खरब धीर ठेस दिलो से बहु निकाल रहे हैं। यह बहुत बड़ा काम है। प्रापको किलना फायदा होता है, यह बड़ी बान नहीं है, बिल में से बदलवानी जो थी, उसको निकालना बड़ा काम है। इने हमारे मिनिस्टर साइब धीर गवर्नमेंट जा निकाल रही

[श्री एम० रामगोपाल रेड्डी]

वह बहुत बड़ी खिदमत है। इस वास्ते मैं मिनिस्टर साहब को मुबारकबाद देता हूँ कि उन्होंने जो कदम उठाया है वह बहुत मुबारक कदम है।

श्री रामजी लाल मुमन (फिरोजाबाद) : प्राप निजाम के पुत्र हैं क्या ?

एक माननीय सहाय्य : हैदराबाद के प्रादमी हैं, हिन्दू हैं।

श्री एम० रामगोपाल रेड्डी : मैं अच्छा खासा हिन्दू हूँ, 100 फी सदी हिन्दू हूँ।

श्री रामजी लाल मुमन : प्राप जिन तरह से बात कर रहे हैं, उससे लगा कि प्राप निजाम के पुत्र हैं।

MR. DEPUTY SPEAKER: It is absolutely irrelevant, as far as I can see. Let him complete. There is very little time left.

श्री एम० रामगोपाल रेड्डी : मैं एक अच्छा मजहबी प्रादमी हूँ। कोई भी मजहब हो, दूसरे मजहब की मैं इज्जत करता हूँ और अच्छा मजहबी होना मैं मुनासिब समझता हूँ क्योंकि जा अच्छा मजहबी है, वह अच्छा दशममत हो सकता है।

इस वास्ते लियाकत हुसैन साहब ने जा कहा है कि हर तरफ से बिल को ताइद हो रही है, इसका मतलब है कि गवर्नमेन्ट इज ह्वररैड परसेंट करैन्ट।

मैं आपने मिनिस्टर को फिर एक बार मुबारकबाद देता हूँ कि वह एक अच्छा बिल लाये हैं और उस बिल के पास हाने के बाद हमारे मुल्क में एक अच्छी फिजा पैदा होगी जिससे हम एक होकर और अच्छे अच्छे काम कर सकते हैं। यह एक अच्छा कदम है, मुबारक कदम है, इसलिये मैं मिनिस्टर साहब का दिली मुबारकबाद देता हूँ।

SHRI CHITTA BASU (Barasat): I have a very limited time at my disposal.

I think the House is confronted with two major issues in connection with this Bill. (1) Whether the Bill provides adequately to guarantee the minority character of the Aligarh Muslim University within the meaning of Art 30(1). (2) Whether the democratisation process that the Government propose to introduce is adequate enough to preserve the academic freedom and independence of the University.

As I have already mentioned that my time is very limited, I will only mention certain points. The hon. Minister is kind enough to dwell on two aspects of this Bill. While moving for the consideration of the Bill, I quote him— he observed:

“I am trying to bring back virtually the situation which existed in the 1951 amendment.”

My question is: the situation of 1951 adequately satisfy the hopes and aspirations of the minorities, particularly, the Muslim minorities of our country? My answer is no, as is evident particularly from the speeches of many hon. Members who have taken part in this debate.

Again I have to say, he wants to bring back the situation of 1951. He is going back by about 3 decades. The situation has improved to a very large extent and, therefore, I think the Bill is not satisfactory to the House. He is again reported to have said in his observation:

“We want to give back to the Muslim community what they had enjoyed after 1951 and, by and large, this is what I mean by minority character.”

Naturally, it is admitted that the hon. Minister himself agrees that the Aligarh Muslim University has the inalienable right of enjoying the minority character. What is the difference then? The difference is what is really meant by minority character—whether it is under Art 30(1) or by the interpretation given by him. He again says:

“Minority character has not been defined in our Constitution. It has not been defined in any statute.”

I am constrained to remark that this very observation of the hon. Minister betrays the state of his mind or betrays the confused thinking of the Minister.

Once he concedes the minority character is a particular feature of this university, but, he concedes also that he does not want to incorporate it as it has not been defined in the Constitution of our country nor has it been defined in any statute I am not to go into details of it

MR DEPUTY SPEAKER You have no time to go into details

SHRI CHITTA BASU Again he shifts his position and he says that the university among the powers should have the objective to freedom, specially for the educational and cultural advancement of the Muslims of India That means a special characteristic of the university But then this cannot be equated with the minority character of the institution

Therefore I think he is still in a state of confusion I hope that while answering he will clarify this point as to what actually he means by using the expression 'minority character of the university'

Sir, some points have been made suggesting that if once the minority character is guaranteed under Art 30(1) Parliament has not the competence to make laws or make any regulations about this particular university Sir, I have not got the time But many hon Members have made out their points that there are Supreme Court judgments by which the Parliament cannot be barred from taking regulatory measures in case there is any mismanagement by those who have to administer the university There is again a feeling that the minority character and secularism cannot go together I am not in agreement with that the confirmation of the minority character would not strengthen further the secular forces in our country There are also several doubts expressed that the minority character of the

Aligarh Muslim University and democratisation of the university cannot go together I would like to go on record to say that that is also not correct Also that is unfair

The Bill has got certain shortcomings with regard to the minority character and also with regard to the autonomy of the university as had already been made out by many Members of this House I would, therefore, earnestly request the hon Minister even at this late stage to accept the motion of Mr Banatwalla to refer the Bill to the Select Committee so that we may give a proper thought, careful thought and improve upon it and that may remove from the minds of the minority community the fear or apprehension which is very much existing in their minds

THE MINISTER OF EDUCATION SOCIAL WELFARE AND CULTURE

(DR PRATAP CHANDRA CHUNDER) Sir, at the outset I should thank the hon Members who have welcomed the measure because we have tried to undo the mischief which was done to this great University by the Acts of 1965 and 1972

In the statement of objects and reasons I have not gone beyond that, I have clearly indicated that we would like to restore the position of the university as it existed after the Act of 1951 which was then introduced and passed during the time of Maulana Abdul Kalam Azad, as the Education Minister of this country

Many have pointed out that this Bill has many welcome features Even my good friend Shri Banatwalla has acknowledged that although in a grudging manner when he says that there are few improvements At the outset, I would like to say that what

[Dr. Pratap Chandra Chander]

Some of the hon. Members like Shri Vayalar Ravi, Mrs. Mohsina Kidwai and, to-day, our young friend, Mr. Liaquat Husain said is not correct when they say that we had made any promise in our election manifesto to restore the minority character of this university. I had tried to find out what was contained in the election manifesto and it will be surprising information to many of them that in this book which is now before me there is not a single mention about Aligarh Muslim University. I had tried to find out whether in the separate election manifesto which is stated to have been issued in Uttar Pradesh whether there was any mention but I am told by a reliable source that there is no such mention. Even then we do not deny that in our mind there was a decision or firm resolve to undo the wrong which was done to this university and also to bring about the position which existed after the amendment Act of 1951.

Sir, I have said in my introductory speech that I myself had seconded a resolution soon after 1972 supporting the demand of our friends of the minority community.

Now, a point has been raised as to why we have brought this measure at a late stage. Sir, there were different reports concerning this university. There was the Beg Committee report about this university and several suggestions have been given. There is also the Khusro Committee report which dealt with various provisions of the Act as well as the statute thereunder. We had to consider these reports very carefully. Since we assumed office many more representations were coming and more than two dozen delegations met me. Dr. Khusro the present Vice-Chancellor and the Chairman of the Khusro Committee also met me along with many important members of the minority community and from time to time we discussed all these matters and we tried to formulate any common ideas that could be incorporated in the proposed

Bill. So, it took some time. Then Beg Committee also urged that the definition should be changed and we found the difficulty involved in this. The Minority Commission's report itself on page 15 mentions it and I quote:

"Notwithstanding any judgement, degree or order of any court or Tribunal to the contrary, the Aligarh Muslim University shall be deemed to have been established by the Muslim minority of India as an educational institution of its choice."

That is one approach which was mentioned in the Beg Committee's report. Khusro committee did not agree with it. The Khusro committee tackled the definition directly in Section 2(k) and said:

"University means the Aligarh Muslim University established by the Muslims of India.

Then again later on the Minority Commission also came up with their definition. All this created some confusion and we wanted to know what could be the appropriate definition. In the course of discussion with Prof. Khusro and also a large number of representatives of the minority community we came to the conclusion that the definition which I have suggested in this Bill will reflect the correct historical perspective and that definition has been commented upon by my hon'ble friend Dr. Ramji Singh. Mr. Liaquat Hussain is not correct when he says that I told him that there is no difference between the definition I have given in the Bill and the definition which is put forth by Mr. Banatwalla. There is lot of difference. I indicate the historical origin of this Muslim university. It originated in an institution called Mohammaden Anglo-Oriental College which has been established by the Muslims of India and the institution was incorporated. In Mr. Banatwalla's bill he straightaway says that this university itself is the educational institution which was established by Muslims of India and it was incorporated by Act of 1920.

Now, this proposition of Mr. Banatwalla, the Supreme Court does not agree to. I do not want to go into the details of the Supreme Court Judgment. Unfortunately for our friends (who are saying that the institution is a minority institution as contemplated by Article 30, sub-clause (1) of the Constitution) the fact is that that is not borne out by the Supreme Court decision. What we have tried to do is that we are going back to the Act of 1951. If in the Act of 1920 or in the Act of 1951 this institution had some minority character—whatever that minority character might be—we are trying to restore that minority character. In this connection I would like to read out one passage from the Minorities Commission's report which is given at page 8. I quote:

'The Act of 1920 thus recognised the minority character of the university. In other words, the Government and the Legislature gave recognition to the minority character of the university.'

Then again at page 9,—referring to Chatterjee Committee's Report with approval—the Minorities Commission has said this. I quote:

'By this section, the disqualifications imposed by the old Act on non-Muslims being Members of the Court were removed. The point worth noting about the amending Act of 1951 is that while bringing the provisions of the Act into conformity with the requirements of the Constitution, it did not alter its fundamental character as a Muslim University for the educational advancement of Muslims.'

Therefore, if in 1920 Act as well as in the 1951 Act the University enjoyed a minority character (which is sought to be restored by this Bill) I do not see where there is a quarrel. The quarrel really is brought about by the decision of the Supreme Court and this decision has been challenged by some of the hon. Members including

non. Shri Banatwalla. It has been said that Mr. Seervai had criticised this decision of the Supreme Court. Now, here is this unanimous decision of the Supreme Court. The opinion of a counsel, however learned he may be, will always remain an opinion and that cannot override the decision of the Supreme Court. Now this decision can be over-ridden only by another decision of the Supreme Court. The Minorities Commission has referred to two decisions of the Supreme Court which according to them would override the decision of the Supreme Court in Aziz Basha's case. And as Mr. Nathwani has correctly pointed out, these decisions do not apply to the particular case because this case of Aligarh Muslim University concerns a body which is created by an act of Legislature. It is a statutory body whereas in the other cases they were institutions set up under some society or body, under some rules and regulations under the Societies Registration Act and so on. They are not statutory bodies. Therefore those decisions cannot apply to this special type of institution which is now before us. My friend Mr. Jethmalani referred to the decision of the Supreme Court in Aziz Basha's case. I am surprised to hear my learned friend saying that the Supreme Court decision was prompted by false affidavits given by some officers. What prevented so many petitioners to file their counter-affidavits to establish their claim before the Supreme Court? The Supreme Court correctly accepted the facts stated in the affidavits filed by these officers and therefore it is not proper on the part of Shri Jethmalani to say that the Supreme Court decision was based on false affidavits. The Supreme Court decided on the facts which they had recognised. So, this is the position and I do not see how the Supreme Court decision can be considered to be wrong. One might say, we can over-ride the decision of the Supreme Court. Parliament has got enormous power to over-ride the decision of the Supreme Court—as has been done in many other cases.

[Dr. Pratap Chandra Chunder]

Certainly Parliament has got power to do so. But, in the present case, it is a question of fundamental rights—fundamental rights of a section of minorities or minorities as an whole. And as you know, Fundamental Rights cannot be declared or created by an ordinary Act of Parliament. In my submission, it can only be declared by the Supreme Court under the Constitution. That is why, Shri Nathwani pointed out that if there is any mis-chief involved in the Supreme Court's decision, either the Supreme Court should change the decision or the Constitution itself should be amended. It will be a constitutional matter, not an ordinary legislation whereby these special rights should be conferred upon this University.

SHRI G. M. BANATWALLA (Ponnavi): Are you prepared to amend the Constitution?

DR. PRATAP CHANDRA CHUNDER: Whether I am prepared or not, it does not matter. It is for the House to decide. You can also bring in a Constitution Amendment Bill if you are so willing. You can do that, if you can convince both the Houses of Parliament. Certainly that can be done. But so long as the House does not determine that, we are not in a position to accept the proposition which has been put forth by Mr. Banatwalla and his supporters.

I will come to other aspects of minority character later. I would like to mention some of the other points which are important but which is not linked up with this minority character. It is definitely clear that we are trying to give back democracy to this institution. Many of the hon. Members have pointed this out. But the hon. Member Shri Saugata Roy had some suspicion that perhaps the original Bill has certain limitations. I concede that but afterwards this Minority Commission has come forward with some suggestions and we have accepted many of the suggestions. In addition to that, last week, some of the Members of this House and

also of the other House met me and they gave me certain suggestions about representation of the Chairman and others and I promptly accepted their suggestion to give as much democratic right to the management of this body as possible and after we have taken into account these suggestions I have tabled amendments. If the House accepts these amendments then in the Court there will be 23 ex-officio Members, there will be 20 Members who will be there by rotation according to seniority, elected Members will be 72 in number, nominated Members will be 10 only and the total will be 125 Members. In the Executive Council, ex-officio Members will be 5 and six will be by rotation according to seniority; it will provide for 8 elected Members and nominated Members will be 4. That is, only 4 are nominated Members out of a body of 23 Members. Now, obviously, in this Executive Council ex-officio Members, Chairman and others who will be there by way of rotation according to seniority will be in charge of day-to-day administration of this university. So, weightage is given to them and that does not militate against the idea of democracy at all. Moreover, the amendment ensures that the Court which is now again being made the supreme Governing body will have 72 elected members to reflect the democratic views in this body.

Now, hon. Member, Mr. Banatwalla criticised me that on the one hand I wanted to give the supreme governing body status to the Court and on the other hand I was taking away the independent statute making powers because the statute should be the previous approval of the Visitor and the hon. Member was very annoyed with me on this score. I was trying to find out whether I have done anything wrong. As I said earlier, we are trying to bring back the position which existed after the Act of 1951. I have before me the Act of 1951 and here in Section 28, which deals with the statutes, we find the very same provision which I am introducing in the

present Bill. In sub-section 6 of Section 28, we find this provision.

"Every new statute or addition or the statutes in any amendment or repeal of the statute shall require the previous approval of the Visitor who may sanction, disallow or remit for further consideration."

Therefore, it will be seen that in the Act of 1951, the previous permission of the Visitor has been mentioned and this is done in compliance with the provisions also in other Central universities. The idea is that no statute can be brought in without considering various aspects of the problem, particularly involving the finances because all these central universities are by and large, funded out of public exchequer by the Central Government. Those who have no responsibility for raising funds may not dump on the Government the expenditure and various other matter. In this way, we have tried to introduce elements which were there in the 1951 Act. It is, therefore, not correct for hon Mr. Banatwalla to say that I have done anything wrong. If any wrong was done, it was done by the then Education Minister, Maulana Abul Kalam Azad who, as I said, was one of the original sponsors of the Aligarh Muslim University idea. Between 1910 and 1920, he was one of the vocal Members who demanded that the Aligarh Muslim University should be established. If he had done something, I think, it was in the interest of the institution and, therefore, we should restore that position.

There are some other minor matters which have been mentioned, for instance, the question of reference to Minorities Commission. The Minorities Commission had been set up by us and we have high regard for it. But that does not mean that any Bill which will be prepared will have always to be vetted by the Minorities Commission or for that matter any other Commission, but we should have consultations in sufficient time. In fact, what happened was that because there was some delay in the

presentation of the Bill before the Parliament, people started criticising the Government. Particularly, our friends of the minority community charged that the Government was going back on its word. Even today, they are saying that. But that is not correct. Still Government was keen to bring this Bill. I had discussions with all the important representatives of the minority community who later met the Minorities Commission also. When the Bill was prepared in consultation with them, almost towards the end of the last year's budget session that is on 12th May, 1978, I introduced this Bill before the Parliament. Before that, I had told the Minorities Commission that they can give their views and there will be sufficient time to consider the views and amend the Bill if and when found necessary. And this is what we have done. Somehow, the Chairman felt that this was an insult to him. I am very sorry that he had taken this attitude, but at the same time, I am glad that other Members of the Minorities Commission felt no slight in this move. It is not correct to say that we did not consult the Minorities Commission and there is nothing wrong in placing a Bill before the Parliament when there is ample time to consider the views of a particular Commission. This is the position. I am going to move various amendments and many of these have been thought of after the Minorities Commission had indicated their views. We welcome these views. But we cannot accept the view which has been mentioned by the Minorities Commission in connection with the definition of the Aligarh Muslim University for reasons which I have already stated because it directly goes against the decision of the Supreme Court and involves the question of fundamental rights. By ordinary legislation, in my submission, it is not possible and it is also not desirable in the present circumstances.

Now, what is the real nature of the minority character which is being demanded under Article 30? Some of

[Dr. Pratap Chandra Chandur]

the hon. Members have said that even after this declaration, this august House will have powers to deal with matters concerning the syllabus, standard of education and check mal-administration etc. If this Parliament has got that power, what is the power that this particular Article will confer on the minority? It is only in the matter of administration. It is nothing but expressing a no-confidence in the Parliament when one finds that the minority community has no confidence in the collective wisdom of this House, which reflects the wisdom of the nation. I do not agree that simply by declaring that this institution is of a minority character, it is going to solve the problem. In any event, supposing this is declared, for the sake of argument, which part of the minority community will run this institution? Will there be a referendum among eight to nine crores of our friends belonging of the Muslim community to elect a body? That is not possible. Once you say that this is a minority institution under Article 30(1), then this Parliament will have no power in dealing with, say, administration matters and all these matters about Court, Executive Council etc will be *ultra vires*. In fact, that was the demand of the petitioners before the Supreme Court. So, the attempt that we are now trying to make will not succeed. Then again, the 1972 Act, in so far as it deals with the administration and structure of the University will also go—similarly the Act of 1965 and of 1951: because in that case, once it is a minority institution protected under Article 30(1) of the Constitution, it will have retrospective effect at least upto the date on which the Constitution had come into force. Then, which will be the body that will run this institution? Should we come back to the pre Constitution days, and should we be governed by the Act of 1920? That, again, is under debate—whether the old Act also can go against the mino-

riety rights. These are some of the grave problems which will have to be faced.

So, we had consulted our Attorney General in this matter; and we were given this idea that it will really be throwing this institution into utter confusion and also make it face a large number of litigations both from the minority community as well as majority community, if we take this point in view. If the Constitution is changed, perhaps at that time certainly a new structure might be thought of as a part of the constitutional amendment, and there may not be any problem. If the Supreme Court itself changes its decision, it may give a guidelines as to how the institution should be run. But, as it is, it is not possible for me to accept the suggestions which have been given to us by some of our learned friends.

I do not want to take much of your time. In the end, I would like to point out that this bill has been welcomed by the Vice-Chancellor Mr. Khusro, when I was having a discussion with him. He felt that whatever we are trying to do, is conferring the minority character on this institution. On May, 2, 1978, he has written thus—and I quote:

“This is to thank you and the leaders of Janata Party on behalf of my colleagues and myself for the just and fair decision in relation to the restoration of minority character of Aligarh Muslim University which had become a major irritant for the Muslim minority community, because of wrong handling of the issue in 1965 and in 1972 by the previous Government”

I introduced this Bill on 12th May, 1978. Then Dr. Khusro writes to me again: on July 24, 1978 when the next session after the Budget session was on. He wrote thus:

“As I wrote to you earlier, the placing of the AMU (Amendment) Bill, 1978 in both Houses of Parliament has evoked a very favourable

response in the University and in the country generally, and there is general feeling of gratefulness to you for your efforts in convincing your colleagues in the Government and the party. Your assurance that the Bill will be passed in the current session has satisfied everybody here and we are all looking forward to the approval of this Bill by Parliament in July or August."

But, unfortunately, we could not bring this Bill earlier, because there were the constitutional amendment and other matters which got precedence. So, in spite of my repeated efforts, I had not been able to do so. I would say that in view of the urgency, as indicated by Prof. Khusro, I cannot agree with Shri Banatwalla's suggestion that this Bill should be referred to a Select Committee, and I before that the house is competent to dispose of this Bill. I would humbly request all the sections of this House to support this Bill, including the amendments that I will move, so that a new deal can be given to this University, where real democracy will be restored, and the University will certainly give effect to that true minority character, namely, the training of students belonging to the minority community, and study and researches into the great contribution which the minority community has made, not only to our country but also to the world civilization.

MR. DEPUTY SPEAKER: Mr. Banatwalla, you want to press your amendment for reference of the Bill to Joint Committee.

SHRI G. M. BANATWALLA: Yes.

MR. DEPUTY-SPEAKER: Now, I shall put the amendment of Mr. Banatwalla to the vote of the House.

Amendment No. 22 was put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Aligarh Muslim University Act, 1920, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: Now we shall take up clause-by-clause consideration of the Bill. There are no amendments to clause 2. I shall put it to the vote of the House. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of section 2)

SHRI G. M. BANATWALLA: I beg to move:

Page 2,—

for lines 2 to 5, substitute—

'(1) "University" means the educational institution of their choice, established by the Muslims of India, and which was incorporated and designated as Aligarh Muslim University in 1920 by this Act.' (1)

MR. DEPUTY SPEAKER: Mr. Reddi, are you moving your amendment?

SHRI G. S. REDDI (Miryalguda): No.

MR. DEPUTY SPEAKER: Mr. Anant Dave is not here.

SHRI G. M. BANATWALLA (Ponnani): This is the most important amendment which I commend to the serious consideration of this House. The definition of the word 'University' as suggested by me is exactly in accordance with the recommendations of the Minority Commission in its Report about the Bill at paragraph 68. The object of so defining the University is clear and about which I have already spoken at

[Shri G. M. Banatwala]
length, that is, the University is recognised as a minority institution and gets the necessary protection and benefit under Art. 30(i) of our Constitution.

We do not ask for communal character; we are not asking for communal character as is quite distinct from our demand. We have approached this House for the recognition of the minority character of the University in a manner that Art. 30, clause 1 of the Constitution gets meaning, life and vitality. It is the minority which gives meaning to the concept of secularism. It is the minority institutions which give meaning, life and breath to the secular concept that we have in our mother land. I, therefore, say that minority educational institutions are not only in accordance with the secular spirit, but they are in furtherance of it and give secularism its real meaning. I quote here from paragraph 57 of the Report of the Minority Commission on the Bill. It says:

"We see nothing inimical to secular value in such a declaration for the simple reason that this right is conferred on the authorities by the Constitution itself and there are several hundred minority institutions in the country, besides Aligarh Muslim University that enjoys this right. The history of the Aligarh Muslim University not only shows that it was established by the Muslims of India but that as a token of their approval of the establishment of such a University, non-Muslims and Government also gave some assistance."

A reference has been made to Aziz Pasha's case. I have dealt with the implication of the case at a very great length even at a time when I was moving my non-official Bill for the amendment of the Aligarh Muslim University Act. Now, I do not want to reiterate all those arguments. They are there as a matter of record. I am very happy that members from all

sides, with solitary exceptions here and there, have supported the demand that the minority character of the Aligarh Muslim University should be restored. In Aziz Pasha's case the Supreme Court held that it was the Act of 1920 and not the Muslims that established the university. As I have already submitted, the decision of the Supreme Court is based on very narrow and untenable aspect of the whole matter. It means that it is the fire, and not the cook, who cooked the food. These are such technical wranglings that have come up. Our hon. Minister referred to the fundamental rights. Let me quote the Supreme Court from its own judgement in *St. Xavier's college versus the state of Gujarat AIR 74 SC 1389* at page 1874 and show what broad view the Supreme Court has taken later on with respect to fundamental rights and minority rights:

"The catholic approach which led to the drafting of the provisions relating to minority rights—should not be set at naught by narrow judicial opinions."

In fact the Supreme Court has fallen victim to very narrow judicial opinion. We can in this august House set at naught this decision of the Supreme Court which is a blot on the Constitution. We have discussed this point at length. I must say that for the demand for the restoration of the minority character of Aligarh Muslim University, Muslims have courted arrest and have also laid down their lives. I understand that the Government is bound by the Supreme Court decision. But we are approaching this House with its supreme powers to undo the mischief that has been done; this House has all the powers. So many Members, almost all present, had supported this particular definition which I have suggested. The definition given by the minorities commission in its report. The definition that was suggested by the Belg Committee, by the Khusro committee were

all for the purpose of seeing that the Aligarh Muslim University got back its minority character as envisaged by article 30(1). I appeal to the House and to the Treasury Benches once again and to the hon. Minister Dr. Chunder that this is the most important amendment that I have moved which reflects strong sentiments and aspirations of the Muslims and also of the secular elements in our country. It seeks to give life, breath and vitality to article 30(1) of the Constitution. So many members, almost all members with solitary exceptions here and there have supported this particular demand. I now appeal to all those members to be true to their conscience; not to think whether the amendment that is being placed before the House is an official amendment coming from the minister or a non-official amendment. Let them be true to their conscience. They have supported the demand for the restoration of the minority character. I ask all the members to rise above party considerations and remove one of the greatest mischiefs that has been committed by the judgement in Aziz Pasha case. With these words I commend my amendment for the consideration of the House and hope that it will be adopted. I am sure the House will respect the sentiments of the Muslims and respect the historical facts. Respect the secular attitude and undo the great mischief that has been done. I thank the Members, all those who have during their speeches and observations supported this particular demand. But I ask them to see that their verbal support is also translated into reality by adoption of this amendment. Thank you.

THE MINISTER OF EDUCATION,
SOCIAL WELFARE AND CULTURE
(DR. PRATAP CHANDRA CHUNDER): I respect the sentiments and emotions expressed by my hon. friend Shri Banatwalla. And when he is actuated by sentiments, he is

very eloquent. I appreciate his eloquence. But in very clear terms I have indicated why it is not possible for the Government to accept this suggestion. The amendment that he has moved is a verbatim copy of the definition which has been suggested by the Minorities Commission and we have indicated why we could not accept the amendment suggested by the Minorities Commission. I say that even the Beg Committee was much more sincere when they straightaway attacked the problem and said—

“Notwithstanding any Judgement, decree or order of any court or tribunal to the contrary, Aligarh Muslim University shall be deemed to have been established by Muslim Minority of India, and shall be administered and managed as provided in Articles 29 and 30 of the Constitution of India.”

It was a straight attack. But the Minorities Commission did not have that courage, I am sorry to say that they tried to by-pass the judgement of the Supreme Court by this devious definition. But this definition is absolutely ineffective. As I have said, the definition that we have suggested clearly gives the historical facts and on the basis of the historical facts as recognised by the Supreme Court we have to accept this and not on this devious method to achieve the goal, which is intended to be done.

Because of its ineffectiveness and devious approach, I cannot accept this amendment.

MR. DEPUTY-SPEAKER: I put Shri Banatwalla's amendment No. 1 to Clause 3 to the vote of the House.

The question is:

“Page 2,

for lines 2 to 5, substitute—

'(1) "University" means the educational institution of their choice, established by the Muslims of India, and which was incorporated and designated as Aligarh Muslim University in 1920 by this Act.' (1)

The Lok Sabha divided

Division No. 25 , 15.54 hrs.

AYES

Ahsan, Jafri, Shri
Banatwalla, Shri G. M.
 Barua, Shri Bedabrata
 Bhakta, Shri Manoranjan
 Borooah, Shri D. K.
 Chandrappan, Shri C. K.
 Chettri, Shri K. B.
 Choudhury, Shrimati Rashida Haque
 Faleiro, Shri Eduardo
 Gomango, Shri Giridhar
 Gotkhinde, Shri Annasaheb
 Jaffer Sharief, Shri C. K.
Kidwai, Shrimati Mohsina
 Kodiyan, Shri P. K.
 Krishnan, Shri G. Y.
 Krishnan, Shrimati Parvathi
Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Patil, Shri Vijaykumar N.
 Pullaiah, Shri Darur
 Rachaiah, Shri B.
 Raju, Shri P. V. G.
 Ramamurthy Shri K.
 Rao, Shri Jalagam Kondala
 Reddi, Shri G. S.
 Reddy, Shri M. Ram Gopal
 Shiv Shanker, Shri P.
 Shrangare, Shri T. S.
 Stephen, Shri O. M.
 Suryanarayana, Shri K.
 Tombi Singh, Shri N.

Unnikrishnan, Shri K. P.

Venkataraman, Shri R.

NOES

Abdul Lateef, Shri

Ahuja, Shri Subhash

Amat, Shri D.

Arif Baig, Shri

Balak Ram, Shri

Balbir Singh, Chowdhry

Baldev Prakash, Dr.

Barakataki, Shrimati Renuka Devi

Barnan, Shri Palas

Bateshwar Hemram, Shri

Bhadoria, Shri Arjun Singh

Bhagat Ram, Shri

Bharat Bhushan, Shri

Bhattacharya, Shri Dinen

Borole, Shri Yashwant

Brij Raj Singh, Shri

Chandan Singh, Shri

Chatterjee, Shri Somnath

Chaturbhuj, Shri

Chaturvedi, Shri Shambhu Nath

Chauhan, Shri Bega Ram

Chauhan, Shri Nawab Singh

Chavda, Shri K. S.

Chhetri, Shri Chhatra Bahadur

Chowhan, Shri Bharat Singh

Chunder, Dr. Pratap Chandra

Dandavate, Prof. Madhu

Dawn, Shri Raj Krishna

Desai, Shri Morarji

Deshmukh, Shri Ram Prasad

Dhara, Shri Sushil Kumar

Dharia, Shri Mohan

Digvijoy Narain Singh, Shri

Dutt, Shri Asoke Krishna

Ganga Bhakt Singh, Shri

Ganga Singh, Shri

Gattani, Shri R. D.

Ghosal, Shri Sudhir

Godara, Ch. Hari Ram Makkasar

Gore, Shrimati Mrinal

Goswami, Shrimati Bibha Ghosh
 Halder, Shri Krishna Chandra
 Hukam Ram, Shri
 Jam, Shri Nirmal Chandra
 Jasrotia, Shri Baldev Singh
 Jethmalani, Shri Ram
 Joshi, Dr. Murli Manohar
 Kapoor, Shri L. L.
 Khan, Shri Kunwar Mahmud Ali
 Kishore Lal, Shri
 Kisku, Shri Jadunath
 Kotrashetti, Shri A. K.
 Krishan Kant, Shri
 Kundu, Shri Samarendra
 Kureel, Shri Jwala Prasad
 Kushwaha, Shri Ram Naresh
 Machhand, Shri Raghubir Singh
 Mahala, Shri K. L.
 Mahishi, Dr. Sarojini
 Maiti, Shrimati Abha
 Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtar Singh
 Mallick, Shri Rama Chandra
 Mandal, Shri Dhanik Lal
 Mangal Deo, Shri
 Meerza, Shri Syed Kazim Ali
 Mehta, Shri Ajit Kumar
 Mehta, Shri Prasannbhai
 Mishra, Shri Shyamnandan
 Mritunjay Prasad, Shri
 Mukherjee, Shri Samar
 Nathu Singh, Shri
 Nathwani, Shri Narendra P.
 Nayak, Shri Laxmi Narain
 Negi, Shri T. S.
 Onkar Singh, Shri
 Pandey, Shri Ambika Prasad
 Paraste, Shri Dalpat Singh
 Parmar, Shri Natwarlal B.
 Paruekar, Shri Bapusahab
 Paswan, Shri Ram Vilas
 Patel, Shri H. M.
 Patel, Km. Maniben Vallabbhai
 Patil, Shri S. D.

Pipil, Shri Mohan Lal
 Pradhan, Shri Amar Roy
 Pradhan, Shri Pabitra Mohan
 Raghavendra Singh, Shri
 Raghavji, Shri
 Rai, Shri Gauri Shankar
 Rai, Shri Narmada Prasad
 Rajda, Shri Ratansinh
 Ram Kinkar, Shri
 Ram Kishan, Shri
 Ramachandran, Shri P.
 Ramji Singh, Dr.
 Rathor, Dr. Bhagwan Dass
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Sai, Shri Larang
 Sai, Shri Narhari Prasad Sukhdeo
 Sanyal, Shri Sasankasekhar
 Sarangi, Shri R. P.
 Sarda, Shri S. K.
 Sarkar, Shri S. K.
 Sen, Shri Prafulla Chandra
 Shakya, Shri Daya Ram
 Sharma, Shri Jagannath
 Shejwalkar, Shri N. K.
 Sheth, Shri Vinodbhai B.
 Shrikrishna Singh, Shri
 Singh, Dr. B. N.
 Singha, Shri Sachindralal
 Sinha, Shri Satyendra Narayan
 Somani, Shri S. S.
 Suman, Shri Ramji Lal
 Suraj Bhan, Shri
 Swamy, Dr. Subramaniam
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakre, Shri Kushabhau
 Tiwari, Shri Brij Bhushan
 Tripathi, Shri Madhav Prasad
 Tripathi, Shri Ram Prakash
 Tyagi, Shri Om Prakash
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Chandradeo Prasad

Verma, Shri R. L. P.
 Verma, Shri Reghunath Singh
 Yadav, Shri Ramjilal
 Yadav, Shri Vinayak Prasad
 Yadav, Shri Roop Nath Singh
 Yadvendra Dutt, Shri
 Yuvraj, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is Ayes-35; Noes-185.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 8 were added to the Bill.

MR. DEPUTY-SPEAKER: Now clause 9. Mr. Anant Dave is not here.

The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 10. Mr. Anant Dave is still not here.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(Amendment of section 19)

SHRI G. M. BANATWALLA: I beg to move:

Page 3, line 11,—after 'principal Act', insert—

'(i) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) The Vice-Chancellor shall be appointed by the Vistor from a panel of persons recommended by the Court for such term and in such manner as may be prescribed by the States." and (ii). (2)

"Page 3, lines 11 and 12,—

for "sub-sections (2), (3) and (4), the following sub-section shall be substituted, namely:—"

Substitute—

'sub-sections (1), (2), (3) and (4), the following sub-sections shall be substituted, namely:—

"(1) The Vice-Chancellor shall be elected by the Court in such manner and for such terms as may be prescribed by the Statutes". (76)

MR. DEPUTY-SPEAKER: I will now put amendment numbers 2 and 76 of Shri G. M. Banatwalla to the vote.

Amendments Nos. 2 and 76 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.
 15.57 hrs.

[SHRI N. K. SHEJWALKER in the Chair]

MR. CHAIRMAN: Now, we take up Clause 12.

Clause 12—(Insertion of new section 20A)

*The following Members also recorded their votes:

AYES: Shri P.A. Sangma;

NOES: Shri Zulfikarullah, Dr. Vasant Kumar Pandit, Shri Rudra Sen Choudhury, Dr. Bijay Mandal, Shri Rudolph Rodrigues and Shri Mohan Singh Tur.

SHRI SOMNATH CHATTERJEE:
I beg to move:

"Page 3,—

for lines 18 to 21, substitute—

"20A. (1) The Treasurers shall be a full-time salaried officer of the University, and shall be elected by the Court in such manner and for such term as may be prescribed by the Statutes.

(2) It shall be lawful for the visitor to lay down the minimum qualifications to be possessed by a person before he can be elected treasurer.

(3) The Treasurer shall exercise such powers and functions as are prescribed by the Statutes.

(4) Wherever the word "Honorary Treasurer" occurs in this Act and the Statutes, it shall construed to mean "Treasurer".

(5) Whenever the office of Treasurer is vacant, the Finance Officer shall exercise his powers and perform his functions". (62)

Sir in this amendment, we are providing for a full-time salaried officer as a Treasurer of the University. The budget, as he understands, is more than 7 crores of rupees. Our definite information is that the next Honorary Treasurer of Aligarh Muslim University after this Bill is passed, will be a local landlord and there is a serious apprehension in the minds of the employees and the teaching staff and non-teaching staff that this will go to the ruling clique there. Whatever our good friend may say, there is a ruling clique there who are representing the vested interests in Aligarh. To take care of such a huge sum of money, the Treasurer should be a full-time salaried officer for which I have provided in this amendment. I request the hon. Minister to kindly consider it. This does not affect the autonomy of the University. I am not saying that the Treasurer will be under the Government. But he

must be a duly qualified person who would be accountable directly to the University. He should be a University Officer. There is no question of affecting the autonomy. I, therefore, request the Minister to seriously consider this.

DR. PRATAP CHANDRA CHUNDER: I cannot accept this amendment for this reason that in the original clause it is provided that the Honorary Treasurer will be elected by the Court and Court will certainly elect a proper person. Ultimately the whole matter will be under the Court because it has got the supreme power over the University.

It is not a guarantee that a paid officer will not misappropriate funds. We often find that there is defalcation even by paid officers. So, I submit that what we have proposed in the Bill is proper and not what is suggested in the amendment.

16 hrs.

MR. CHAIRMAN: I will now put amendment No. 62, moved by Shri Somnath Chatterjee, to the vote of the House.

Amendment No. 62 was put and negatived.

MR. CHAIRMAN: Now the question is:

"That clause 12 stand part of the Bill"

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 14—(Amendment of section 22)

SHRI G. M. BANATWALLA: I beg to move:

Page 3,—

omit lines 25 and 26. (3)

The purpose is merely to see that the Finance Committee is also not to be considered one of the authorities of the University.

DR. PRATAP CHANDRA CHUNDER: It is not acceptable to me.

MR. CHAIRMAN: I will now put amendment No. 3, moved by Shri Banatwalla, to the vote of the House.

Amendment No. 3 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15—(Amendment of section 23)

SHRI G. M. BANATWALLA: I beg to move:

Page 3, line 29,—
after 'principal Act' insert—

'(i) in sub-section (1) the following proviso shall be inserted, namely:—

"Provided that in order to have effective control of the Muslim community, the Court shall be so constituted as to ensure at least three-fourths majority of Muslims among the members thereof," and (ii)' (4)

The Act of 1920 specifically lays down that all the members of the Court shall be Muslims. It was later on, by an Act of 1951, that this condition was deleted. To this day it is being argued that because the administration does not vest among the Muslims, it is not a minority institution. This amendment is being suggested in order to counter such arguments and in order to see that in effect the Aligarh Muslim University continues to be a minority institution, as envisaged by article 30, sub-clause (1); though it is not so expressly provided for in the Act, in effect it continues to be as such. I have moved this amendment so that at least three-fourths of the members of the Board shall be Muslims. I hope that it will be acceptable to the hon. Members and the House.

DR. PRATAP CHANDRA CHUNDER: I regret, for reasons already stated, I cannot accept this amendment, because it is again indirectly trying to introduce something which should not be there. Actually, the amendment to the original Act of 1920 was introduced and passed by this House in 1951, during the time of Maulana Abdul Kalam Azad. He opened the University to peoples from all the religions so that this University may be a truly national institution. I am, therefore, not willing to accept this amendment.

MR. CHAIRMAN: I will now put to vote amendment No. 4, moved by Shri Banatwalla.

Amendment No. 4 was put and negatived

MR. CHAIRMAN: Amendment No. 58 has not been moved.

The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Amendment of section 26)

MR. CHAIRMAN: Now, about amendment No. 5 to Clause 16—Mr. Banatwalla.

SHRI G. M. BANATWALLA: Sir, I move:

"Page 4, lines 7 and 8,—

omit "the Finance Committee and" (5)

Sir, the purpose is that it should not be necessary that the powers should be prescribed by the statutes. And making the statutes, amendment of the statutes and so on are all subject to the prior approval of the Visitor and are, therefore, in that particular respect beyond the competence of the court.

DR. PRATAP CHANDRA CHUN-
DER: I do not accept it.

MR. CHAIRMAN: The question is:

"Page 4, lines 7 and 8,—

omit "the Finance Committee
and" (5)

The motion was negatived.

MR. CHAIRMAN: Now I will put
Clause 16 to the vote of the House

The question is—

"That clause 16 stand part of the
Bill"

The motion was adopted

Clause 16 was added to the Bill.

Clause 17—(Amendment of section 27)

MR. CHAIRMAN: On Clause 17,
there are again amendments Nos. 6
and 7 by Shri Banatwalla and amend-
ment No 25 is Government amend-
ment. Now, Mr Banatwalla,

SHRI G. M. BANATWALLA: Sir,
I do not move amendment No 6 But
I move:

"Page 4,—

after line 15, insert—

'(iii) in clause (k) the words
'establishment and" shall be
omitted.' (7)

The purpose of this amendment is
very clear. Again the word 'establish-
ment' has been used and this word
has given enough of mischief and,
therefore, I say that it should be
deleted so that the mischief that has
already been created elsewhere by
the word 'establishment' need not re-
main here pregnant with serious
consequences.

DR. PRATAP CHANDRA CHUN-
DER: The word 'establish' was there
already in the Preamble of the Act:
'to establish and incorporate' In that
view the word 'establishment' has
been used. There is no purpose in
deleting that. So, I oppose that.

I move:

"Page 4, line 18,—

for "appointment or election"
substitute "election or appoint-
ment" (25)

The amendment is of a verbal
nature. Instead of saying "appoint-
ment or election", I want to put it as
"election or appointment" to high-
light the elective aspect of the offices.

MR. CHAIRMAN: There are two
different amendments. I will now put
amendment No 7 of Shri Banatwalla
to the vote of the House.

The question is:

"Page 4,—

after line 15, insert—

'(iii) in clause (k) the words
'e tablishment and" shall be
omitted' (7)

The motion was negatived.

MR. CHAIRMAN: Now, I will put
amendment No 25 which has been
moved by the hon. Minister on be-
half of the Government to the vote
of the House.

The question is:

"Page 4 line 13,—

for "appointment or election"
substitute "election or appoint-
ment". (25)

The motion was adopted.

MR CHAIRMAN: The question is:

"That Clause 17, as amended,
stand part of the Bill."

The motion was adopted.

*Clause 17, as amended, was added to
the Bill.*

Clause 18—(Substitution of new sec-
tion for section 28.)

SHRI G. M. BANATWALLA: I beg to move:

"Page 5, lines 1 and 2,—

for "require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration"

substitute—

"be reported to the Visitor who may sanction or remit it for further consideration only once" (8)

The purpose of the amendment is very clear. Clause 18 wants to substitute section 28 of the principal Act, and in this section 28, there is sub-section (6) which reads:

"Every new statute or part of the statute or any amendment or repeal of any statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

This makes the Court almost helpless, and especially in view of the character and nature of the Aligarh Muslim University, such a condition should not exist. I have, therefore moved, the amendment to delete this particular sub-section (6) to section 28 which is sought to be substituted in the principal Act by Clause 18 of the Bill. There should not be any restrictions upon the autonomous nature of the Court. It is especially necessary in view of the character and the nature of the Aligarh Muslim University.

I hope this particular amendment will be received with every sympathy and will be accepted by the Treasury Benches as also by the House. I can understand the difficulties that the Treasury Benches are now creating in serious matters, in restoring the minority character of the Aligarh Muslim University, but here we are concerned with the autonomous nature, democratic nature, of the Court. I hope, therefore, that these constraints on the working of the Court will be removed.

This is especially necessary in view of the fact that a large number of statutes have already been made under the black Act of 1972, and they continue and will continue despite the present amending Bill. Therefore, in the name of the autonomy and democracy of the Aligarh Muslim University, I appeal to the hon. Minister to accept this particular amendment. I hope at least some time he will show the magnanimity of his heart.

DR. PRATAP CHANDRA CHUNDER: In my reply at the time of the second reading I explained why this Clause was inserted. I have told the House that this Clause was inserted exactly in line with the clause inserted by Maulana Azad in section 28 of the Act as amended in 1951. If there was democracy at that time, today also there will be democracy. If there is any other black statute and the University brings it before the Government, certainly the Visitor will consider and see that the black statute is properly dealt with.

PROF. P. G. MAVALANKAR (Gandhinagar): He cannot go on depending upon Maulana Azad all the time. Let him explain to us why he cannot accept it.

DR. PRATAP CHANDRA CHUNDER: I have already explained that in a University of this nature, where almost all the funds are provided by the Central Government, there must be proper vetting of the statutes which might otherwise upset the whole structure of the University. Therefore, prior approval is necessary. This provision is there in other Central Universities, so that it is a very useful provision. After all, it is delegated delegation.

Proper control does not militate against the inner democracy. But when the general administration of the University might be affected, certainly, the Visitor can scrutinise it. It does not mean that the Visitor is

making the statute. Ultimately, the University Body will make the statute. That is why I am relying upon the provision which has been introduced by Maulana Azad.

PROF. P. G. MAVALANKAR: Does it mean therefore, that the Visitor is going to have powers only in order to check the possible misuse of funds? Anyway the Minister's statement just now gives an assurance that the autonomy of the University will not be interfered with. But 'Visitor' means the Government ultimately. We must have an assurance that the autonomy of the University will not be interfered with by the Visitor i.e., by the Minister.

DR PRATAP CHANDRA CHUNDER: I have already said that I do not want to interfere in the internal autonomy of the University. Before this House, several questions have been raised in connection with different Universities and the Indian Institute of Technology and I have made it quite clear that we are not intending to interfere in their affairs.

MR. CHAIRMAN: Mr. Mavalankar, moreover, there can be no saturation point so far as democracy is concerned.

I now put the amendment No. 8 moved by Shri G M Banatwalla to the vote of the House.

Amendment No. 8 was put and negatived.

Amendments made:

"Page 4, line 21—

for "1978" substitute "1979"
(26)

"Page 4, line 27—

for "1978" substitute "1979"
(27)

(Dr. Pratap Chandra Chunder).

MR CHAIRMAN: The question is:

"That Clause 18, as amended, stand part of the Bill".

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19—(Amendment of section 28)

DR, PRATAP CHANDRA CHUNDER): I move:

"Page 5, line 15,—

for "the following proviso"
substitute "the following provisos"
(28)

"Page 5,—

after line 20, insert—

'Provided further that before making any Ordinance in respect of the constitution of the Teachers' Association or other staff associations, the interests concerned shall be consulted.'
(29)

This is based on the suggestion given by the Minorities Commission.

MR. CHAIRMAN: Shri Anant Dave—he is absent

The question is:

"Page 5, line 15,—

for "the following proviso"
substitute "the following provisos"
(28)

"Page 5,—

after line 20, insert—

'Provided further that before making any Ordinance in respect of the constitution of the Teachers' Association or other staff associations, the interests concerned shall be consulted.'
(29)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 19, as amended, stand part of the Bill."

Clause 19, as amended was added to the Bill.

Clause 20 was added to the Bill.

MR. CHAIRMAN: Now, Clause 21. There is an amendment given notice of by Mr. Banatwalla. Is he moving?

SHRI G. M. BANATWALLA: I am not moving.

MR. CHAIRMAN: Mr. Anant Dave. He is not here. I shall put Clause 21 to the vote of the House.

The question is:

"That Clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22—(Amendment of Statutes)

SHRI G. M. BANATWALLA: I am moving all my Amendments. I have also an amendment to the Government's amendment. Should I wait till the Minister moves his?

MR. CHAIRMAN: Regarding amendment to amendment, you can move later; after the Minister has moved, I will give you the opportunity later.

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

Page 8, lines 15 and 16,—

after "Professors" insert—

"Readers and Lecturers who have completed ten years of continuous permanent service." (10)

Page 8,—

omit lines 18 to 23. (11)

Pages 8, 9 and 10,—

for lines 39 to 47, 1 to 41 and 1 to 14 respectively,

substitute—

'(xi) for Statute 14, the following Statute shall be substituted, namely:—

"Court 14. (1) The Court shall consist of the following members, namely:—

Ex-officio members

- (i) Chancellor;
- (ii) Pro-Chancellor;
- (iii) Vice-Chancellor;
- (iv) Pro-Vice-Chancellor;
- (v) Honorary Treasurer;
- (vi) All Ex-Vice-Chancellors;
- (vii) Librarian;
- (viii) Three Provosts, by rotation according to seniority;
- (ix) Proctor;

Representatives of the Departments and Colleges

(x) Chairman of the Departments of Studies by rotation according to seniority in each faculty as shown below:—

Faculty of Commerce	..	1
Faculty of Arts	..	2
Faculty of Science	..	2
Faculty of Social Sciences	..	2
Faculty of Engineering and Technology	..	2
Faculty of Medicine	..	2
Faculty of Law	..	1
Faculty of Theology	..	1
		Total
		.. 13

(xi) *Principals of Colleges* 5;

Representatives of Teachers other than Chairmen of Departments and Principals of Colleges

(xii) Ten teachers to be elected from amongst themselves of whom at least one shall be a Professor, and two shall be Readers;

(xiii) Two teachers of the schools maintained by the University to be elected from amongst themselves;

Representatives of Ex-Students

(xiv) Twenty-five representatives of ex-students to be elected by the Aligarh Muslim University Old Boy's Association;

Representatives of Donors

(xv) Every muslim who makes or has made a donation of Rupees one lakh or more;

(xvi) Ten representatives of Donors who have donated at least a sum of Rupees ten thousand or have transferred property worth at least ten thousand rupees to be elected from amongst themselves;

Representatives of learned professions industry and commerce

(xvii) Ten Muslims representing the learned professions, to be elected by the Court, of whom at least five shall be persons residing outside the State of Uttar Pradesh;

(xviii) Five Muslims representing industry and commerce, to be elected by the Court;

Representatives of the All India Muslims Educational Conference

(xix) Five representatives of the All India Muslim Educational Conference.

Representatives of Parliament and State Legislatures

(xx) Twelve members to be elected from amongst themselves by the Muslim members of the State Legislatures, who shall elect three members to represent each of the four regions of India;

(xxi) Five members to be elected by the Muslim members of Parliament from amongst themselves of which three shall be from Lok Sabha and two from Rajya Sabha;

Representatives of Muslim Culture and Learning

(xxii) Ten representatives of Muslims culture and learning to be elected by the Court;

Representatives of Muslim Colleges and Oriental Institutions

(xxiii) Six persons representing Muslim Colleges and Oriental Institutions not under the control of the University to be elected by the Court of whom not more than three shall be from the State of U.P.

Representatives of Waqf Boards

(xxiv) Four persons to be elected by the Court from amongst the Chairmen or Presidents of the Muslim Waqf Boards;

Representatives of Urdu Language and Literature

(xxv) Two persons representing Urdu language and literature to be elected by the Court;

Representatives of the Students

(xxvi) Ten representatives of the Students to be elected by the students according to the rules framed by the Aligarh Muslim University Students' Union of whom three shall be the office bearers of the Aligarh Muslim University Students' Union;

Representatives of Non-teaching Staff

(xxvii) Six representatives of the non-teaching staff to be elected as under:—

(a) Two representatives to be elected by the administrative and ministerial staff of the University amongst themselves;

(b) Two representatives to be elected by the technical staff of the University from amongst themselves; and

(c) Two representatives to be elected by the Grade IV employees of the University from amongst themselves;

Nominated persons

(xxviii) Not more than three persons to be nominated by the Visitor;

(xxix) Not more than one person to be nominated by the Rector; and

(xxx) Not more than one person to be nominated by the Chancellor:

Provided that in making nominations under items (xxviii) to (xxx) due regard shall be had to the representation of the different areas of the country in view of the All India character of the University:

Provided further that no employee of the University shall be eligible to be a member under items (xiv) to (xxvi) and (xxviii) to (xxx).

(2) All the members of the Court, other than ex-officio and student members, shall hold office for a term of three years and an ex-officio member shall cease to be a member of the Court as soon as he vacates the office by virtue of which he is such a member and a student member shall hold office for a period of one year or till such time as they continue to be students, whichever is earlier." (12)

Page 10, line 31,—

for "Two Principals of Colleges" substitute "One Principal of College" (13)

Page 10,—

omit line 35. (14)

Page 10, line 36,—

for "five" substitute "eight" (15)

Page 11,—

omit lines 21 to 26. (16)

Page 11, line 27,—

omit "further" (17)

Page 11,—

after line 30, insert—

"(xiv) Two Research Scholars to be elected from amongst themselves by simple majority votes;"

(18)

Page 13, line 23,—

for "three" substitute "two" (19)

Page 6,—

for lines 33 to 41, substitute—

"(1) The Vice-Chancellor shall be elected by the Court by a simple majority in accordance with the Regulations made by the Court." (77)

Page 7, lines 19 and 20,—

for "two-thirds of its total membership"

substitute "those present and voting at the meeting". (78)

All these amendments are with respect to the composition of the Court. I will, at this stage, not take up the time of the House by again repeating all that has been said earlier. The purpose of my amendments is to see that the number of nominated members to the Court is reduced, that the number of internal elements represented on the Court is reduced to a fair size and also to see that the number of elected members is increased. Further, the purpose of all these amendments is also to see that the Court also acquires an all-India character. We have always believed that the Aligarh Muslim University has an all-India character. It is an institution not of any local importance but of national importance. That has also been accepted under item (63 of List I of the Seventh Schedule of the Constitution—that it is an institution of national importance. The purpose

of my amendments is also to see that representatives for the Court are drawn from the length and breadth of India. There would be representatives not only of Parliament but also from the State Legislatures as provided for in my amendment.

I hope that the purpose with which I have moved all these amendments will be appreciated, namely, to see that the Court becomes more democratic in character and also acquires an all-India character in its composition.

DR. PRATAP CHANDRA CHUN-
DER: Sir, I beg to move:

Page 6, lines 9 to 11,—

for "by a simple majority in accordance with the Regulations made by the Court."

substitute—

"in accordance with the system of proportional representation by means of the single transferable vote." (30).

Page 6,—

for lines 20 and 21, substitute,—

"in accordance with the system of proportional representation by means of the single transferable vote." (31).

Page 7, lines 24 and 25,—

for "by a simple majority in accordance with the Regulations made by the Court"

substitute—

"in accordance with the system of proportional representation by means of the single transferable vote." (32).

Page 9,—

for lines 9 to 13, substitute—

"Representatives of teachers other than Chairman of Departments and Principals of Colleges

(xii) Five Professors, who are not Chairmen of Departments, to be elected from amongst themselves;

(xiii) Five Readers to be elected amongst themselves;

(xiv) Five Lecturers to be elected from amongst themselves:

Representatives of non-teaching staff

(xv) Four representatives of non-teaching staff, to be elected from amongst themselves;" (33).

Page 9, line 18,—

for "(xvi)" substitute "(xvii)" (35).

Page 9, line 23,—

for "(xvii)" substitute "(xviii)" (36).

Page 9, line 26,—

for "(xviii)" substitute "(xix)" (37).

Page 9, line 29,—

for "(xix)" substitute "(xx)" (38).

Page 9, line 32,—

for "(xx)" substitute "(xxi)" (39).

Page 9, line 37,—

for "(xxi)" substitute "(xxii)" (40).

Page 9, line 40,—

for "(xxii)" substitute "(xxiii)" (41).

Page 10, line 1,—

for "(xxiii)" substitute "(xxiv)" (42).

Page 10, line 3,—

for "(xxiv)" substitute "(xxv)" (43).

Page 10, lines 5 and 6,—

for "items (xxii) to (xxiv)" substitute—

"items (xxiii) to (xxv)" (44).

Page 10,—

for line 10, substitute—

"eligible to be a member under items (xvi) to (xxv):

Provided also that elections under items (xii) to (xix) and item (xxii) shall be in accordance with the system of proportional representation by means of the single transferable vote." (45).

Page 10, line 38,—

after "elected by it" insert—

"in accordance with the system of proportional representation by means of the single transferable vote". (46).

Page 10, line 43,—

after "from amongst themselves" insert—

"in accordance with the system of proportional representation by means of the single transferable vote." (47).

Page 11,—

for line 14, substitute—

"from amongst themselves in accordance with the system of proportional representation by means of the single transferable vote;" (48).

Page 9,—

for line 7, substitute—

"(x) Twenty Chairmen of Departments, by rotation according to seniority;" (51).

Page 9, line 15,—

for "(xv) Ten" substitute—

"(xvi) Fifteen". (52).

The purpose of these amendments is, largely, to bring the composition of the Court and other elected bodies in line with what has been suggested by the Minorities Commission. If this House adopts these amendments, then it will be found that the apprehension which hon. Member Mr. Banatwalla has in his mind will be removed.

I have already said that after these amendments will be added, there will be in the Court only 23 ex-officio members, 20 members by rotation according to seniority, 72 elected members and 10 nominated members and the total is 125. Similarly, in the Executive Council, out of 23, ex-officio

will be 5, by rotation—6, elected members—8 and nominated members—4. In this way you will find that the point which is being raised by Mr. Banatwalla will be met.

So I move my amendments and oppose his amendments.

MR. CHAIRMAN: Mr. Rashid Masood—are you moving your amendment?

SHRI RASHEED MASOOD (Saharanpur): I am not moving.

SHRI SOMNATH CHATTERJEE (Jadavpur): I beg to move:

Page 9,—

for line 7, substitute—

"(x) One-third of the Chairman of Departments according to seniority;" (63).

Page 9,—

omit line 9. (64).

Page 9, line 11,—

for "principals of Colleges and Professors" substitute "and Principals of Colleges" (65).

Page 9,—

for lines 12 and 13, substitute—

"(xiii) Fifteen persons to be elected by the teachers of the University from amongst themselves in accordance with the system of proportional representation by means of single transferable vote.

Representatives of Non-teaching employees

(xiv) Ten persons to be elected by the non-teaching employees of the University from amongst themselves in accordance with the system of proportional representation by means of single transferable vote.

Representatives of Students

(xv) Ten students to be elected by the students under the system of proportional representation by means of a single transferable vote. (66).

Page 10, line 29,—

for "(iv) Three Deans of Faculties, by rotation" substitute—

"(iv) Deans of the Faculties of Arts, Social Sciences, Science, Medicine and Engineering; and one Dean, by rotation from amongst the Deans of the Faculties of Law, Commerce and Theology" (67).

Page 10,—

omit lines 34 and 35. (68).

Page 10, line 42,—

add at the end—

"according to the system of proportional representation by means of the single transferable vote" (69).

Page 10,—

after line 42, insert—

"(xa) One representative of non-teaching employees to be elected from amongst themselves;" (70).

Page 10,—

omit line 45. (71).

Page 11, line 14,—

add at the end—

"in accordance with the system of proportional representation by means of a single transferable vote" (72).

Page 14,—

for lines 10 to 21, substitute—

"33. All employees of the University, whether teachers or others, shall have the right to

form or join associations or unions of their choice; and it shall not be lawful for the University to impose an obligation to join, or to abstain from joining, any particular association or union." (73).

So far as these amendments are concerned, the Bill gives excessive representation to the Chairman of the Departments in the court and find a place only for five teachers other than Professors and they are put there by rotation according to seniority. This was criticised by the Minorities Commission which has recommended that to ensure democratic norms, representation of faculties other than Professors should be at least equal to the number of Professors in the Court. The removal of representation for non-teaching employees and students is, according to us, the most objectionable part and is a retrograde measure. The existing statute provides for their representation. This will be clear from the present statute. The Minorities Commission has supported the representation of non-teaching employees on the Court. The method of election by proportional representation is provided in the existing statute and it has also been recommended by the Minorities Commission and we feel that the proportional representation system should be followed.

So far as amendments 67 to 71 are concerned, I am moving them. We find that in the Executive Council the Vice-Chancellor's nominees are becoming more and more predominating in the sense now that the Proctor and the Provost will be members of the Executive Council who both will be nominated by the Vice-Chancellor or nominees of the Vice-Chancellor. The number of Deans on the Executive Council is being reduced from the present 5 to 3. This is being objected to by the teaching staff there. Since Dean represents the academic elements, there should be at least one representative of the non-teaching

[Shri Somnath Chatterjee]

employees on the Executive Council also. As far as the election of the teachers' representatives, they demand that the proportional representation should be provided for as in the existing statute and which is also recommended by the Minorities Commission very strongly.

So far as amendment 72 is concerned, it is also for providing for proportional representation. There we are requesting the hon. Minister to take note of the recommendation of the Minorities Commission and we feel that this tendency which is displayed in the Bill to replace the system of proportional representation by a simple majority vote, should be reversed and the old system of proportional representation should be brought into existence.

So far as amendment No. 73 is concerned, we are strongly pressing it because of this reason. You will find from page 14. I am requesting the hon. Minister to kindly spare a minute for this. It says that there shall be a Teachers' Association for the University and the constitution of the Teachers' Association shall be such as may be prescribed by the ordinance. Now, it is the fundamental right of the teachers to form an association. What will be the constitution of the Teachers' Association should be left to the teachers themselves. Similarly, with regard to the staff associations, this is amazing that the Act will say that there shall be staff associations for the following categories of the staff of the University, namely, administrative and ministerial, technical, Class IV and School Teachers and the constitution of the staff associations referred to in clause (1) shall be such as may be prescribed by the ordinance. How many staff associations would be there? And how many employees will be there and what will be their constitution? This is a clear attempt—bureaucratic attempt—to create divisions among the employees. We are very strongly resisting it. It has been

unanimously rejected by the employees' association; also it has been rejected by the Teachers. They have protested against them. In spite of that, I do not know, how you can do that by an executive fiat. How can this method of fundamental right of forming an association be decided by an act? We are very strongly opposing it. I would request the hon. Minister to accept amendment No. 73 of mine which will at least make this a civilised law with all the defects. I am submitting that this attempt by this Bill to give the university to change the constitution of the staff association and teachers' union and non-teaching employees union into three or four categories of union is nothing but to weaken only the present union, the present employees' union—in the Aligarh Muslim University which, whether the Minister likes it or not, has the support of the C.I.T.U. That may be the real object for which they have brought forward this retrograde and perverted provision in this clause. Not only the Students Union but also the CITU as also the Minorities Commission has the following to say—I quote:

"Another set of undemocratic provisions one notices in the Bill consists of sections 33 and 34. These refer to the Teachers' Association and staff associations. Why should the constitution of the Teachers' Association be prescribed by ordinances instead of by the teachers themselves? Why should the university oblige non-teaching staff, through ordinances, to be organised into four separate staff associations, unless they choose to do so? We mention these matters since they indicate how power is sought to be organised and deployed under the proposed system of autonomy."

This is the recommendation of the Minorities Commission. The hon. Minister would care to explain this. Why he cannot accept Mr. Banatwalla's proposed amendment to change the functioning of university? Is it because of the Supreme Court judg-

ment? Nowhere the Supreme Court has said anything which goes contrary to the recommendation of the Minorities Commission. Some portions he cannot accept because of the Supreme Court's judgment. Here this is not only the recommendation of the Minorities Commission but all the students and teachers' Unions and non-teaching staff has rejected this method of forming association by an act. I would request the hon. Minister not to go by the bureaucratic way but to accept this very reasonable amendment suggested by me.

MR. CHAIRMAN: Mr. Banatwalla, do you want to say anything on 79?

MR. G. M. BANATWALLA: Nothing.

MR CHAIRMAN: All right. Now, the Minister.

DR PRATAP CHANDRA CHUN-
DER Sir, before I deal with the points raised by Shri Chatterjee. I would like to correct the amendment moved. In fact, I do not want to move my amendment No. 34 as it has already been taken care of by amendment No 52. But, there is a minor typographical error which has crept in at page 7. I do not know how you will correct it. This has to be corrected.

I think the words 'he shall' are redundant. These should be omitted. This is a typographical error which may be corrected if the House gives the permission to do that.

MR. CHAIRMAN: I think this amendment should also be deemed to have been moved with the permission of the House.

AN HON. MEMBER: He should have given it in writing.

DR. PRATAP CHANDRA CHUN-
DER: I have just now given it in writing.

Amendment made:

"Page 7, line 13,—

omit "he shall" (80).

(*Dr. Pratap Chandra Chunder*)

974 LS—12.

I think Shri Chatterjee pleaded for the cause of the students and teachers. I share his predicament because he has been approached by them.

SHRI SOMNATH CHATTERJEE
(Jadavpur): I had been approached by the people.

DR. PRATAP CHANDRA CHUN-
DAR: I had also been approached by Professor Khusro, Vice-Chancellor and other representatives, teachers etc. And, ultimately, this clause has been proposed in the Bill. But, we read the criticism to this clause which the Minorities Commission has made at page 17. So, my amendment is that in dealing with these matters, the authorities should have prior consultation with the interests concerned.

Now, who are these authorities? It is not correct for Shri Somnath Chatterjee to say that they are bureaucrats. Actually, they are largely the elected representatives who are forming these bodies and they will frame these ordinances, certainly after consultation with these bodies, so that they can actually give affect to the desire of these respective groups. So, I should submit that this amendment that I have moved will meet the apprehension which Shri Somnath Chatterjee has in mind. So, I cannot accept his amendment.

MR. CHAIRMAN: First, I will dispose of amendment No. 79 which is an amendment to an amendment.

SHRI G. M. BANATWALLA: I am not moving my amendment No. 79.

MR. CHAIRMAN: That simplifies the matter. Now, I will put to the vote of the House all the amendments together.

SHRI SOMNATH CHATTERJEE: I want my amendment No. 73 to be put separately.

MR. CHAIRMAN: All right. Now, I put amendment Nos. 10 to 19, 77 and 78 of Shri Banatwalla and amendments Nos. 63, 64, 65, 66, 67, 69; 70; 71 and 72 to the vote of the House.

Amendments Nos. 10 to 19, 77, 78 and 63 to 72 were put and negatived.

MR. CHAIRMAN: Now, I put government amendments Nos. 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51 and 52 to the vote of the House.

The question is:

"Page 6, lines 9 to 11,—

for "by a simple majority in accordance with the Regulations made by the Court".

Substitute—

"in accordance with the system of proportional representation by means of the single transferable vote." (30).

Page 6,—

for lines 20 and 21, *substitute—*

"in accordance with the system of proportional representation by means of the single transferable vote." (31).

Page 7, lines 24 and 25,—

for "by a simple majority in accordance with the Regulations made by the Court"

substitute—

"in accordance with the system of proportional representation by means of the single transferable vote." (32).

Page 9,—

for lines 9 to 13, *substitute—*

"Representatives of teachers other than Chairman of Departments and Principals of Colleges

(xii) Five Professors, who are not Chairmen of Departments, to be elected from amongst themselves,

(xiii) Five Readers to be elected from amongst themselves;

(xiv) Five Lecturers to be elected from amongst themselves;

Representatives of non-teaching staff

(xv) Four representatives of non-teaching staff, to be elected from amongst themselves;" (33).

Page 9, line 18,—

for "(xvi)" substitute "(xvii)" (35).

Page 9, line 23,—

for "(xvii)" substitute "(xviii)" (36).

Page 9, line 26,—

for "(xviii)" substitute "(xix)" (37).

Page 9, line 29,—

for "(xix)" substitute "(xx)" (38).

Page 9, line 32,—

for "(xx)" substitute "(xxi)" (39).

Page 9, line 37,—

for "(xxi)" substitute "(xxii)" (40).

Page 9, line 40,—

for "(xxii)" substitute "(xxiii)" (41).

Page 10, line 1,—

for "(xxiii)" substitute "(xxiv)" (42).

Page 10, line 3,—

for "(xxiv)" substitute "(xxv)" (43).

Page 10, lines 5 and 6,—

for "items "(xxii) to (xxv)"
substitute "items (xxiii) to (xxv)"
(44).

Page 10,—

for line 10, substitute—

"eligible to be a member under
items (xvi) to (xxv):

Provided also that elections
under items (xii) to (xix) and
item (xxii) shall be in accor-
dance with the system of pro-
portional representation by
means of the single transfer-
able vote." (45).

Page 10, line 38,—

after "elected by it" insert—

"in accordance with the system
of proportional representation
by means of the single trans-
ferable vote" (46).

Page 10, line 43,—

after "from amongst themselves"
insert—

"in accordance with the system
of proportional representation
by means of the single transfer-
able vote". (47).

Page 11,—

for line 14, substitute—

"from amongst themselves in
accordance with the system of
proportional representation by
means of the single transferable
vote;" (48).

Page 9,—

for line 7, substitute—

"(x) Twenty Chairmen of
Departments, by rotation accord-
ing to seniority;" (51).

Page 9, line 15,—

for "(xv) Ten"

substitute "(xvi) Fifteen" (52).

The motion was adopted.

MR. CHAIRMAN: Now I will put
amendment No. 73 moved by Shri
Somnath Chatterjee to the vote of
the House.

The question is:

Page 14,—

for lines 10 to 21, substitute—

"33. All employees of the Univer-
sity, whether teachers or others,
shall have the right to form or
join associations or unions of
their choice; and it shall not be
lawful for the University to
impose an obligation to join,
or to abstain from joining, any
particular association of union."
(73).

The Lok Sabha divided:

DIVISION No. 26]

[16.47 hrs

AYES

Banatwalla, Shri G. M.

Basu, Shri Dhirendranath

Bhagat Ram, Shri

Bhattacharya, Shri Dinen

Chandrappan, Shri C. K.

Chatterjee, Shri Somnath

Damani, Shri S. R.

Faleiro, Shri Eduardo

Goswami, Shrimati Bibha Ghosh

Kisku, Shri Jadunath

Krishnan, Shrimati Parvathi

Lakshminarayanan, Shri M. R.

Mathew, Shri George

Mavalankar, Prof. P. G.

Meduri, Shri Nageswara Rao

Mirdha, Shri Nathu Ram

Mishra, Shri G. S.

Mukherjee, Shri Samar

Narayana, Shri K. S.

Patnaik, Shri Sivaji

Rachalah, Shri B.

Raju, Shri P. V. G.

Rao, Shri Jalagam Kondala

Reddi, Shri G S
 Reddy, Shri M Ram Gopal
 Saha, Shri A K
 Saha, Shri Gadadhar
 Sanyal, Shri Sasankasekhar
 Shiv Shankar, Shri P
 Suryanarayana Shri K
 Unmkrishnan Shri K P

NOES

Abdul Lateef Shri
 Ahmed, Shri Halmuiddin
 Ahuja Shri Subhash
 Alhaj Shri M A Hannan
 Amat Shri D
 Arif Baig, Shri
 Balak Ram Shri
 Balbir Singh Chowdry
 Baldev Prakash Dr
 Barakatali Shrimati Renuka Dev
 Bateshwar Hemram Shri
 Bharat Bhushan Shri
 Borole Shri Yashwant
 Brij Raj Singh, Shri
 Chandan Singh Shri
 Chandravati Shrimati
 Chaturbhuj Shri
 Chaturved, Shri Shambhu Nath
 Chauhan Shri Nawab Singh
 Chavda Shri K S
 Chhetri Shri Chhatra Bahadur
 Chowhan, Shri Bharat Singh
 Chunder, Dr Pratap Chandra
 Dandavate Prof Madhu
 Das Shri S S
 Dawan, Shri Raj Krishna
 Desai, Shri Morarji
 Deshmukh Shri Ram Prasad
 Dhara Shri Sushil Kumar
 Dharia, Shri Mohan
 Dhillon, Shri Iqbal Singh
 Digvijoy Narain Singh Shri
 Durga Chand, Shri
 Dutt Shri Asoke Krishna
 Ganga Bhakt Singh, Shri
 Ganga Singh Shri
 Gattam Shri R D
 Ghosal Shri Sudhir
 Gore, Shrimati Mrinal
 Goyal Shri Krishna Kumar
 Gupta Shri Kanwar Lal
 Hukam Ram Shri
 Jain, Shri Nirmal Chandra
 Jaiswal Shri Anant Ram
 Jasrotia Shri Baldev Singh
 Kapoor Shri I I
 Khan, Shri Ghulam Mohammad
 Khan Shri Kinwar Mahmud Ali
 Khan Shri Mahmood Hasan
 Khan Shri Mohd Shamsul Hasan
 Kishore Lal Shri
 Kotiashetti Shri A K
 Krishan Kant Shri
 Kundu Shri Samarindia
 Kureel Shri Jawala Prasad
 Kureel Shri R I
 Kushwaha Shri Ram Naresh
 Liaquat Husain Shri Syed
 Machhand, Shri Raghbir Singh
 Maheshi Dr Sarojini
 Malhotra Shri Vijay Kumar
 Malik Shri Mukhtiar Singh
 Mandal, Shri Dhank Lal
 Mangal Deo Shri
 Meerza Shri Syed Kazim Ali
 Mehta Shri Ajit Kumar
 Mhalgi, Shri R K
 Mishra Shri Shyamanandan
 Mohd Hayat Ali Shri
 Mrityunjay Prasad, Shri
 Murmu Father Anthony
 Nathu Singh Shri
 Nathan, Ram, Shri
 Nathwani Shri Narendra P
 Nayak, Shri Laxmi Narain
 Negi, Shri T S

Onkar Singh, Shri
 Pandey, Shri Ambika Prasad
 Pandit, Dr. Vasant Kumar
 Paraste, Shri Dalpat Singh
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Patel, Shri H. M.
 Patel, Km. Maniben Vallabhbai
 Patil, Shri S. D.
 Pipal, Shri Mohan Lal
 Pradhan, Shri Pabitra Mohan
 Raghavendra Singh, Shri
 Raghavji, Shri
 Rai, Shri Gauri Shankar
 Ram Kinkar, Shri
 Ram Kishan, Shri
 Ramji Singh, Dr.
 Ranjit Singh, Shri
 Raheed Masood, Shri
 Rathor, Dr. Bhagwan Dass
 Rodrigues, Shri Rudolph
 Saeed Murtaza, Shri
 Sahoo, Shri Ainthu
 Sai, Shri Larang
 Sai, Shri Narhari Prasad Sukhdeo
 Saini, Shri Manohar Lal
 Saran, Shri Daulat Ram
 Sarkar, Shri S. K.
 Sen, Shri Prafulla Chandra
 Shakya, Shri Daya Ram
 Sharma, Shri Jaganath
 Sharma,, Shri Rajendra Kumar
 Sharma, Shri Yagya Datt
 Shastri, Shri Bhanu Kumar
 Sheo Narain, Shri
 Sher Singh, Prof.
 Sheth, Shri Vinodbhai B.
 Shrikrishna Singh, Shri
 Sikander Bakht, Shri
 Singh, Dr. B. N.

Singha, Shri Sachindrakal
 Sinha, Shri Purnannarayan
 Sinha, Shri Satyendra Narayan
 Somani, Shri S. S.
 Suman, Shri Ramji Lal
 Swamy, Dr. Subramaniam
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakre, Shri Kushabhau
 Tiwary, Shri Madan
 Tripathi, Shri Madhav Prasad
 Tyagi, Shri Om Prakash
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Yadav, Shri Ramjilal
 Yadav, Shri Vinayak Prasad
 Yadvendra Dutt, Shri
 Yuvraj, Shri
 Zulfiqarullah, Shri

MR. CHAIRMAN: Subject to correction, the result* of the Division is: Ayes—31; Noes—137.

The motion was negatived.

MR. CHAIRMAN: Now, I put Clause 22, as amended, to the vote of the House. The question is:

"That Clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

*The following Members also recorded their votes:

AYES: Shri Krishna Chandra Halder;

NOES: Shri Ram Jethmalani, Shri M. P. Sinha, Dr. Bijoy Mondal, Shri mati P. Chavan and Shri Roop Nath Singh Yadav.

Clause 1—(Short title and Commencement)*Amendment made:*

"Page 1, line 4,—
for "1978" substitute "1979." (24)

(Dr. Pratap Chandra Chunder)

MR. CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula*Amendment made:*

"Page 1, line 1,—
for "Twenty-ninth" substitute
"Thirtieth"." (23)

(Dr. Pratap Chandra Chunder)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

DR. PRATAP CHANDRA CHUNDER: I move:

"That the Bill, as amended, be passed".

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

SHRI G. M. BANATWALLA: Mr. Chairman, Sir, there is some improvement in the Bill. There are, however, serious shortcomings of grave nature. The Government had a very obstinate attitude towards the basic demand namely the restoration of the minority character to the Aligarh

University. Unfortunately, the demand has been rejected and the hopes of crores of Muslims of India have been shattered. I protest against the attitude of the Government on such a basic demand. In protest, I, with a heavy heart, walk out of this House.

Shri G. M. Banatwalla then left the House

DR. PRATAP CHANDRA CHUNDER: Sir, I have already explained in great detail at the time of moving this Bill and also in my reply that the Government is very keen to respect the basic character of this University. I have said that the 1951 position has been restored and as the Minorities Commission has already indicated, both in the 1920 and 1951 Acts, this minority character is there as understood in a proper sense, namely the culture of Muslims should be protected, study of Islamic literature, languages and other matters, particularly the contribution which this community has made to the civilization of India as well as the civilization of the world should be studied in depth and there should not be any impediment to this. In addition to that, the University has powers to formulate courses as specifically mentioned in clause 4 of the Bill which has been passed by this hon. House.. "to promote especially the educational and cultural advancement of the Muslims of India". That, in substance, in effect, means the minority character, not the administration of this institution by a group of people belonging to minority community.

As already indicated, since the beginning this institution was never in the hands of one single religious community. I am very glad to tell you that when Sir Syed Ahmad had set up this institution in the last century, he had so much confidence in the Hindus of those days that when he left the country, he left the charge of the Aligarh affairs in the hands of Raja Jai Krishna Das. I am reading an extract from the book 'India and Contemporary Islam' published by

the Indian Institute of Advanced Study, Simla in 1971. In this book, it is stated:

"Prof. Sherwani said, with particular reference to the present paper, that Sir Syed had never put forward the two-nation theory and his role in forming non-political Muslim opinion was misunderstood... and as far as Sir Syed was concerned, he had left Raja Jai Krishna Das, who was his right hand man, in charge at Aligarh when he had gone abroad."

It will thus be seen that from the beginning, the Hindus were also involved in this and one single Hindu was in charge of Aligarh as Prof. Sherwani points out.

PROF. P. G. MAVALANKAR: Who is the author of this book?

DR. PRATAP CHANDRA CHUNDER: This book was edited by Shri S. T. Lokhandwalla. There was a symposium and several authors had submitted their papers and on the basis of these papers, discussion had taken place. Prof. Sherwani had also written an article in this book, "The Socio-Religious Thought of Syed Ahmad Kharh", where he said:

"He advocated the idea of one 'qawm' one nation, for all the inhabitants of the country. He was explicit when he said that if we disregard for a moment our conception of Godhead, then in all matters of every day life the Hindus and the Muslims really belonged to one qawm, one nation, as children of the soil and not two, and the progress of the country is possible only if we have a union of hearts, mutual sympathy and love... I grieve at the sight of those who do not understand this basic point and inculcate view which would ultimately lead to a cleavage between the two sections of Indian community."

He had that foresight, and because his theory of one nation consisting of Indian Muslims and Indian Hindus

was not accepted, we had partition. This is most unfortunate. So, what we have tried to provide in this Bill are actually the ideals of Sir Syed Ahmad, so that we can all work together for the achievement, or implementation of these ideas.

MR. CHAIRMAN: Now I put it to vote.

श्री न. बुराण मिर्जा (नागौर) : सभापति महोदय, मैं भी बोलना चाहता हूँ। मैं ने आपसे रिक्वेस्ट की थी। आपने मुझे मौका नहीं दिया और मंत्री महोदय को बुला लिया। मैं तो बहुत रेयरली बोलने के लिए खड़ा होता हूँ।

सभापति महोदय : भव यह सम्भव नहीं है।

श्री नाथू राम मिर्जा : आपके लिए सब कुछ सम्भव है। मुझे दो मिनट दे दीजिए।

MR. CHAIRMAN: I am sorry; now it cannot be done. After the Minister has replied, it cannot be done.

श्री नाथू राम मिर्जा : सभापति महोदय, आपको अधिकार है। मुझे सिर्फ़ दो मिनट दे दीजिए।

MR. CHAIRMAN: You should have sent in your name. I am sorry; not now. The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16.57 hrs.

SPECIAL COURTS BILL

MR. CHAIRMAN: Now, we pass on to the next item of business. There are still 3 or 4 minutes. Shri H. M. Patel.

THE MINISTER OF HOME AFFAIRS (SHRI H. M. PATEL): Sir, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to provide for the speedy trial of a certain class of offences, be taken into consideration: