

Mr. Deputy-Speaker: The hon. Minister has said already that it is in the concurrent list and therefore he wants to consult the various State Governments. So far as the Central Government is concerned, it does not find any difficulty in accepting the limited purpose of the Bill. So far as the Indian Registration (Amendment) Act is concerned, this need not go before the Law Commission. It is only a question of time. Under the circumstances, the hon. Member moves for leave to withdraw the Bill. Is the House agreeable to leave being granted to withdraw the Bill?

Hon. Member: Yes.

The Bill was, by leave, withdrawn.

FACTORIES (AMENDMENT) BILL

(Substitution of section 59)

Shrimati Renu Chakravarty: I have got permission from Shri A. K. Gopalan not only to introduce this Bill, but also to pilot it in this House. I request that I may be allowed to introduce the Bill.

Mr. Deputy-Speaker: The practice has been that if any hon. Member is not able to be present to move for leave to introduce a Bill, he can authorise any other Member to do so, but on one condition, namely, that the subsequent stages of the Bill are also entrusted to that particular person who is authorised to make the motion. In this case, the authorisation is there and there is no difficulty.

Shrimati Renu Chakravarty: I beg to move for leave to introduce a Bill further to amend the Factories Act 1948.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948".

The motion was adopted.

Shrimati Renu Chakravarty: I introduce the Bill.

WORKMEN'S COMPENSATION (AMENDMENT) BILL

(Insertion of new section 3A)

Shrimati Renu Chakravarty: I beg to move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923.

Mr. Deputy-Speaker: The Bill is in the name of Shri A. K. Gopalan.

Shrimati Renu Chakravarty: I have already obtained permission.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the workmen's Compensation Act, 1923".

The motion was adopted.

Shrimati Renu Chakravarty: I introduce the Bill.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of sections 2 and 4)

Pandit Thakur Das Bhargava: I regret very much that advised as I am I do not want to make this motion today.

Shrimati Renu Chakravarty: Should he not withdraw the Bill?

Mr. Deputy-Speaker: The hon. Member cannot be compelled to make the motion. He should move for leave to withdraw the Bill only if he has moved the motion for consideration. Though he has given notice, he has not moved it. It is as good as his being absent.

BENARES HINDU UNIVERSITY (AMENDMENT) BILL

(Amendment of section 17)

Shri Raghunath Singh (Benares Distt.—Central): I beg to move:

"That the Bill further to amend the Benares Hindu University Act, 1915 be taken into consideration."

Mr. Deputy-Speaker: One and a half hours are allotted for this Bill.

श्री रघुनाथ सिंह : काशी विरसीपछालय के इस विधेयक के सम्बन्ध में मैं यह कहना चाहता हूँ कि कोर्ट को अधिकार दिया गया है कि उन के पास जो सुझाव भेजे जायें उन को वह अस्वीकार कर सकते हैं, उक्त पर नकारात्मक प्रस्ताव पास कर सकते हैं, लेकिन उन को स्वीकार करने का अधिकार नहीं है।

[PANDIT TRAKUR DAS BHARGAVA in the chair.]

इस बिल्ले संघर्ष में मेरा संशोधन यह है कि कोर्ट को वह अधिकार भी देना चाहिये कि जब यह किसी विषय या किसी बात को नहीं चाहते हुए उस को स्वीकार कर सकते हैं तो अगर वह किसी बात को चाहते हैं तो उस को स्वीकार भी कर सकते हैं। काशी विरसीपछालय की कंसल्टिंग में यह देखा गया है कि बहुत अच्छे अच्छे सुझाव आते हैं, अच्छी अच्छी चीजें आती हैं, उन के सामने प्रस्ताव आते हैं, लेकिन वह उन प्रस्तावों को अस्वीकार तो कर सकते हैं, अच्छे से अच्छे सिद्धान्त को अस्वीकार कर सकते हैं लेकिन इस बात को सांचते हुए भी कि यह सिद्धान्त बहुत अच्छा है, हिन्दू यूनिवर्सिटी का इस से कायदा होगा, उन को उस को स्वीकार करने का अधिकार नहीं है। इस लिये मैं कहना चाहता हूँ कि सिद्धान्तः कोर्ट को स्वीकार करने का भी और अस्वीकार करने का भी, दोनों का अधिकार होना चाहिये। मैं आप से यह प्रार्थना करता हूँ कि हिन्दू यूनिवर्सिटी विधेयक में जो डोटा सा संशोधन मैं प्रस्तुत कर रहा हूँ, उक्त को आप स्वीकार करेंगे। और इसीलिये स्वीकार करें कि कोर्ट का जो इ-ट-उ-कंसल्टिंग है उस में इस से बहुत सद्सिचय हो जायेगी। आजकल होसा यह है कि कोई चीज जब कोर्ट से सामने आती है और कोर्ट समझती है कि यह एक अच्छी चीज है लेकिन वह उस पर अपनी कोई राय नहीं दे सकती है। यह चीज फिर सिंसिस्ट के पास जाती है और सिंसिस्ट को राइ है, चाहे वह उसको स्वीकार करे अथवा अस्वीकार करे। इस तरह से एक

चौख दो दो और तीन तीन साल तक पेंस रहती है और उसके बारे में कोई कस्रत नहीं हो पाता। इस बिल्ले में अनुरोध करता हूँ कि इस बिल्ले को जो कि एक बहुत ही छोटा सा बिल्ले है, स्वीकार कर लिया जाये।

Mr. Chairman: Motion moved:

"That the Bill further to amend the Benares Hindu University Act, 1915, be taken into consideration."

Shri N. B. Chowdhury (Ghatal): This is a very small measure and in the last session itself when this Bill was likely to come up for discussion I gave notice of an amendment. Now, I do not want to move that amendment, but I want to make a few observations with regard to this small measure.

I support the amending Bill as brought forward by Shri Raghunath Singh. In this connection I would like to state that the position of this University is rather anomalous so far as the day-to-day work is concerned. This big university is one of the few universities that are receiving liberal grants from the Government of India and the country is certainly very much interested in a university of this magnitude. But here what we find is that although the Benares Hindu University Act was passed in 1915 and there have been several amendments, the constitution of the University Court and the law relating to the regulation of this University has not been democratized. According to the Constitution of this University, according to the Benares Hindu University Act, a large number of Princes were members of the Court, and according to the provisions of this Act any person contributing a certain amount was to be a member of the Court. In this way this University turned out to be controlled mainly by persons who could contribute a large amount of money, and most of the Princes of these Indian States were associated with it. Now times have changed and in this new set-up this old constitution of the Benares Hindu Uni-

versity requires to be changed. So, in addition to this small measure that has been suggested by the hon. Mover of this Bill the Act itself has to be replaced by a comprehensive amending Bill which will include provisions in order to democratise the constitution of this institution. So, while supporting this measure, I would request the Government to look into this matter, to go into this question of the Benares University Act and the working of this institution and take steps for introducing a more comprehensive Bill so that the regulation of this University may be consistent with the new set-up that we have now and also the new society which we are aiming at.

Shri D. C. Sharma (Hoshiarpur): I am afraid the Bill which has been proposed by my friend Shri Raghunath Singh is very limited in its scope, but it calls our attention to a very major problem. The major problem is this, that most of the universities that exist in India at present are working under statutes which are reminiscent of those times which are happily gone or which are in the course of vanishing. I know there are some Universities which have amended their Acts. For instance, the Lucknow University has amended its Act. The Allahabad University has done something like that. The Agra University has also done something like that. Now, there are some universities which are undergoing transformation and their transformation is in accordance with the social and academic urges of the times through which we are passing. But I am afraid that this Benares University is still working under a very old law.

So far as I remember, the Benares University and the Aligarh University were the two universities which were brought into being to serve as model universities. Of course, they were model not in one sense. They were in some ways thought to be universities which catered for the needs of particular communities. I do not call them model from that point of view. It does not mean that the Muslim University

did not admit Hindu students and the Benares University did not admit Muslim students. It does not mean that. But the very names Benares Hindu University and the Aligarh Muslim University showed that these universities had the odour—I do not want to use the words “bad odour”—of being in some ways communal. You must be remembering that we have been saying that the word “Hindu” should be taken away from the Benares Hindu University.

Mr. Chairman: I am afraid this is not relevant at all so far as this Bill is concerned.

Pandit K. C. Sharma (Meerut Dist.—South): These names have no relation to their functions.

Mr. Chairman: Apart from that, this Bill is very narrow in scope. It seeks only to substitute one word “approve” for the word “either”.

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

Mr. Chairman: But at the same time, the entire background of Hindu University and Muslim University is absolutely irrelevant to the subject matter of the Bill.

Shri D. C. Sharma: But I thought this background might be useful. I was saying the very names of the Benares Hindu University and Aligarh Muslim University are reminiscent of those days.....

Mr. Chairman: I am very sorry to interrupt the hon. Member again. I warned him that this is entirely irrelevant. So far as the object of the Bill is concerned, it is very limited as the hon. Member himself remarked. It is limited in scope. I would request him to confine his remarks to that scope alone.

Shri D. C. Sharma: What I wanted to say was this. I visualise the structure of a university. A university consists of the syndicate. It is also called in some places the executive council. Then it consists of faculties. Then it has also the Court. In the Punjab it is called the senate. Now, the two vital bodies in a university are the

(Shri D. C. Sharma)

syndicate and the senate or the executive council and the court. The names are different in some universities, but the functions are almost the same. From my experience of the Punjab University, I can tell you that the senate is the supreme body. It is not the syndicate that is the supreme body. The syndicate is like the executive council of the Benares Hindu University. It is the senate that is the supreme body. But here I find that the syndicate or the executive council is made the supreme body. I think this is a kind of functional disorder which my hon. friend Shri Raghunath Singh wants to correct. And I am fully in agreement with him.

4 P.M.

It may be said that the syndicate and the senate, or the executive council and the court, are like the two hands of a body, each hand watching the other. That is to say, the executive council passes the ball on to the court, and the court passes the ball on to the executive council. But I say that this kind of functioning is not very good for the academic soundness of a university body. I want, therefore, that the court should be made the supreme body, and the court should have the power to approve or to reject any proposal that is put forward. The syndicate which is meant more for executive business than for any other business should not arrogate to itself that kind of authority. It is the court which is the sovereign body. It is the court which is the most representative body. The court has practically the governance of the whole university; the finance of the whole university is with it, and the academic interests of the whole university are under its control. I do not see any reason why the court should not be given the power to have any statute approved. If we do not do that, but we make the court only a body which has practically no function, then it becomes only a rubber stamp body; it is there to put its seal upon the decisions of the executive council

Now, the executive council in every university is a small body, and the executive council represents some specific interests. I do not want to go into the details, because you would say that I am not trying to be relevant. But I may say this that the executive council is a body which has a very limited number of persons on it. This limited number of persons represents various interests; they are mostly teachers. In my university, half the number of the members must be teachers; the other half might be non-teachers. This kind of bifurcation of duties does not help the academic growth of any university.

I could tell you something from my experience of the Benares Hindu University court in this respect. I was a member of the Benares Hindu University court before the Partition, and I have been returned to the court by this House also, and I have the proud privilege of representing this House in the court of the Benares Hindu University. I have attended some of their meetings. I found that sometimes some persons brought forward very fine suggestions for the consideration of the court. For instance, at one of the meetings, there was a proposal that Gandhian philosophy should be made a subject of study, and that there should be a chair for Gandhian philosophy. Since it was some years ago that this happened, I cannot give you the subject exactly. But I do remember that it had something to do with Mahatma Gandhi. There was a lot of debate on it, and there was a great deal of discussion, and there was a general approval of the principle on the part of every member of the court. But the court was helpless. The court could not say that this principle should be accepted.

What happens in my university is this. Any member of the senate, that is to say, a court, can send up a proposal. That proposal is discussed, and it is passed or rejected. Suppose it is passed, then it can be sent to the syndicate for implementation; or the

senate may appoint a committee for the implementation of that proposal.

Therefore, I would say that the first thing that should be done is that the court should be looked upon as a sovereign body. Unless we do that, we shall not be enabling the court to fulfil its very wide objectives. The executive council is only a limited body, but the court has very wide objectives, and therefore, the court should be able to override the considerations which are put forward by the other body.

At the same time, I am surprised to find that the Benares Hindu University court, as my hon. friend Shri Raghunath Singh has said, has only negative powers. I think this is something which is very annoying. I have never come across the case of a University so far where the court has only negative powers. Negative powers mean that the court can only say, you cannot do this. My hon. friend over there said that if used to represent the princes. It does not matter, if the court represented the princes, because it was the princes who paid money to the university, and without the help of the princes, the Benares Hindu University would not have been able to function. So, there is no harm in that. What I want to say in this connection is that the Benares Hindu University represented all the interests that were there. There were representatives of oriental learning, science and so on, there were representatives of business, there, there were representatives of administration and so on. Judges of some High Court also used to be members of the court. So, there were all types of leading persons there. There were teachers also of all grades, professors, readers, lecturers, and even school teachers. So, the court which is a kind of microcosm of the social life of our country, and is a kind of mirror of the academic life of our country, should not be debarred from having this power. I, therefore, support this Bill wholeheartedly.

Moreover, I have also found that proposals of a far-reaching nature are

not generally initiated by the executive council. The latter deals only with the day to day routine of the corporation or of the society.

They sometimes try to do administrative things. But there are other things also besides administration. Of course, the Benares Hindu University has an Academic Council as every other University has. You may say that the Academic Council looks after the academic interests of the University, but I should say that the administrative interests of the University, the academic interests of the University, all find their focus in the Court, and therefore, the Court should be thought to be a body which controls all these things. Now, to take away these powers from the Court is to do something which, I should say, is not heard of anywhere else; to give it power only to dispose of procedural and technical matters is to rate the Court not very high. Therefore, if we want that the Benares Hindu University, or any other University, should work in the best interests of the academic life of any State, it should have, as Shri Raghunath Singh has said, positive and substantive rights. Those positive and substantive rights should cover administrative matters, academic matters and other matters which can promote the good of the University. I would, therefore, say that the Bill which my friend, Shri Raghunath Singh, has brought forward should be passed. If this Bill is passed, it will have its repercussions not only on the Benares Hindu University but over all other Universities also. There is now a tendency to curtail the powers of Universities; there is now a tendency to curtail the powers of these courts also, and I should say that if we invest the Court with greater power, it would be a useful reminder to other Universities which are going the other way. I therefore support this Bill wholeheartedly.

सरकार ९० एच० बहामन (विलासपुर) : में
मित्र रघुनाथ सिंह जी बनारस हिन्दू यूनिवर्सिटी
एक्ट, १९५५, की क्ला १० में अमेंडमेंट करने के

[अनुच्छेद १० एच० संशोधन]

लिए वह बिल लागे हैं। इनमें वह संसद है कि कक्षा १० जो इस एक्ट की है उसमें कौन कौन सी चीजें हैं। इसमें दिया हुआ है :

"Subject to the provisions of this Act, the State may provide for all or any of the following matters, namely:"

इसके लिए दिया हुआ है :

"the Constitution, power and duties of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee and such other bodies as may be deemed necessary to constitute from time to time".

इसके लिए दिया है :

"The election and the continuance in office of the members of the said bodies, including the continuance in office of any of the.....and the filling of the vacancies of members and all other matters relative to these bodies for which it may be necessary or desirable to provide".

इसी तरह की चीजें एच० संशोधन एच० संशोधन कक्षा १० में दी गयी हैं जिनको आप बदलना चाहते हैं।

अब आप इसमें कि हिन्दू एनीवर्सिटी का जो रजिस्ट्रेशन हुआ वह किस तरह से हुआ। रजिस्ट्रेशन में जो दिया गया है वह इस प्रकार है।

"Whereas it is expedient to establish and incorporate a teaching and a residential Hindu University at Benares and to dissolve the Hindu University Society, a society registered under the Societies Registration Act, 1860, and to transfer to and to vest in the University all property and right now vested in the said society, it is hereby enacted as follows".

इसके लिए इसका जो नाम हुआ वह था "बनारस हिन्दू एनीवर्सिटी एक्ट, १९१५"। मैं

आपसे जवाब करूँ कि जो हमारा विधान है उसमें यह बिल

charitable and religious endowments, in List III of the Seventh Schedule में आता है। और वहाँ पर वह कानून के तहत में दिया हुआ है।

यह विषय हमारे कास्टीट्यूशन से रिजर्व्ड ० के आइटम नम्बर ५२ पर इस प्रकार दिया हुआ है :

The institutions known at the commencement of the Constitution as the Benares Hindu University.....

और हमारे विधान की धारा २४५ के अनुसार इस विषय पर गवर्नमेंट भी कानून बना सकती है। मैं कहने की गरज यह है कि जो बिल मैंने लिख लाये हैं वह बहुत अच्छे हैं। लेकिन इनमें यह संसद है कि इस विषय में उत्तर प्रदेश सरकार की क्या राय है। इनमें संसद चाहिये क्या इसको बदलने के लिए ९० पी० गवर्नमेंट भी संसार है। इनमें इस बिल पर कोई एंजल नहीं है, न हमारी सरकार को एंजल होना चाहिये। लेकिन हमारे विधान में यह विषय कानून के तहत में दिया हुआ है और इसलिए इसमें ९० पी० गवर्नमेंट की भी सलाह लेनी है। ऐसी हालत में मैं चाहता हूँ कि इस विषय पर आमरीपल मिनिस्टर प्रकाश बात है कि यह बिल इस हाउस में ९० पी० सरकार की राय बिना जाने हुए आयेगा या नहीं।

Mr. Chairman: I fail to understand why, when this is in the Concurrent List, a Bill of this nature cannot be brought forward here. What is the point of objection?

Sardar A. S. Saigal: I have already stated it. On account of the provisions regarding constitution and registration, this Bill can be brought in this House without the consent of the U.P. Government.

Mr. Chairman: The hon. Member himself has stated that it is in the Concurrent List. If it is in the Concurrent

List, why cannot this Bill be brought forward here?

Sardar A. S. Saigal: But the U.P. Government also has got a right, and that Government must be consulted.....

Mr. Chairman: Order, order. When any subject is in the Concurrent List, where is the restriction that a Bill dealing with that matter cannot be brought in this legislature?

Shri Raghunath Singh rose—

Mr. Chairman: I want to know from the hon. Member what is the point of objection.

Sardar A. S. Saigal: It is in the Union List.

Mr. Chairman: Even if it was in the Concurrent List there could be no objection. But I understand it is in the Union List.

Sardar A. S. Saigal: It is in the Union List.

Mr. Chairman: Then his objection is absolutely untenable.

Sardar A. S. Saigal: The U. P. Government also got the power so far as the Hindu University is concerned....

Mr. Chairman: Order, order. If it is in the Union List, then clearly the State legislature has got no control over this matter. If it is in the Concurrent List, then this legislature has got every jurisdiction to enact a measure of this nature. So I want to know what is his point of objection.

Shri Raghunath Singh: I want to make it clear that it is in the Union List.....

Mr. Chairman: What does the hon. Member want to deal with? I want to know from the hon. Member what is his point of objection. If the objection is not clear, it need not be answered. Does any other hon. Member want to speak on this Bill?

Shri D. C. Sharma: He should first reply to your question.

Mr. Chairman: The hon. Parliamentary Secretary to the Minister of Education.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The Bill that has been moved by my hon. friend, Shri Raghunath Singh, is a small amending Bill. But though it looks so, this Bill is of great consequence and if this Bill is accepted by Government, then the whole system of the present Benares Hindu University Act will be upset. Sir, my learned friend Prof. D. C. Sharma is a professor. He has said.....

An Hon. Member: He was a professor.

Dr. M. M. Das: He was a professor; I beg your pardon.

Pandit K. C. Sharma: He is still a professor.

Shri D. C. Sharma: My friend was a homoeopathic doctor, Sir.

Dr. M. M. Das: No, I was not a homoeopath but an allopath.

Anyway, Sir, my friend Shri Sharma says that the Benares Hindu University is still working under a very old law. For the information of my hon. friend, Prof. Sharma, I beg most respectfully to submit that just after independence, the University Commission which is commonly known as the Radhakrishnan Commission, after the name of its illustrious chairman, was set up by the Government and it submitted its report to the Government in the year 1949. The Government of India accepted the Radhakrishnan Commission's report *in toto* and in the year 1951 they brought an amending Bill for amending the Benares Hindu University Act in the light of the recommendations of the Radhakrishnan Commission. Now, the present Benares Hindu University Act is the Act which was amended by Parliament in the year 1951. So, I was rather amazed when the Professor says that the University is still working under a very old law. I do not say that these words of his betray.....

Pandit K. C. Sharma: Ignorance.

Dr. M. M. Das: I do not want to use that word; but it may be said that his memory betrayed him.

Shri D. C. Sharma: May I ask the hon. Minister how many sections of the original Act were amended by the amending Bill to which he is making a reference.

Mr. Chairman: Neither is this question hour nor at this stage can such a question be put to the hon. Minister when he is dealing with the subject on the merits.

Dr. M. M. Das: Another point that has been raised by the professor is that in this Act the Executive Council has been made the supreme body. This is absolutely without any foundation, absolutely incorrect. He pleaded that the Court should be made the supreme body. I may draw his attention to section 9 of the Benares Hindu University Act which says:

"The Court shall be the supreme governing body of the University."

So, the Court is already the supreme body so far as the functions of the University are concerned. There is no need to make it the supreme body. It is already there.

Shri Raghunath Singh: That is our grievance.

Shri D. C. Sharma: Sir, it is a supreme body without any power.

Mr. Chairman: Order, order. Let there be no interruption. Let the hon. Minister proceed. Supposing the hon. Member is treated in the same manner he is sure to feel the pinch.

Dr. M. M. Das: Coming to the Bill, the Bill proposes that the Court should be given the full power to pass any statute. Now, as the provision stands, the Court has the power but the proposal has to be routed through the Executive Council which is the executive body of the University.

My hon. friend wants that the Court should be given the full powers to

pass any statute, without informing or without the concurrence of the Executive Council. The existing procedure is that if any member of the Court makes a proposal for the introduction of any new statute or for amending any existing statute, then the court may reject the proposal of the member or it may refer the proposal to the Executive Council. It cannot approve the proposal of the member; but it has to refer the proposal to the Executive Council and if the Executive Council sends the proposal back either in the same form or in a changed form then the Court may or may not accept the proposal.

Mr. Chairman: The Court is entitled to accept it after it has come from the Executive Council?

Dr. M. M. Das: The Court has got the power to reject it. It cannot approve it, first. The proposal has to be routed through the Executive Council. The two bodies, so far as the passing of statutes is concerned, are complementary to each other. Neither is fully independent, and they have worked wonderfully well up till now. There has been no cause for any grievance on the part of anybody. It has worked to the full satisfaction of everybody concerned in the University. If we now accept this amendment, the whole plan of the working of the University will be upset and, perhaps, many other changes will have to be made in the Benares Hindu University Act which is not desirable. As I have said, the Benares Hindu University Act was amended in the year 1951 according to the recommendations of the Radhakrishnan Commission.

Moreover I want to impress upon my hon. friend Mr. Singh, the mover of this Bill, that there has not been any necessity felt for such an amendment. Nobody who is connected with this University has felt any such necessity for giving into the hands of the Court full powers so far as the passing of statutes is concerned. The system, as it stands, is working wonderfully well and Government do not want to disturb it at this stage.

Sir, I am sorry that the Government is not in a position to accept this amending Bill.

श्री रघुनाथ सिंह : परती बात तो मुझे यह कहना है कि हमारा लायक दोस्त सरदार ए० एस० सहगल ने जो बात कही है कि यूनिपन तिस्ट में यह नहीं है, उसके लिए मैं आपका ध्यान दिलाना चाहता हूँ....

Shri Chairman: Order, order; this is not the point at issue at all.

श्री रघुनाथ सिंह : आत राइट, सर ।

दूसरी बात जो मैं कहना चाहता हूँ वह यह कि हमारा लायक दोस्त डा० एम० एम० दास ने बहुत अच्छी तरह से समझाने की कोशिश की, लेकिन समझाने में असमर्थ रहे । सब संवधान ६ में यह दिया हुआ है :

"Any member of the Court may propose to the Court the draft of any statute and the Court may either reject the proposal or refer such draft for the consideration of the Executive Council which may either reject the proposal or submit the draft to the Court."

अब जहाँ "रिजॉक्ट" का शब्द है, उसमें हमको यह देखना है "एम्ब" करने का राइट उसको क्यों न दिया जाय । आप जब इस बात को स्वीकार करते हैं कि कोर्ट यूनिवर्सिटी की सुप्रीम बॉडी है, फाइनेल एगारिटी है और उसमें हिन्दुस्तान भर की बनता के डॉनर्स हैं, सब रिजॉक्ट है, लोक सभा के भी दो सदस्य उपस्थित रहते हैं । इसके अलावा हमको एक बात याद रखनी चाहिए कि बनारस हिन्दू यूनिवर्सिटी आत इन्डिया यूनिवर्सिटी है, सारं देश के लोग और सारं राज्यों के लोग उसमें आते हैं । देश भर के धन से हिन्दू यूनिवर्सिटी की स्थापना हुई है और हिन्दू यूनिवर्सिटी का कोर्ट ही एक एंसी बॉडी है जिसमें साल में दो दिन या एक दिन सारं देश भर के लोग इकट्ठा होते हैं । लोक सभा से जो दो सदस्य वहाँ भेजे जाते हैं, वह भी उसमें उपस्थित रहते हैं और जब

कि हर एक मंत्री को हर एक सदस्य को स्टैंड के अनुसार यह अधिकार दिया गया है कि कोई भी प्रपोजल कोर्ट के सामने ला सकते हैं, बहस कर सकते हैं और रिजॉक्ट कर सकते हैं या उसका ड्राफ्ट बना कर रिजॉक्ट कर सकते हैं या उसे भेज सकते हैं, तो क्या कारण है कि सारं देश भर के आदमी जहाँ बैठे हों, उस को एम्ब नहीं कर सकते । इस वास्ते सरकार से मेरी यह इस्तद्दा है कि वह इसे स्वीकार करे । आखिर कोर्ट के ऊपर आपको विश्वास क्यों है जब कि कोर्ट सुप्रीम बॉडी है । और मैं तो कहूँगा कि आप उस बॉडी पर जो विश्वास प्रकट कर रहे हैं, वह विश्वास ठीक नहीं है । अगर वह सुप्रीम बॉडी है तो उसको सुप्रीम एगारिटी होना चाहिए । वह नकारात्मक नहीं होना चाहिए । स्वीकारात्मक भी होना चाहिए । इस वास्ते मेरी प्रार्थना है कि यह छोटो सा जर्मेन्ट है । सिद्धा मंत्री महादय को मेरे इस संशोधन को स्वीकार कर लेना चाहिए ।

हमारे लायक दोस्त डा० एम० एम० दास ने कोई रीजन नहीं दिया, कोई तर्क उपस्थित नहीं किया कि आखिरकार मेरा जर्मेन्ट क्यों न स्वीकार किया जाना चाहिए । अगर मेरा यह संशोधन मान लिया जाता है तो हिन्दू यूनिवर्सिटी के फंक्शनिंग में क्या व्यवधान उपस्थित होता है, इस पर आपने कोई बात नहीं कही कोई तर्कसम्मत बात आपने पेश नहीं की कि इस कारण से मेरा संशोधन अस्वीकृत होना चाहिए । जब कि कोर्ट फाइनेल एगारिटी है, सुप्रीम बॉडी है और उसको प्रपोजल करने का अधिकार है, रिजॉक्ट करने का अधिकार है तो उस अवस्था में उस कोर्ट पर आपको विश्वास करके उसको इस बात का भी अधिकार देना चाहिए । इस वास्ते मैं हाउस से यह प्रार्थना करता हूँ कि इस छोटे से जर्मेन्ट को जो बहुत छोटा एक शब्द का जर्मेन्ट है, इस को स्वीकार करके कोर्ट के ऊपर विश्वास करे कि अगर वह रिजॉक्ट कर सकता है तो उसे एम्ब करने का भी अधिकार दिया जाय । इन शब्दों के साथ मैं अपने बिल को फिर हाउस के सामने रखना चाहता हूँ ।

Mr. Chairman: The question is:

"That the Bill further to amend the Benares Hindu University Act, 1915, be taken into consideration."

The motion was negatived.

INDIAN MAJORITY (AMENDMENT) BILL

(Amendment of section 3)

Shri Jhulan Sinha (Saran North): I beg to move:

"That the Bill further to amend the Indian Majority Act, 1875 be taken into consideration."

In rising to move for the consideration of this Bill, I would like to clarify the position of the law as it is and also as it should be according to my amendment. Section 3 of the Indian Majority Act reads as follows:

"Subject as aforesaid, every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of Chapter XXXI of the Code of Civil Procedure, has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in the Indian Succession Act No. X of 1865 or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.

Subject as aforesaid, every other person domiciled in Part A States and Part C States shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before."

The law as it provides that everybody in Part A and Part C States will be deemed to be a major on the attainment of eighteen years, except those for whose property or person a Court of Justice or Court of Wards has been appointed as guardian. In the case of the latter, he will be deemed to be a major on the attainment of twenty-one years of age and not before. The difficulty or anomaly is this. I personally know of a case of an estate which was governed by a Court of Wards in Bihar. When the father died, his two children were less than eighteen years of age. The Court of Wards continued to manage the estate till the elder one attained the age of twenty-one years. (I have not read my amendment, I am sorry.) As it is, everybody will be deemed to be a major on his attaining the age of eighteen years. What I want is this when a case is one where the persons' personal properties are governed by a Court of Wards or Court of Justice and it also happens to be a case of a mitakshara family living jointly, the eldest person attaining the age of 21 years will automatically under the present law be deemed to be a major and will be put in possession of the properties at his wish, but when the property is released from the superintendence of the Court of Wards, the younger one, who is already 18 but still below 21 years of age, will now be put under the guardianship and tutelage of the elder one who has already attained the age of majority. This position seems to me to be very anomalous. If the general law of the land provides that in the case of people, whose property and person are governed by the Court of Wards or Court of Justice, the age of 21 years will be necessary to make them major and when the property is released, the younger members of the joint family, whose property has already been released in this way by the Court of Wards, still continue to be minor even after the attainment of the age of 18 years, that is, till they attain the age of 21 years, that is the difficulty. In the case I have just cited, the estate was released on the elder one attaining the