

**अध्यक्ष महोदय :** अगर आप चाहते हैं तो इसे लिए लेता हूँ। क्या मिनिस्टर साहब की भी यही मर्जी है . . . .

**Shri Humayun Kabir:** I certainly accept this. I would only suggest that the parliamentary procedure in the U.K. should be followed, viz., whoever is proved to have made a false statement in this House his services should be dispensed with by this House. If he is proved to have made a false statement he should lose his seat in this parliament for the rest of its tenure. I am prepared to accept this challenge.

**अध्यक्ष महोदय :** इस तरह की कोई शर्त रख कर हाउस को चलना ठीक नहीं है। लेकिन दोनों पार्टीज कहती हैं तो तहकीकात करायी जाएगी। इस में कोई शक नहीं कि जो गलत साबित होगा उस को हाउस कुछ न कुछ सजा एकमप्रेस करेगा। लेकिन कोई शर्त नहीं लगायी जा सकती। हाउस देख लेगा कि वह इतना झूठ है कि एक्स्ट्रीम तक जाना जरूरी है। लेकिन यह शर्त नहीं जोड़ी जा सकती। सजा के बारे में हाउस फैसला करेगा उन सरकमन्टॉसेज में जो सामने आयेंगे। मगर चूंकि दोनों तरफ से इसको चेक किया जा रहा है, मैं इस की तहकीकात करूंगा और इस के नतायज हाउस को बतलाऊंगा।

**श्री मुजफ्फर हुसैन (मुरादाबाद)**  
 मैं इस सिलसिले में यह भ्रज करना चाहता था कि जो प्रकाशवीर शास्त्री साहब ने हुगायू कबिर साहब पर इल्जाम लगाया कि बफ का रुपया खर्च किया जा रहा है, तो मैं कहना चाहता हूँ कि वह जर्मियन जिस के वह प्रेमीडट हैं उस का मैं सेक्रेटरी हूँ। मेरे सामने कोटा राजम्हान से टुक काल किया गया था मिस्टर चागला को और उन से कहा गया था कि अगर मुझे कोर्ट का मॅम्बर बना दिया जाए और मुगल लाइन का डाइरेक्टर बना दिया जाए तो

**अध्यक्ष महोदय :** घाबरें, घाबरें। आपने जो कल कहा था वह मैं ने सुन लिया था। यह आप ने अपनी तकरीर में कहा था। मैं ने सुना। जब आप ने कह लिया तो फिर उस को दुहराने की क्या जरूरत है।

12.29 hrs.

ALIGARH MUSLIM UNIVERSITY  
 (AMENDMENT) BILL—contd.

**Mr. Speaker:** The House will take up clause-by-clause consideration of the Bill further to amend the Aligarh Muslim University Act, 1920.

We will take up clause 2.

Clause 2—(Amendment of section 23)

**Shri Frank Anthony (Nominated—Anglo-Indians):** Sir, I beg to move:

Pages 1 and 2,—

for lines 11 and 1 to 8 respectively, substitute—

“(2) The Court shall be the supreme governing body of the University and shall exercise all the powers of the University not otherwise provided for by this Act, Statutes, Ordinance and Regulations:

Provided that every new Statute or amendment or repeal of an existing Statute shall require the previous approval of the Visitor who may sanction or disallow it or return it for further consideration.” (21).

**Shri Koya (Kozhikode):** Sir, I beg to move:

Page 2,—

after line 5 insert—

“(c) to give directions as it deems fit to the appropriate authorities of the University on matters concerning the imparting of religious instruction to the Muslim students of the University;

(d) to pass resolutions on the management and administration of

[Shri Koya.]

the assets liabilities and properties of, and endowments and trusts with, the University and on the report and accounts of the University; and" (7)

**Shri Frank Anthony:** Sir, you will notice that all I am seeking to do is to restore, within the very stringent framework of this Bill,—I am not questioning its stringent character, I am conceding that there is an emergency in the University—the principle of the court being the supreme governing body. I am even taking the precaution, because I realise there may be the need—I have no personal knowledge—of cleaning up the University. And I want ample authority to vest with the Government and its nominees to clean up the University. As you will see in the proviso it gives stringent supervisory powers to the Visitor. There could be no amendments to any statute by the court, though it is a nominated body, except with the previous approval of the Visitor.

I say this—and I ask you, Sir, to give me a little time as I have several other amendments and I want to cover them here—that I am doing this because I want the Minister and the House to make some recognition of the right of the Muslim minority in this University. That is vitally important. The Minister has already argued that the Muslim minority has no right, title or interest. I say, with great respect, that is not correct, and I say this with great respect to Shri Chagla. I have an academic interest in this matter as a lawyer, but I have a vital personal interest in it because, as I will show you in a minute, if Shri Chagla's point, he contending for, is accepted what happens between him and the Aligarh University is a matter between him and his community, but, when, what he contends for will destroy the most precious schools and colleges run by other minorities like mine, run by Sikhs, run by the Parsis, run by the Christians and so on, as I will show you, then I join

issue completely with him. I say this with regret—I am not imputing motives though he imputed motives to everybody—that Shri Chagla is trying to show that the Muslims had no right, title or interest in the University. To put it mildly, it was a classic exercise in ambivalence, both on facts and on law. Shri Chagla vehemently denied that the Muslim University had any fundamental right. He denied that it is established, or even administered by the Muslims. Then, equally vehemently, he went on to say "But, we will see that the personality, the individuality, the character of this University is maintained". Now, is that not a contradiction in terms, I ask as a lawyer. If what Shri Chagla says is correct—I say it is not correct—that the Muslim University was neither established nor administered by the minority then it is not only illegal but it is immoral for Shri Chagla to say that "we will maintain its personality and its character". What personality and character has it got except Muslim personality and character? I am not going into the history: it is there. There it was the Muslim personality and character, the contribution in education and in culture that the Muslim community may make to the composite culture of this country. We are a pluralistic society. I repudiate the thesis that our culture is monolithic. We are a pluralistic society and every community has a contribution to make to the composite culture and the mosaic of Indian education. When Shri Chagla refers to its individuality and personality, obviously he means the Muslim individuality and Muslim personality. Then, it must flow from the right of the Muslim community. If he says that there is no right, title or interest then he can Hinduise or Christianise it because, according to him, there is no title or interest to it for them. It is just double talk. I say that Shri Chagla can only maintain the character of the institution, its personality, its individuality if he concedes what I am contending for, that they have

got not only a right but a fundamental right. I had great respect for Shri Chagla when he was on the Bench.

**The Minister of Education (Shri M. C. Chagla):** Not now?

**Shri Frank Anthony:** Well, I don't know.

Now, what has he said in trying to plead his case? I wish the Congress members should listen to this. He has said: this University was not established by the Muslims, it was established by the Legislature. With great respect to Shri Chagla may I say that his contention is completely superficial? It may have been given legislative sanction. Yes. But who founded this University? Is there any doubt about it that it was founded, with the blessings of the British Government, and they said "we are trying this experiment with confidence in the Muslim community so that it may be an instrument of regeneration for the Muslim community". They spelt it out in the 1920 Aligarh Muslim University Act in the preamble, in section 4. Whose properties were there, movable and immovable and whose privileges were there? Of the Muslim community? Muslim property, movable and immovable, and there must have been Muslim blood. I can tell Shri Chagla that it is not easy for a minority to build institutions. For building institutions for the minority, as we have done, we have to put in not only our money and resources we have also to put our blood into it. There is another superficial argument and I am coming to that later. But is there any doubt that it was Muslim property? Merely because you go through the formality of legislative sanction it does not cease to be Muslim property. Sir, as a distinguished jurist, you cannot allow Shri Chagla to insinuate such a proposition. I say this to you, Sir, that if this proposition is accepted, not a single Sikh institution can survive. Why? Why will it not survive? Simply because I know—I do not know whether you know it, but I know it because I deal

with 300 institutions—the hostility of some State Government to the minority educational institutions. If Shri Chagla's thesis is accepted, tomorrow some State Government will say that as a precondition to establishing a college, as a pre-condition to establishing a school, we must get legislative sanction. It will happen. Today you cannot have a university except through legislative sanction!

**Shri M. C. Chagla:** I do not want to interrupt my learned friend but I want to correct him. I have never suggested that a minority community cannot establish an institution or that it requires legislative sanction. It is no use trying to prejudice the argument or making an appeal to other communities. Any community can establish and administer an institution. It will be protected under article 30. I said that in this case it is established by legislature. I never said that it applies to all cases.

**Shri Frank Anthony:** I am meeting that. I say that no University can be established except by legislative sanction. What is there to prevent it? Tomorrow some other States, bitterly hostile to minority educational institutions, can say that before you can start a higher secondary school before you can start a college—we have 300 schools at present; they have to be recognised by legislative sanction.

**Shri Paliwal (Hindaun):** How can you equate schools to Universities? (Interruption).

**Shri Frank Anthony:** You can understand me, Sir. I do not expect laymen to understand me to that extent. All I am saying is this. Tomorrow, what is there to prevent . . .

**Mr. Speaker:** What Mr. Chagla has said just now—if I could follow him correctly—is that there must be a statute if a University is to be established and, therefore, what he said applied only to this University because it was Aligarh University. So

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far as schools, colleges and other institutions are concerned, they do not require any statute or Act to be passed before they can be established. This is what he says.

**Shri Frank Anthony:** That is what he says. I am meeting it on two grounds. Merely because you have to go through the motion of giving a legislative veneer—that is a necessary precondition—that is not establishment. That is giving legislative recognition, if you like, but that is not establishment. Establishment means as to who founded it, whose money was it, whose property was it. Who were the founders? The Muslims were beyond peradventure the founders of this nucleus. Merely giving legislative sanction is not synonymous with establishment. God forbid if the Supreme Court were ever to accept this argument. At present, we know that schools and colleges run by the minorities merely have to get recognition. Tomorrow, to destroy and of our schools and colleges, what is there to prevent them.

**Shri S. N. Chaturvedi (Firozabad):** The Constitution will come in to their rescue.

**Shri Frank Anthony:** All that they will say is that you may have unrecognised schools and colleges but before you can get recognition, you must get legislative sanction. What is there to prevent them from saying that? Under Entry 11. I am saying...

**Mr. Speaker:** Mr. Anthony has apprehensions that in future the States might pass legislation that even for recognition, they will have to get the sanction and a statute or an Act will have to be passed merely for a recognition.

**Shri Frank Anthony:** Yes. It is not an apprehension; it is an argument.

Then, on this parity of reasoning of Mr. Chagla, it will then be argued that in respect of Sikh institutions, Anglo-Indian or Christian institutions,

founded with our blood, merely because you give them legislative recognition, it is synonymous with establishment. Never in the life time of any minority can this be accepted. Sir, I am going to ask Muslims not to go to court because they are not only concerned but every minority is concerned with this today. I am going to plead them not to go to court. Their case is a hard case. If they make a bad law, it will mean that if you equate establishment with legislative sanction, then those who have founded it—in this case, it is the Muslims—all their properties, movable and immovable, all their privileges, will come under legislative establishment.

Then, Mr. Chagla said that they did not administer it. I do not understand this all. I do not want to bring the Supreme Court into it. But while I was arguing, the Chief Justice said, it is quite clear that they administered—you go to the establishment part. It is a complete perversion of fact to suggest that Muslims were not administering it. What is the position? By the Act of 1920—that was the founding Act—only Muslims could be on the Supreme Governing Body. I am not saying that that was a wise thing. Upto 1951, up till the coming into operation of the Constitution, only Muslims could be members of the Supreme Governing Body. How can you say that they were not administering it?

Further, Mr. Chagla made some reference to the Executive Council. I submit with great respect that it is an entirely incorrect reference. He said that the Executive Council was administering it. The Executive Council was to be entirely of Muslims—I do not say it is a good principle—but I am merely saying, you look at Statute 15. I know all the facts. The Vice Chancellor had to be elected by the Court—a Court entirely Muslim, Pro Vice Chancellor had to be appointed by the Court—the Court entirely of Muslims; 20 out of

30 members were to be elected by the Court—the Court entirely of Muslims and other 10 members also had to be Muslims. I am merely showing that this was, more than many other institutions, administered exclusively by Muslims. For anybody to come now and say that it was not administered by Muslims is to fly in the teeth of facts.

**Mr. Speaker:** I hope he is concluding now.

**Shri Frank Anthony:** Yes; I am concluding. Sir, I have to meet his arguments. Otherwise, nobody is going to accept my amendment.

**Mr. Chagla asked:** Why did the Muslims not go to the court when there was an amendment in 1951 deleting the proviso 23(1)? The proviso was that only Muslims shall be members of the Court. I will give two very good reasons for that. I am conceding because I have argued about every one of education cases in the Supreme Court, that when an institution takes aid, then Government has regulatory powers. So, for two very good reasons, after the constitution came into effect, the Muslims could not have gone to court. Firstly, it was because they were told, "This is a reasonable regulation since you are getting aid." But the more important reason was this Statute 8—these are called statutes—was kept in tact. If you look at Statute 8, you will find that it made imperative that at least between 80 to 90 per cent was guaranteed as Muslims. This was even after 1951 Act. Why should they go to court?

**Mr. Chagla has made some reference to article 15.** With great respect to him. I must say that that has no relevance to educational institutions. It deals with hotels, restaurants and public bathing places. I concede to this that under article 28(1) of the Constitution, if an institution is wholly aided, if it is receiving aid, it may not teach religion. Now, the Roman Catholic schools in Kerala, wholly

aided, shall not teach religion. But it does not mean that they cease to be administered by Roman Catholics. Under article 29(2), if a minority institution is getting aid, it shall not exclude a person on the ground of community, caste or religion. I say that all this regulation is perfectly legitimate that members of other communities must be admitted. If it is wholly aided, it may not teach religion but all the other attributes of administration by a minority shall remain there because it is a fundamental right.

Then, Sir, Mr. Chagla's thesis was this—he said this glibly—that the House is sovereign. The House is not sovereign. That is the British concept. The House is subordinate to the Constitution. As I said, I had great respect for Mr. Chagla when he was a judge. Many cases were dealt with by him. Does he forget the case in which I was the counsel, when the Government tried to destroy the Anglo-Indian schools—the 1954 case, the Bombay Education Society case? I went to him and he gave judgment in my favour. What did Mr. Chagla say—I do not know whether he said it or Justice Mahajan said it? He said: Here is the fundamental right of a minority, a recognised minority, the Anglo-Indian community. The sovereignty of the legislature must yield to their fundamental right. Mr. Chagla struck down the monstrous, proposed legislation by the Morarji Desai Government because, although he was sovereign so far as education was concerned, that sovereignty had to yield, the Police power of the State had to yield, to the fundamental right of the minority. I say this if you recognise *ex-hypothesi* that there is a fundamental right of the Muslims to their property they were administering exclusively—it ripened into a fundamental right in 1950—then it has to yield. But I am not carrying this proposition to a logical extreme. All the regulatory powers are there. I do not understand why Mr. Chagla has taken on himself this rather malodorous job. The law is

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there; the Act is there; the Chatterjee's Committee is there; they were all Hindus—non-Muslims. They said in 1961, "We recognise the fundamental right of the Muslim minority". When they had said it, why should Mr. Chagla take it on himself to deny the fundamental right of his own community. What is he afraid of? I am making every concession to Mr. Chagla; I am making every concession to Mr. Ali Yavar Jang not because he is my friend but in order to clean up the University. Keep it tight as long as you like, but recognise the right of the Muslims in this matter. You have ample powers of regulation. The Supreme Court in the Kerala reference about Roman Catholic school accepted regulation. What regulation? Government could tell them, "appoint so many scheduled castes in the Christian school" as to who should be the Manager. You can tell the Muslims of the Muslim University, as you told the Anglo-Indians, "in return for aid, you should have 40 per cent of non-muslims; in return for aid, you may not teach a religion". But you must leave to them the other necessary attributes of administration.

I appeal—I do not know whether my appeal will have any effect on the members of the Muslim community—to them not to go to Courts because they will have to face all kinds of legal contortions in these matters. I am vitally interested because the Muslim case is a hard case politically. If the judgment makes a bad law, it will adversely effect every minority. I am not giving out any secret: I wrote to the Prime Minister saying that it would adversely affect every minority. I saw him. I told him that all that I was asking for while keeping the court nominated, to make Muslims—I am prepared to come down—the majority. Can you not get 60 Muslims whom you can trust? The Prime Minister certainly did not object to my saying this. He said, "The Muslim Congress

M.Ps. are also deeply agitated; I have given them an assurance that we shall bring in a legislation, but I do not want to mention the time." I did not want to embarrass the Government and was prepared for the legislation to come much later. The Prime Minister said that he has given an assurance that a preponderant majority will be Muslims. How can there be a preponderant Muslim majority unless there is the pre-condition of the Muslim right. Why can he not do it here? That is what I am asking for. Do here what the Prime Minister has already assured that he will do.

Shri Muhammad Ismail (Manjeri): This amendment has been given notice of by Mr. Koya and myself. The amendment asks for powers to the Court that is going to be nominated under the Act to have some control over the matter of imparting religious instruction to the Muslim students of the University. The second part of my amendment is that the Court, which is a nominated one, a purely advisory body, shall have some power over the properties and assets of the University. Really speaking, many of the properties and the assets of the M.A.O. College have been taken over by the Muslim University at the time of inauguration of the University. Therefore, I want the Court to have these powers. The Court, as it is envisaged in the Bill, is a purely advisory body; it must give advice only on matters on which its advice is being sought by the authorities. If they find anything happening that is not good for the University, they cannot themselves tender any advice; they are prevented from giving such advice. That is the kind of body which is envisaged in the Bill. Now, to understand our objection to this Clause of the Bill, we must know a little of the background and history of the University.

The Muslims were very backward round about 1857. Even before that, they did not want to take to Western

education; they wanted to boycott Western culture and education; but along with that they also boycotted modern education, scientific education. After 1857 they were oppressed, maligned, deprived of every right and were reduced to a very miserable condition. Sir Syed Ahmed Khan thought about the situation. He thought that the only way of regenerating the people and improving their condition was through modern education. At the same time there was the agitation that no education without religious instruction can be true education for anybody. That was the idea of the whole Muslim community. Sir Syed Ahmed Khan recognised the validity of this opinion and he himself subscribed to that opinion. Therefore, he was thinking of combining Western education, modern and scientific education, along with religious education. He went to England; he saw how the Universities of Cambridge and Oxford were working . . .

**Mr. Speaker:** The whole history is not necessary now.

**Shri Muhammad Ismail:** I will be very short. I am placing this before the House so that we may have the right understanding of the position of the Muslim University.

**Mr. Speaker:** That has been done during the general debate. All these facts have come there.

13 hrs.

**Shri Muhammad Ismail:** I have to supplement the things that have been said in the course of the debate. I thought that I would be given an opportunity to speak and I was very hopeful because of some of your remarks that I would have my turn, but then I was not given an opportunity. However, I am quite relevant in saying these things in reference to the amendments I have moved. My amendments cannot be understood without this background. Religious education and modern education had to be combined for making the Mussalmans take to education and allow themselves to be lifted from the backwardness to which they had been pushed by cir-

cumstances. So, in 1870, a committee was appointed, and the committee recommended the establishment of a school on modern lines. First a High School was established in 1875 and then a college in 1877, i.e. the M.A.O. College. Its foundation-stone was laid by the then Viceroy of India, Lord Lytton. At that time, this idea of a university was placed before the Government as well as the people of the country. Sir Syed said that Mohammedan Anglo-Oriental college, or MAO College, the foundation-stone of which was laid by the Viceroy, was an institution belonging to the Muslim community as a whole; it had been brought into being by the combined efforts of the Muslim community. It was not a donation or a gift by any individual or by a Monarch, as used to be the practice during those days with reference to the setting up of educational institutions, but it was the effort of a whole community which had brought the MAO college into being.

He also said that the plan was that this MAO college might expand into a university whose sons shall go forth throughout the length and breadth of the land to preach the gospel of free enquiry and of large-hearted toleration and of pure morality. That was the plan and that was the aspiration of Sir Syed Ahmed Khan. He was the founder of the MAO college which became the nucleus of the Aligarh Muslim University.

This idea of forming a university or setting up a university is to be found running through the efforts of all the people who were then working in the field of education, right from 1870 up to the formation or the establishment and inauguration of the university in 1920, for a period of more than fifty years.

Then, the Bill itself was framed in consultation with the Muslim University foundation committee which had been set up by the authorities of the MAO college. They were in negotiation with the Government all along

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on the question of transforming and converting the MAO college into a Muslim university. The chairman of the Education Commission, Sir William Hunter in a report of his after referring to the 'idea that education without religious instruction is no education', says:

"At the same time, the Mohammedan founders of this strictly Mohammedan institution have thrown open their doors of the university to all races and creeds; among the 250 students I find 57 Hindus (or nearly one-fourth of the whole) Christians and Parsi lads have also received a liberal education within its walls. This liberality of mind pervades not only its rules and its teaching but the whole life of the place."

This was what Sir William Hunter, the chairman of the Education Commission said about the M.A.O. college which was the nucleus of the Aligarh Muslim University. So, this idea was already there. It was not such an exclusive educational institution as is being thought of by some of our friends. However, it had to cater to the special needs of the Muslim community whose members were specially backward because of the circumstances, political and otherwise. The necessity and fact of the control and management of that institution being with the Muslims, because of the combination of scientific and religious education there, is evident by many a record bearing upon the establishment of the university. After prolonged negotiations with the Muslim leaders and the Committee concerned with this university, the Government of India finally agreed to that arrangement. But they said that they must first get the sanction of the Secretary of State for India for that purpose. In the despatch from the Government of India in 1911 to the Secretary of State, there are certain passages which I shall crave your indulgence to read out.

**Mr. Speaker:** If the hon. Member wants to quote extensively and take one hour to move an amendment, I think that is not proper.

**Shri Muhammad Ismail:** I was not given an opportunity to speak previously.

**Mr. Speaker:** I quite appreciate that. That is why I am allowing him to speak now. But there ought to be some limit. Even then, he would have got only ten to fifteen minutes, and I am allowing him that much time.

**Shri Muhammad Ismail:** It is a supremely important and vital question for the Muslim community spread throughout the country.

**Mr. Speaker:** Other Members were given only about 15 minutes. Even now, I shall allow the hon. Member 15 minutes, but he should not exceed that.

**Shri Muhammad Ismail:** I am extremely obliged to you, and I shall crave your indulgence a little further. In the despatch to the Secretary of State, the Government of India had stated:

"We trust that Your Lordships in sanctioning a university at Aligarh will share the hope which we confidently entertain that this new and interesting educational experiment supported by the confidence of the Government of India and the Mohammedan community will be the source of enlightenment and prosperity to that community and will fittingly crown and carry on the noble work and the lofty hopes of Sir Syed Ahmed Khan."

That was what the Government of India said. The Secretary of State, in replying to that sanctioned the university in principle and wanted the Government of India to settle the details with the Muslim University Foundation Committee. That took a long time. There were prolonged negotiations. Finally, a Bill was drafted. As I said, that Bill was drafted by the Education



Member at that time, in consultation with a deputation of the Muslim University Foundation Committee which was vitally connected with the MAO college. Finally, the Bill was framed and completed in consultation with the Muslim leaders through their committee, and it was presented to the Imperial Legislative Council in 1920 and it was also passed almost unanimously; I do not think there was any opposition to it. There were Muslim Members, Hindu Members and also European Members in the Imperial Legislative Council; they sympathised with the sponsors of the university and with the objects of the university and they passed the Bill.

In the Statement of Objects and Reasons appended to that Bill it was clearly indicated that this was an institution which had grown out of the MAO college, which had been established and administered by the Muslim community and all the properties belonging to the MAO college and all the committees which were working under the auspices of that college for the establishment of the university were to be handed over to the university; properties worth lakhs of rupees were to be handed over to them and all those Committees and College had to be dissolved, and only the university should take the place of all those bodies. Therefore, it was the MAO college which had been transformed into the Aligarh Muslim University; all its endowments, all its properties, all its money, and even its debts and liabilities were to be handed over to the university under the 1920 Act. According to the provisions of the 1920 Act, even any donations that might be given later on in the name of the MAO college or any of its committees should be construed as having been given truly to the Aligarh Muslim University. That is the provision in the 1920 Act.

Now when this University was in the offing, when it was going to be established, there were further collections from the people, apart from the properties and assets belonging to the

MAO College. In one instance, Sir Aga Khan went round the country and collected Rs. 30 lakhs. That was given to the Government of India for this Muslim University. Even after the establishment of the University, millions of rupees, eight millions and ten millions of rupees, were collected and handed over to the Aligarh Muslim University.

Therefore, it was all along understood that it was a Muslim, a minority institution. I want to mention one fact in this connection. Sir Surendranath Banerjee, whom I used to consider as my hero in my youthful days, as a member of the Imperial Legislative Council congratulated the sponsors of the movement, including the Education Member who presented the Bill, on having established this University for the benefit of the Muslim community. He assured them of the sympathies of the Hindu community. He said, 'I representing the Hindu community assure you of our sympathy towards the object of this Muslim University'. Other members like Shri Sabadhikari....

**Shri Pallwal:** May I know if other Members will also be given a chance to speak?

**Mr. Speaker:** It looks as if Shri Muhammad Ismail will take most of the time left.

**Shri Muhammad Ismail:** If you do not want me to continue, I shall resume my seat.

**Mr. Speaker:** There ought to be some end. He has taken more than 25 minutes.

**Shri Muhammad Ismail:** We are the people who are vitally interested in this matter. Fairness demands that we must be allowed some opportunity to explain facts.

**Mr. Speaker:** Does he not think that I have given him sufficient time already? He is still asking for more.

**Shri Muhammad Ismail:** If we cannot ask for our rights, I request you for latitude and indulgence.

[Shri Muhammad Ismail]

It was understood at the time the Bill was passed that it was a minority organisation intended specially for the benefit of the Muslims of India. However, it was not confined at any time, from the time of its nucleus MAO college upto today, to the Muslim community alone. There were members from other communities, as there are now. There was no wall, and there is no wall, as is being imagined by certain people that divides these University students from other students. They were there in the life of the country; in extra-curricular activities, they were going throughout the country, not only throughout the country but throughout the world. Nothing prevented them from mingling with the rest of the country and the rest of the world. That is the tradition this institution has fostered, though it is a minority institution. Therefore, no harm will come if it is allowed to continue as it had been envisaged.

And how did this incident happen, on 25th April? At the very outset, I want to tell you that whatever may be the provocation, whatever might have been the circumstances, nobody will condone the violence that was inflicted not only on the Vice-Chancellor but upon anybody else. We all sympathise with the Vice-Chancellor and wish him well and complete recovery, long life and all happiness.

But that is not the question. The point, as has been stated by Shri Frank Anthony and others, is, could this incident not be dealt with by the ordinary law already existing in the country?

Are there not conspiracies in the country, much bigger and worse conspiracies? Are they being dealt with by ordinances? That is what I want to know.

About the words 'establish and administer', so much emphasis is being placed on the word 'establish'. There

are different meanings to the word 'establish'. If we ask for the meaning of 'communalism', 'nationalism' and so on, then it is said, 'go to the dictionary'. Different dictionaries give different meanings. There are different meanings for the word 'establish'. When I say that I have established the fact that today the House of the People is sitting, does it mean that when and because I established the fact the House of the People has come into being only then? When I say I establish that fact, it is clear it means that the fact is being confirmed, recognised. We have asked Government to recognise this institution and help us to set it up as a minority institution. It is a contract between two parties. It is put in the shape of an Act. When I go to a Registrar in connection with the purchase of a property, and he puts many conditions for registering the sale-deed; and then when I come out as the owner of the property, am I denied the right and ownership of that property because I went to the Registration offices, a Government agency? Is that right? In the same way, in establishing a University, if we go to Government for certain rights and privileges which are very necessary for running a university—the degrees and diplomas have to be recognised and we have to receive aid and assistance. . .

Mr. Speaker: Now he ought to stop.

Shri Muhammad Ismail: Therefore, it is a minority institution. It is well protected by the Constitution of India by more than one article which has been placed before the House by previous speakers, article 30(1) and other articles.

Shri D. C. Sharma (Gurdaspur): I am sorry for the hon. Members whose speeches I have heard with rapt attention. I do not think there is any question of an institution being a minority institution or a majority institution. I am a member of the Punjabi University, Patiala. All these days I have not heard anybody say there that it is a minority institution meant for the

Sikhs established for the Sikhs and to be administered by the Sikhs. I think this is a proposterous proposition that has been put forward by some of my friends and I am really sorry for them.

There is no question of minority and majority here. Otherwise, Delhi University will have to change its character, Vishva-Bharati will have to change its character. Shri Khadilkar who is a Maharashtrian is a member of the court of Vishva-Bharati University. What right has he to be there? It is a University established by Shri Rabindranath Tagore of Bengal for Bengalis. What right has Shri R. K. Khadilkar to go there?

**Shri Raghunath Singh:** He should be turned out!

**Shri D. C. Sharma:** This kind of argument about a minority University or majority University has absolutely no validity in the year 1965. I think as time passes this kind of talk will have absolutely no significance in free India.

**Shri Muhammad Ismail:** But the Constitution of India is in existence now.

**Shri D. C. Sharma:** I am coming to that.

I therefore submit most respectfully whether a University is established by the Centre or whether it is established by a State or by a person—as it is by a gentleman called Karve. I am referring to the Women's University which was, I think, taken over by the Bombay Government—all these universities belong to India, they belong to the Indian nation and they belong to all of us. I am as much interested in the Muslim University as any Muslim, and I do not think they should have a minority University and others should have a majority University.

Secondly, my friends were very much worried about the imparting of religious instruction in that Univer-

sity. In the first place, I think most of them do not understand what a university is. I am very sorry to say—and I say this without meaning any disrespect to anybody—that a Member has been arguing here the case of Aligarh Muslim University and he has been basing all his arguments on 300 schools that he has been running. He does not know the difference between a school and a University. He does not know what schools are and what a university is. So far as schools are concerned, in Punjab we have schools like those run by the Arya Samaj, those run by Christians, those run by the Sikhs and those run by so many other denominations. They go their own way, but you cannot say that the Punjab University, Chandigarh, belongs to the majority community and the Kurukshetra University belongs to some community which exists in heaven.

**Shri Frank Anthony:** May I ask the Member whether he has looked at the Constitution?

**Shri D. C. Sharma:** Much more often than you. You look at the Constitution for your practice, I for my own edification.

**Shri Frank Anthony:** Since he has referred to me, on a point of clarification, may I say this? Let him look at the Constitution. The words used are "educational institution"—no difference between a university and a school.

**Shri D. C. Sharma:** I have read the Constitution.

**Shri Frank Anthony:** Then you have not understood it.

**Shri D. C. Sharma:** I do not understand because I represent eight lakhs of people. I do not understand anything. Because you are a nominated Member, you understand everything.....

**Shri Frank Anthony:** Representing my community.