

*Saturday,  
19th March, 1904*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XLIII**

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ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:  
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LAWS AND REGULATIONS

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The Council met at Government House, Calcutta, on Saturday, the 19th March, 1904.

**PRESENT:**

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.

The Hon'ble Mr. T. Raleigh, C.S.I.

The Hon'ble Sir E. FG. Law, K.C.M.G., C.S.I.

The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.

The Hon'ble Sir A. T. Arundel, K.C.S.I.

The Hon'ble Sir Denzil Ibbetson, K.C.S.I.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. A. W. Cruickshank, C.S.I.

His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.

His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. E. Cable.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Mr. H. Adamson, C.S.I.

The Hon'ble Mr. A. Pedler, C.I.E., F.R.S.

The Hon'ble Mr. T. Morison.

The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.

The Hon'ble Mr. D. M. Hamilton.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Dr. Asutosh Mukhopadhyaya, D.L., F.R.A.S., F.R.S.E.

**INDIAN UNIVERSITIES BILL.**

The adjourned debate on this Bill was resumed to-day.

[*Dr. Asutosh Mukhopadhyaya.*] [19TH MARCH, 1904.]

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that after clause 6 the following be inserted as a new clause 7, the subsequent clauses being re-numbered accordingly, namely :—

" 7. (1) The Ordinary Fellows of the University shall be persons distinguished for their attainments in any branch of Literature, Science or Art or for their devotion to the cause of education.

(2) Not less than two-fifths of the total number of Ordinary Fellows shall be non-officials.

(3) When the jurisdiction of the University extends over more than one Province, the nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the educational interests of each of such Provinces.

(4) The nominations of Ordinary Fellows by the Chancellor shall be made, as far as practicable, with due regard to a fair representation of the principal religious communities whose children are educated at or admitted to the examinations of the University."

He said :—"The object of this amendment is to define the character of the Senate and thus to remove what appears to me to be the gravest defect in the Bill. It appears to me to be of paramount importance that the general principles which should regulate the constitution of the new Senate should be clearly defined and embodied in the Statute. It is pointed out in the Report of the Universities Commission that although the Senates of the three older Universities were in their origin intended to be bodies of persons qualified to advise and to exercise control in educational matters, yet for some time past the notion has prevailed that a Fellowship is a distinction which may be bestowed by way of compliment, without much regard to the academic qualifications of the recipient. The Commissioners accordingly recommend that no Fellowship should in future be conferred merely by way of compliment, and that in every case there should be some good academic reason for the appointment. They next proceed to describe how the Senate, as a whole, should be constituted, and specify four classes of persons as qualified and entitled to be members of the Senate : (a) University and College teachers, specially Heads of Colleges ; (b) persons distinguished by their attainments in any branch of learning and qualified to take part in University business ; (c) representative members of the learned professions ; (d) representatives of Government. As I have already stated, in my opinion, the substance of the recommendations of the Commission on this point should be embodied in the Bill. My Lord, there cannot be the slightest doubt that the condition of the present Senates, which the Government is now pleased to describe as unsatisfac-

[19TH MARCH, 1904.] [*Dr. Asutosh Mukhopadhyaya.*]

tory, has been brought about mainly, if not entirely, by the action or the inaction of the Government itself. If we examine, for instance, the history of my University, we shall find that since the foundation of the University, the Government has appointed over five hundred Fellows and the Graduates have elected 24. It can hardly be contended that these latter can, in any way, have appreciably affected the character of the Senate. If we endeavour to ascertain—indeed, if one may be permitted to do so without impropriety—the principle upon which the Government may be supposed to have made these nominations, we shall soon find that there is only one circumstance common to these appointments, namely, that they are not based upon any principle which human ingenuity can discover. If after this the Government declines to embody in the Statute any general principles for guidance in the future, one may, I trust, be permitted to question the wisdom or propriety of such a course. I do not think it is any answer to say that the principles have now been investigated by the Commission and are not likely to be overlooked in future. Past experience proves conclusively that recommendations of important Commissions, and even principles set out in important Resolutions of the Government, are liable in the course of a few years to be forgotten and overlooked. There is so little of continuity in Indian official life that problems which have interested and agitated the men of one generation are completely neglected by their successors. It is not often that we are fortunate enough to get as the Chancellor of a University a distinguished Fellow of All Souls; it is not often that we are fortunate enough to get as the Vice-Chancellor of a University another distinguished Fellow of All Souls who has successfully interested himself in the history of the rise and progress of Universities from his undergraduate days. What guarantee is there, I ask, that the principles which it is now conceded ought to regulate the constitution of the Senates of our Universities, will not in the course of a dozen years prove quite unfamiliar to less gifted and less qualified Chancellors and Vice-Chancellors? My Lord, I venture to submit that this desire to see these principles embodied in the Statute Book cannot in any sense be regarded as an infirmity of a lawyer. There are obvious advantages to be secured by the adoption of the course which I advocate; if these principles are clearly formulated and if they find a place in the Act, they become widely known, easily ascertainable and little liable to capricious variation; their presence on the Statute Book can do no possible harm. The only persons who may find it inconvenient to see these principles formulated in the Statute are those who a few years hence may find it necessary or convenient to disregard or deviate from them. I may further

[*Dr. Asutosh Mukhopadhyaya ; Mr. Raleigh.*] [19TH MARCH, 1904.]

point out that, as it is proposed to make Fellowships terminable after five years, there must be frequent vacancies and constant changes in the Senate; and if the Government is really anxious to provide against the recurrence of the mistakes of the past, it is essential that certain well-recognised principles should be steadily kept in view. As to the principles which I have enunciated, I do not think that there can be any room for any substantial difference of opinion; indeed, they are based on the recommendations of the Universities Commission and were also recognised by the Hon'ble Member in charge in his speech in this Council at the time of the introduction of this Bill, when he pointed out, *first*, that, although the Government should retain an adequate representation on the Senate, it was not advisable to alter its character by too large an admixture of the official element; and, *secondly*, that the religious communities which send their young men to the Colleges affiliated to the University ought to be fairly represented on the Senate. I believe, my Lord, that if these principles are adopted and fairly worked out, we shall be able to secure re-constituted Senates which will be academic in their character and will fairly and adequately represent Government and private educational interests and non-educational, official and non-official interests, represented by Europeans and Indians in fair and, if possible, equal proportion. I need hardly point out that a properly constituted Senate is of fundamental importance, and every safeguard ought to be liberally provided for the continuance of the character initially imposed on it; otherwise the benefits expected from the operation of this Bill may prove illusory and the interests of high education itself may seriously suffer."

The Hon'ble MR. RALEIGH said:—"My Lord, in answer to my Hon'ble Colleague I will state shortly the view of this matter which recommended itself to a majority of the Select Committee. We accept of course the declaration of policy which the Hon'ble Member has quoted from the Report of the Commission. And I think we should go a step further and admit that there is considerable force in the arguments which have just now been addressed to the Council. The Senates have been brought to their present condition by laxity in the appointments for which Government is responsible, and we may admit that the policy of this Bill, if we leave the Chancellor without restriction, is more or less in the nature of an experiment. The whole success of this Bill depends on the care and the wisdom with which successive Chancellors exercise their powers, and it is most important that they should never for one moment lose sight of the principles which the Commission stated in a definite form and which the Government have since accepted. But when it is proposed to

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[*Mr. Raleigh.*]

turn these principles into clauses of the Bill, I object to the method of my Hon'ble Colleague's procedure. The inevitable result of creating categories of Fellows would be the same as I ventured to point out yesterday would result from creating categories of Colleges. By taking such a course you would give occasion for the formation of divisions, factions I might almost say, in the Senate, and you have to keep a balance of votes between bodies of men who will be watching one another as if they represented opposite interests. I hope that both officials and non-officials will find places in the Senate, and I hope that provinces and religious communities will be properly represented, but in each case the reason for the appointment ought to be an academic one, and if the Chancellor has to observe what one might call an arithmetical scheme in making his appointments, the danger is that he will have to leave on one side the man whom he thinks on the whole likely to make a good member of the Senate, and to choose some other and less satisfactory nominee because of these rules creating categories of Fellows. And then again it must not be forgotten that we are legislating for Universities whose circumstances differ very widely, and that when you come, for example, to fix a proportion between officials and non-officials, the circumstances, let us say of Calcutta and the Punjab, may be widely different.

"As for the two last points of the Hon'ble Member's scheme, I think that they are open to objection as sub-clauses in the Bill, because they are more or less in the nature of advice, and they do not possess that precision which the provisions of the Statute law ought to possess. In the first place, what is 'due representation' of provinces? Anybody set to construe that phrase on abstract lines might say that the Central Provinces, for instance, are entitled to a certain numerical proportion of the Senate at Allahabad. That is not the kind of representation which we desire to give. I would say the due representation of the Central Provinces at Allahabad would be the representation which the Chancellor, after taking all the local circumstances into account, thinks proper to assign.

"As for the final point which relates to religious communities, I think it might be found not only embarrassing but mischievous. Speaking from some experience of the Calcutta Senate, I must express my admiration for the temperate and impartial way in which University questions which touch the various religious communities are discussed by the Hindu and Muhammadan members of that assembly. But once the question is raised, what is the due representation of Muhammadans on the Calcutta Senate, I foresee a discussion which might possibly develop a certain amount of feeling. For these

[*Mr. Raleigh; Mr. Gokhale; Dr. Asutosh Mukhopadhyaya.*] [19TH MARCH, 1904.]

reasons, while I accept in substance the principles which the Hon'ble Member has laid down, I must decline to accept his amendment."

The Hon'ble MR. GOKHALE said:—"I beg leave to say just one word in support of a portion of the amendment which has been moved by the Hon'ble Dr. Asutosh Mukhopadhyaya. It is that portion which has reference to the proportion of official and non-official members of the Senate. The Hon'ble Mr. Raleigh just now said that the only principle which should guide us in making nominations to the Senate is to consider who are the men who are fit to be members of an academic Senate. I submit, however, that the Government themselves have gone much further in the case of other bodies; and even in regard to the Senate, in laying down the proposition that two-fifths of the members should be Professors, the Government have actually departed to a certain extent from this general principle which the Hon'ble Member has just laid down. Men who are engaged in the work of teaching, as may conceivably happen, may be unfit to be members of an academic Senate, and yet if a proportion like that is laid down in their case, I do not see any reason why a similar proportion in regard to the element of non-officials in the Senate should not be laid down. In regard to Legislative Councils we have the provision that at least half the number of the members should be non-officials: in municipal bodies we have the same proportion. After all, facts have to be faced, and the difference of views between officials and non-officials has got to be taken note of. One thing more I will say, and that is this. Under the new scheme of University legislation the Government obtain much greater control over University matters than before. That being the case I think it is desirable that a considerable proportion of seats should be secured for the non-officials. I therefore cordially support that part of the amendment which has reference to the proportion of two-fifths being reserved for non-officials."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"In reply I desire to deal with only one observation of the Hon'ble Mr. Raleigh. With reference to the last principle laid down in my amendment the Hon'ble Member was pleased to say that its introduction might be mischievous. This came to me as a surprise, for I took this down almost verbally from the speech which the Hon'ble Member delivered in the Council when he introduced this Bill, and if any mischievous consequence ensues from the adoption of that doctrine whether it is incorporated in the Bill or not, I am afraid he must share a portion of the blame."



[19TH MARCH, 1904.] [*Dr. Asutosh Mukhopadhyaya.*]

The Council divided :—

*Ayes—6.*

The Hon'ble Dr. Asutosh Mukhopadhyaya.  
The Hon'ble Rai Bahadur Bipin Krishna Bose.  
The Hon'ble Mr. T. Morison.  
The Hon'ble Nawab Saiyid Muhammad.  
The Hon'ble Mr. Gopal Krishna Gokhale.  
The Hon'ble Rai Sri Ram Bahadur.

*Noes—16.*

The Hon'ble Mr. D. M. Hamilton.  
The Hon'ble Mr. J. B. Bilderbeck.  
The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.  
The Hon'ble Mr. A. Pedler.  
The Hon'ble Mr. H. Adamson.  
The Hon'ble Mr. E. Cable.  
His Highness the Agha Khan.  
His Highness the Raja of Sirmur.  
The Hon'ble Mr. A. W. Cruickshank.  
The Hon'ble Sir Denzil Ibbetson.  
The Hon'ble Sir A. T. Arundel.  
The Hon'ble Major-General Sir E. R. Elles.  
The Hon'ble Sir E. F. G. Law.  
The Hon'ble Mr. T. Raleigh.  
His Excellency the Commander-in-Chief.  
His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that the following be inserted as a new clause 8, the subsequent clauses being re-numbered accordingly, namely :—

"8. Every Ordinary Fellow of the University shall, during the term that he continues to be such Fellow, annually pay into the University chest a sum of Rs. 50 for the creation of a fund to be devoted exclusively to the objects mentioned in section 3.

"If an Ordinary Fellow does not pay such fee within the year for which it is due, the Chancellor may declare his office to be vacated."

[*Dr. Asutosh Mukhopadhyaya ; Mr. Raleigh.*] [19TH MARCH, 1904.]

He said:—"My lord, before I came into the Council Chamber this morning, I found that the *Pioneer* describes this amendment as a plucky and sporting one. I confess that it does require a considerable amount of pluck to move any amendment at all in this Council, with the full knowledge that it is sure to be rejected ; but I must protest against the suggestion that the amendment is a sporting one ; indeed, my Lord, it is of the utmost importance, and I ask my Hon'ble Colleagues to consider it in all seriousness. Clause 3 of the Bill as amended defines the powers of the University, which it is clearly impossible for the University to exercise without adequate funds at its disposal. I therefore venture to suggest that every Ordinary Fellow of the University shall during the term that he continues to be such Fellow annually pay into the University chest a sum of fifty rupees for the creation of a fund to be devoted exclusively to the objects mentioned in clause 3. I don't lose sight of the fact that if my suggestion be accepted it may amount to what may perhaps be described as an unfair demand on our European fellow-subjects to contribute not only to the intellectual capital of an Indian University, as they must do if it is to work well, but also to its pecuniary capital, when the intellectual benefit to be derived is no doubt mainly confined to Indians. But I venture to hope that gentlemen who are associated with the work of the University and who take a genuine interest in the promotion of the object which the University has in view, will be found not unwilling to contribute to its funds. I cannot persuade myself to believe that the provision which I have suggested can possibly do any harm or practically have any deterrent effect."

The Hon'ble MR. RALEIGH said:—"My Lord, when my Hon'ble Colleague said that this amendment was quite certain to be rejected, I think he slightly under-rated the temptation which he was dangling before the Vice-Chancellor of an impoverished University in the shape of an income of possibly Rs. 5,000 per annum. But, great as the temptation is, I do not think it is sufficient to induce me to consent to make a charge, and in some cases it would be a serious charge, to be paid by an individual for the privilege of performing an onerous public duty. My Hon'ble Colleague has skilfully framed his argument as if the European official members of the Senate were those most likely to object to a tax of this character. I venture to say that if the Council accepted this amendment we should in many cases be charged with laying an impossible charge

[19TH MARCH 1904.] [*Mr. Raleigh ; Mr. Morison ; Mr. Pedler.*]

upon the Indian scholar, who cultivates learning upon an income which from the European point of view is very small. That, I think, in itself is a sufficient reason for rejecting the amendment."

The Hon'ble MR. MORISON said:—"I am strongly in favour of this suggestion, and I must congratulate the Hon'ble Member on having had the courage to bring up again this most desirable but probably most unpopular reform; it will, I can conceive, press rather hardly upon the Indian Professor or Lecturer, but in such cases the College, if it thinks such services very needful, can pay it for him; the pay of all European Professors is, I imagine, amply sufficient to enable them to pay it themselves, and if they are not prepared to make this small sacrifice for the good of education in India, they are not wanted on the Senate."

The Hon'ble MR. PEDLER said:—"I should like to make one or two remarks in support of the position taken up by the Hon'ble Mr. Raleigh. I feel convinced myself that a tax of Rs. 50 would be found to be extremely burdensome upon the young Indian Graduates some of whom we hope to see on the Senates. Rs. 50 to a man who has only just commenced his earning career is a very considerable sum amongst Indian gentlemen. I should also like to point out that this proposal to tax Fellows is rather against one of the recommendations of the Indian Universities Commission, where we proposed that, in the case of Fellows who may have to come in considerable distances to attend meetings of the Senate, arrangements should be made by the University to pay travelling allowances. These two proposals do not appear to be at all in agreement. It is, I think, very desirable not to tax Fellows for doing their duty, but on the other hand to enable them to do their duty without being out of pocket by such work, and hence I would be quite prepared at any future time to support a proposal that Fellows of any University coming from a distance to meetings should be paid travelling allowances. Then again the sums that could be expected to be derived from a contribution such as is proposed would be such an exceedingly small amount, probably only £200 or £300 a year, that I think the gain would be out of all proportion to the trouble it would cause. What we really want in India is not to increase the University chest by small contributions of Rs. 50 each, but we do want that some of the rich Indian nobles and gentlemen should come forward in the same way as gentlemen come forward in America

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and other countries and assist the University with large donations, for the amount obtained by this tax of Rs. 50 would be so small that it would not enable any large reforms to be carried through. I should, therefore, oppose this proposal as being likely to be a serious burden upon some of the younger Fellows and to cause irritation rather than effect any real good."

The Hon'ble DR. BHANDARKAR said:—"A Fellowship of an University involves an honour and at the same time a responsibility, but an honour that is purchased by a payment of Rs. 50 a year has a good deal of its dignity impaired, and though a man in my position would not decline to pay Rs. 50 still I would decline the honour if it is to be had on that condition only. A self-respecting man would not accept a Fellowship on these conditions."

The Hon'ble MR. GOKHALE said:—"I wish to make one or two observations in regard to what has fallen from the Hon'ble Mr. Pedler. The young Indian Graduate seems to be a very convenient person. He can be pressed into the service when necessary and thrown aside when necessary as a worthless person. The Hon'ble Member's solicitude for the young Indian Graduate seems to me to be of this sort.

"As regards what the Hon'ble Mr. Raleigh said, I may point out that the Fellows of the University will not merely have to perform onerous duties, but they also will be exercising a valuable privilege: the Faculties are allowed to elect a certain proportion of the Senate, and the Council will note that while the Graduates who are a love the privilege of electing will have to pay an annual fee, the Fellows on whom the franchise is conferred make no payment whatever. Of course the fee proposed is a much higher one, because their position is higher and their resources presumably ampler.

"In reply to the Hon'ble Dr. Bhandarkar I may say that because Fellows are required to pay an annual fee, no body would ever imagine that it is paying money to buy an honour. It is only a contribution made to further the purposes for which the Universities exist. I think there is a good deal to be said for the amendment: it does not matter whether the amount prescribed is Rs. 50 or a smaller sum: it is a matter of principle."

The Hon'ble RAI SRI RAM BAHADUR said:—"I beg to support the amendment proposed by my Hon'ble friend Dr. Mukhopadhyaya. In order to

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be enrolled as a member of a certain body a man has to pay an annual or monthly sum, it should not be considered as equivalent to a purchase of that honour. We have, for instance, such societies as the Asiatic Society of Bengal to which the members have to pay yearly contributions, but it never occurred to anybody that by paying the annual fee he is purchasing the honour of being a member of that Society. Then in the clause which succeeds this one we find that the Bill requires that Graduates wishing to have the franchise of election will have to pay both initial and annual fees. Why should not the gentlemen who wish to have the honour of being members of the Senate contribute the small sum of Rs. 50 in the same way?"

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said in reply:—"My Lord, the young Indian Graduate is a very convenient individual; he has been twice trotted out in this Council—once in November 1903 as the discontented B. A., and a second time in March 1904 as a person of culture and distinction, qualified to be a Fellow of the University. I should like to know from the Hon'ble Member in charge how many young Indian Graduates are likely to get a seat on the new Senate. We have seen a somewhat exuberant display of sympathy for his limited means, and I have no doubt he will feel extremely grateful for the concern which has been felt at the difficulty in which he may find himself if called upon to contribute Rs. 50 a year. As a matter of fact, my Lord, the few Indians who may have a seat on the new Senate will willingly pay Rs. 50 annually for the purposes of their University; and if any brilliant Graduates of limited means are put on the Senate, they may well be appointed examiners of the University, and may in this manner earn a decent income from which they can without difficulty contribute to the University funds. With reference to the observation which fell from the Hon'ble Dr. Bhandarkar that, if the honour of a Fellowship can be purchased for Rs. 50 a year, it will be no honour at all, I cannot but characterize the argument as extremely fanciful. My Hon'ble friend is no doubt aware that there is such a distinction as a Fellowship of the Royal Society F. R. S. and although four red sovereigns have to be paid as an annual subscription, it is rightly regarded as the highest honour which a scientific man can aspire to. If a Fellowship of the University is thrown open to every person who can afford to pay Rs. 50 a year, it will undoubtedly cease to be an honour and distinction. But if it is conferred with discrimination upon deserving individuals, I fail to see how it can cease to be valued simply because a pecuniary obligation is attached to it."

[*Rai Sri Ram Bahadur.*] [19TH MARCH, 1904.]

The Council divided :—

*Ayes—7.*

The Hon'ble Dr. Asutosh Mukhopadhyaya.  
 The Hon'ble Rai Bahadur Bipin Krishna Bose.  
 The Hon'ble Mr. T. Morison.  
 The Hon'ble Nawab Saiyid Muhammad.  
 The Hon'ble Mr. Gopal Krishna Gokhale.  
 His Highness the Agha Khan.  
 The Hon'ble Rai Sri Ram Bahadur.

*Noes—15.*

The Hon'ble Mr. D. M. Hamilton.  
 The Hon'ble Mr. J. B. Bilderbeck.  
 The Hon'ble Dr. Ram Krishna Gopal Bhandarkar.  
 The Hon'ble Mr. A. Pedler.  
 The Hon'ble Mr. H. Adamson.  
 The Hon'ble Mr. E. Cable.  
 His Highness the Raja of Sirmur.  
 The Hon'ble Mr. A. W. Cruickshank.  
 The Hon'ble Sir Denzil Ibbetson.  
 The Hon'ble Sir A. T. Arundel.  
 The Hon'ble Major-General Sir E. R. Elles.  
 The Hon'ble Sir E. FG. Law.  
 The Hon'ble Mr. T. Raleigh.  
 His Excellency the Commander-in-Chief.  
 His Honour the Lieutenant-Governor of Bengal.

To the motion was negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 7, sub-clause (a), head (b), the words "subject to the payment of an initial fee of such amount as may be prescribed by the regulations" be omitted. He said :—  
 "My Lord, I consider that the Graduates should not be required to pay any fee either at the time of getting their names registered or annually, and if the name has once been brought on the register it should be retained therein without the payment of any annual fee. The keeping of the register will not entail costs to any appreciable amount. If it be said that the payment of such fee will show the continuance of the interest evinced by the Graduate in University matters, I submit that due provision can be made in the rules which the Senates are empowered to frame on the subject under sub-clause (h) of the 25th clause of the Act. No fees are charged from electors for the preparation and maintenance of registers in the case of Municipalities and District Boards; therefore, no good reason exists why the Graduates of a University alone should be subjected to payment of any fee in order to secure the franchise of voting."

[19TH MARCH, 1904.] [*Mr. Raleigh; Dr. Asutosh Mukhopadhyaya; Mr. Morison; Mr. Gokhale.*]

The Hon'ble MR. RALEIGH said :—" My Lord, I have one answer to this group of amendments, and it is this. They relate to the details of a scheme which has been very carefully considered in Select Committee, and the italic letters in the amended Bill will show that the scheme has been considerably modified; and it was modified, I may state, in deference to the wishes which were expressed by the unofficial members of the Committee. That being so, I deprecate the discussion of these matters of detail in Council. Of course I do not question the right of the Hon'ble Mr. Sri Ram to bring up before Council any question of importance which he thinks has been wrongly decided by the Committee. But with regard to details, and especially the financial details, of a scheme of this kind, I think the Council should be guided by the Committee."

The Hon'ble Dr. ASUTOSH MUKHOPADHYAYA said :—" I am not familiar with the condition of things that prevails in the Allahabad University, but so far as my own University is concerned we are in need of funds, and I would be extremely sorry to see this provision omitted from the Bill to which we look forward to give us a substantial amount of relief."

The Hon'ble Mr. MORISON said :—" With regard to the one University about which I know, I may add that it is on the verge of bankruptcy. The Hon'ble Member points out that it is desirable in the case of other Universities; and I think it is far more desirable in the Allahabad University for that reason."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 7, sub-clause (2), for the words "one year" the words "three years" be substituted.

The Hon'ble MR. RALEIGH said :—" My Lord, I have really no reply to make, except what I have made before, that these are matters which have been very carefully considered by the Committee, and that I think the Council will do well to abide by the scheme as settled."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 8, sub-clause (1) be omitted. He said :—" The sub-clause postpones in the case of the Universities of Allahabad and the Punjab election by Graduates. There is provision made in the Bill for election by Graduates in both these Universities; but as I have already pointed out, the Chancellors of the two Universities are empowered to postpone this election till such time as they deem proper. My point is that this is unneces-

[*Mr. Gokhale; Mr. Ralesgh; Mr. Morison; Rai* [19TH MARCH, 1904.]  
*Sri Ram Bahadur.*]

sary. Whatever may have been the reason for withholding in Allahabad and the Punjab the elective franchise from Graduates in the past, there is no reason for such a course now. I find that at present there are about 835 B. A.'s of ten years' standing; there are, moreover, about 260 M. A.'s, and an even larger number of Bachelors of Laws.

"I confess that the figures of M. A.'s at Allahabad—260 against 231 in Bombay and 140 in Madras—somewhat astonish me; possibly the Allahabad standard of the M. A. is lower than the standard at Madras or Bombay, though perhaps Mr. Morison will not agree in this view. What I submit, however, is that the time has come when Graduates in these Universities should be allowed some sort of voice in the administration of their Universities, and when you have a constituency of over 1,000, nobody can say that it is a small constituency."

The Hon'ble MR. RALEIGH said:—"My Lord, in the three older Universities we have some experience of election by Graduates. In the two junior Universities, if introduced now, it would be a novelty. All that the sub-clause under discussion provides is that the novelty should not be introduced by the action of this Council but by the local action of the Chancellor. If the Graduates Association of Allahabad expresses the opinion of the general public, I have no doubt that due consideration will be given to it by the Chancellor of the University, and I think it had better be left to him to say what is the particular moment when this new form of election should be introduced."

The Hon'ble MR. MORISON said:—"I do not think that the Graduates form a good constituency at all, because they are not in a good position to judge of the merits of different candidates. The result of this amendment would be to introduce a quasi-political element into the University, because in the absence of any other representative assembly the Senate becomes the arena into which those who wish to cut a figure in politics naturally seek admission. It is not the place here to discuss the desirability of representative institutions in India, and I confine myself to saying that it is not the interest of education that the Senates should be converted into minor political debating societies."

The Hon'ble RAI SRI RAM BAHADUR said:—"I should like to offer one remark on this point, and it is this. Yesterday there was a discussion on this subject in connection with the amendments proposed on clause 6 of the Bill that the Graduates concurrently with the Senate of the University of Allahabad should have the franchise of electing Fellows. That amendment was not



[19TH MARCH, 1904.] [*Rai Sri Ram Bahadur; Mr. Gokhale; Mr. Raleigh.*]

accepted. The question here is the same, and I showed yesterday the number of Graduates, especially the Masters of Arts, on the rolls of the Allahabad University. The Hon'ble Mr. Morison has taken a novel ground against the extension of franchise of election in favour of the Graduates: he says that elections of Fellows to the Senates by the Graduates will turn them into arenas for politics. It is not only the Allahabad University which will be thus converted into a political arena, but all the Indian Universities will be so affected. Therefore, if the Graduates of the older Universities shall have the privilege of electing Fellows to the Senates, why should not the Universities of Allahabad and the Punjab enjoy a similar privilege?"

The Hon'ble MR. GOKHALE said:—"I must really protest against the spirit of the remarks made by the Hon'ble Mr. Morison. I do not think he has any reason to assume that Graduates will be influenced by political considerations any more than will Government be influenced by corresponding considerations. Again, even if Graduates are influenced by these considerations, it may be because there is a political side to educational matters. As regards his argument that it was not desirable to turn the Universities into debating societies, I may say that similar criticism has been levelled at this Legislative Council; it has been said that these Councils are after all little better than debating societies. I think no good is done by such sneers."

The motion was put and negatived.

The Hon'ble MR. RALEIGH moved that in clause 10 the proviso be omitted.

The motion was put and agreed to.

The Hon'ble MR. GOKHALE said:—"My amendment now is that the following proviso be added to this clause:—

'Provided that not less than one-half of the persons so nominated shall be nominated on the recommendation of the registered Professors in affiliated Colleges.'

"I admit that this is an attempt to obtain by a flank movement what we failed to secure yesterday by a frontal attack. We want that representation should be given to Professors. We urged that in two ways. My Hon'ble friend Dr. Mukhopadhyaya first of all urged that a special sub-clause might be added to the clause which deals with the election of Fellows and that the Professors should have the franchise conferred upon them. That was rejected. I then moved that in place of the election by Faculties there should be election by Fellows. That was also rejected. We now come to the proposal that the Chancellor should take into consideration the recommendations of

[Mr. Gokhale; Mr. Raleigh; Mr. Bilderbeck.] [19TH MARCH, 1904.]

Professors in making half his nominations. My arguments in favour of this are the same as those urged yesterday, and therefore I do not wish to repeat them."

The Hon'ble MR. RALEIGH said :—" My Lord, I pointed out yesterday that any proposal which involved a register of Professors requires to be very carefully thought out and properly safeguarded before it can be accepted, and I think that is sufficient reason for declining to accept the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 11, sub-clause (2), for the words " the Chancellor may declare his office to be vacated " the words " his office shall be declared to be vacated " be substituted. He said :—" This refers to the clause which provides that where an Ordinary Fellow has not attended a meeting of the Senate other than a Convocation during a period of one year, the Chancellor may declare his office to be vacated. The clause as it stands in the Bill leaves a certain amount of discretion to the Chancellor as to the cases in which he will declare a Fellowship to be vacated and those in which he will not. I frankly admit that my object in moving this amendment is to limit this discretion, for I think the Bill already vests too much discretion in the Chancellor, and any further extension of his power I must resist as far as possible. Yesterday I proposed that the number of *ex officio* Fellows might always be kept at what it was. This is a similar amendment which says that when a Fellow has not attended office for a year his office shall be *ipso facto* declared vacant. I do not think it should be in the power of a Chancellor to say, although this man has not attended for one year, still he shall keep his seat, while another man who has similarly failed to attend shall vacate. I think there should be one rule for all."

The Hon'ble MR. RALEIGH said :—" My Lord, the Committee left this provision of the Bill in a permissive form because it appeared to them that there were cases in which it would be necessary to exercise a discretion. The rule is intended to secure regular attendance at the meetings of the Senate. But to take a case which might very possibly occur : suppose that a Fellow of the Calcutta University who was permanently resident in Calcutta should be appointed to officiate for a year as Director of Public Instruction in Assam, of course he would be unable to attend the Senate, and the Vice-Chancellor exercises his discretion, and says that he does not think it is a case for putting the rule into operation."

The Hon'ble MR. BILDERBECK said :—" In the first place I do not see how the Hon'ble Mr. Gokhale secures the object for which he contends. Even

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supposing it were made obligatory that a man who had been absent for a year should vacate his appointment as Fellow, it is still within the competence of the Chancellor to reappoint him if he considered that his absence was not entirely his own fault. There is of course also the possibility that circumstances might prevent a man from attending the meetings. There might be only one or two meetings in the year, and on the first occasion a man, for instance, might be getting married, and on the second he might perhaps be burying his wife—both good reasons for absence. It seems rather absurd that a man should be compelled to vacate his appointment on account of circumstances over which he had no control."

The Hon'ble MR. GOKHALE said:—"The argument used by the Hon'ble Member really goes against him. If the Chancellor can re-appoint him at once there should be no objection to his vacating his office. As regards those difficulties which he has pointed out, others might have other difficulties; the best way therefore is to have one rule for all. As the Government will have power now to appoint twenty Fellows every year, no inconvenience need be caused by such a provision, because if any man is wanted he might be given one of the twenty seats at the disposal of Government."

The motion was put and negatived.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA moved that to clause 12, sub-clause (b), the following proviso be added, namely:—

"Provided that not less than two-thirds of the Ordinary Fellows so nominated, shall be persons holding office as Fellows at the date of the commencement of this Act."

He said:—"The transitory provisions undoubtedly constitute one of the most difficult portions of the Bill, and although they have been recast by the Select Committee substantially on the lines suggested by me, I regret there are two points of fundamental importance upon which I find myself unable to accept the recommendations of the Select Committee. I entirely agree with the observations the Hon'ble Member in charge made on the occasion of the introduction of the Bill, that in the constitution of the new Senate personal claims must be subordinated to the interest of the corporate body, but that the transition from the old system to the new will not be associated with any act which can justly be regarded as a personal slight. I think the Bill ought to provide that a certain proportion at least of the Ordinary Fellows nominated under the new Act shall be persons holding office as Fellows at the date of the commencement of the Act. In my opinion this proportion should not be less than two-thirds. If it be true that there is no intention to extinguish the present Senate and that the only

[*Dr. Asutosh Mukhopadhyaya; Mr. Raleigh; Mr. Gokhale.*] [19TH MARCH, 1904.]

object is to re-constitute it, it seems to me that the proportion which I have suggested is by no means too high. My Lord, my suggestion, I venture to think, is extremely moderate; I do not demand that the existing Senates should have any voice in the nomination of the new Senate; all that I want is a guarantee in the Bill itself that the best amongst those who have so long carried on the work of the Universities shall be retained on the new Senate. I think, my Lord, that the inefficiency of the present Senates has been greatly exaggerated, especially by persons who are outside the University, and who imagine, not unnaturally perhaps, that once they are within it matters will be set right in no time. My Lord, I shall have occasion later on to discuss whether the present condition of high education is attributable to the inefficiency of the Senate or to the steady and systematic deterioration of the Education Department of the State. All that I need say at present is that no case has been made out for the extinction of the present Senate, and I have grave doubts whether it would be practicable to constitute a new Senate by keeping out a substantial portion of the old Senate, with the help of third-rate teachers, who seem to be most clamorous for a share in the work of the administration of the University."

The Hon'ble MR. RALEIGH said:—"My Lord, I quite agree that the present Senates, whatever their defects may be, contain a large number of men who will be absolutely necessary if the new constitutions of the Universities are to be worked with success. Therefore, as far as my knowledge of what is likely to happen in the different Universities will enable me to judge, I should say that the object that the Hon'ble Member has in view is likely to be attained; but I do not see that any use is served by having a provision of the Bill to that effect, and for that reason I oppose the amendment."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that to clause 12, sub-clause (b), the following be added, namely:—

"Provided that not less than half of the Fellows so nominated shall be nominated on the recommendation of the Fellows constituting the Senate at the commencement of this Act."

He said:—"My Lord, I attach very great importance to this amendment, as also to the one which follows. Even if the amendment which was just now moved by the Hon'ble Dr. Mukhopadhyaya had been accepted, I confess that that would not have satisfied me at all. Taking the case of the Bombay University, we have at present 270 fellows. If we suppose that the new Senate would consist of 75 men, all that would have been secured by that amendment

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was that 50 out of these 75 should be out of the 270 who are Fellows now. I expect that more than that proportion will really be taken by the Government out of the existing Senate. The objection to the existing Senates is not that they exclude any one whom the Government would like to be there but that they include a large number of persons who ought not to be there. What I want is that when the new Senate is constituted, at least half of that new Senate shall be elected by persons who are members of the old Senate. My Lord, this summary extinction of the old Senate in so complete a manner is what I really take the strongest objection to. What the Bill proposes is that the old Senate shall bodily leave the hall of the University one fine morning, and that their places shall be taken by a new body of men appointed by Government for the purpose. Now, such a procedure is, I submit, French and not English; this sort of complete break of continuity between the new order of things and the old is really a most unusual thing so far as English constitutional methods are concerned. My Lord, these old Senates have done good work on the whole in the past. The Hon'ble Mr. Raleigh bore testimony yesterday to the character of the work that has been done. I hope that that testimony was not intended merely to soothe the feelings of those who are to be asked to leave. If they have deserved well of the State, it is not too much to ask that half of the men of the new Senate shall be recommended or elected by these men, on the lines of a resolution adopted by the Calcutta Senate. I therefore move that not less than half shall be nominated by the existing Fellows."

The Hon'ble MR. RALEIGH said:—"My Lord, I think it would be an act of the greatest unwisdom if we were to insert this proposed provision in the Bill. Taking the existing Senates as a whole, one has to consider not only what their composition is, but what is their present state of mind, and we have, whether we like it or not, to face the fact that so far as the debates which have taken place at Calcutta, Madras, and Bombay will enable us to judge, the majority of the existing Senates dislike the policy of the Government as embodied in this Bill and entirely distrust the measures which Government is pledged to carry out. That being so, what is likely to be the result of consulting them as to the choice of members for the new Senate? They would almost certainly recommend those of their members who are hostile to the Bill, and Fellows so recommended would be likely not to make the policy of the Bill a success but rather to introduce difficulties and delay. That reason is, I think, sufficient to dispose of Mr. Gokhale's amendment."

The Hon'ble MR. PEDLER said:—"I should like to add a few words to what has fallen from the Hon'ble Mr. Raleigh. I think, if the proposal put forward by the Hon'ble Mr. Gokhale is carried, it will postpone reform almost absolutely and indefinitely. While I should wish to bear testimony to the fact

[*Mr. Pedler ; Dr. Asutosh Mukhopadhyaya.*] [19TH MARCH, 1904.]

that a good deal of the work done by the Senates and by the Calcutta Senate in particular in the last few years has been most valuable, yet I think the discussions carried on since the question of University reform was started have shown that the present Senates are to a certain extent unsatisfactory and are unfitted for the work they have to carry on. I would point out that at the commencement of the working of the Universities under the new Bill we shall have to be especially careful to have a good expert Senate, for it is this new body which will have to prepare the new regulations on which the progress of education for the next quarter of a century will depend. Now, if the Hon'ble Mr. Gokhale's amendment were to be carried, it is quite possible, as the Hon'ble Mr. Raleigh has pointed out, that a considerable proportion of Fellows would be recommended to the Chancellor who might consistently oppose some of the reforms which are distinctly needed. I do not think we need go back far in the history of the Calcutta University to show that in that Senate we have a party which opposes reform. I do not want to go into details of cases, but the minutes of the Calcutta University show several cases where the decisions of the Senate were distinctly against discipline and order. I may perhaps just allude to one case, where some time ago the Syndicate came to certain conclusions on the clearest evidence, and these conclusions were submitted to the Senate but were not upheld by that body. Some other cases, not so glaring of course, have also occurred: but I should wish to avoid the possibility that we might have men recommended to the Chancellor for election some of whom might perhaps have taken part and have voted in a case in favour of what certainly was not law and order. For that reason, therefore, I entirely oppose the amendment."

The Hon'ble Dr. ASUTOSH MUKHOPADHYAYA said:—"The Hon'ble Mr. Pedler has given the Senate of the Calcutta University, to which he and I belong, an excellent character. He has referred to a particular case with every detail of which I may claim to be more familiar than the Hon'ble Member himself. It is not my desire to revive an unpleasant controversy which has been buried and forgotten; but, my Lord, the case to which my Hon'ble friend has made such pointed and such unfortunate allusion will not strengthen the cause for which he has been pleading. The persons who stood up for the cause of discipline and order on that occasion were the Indian gentlemen on the Syndicate—headed by the first Indian (shall I say the last Indian?) Vice-Chancellor which the Calcutta University had; the strenuous efforts of that Vice-Chancellor to maintain the cause of discipline and order were directed against the College owned by a leading member of the Indian community who might rightly be described as one of the most popular men in these Provinces; but these efforts were defeated by the combined action of some of the highest European officials on the Senate, and I regret to have to add that their action met with the approval of the Government of India. If any lesson

[19TH MARCH, 1904.] [*Dr. Asutosh Mukhopadhyaya; Dr. Bhandarkar; Mr. Gokhale*]

is to be drawn from that one case, it is that the Indians deserve better treatment at the hands of Government. If discipline is not maintained in the Calcutta University, the blame does not lie with the Indians: it lies upon other shoulders."

The Hon'ble Dr. BHANDARKAR said:—"I would like to add a word. The Hon'ble Mr. Gokhale speaks of turning out the Senate at once and then asks us what the Senate has done. The Senate will not be turned out even if his amendment is rejected. For most, if not all, of the new Fellows nominated by the Chancellor will be from the present Senate."

The Hon'ble MR. GOKHALE said:—"The argument used by the Hon'ble Mr. Raleigh and the Hon'ble Mr. Pedler constitutes a commentary on the character of the Bill which cannot be altogether gratifying to its authors. For it comes to this, that the vast majority of those whom the Government themselves have in the past put on these Senates are not to be trusted, even in the smallest measure, to co-operate in the work of carrying out the new reforms which the Government think it necessary to introduce. If that is really so, and if this is the state of things not in one but in all places, it might really make the Government reconsider whether the suggested reforms are after all so desirable.

"Another thing that I would say is that we often hear it stated in theory that opposition is good, and opposition is welcome. If opposition really is good, and if the presence of an influential opposition in any deliberative body has its uses, then I really do not see why there should be any objection to the adoption of this amendment simply on the ground that the persons likely to be elected would be opposed to the reforms which the Government wish to see carried out.

"As regards the particular instance which the Hon'ble Mr. Pedler gave, and to which the Hon'ble Dr. Mukhopadhyaya has given a very effective reply, I may say this. It was one of the four cases to which I referred yesterday in my speech. The records of this case I have carefully read, because my attention was drawn to it; and, having read those records recently, I confirm every word of what the Hon'ble Dr. Mukhopadhyaya has said, namely, that seven Indian members of the Syndicate unanimously recommended a certain course, and that the measure might have been adopted at the Senate but for the fact that certain very influential Englishmen took up the case of the College in regard to which this proposal was made. Therefore, an instance like that does not strengthen the case of the Government."

The motion was put and negatived.

[*Mr. Gokhale ; Mr. Raleigh.*] [19TH MARCH, 1904.]

The Hon'ble MR. GOKHALE moved that for clause 12, sub-clauses (b) and (c), the following be substituted, namely :—

"(b) The Chancellor shall also, as soon as may be after the commencement of this Act, make an order directing that the Ordinary Fellows, who under the said provisions are to be elected by the Faculties, shall be elected by the Ordinary Fellows constituting the several Faculties at the commencement of the Act in such manner as the Chancellor may direct.

(c) When the Ordinary Fellows mentioned in clauses (a) and (b) have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, subsection (1), clause (c)."

He said:—"This is a more moderate proposal than the last one and should, I think, be accepted without hesitation. The whole scheme of election and nomination as contemplated by the Bill is this. Supposing we have 100 members of the Senate, we first of all have 10 elected by the Graduates ; then the 10 whom the Faculties have to elect are to be elected ; and lastly the remaining 80, or whatever number the Chancellor chooses to appoint, are to be appointed. This is the ordinary procedure laid down for the constitution of the Senate after this Bill becomes law. However, in regard to the first Senate a departure is proposed in the Bill from this provision. It is proposed that after the Graduates' election, the Chancellor shall make his nominations, and the persons nominated by the Chancellor and those elected by the Graduates together shall elect the persons whom the Faculties are to elect. That it is to say, the Chancellor is to nominate before the Faculties elect. The object of this departure seems to be to prevent the Faculties of the old Senate—those in existence at the commencement of the Act—from exercising the franchise and thus having even a small measure of voice in the composition of the new Senate. Even this small fraction of representation is not to be allowed to the old Senates, and therefore the whole scheme of the Bill is to be set aside temporarily and the Chancellor is to appoint his men, and then, when these men have been appointed, they and the Graduates' men together are to elect the men who should be elected by the Faculties. I may point out that this is hardly a reasonable procedure, because the men appointed by the Chancellor and the Graduates do not really constitute the Senate ; the Senate is not complete until the election by the Faculties takes place. I therefore think that the procedure should be as laid down in my amendment."

The Hon'ble MR. RALEIGH said :—"For the reasons which I gave in speaking to the last amendment I think it would be unwise to give the existing Faculties the right of election that is claimed for them, and I therefore oppose the amendment."



[19TH MARCH, 1904.]

[Mr. Gokhale.]

The Council divided :—

*Ayes 4.*

The Hon'ble Dr. Asutosh Mukhopadhyaya.

The Hon'ble Nawab Saiyid Muhammad.

The Hon'ble Mr. Gopal Krishna Gokhale.

The Hon'ble Rai Sri Ram Bahadur.

*Noes 18.*

The Hon'ble Rai Bahadur Bipin Krishna Bose.

The Hon'ble Mr. D. M. Hamilton.

The Hon'ble Mr. J. B. Bilderbeck.

The Hon'ble Mr. Ramkrishna Gopal Bhandarkar.

The Hon'ble Mr. T. Morison.

The Hon'ble Mr. A. Pedler.

The Hon'ble Mr. H. Adamson.

The Hon'ble Mr. E. Cable.

His Highness the Agha Khan.

His Highness the Raja of Sirmur.

The Hon'ble Mr. A. W. Cruickshank.

The Hon'ble Sir Denzil Ibbetson.

The Hon'ble Sir A. T. Arundel.

The Hon'ble Major-General Sir E. R. Elles.

The Hon'ble Sir E. F. G. Law.

The Hon'ble Mr. T. Raleigh.

His Excellency the Commander-in-Chief.

His Honour the Lieutenant-Governor of Bengal.

So the motion was negatived.

The Hon'ble MR. GOKHALE moved that to clause 12, sub-clause (d), the following proviso be added, namely :—

"Provided that not less than half the Fellows so nominated shall be nominated on the recommendation of the Ordinary Fellows constituting the Senate at the commencement of this Act."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that for clause 12, sub-clauses (d), (e) and (f), the following be substituted, namely :—

"(d) In the case of the Universities of the Punjab and Allahabad, the Chancellor shall, as soon as may be after the commencement of this Act, make an order directing

[*Mr. Gokhale; Mr. Raleigh.*] [19TH MARCH, 1904.]

that the Fellows, who under the said provisions are to be elected by the Senate, shall be elected by the Ordinary Fellows constituting the Senate at the commencement of this Act.

(e) The Chancellor shall also, as soon as may be after the commencement of this Act, make an order directing that the Fellows, who under the said provisions are to be elected by the Faculties, shall be elected by the Ordinary Fellows constituting the several Faculties at the commencement of this Act.

(f) When the Ordinary Fellows mentioned in clauses (d) and (e) have been elected, the Chancellor shall proceed to the nomination of Ordinary Fellows under section 6, sub-section (1), clause (c)."

He said :—" I will only make one observation, and it is this. The Senate of Allahabad elects at present every year half the number of Fellows that are appointed. Considering that this privilege is now to be withdrawn, I think it is only fair that half the number of the new Senate should at the beginning at least be elected by the old Senate."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 12, sub-clause (4), for the word "three" the word "five" be substituted. He said :—" Under the scheme of the Bill the Senate is practically to be reconstituted in the course of five years, as no member is to be a member for more than five years, and a certain proportion are to go out every year; so that in the course of five years the Senate may be completely reconstituted. After the first Senate has been nominated, the process of going out is to begin at the end of three years: that is, a certain proportion of Fellows of the first Senate will be Fellows not for five years, but for three years only. The Bill provides that a Fellowship is to be of five years' duration, and I submit that there is no need whatever for departing from this rule even in the case of the Fellows appointed to the first Senate. The process of going out might begin at the end of five years instead of three years. Of course the result will be that some Fellows of the first Senate will hold office for more than five years—some for seven, some for eight and some for nine; but no harm is done to anybody by that."

The Hon'ble MR. RALEIGH said :—" My Lord, if in framing this Bill we had followed the rules which have been applied to many deliberative bodies by many other Acts, we should have provided that a fifth of the Senate should go out at the end of the first year and at the end of each of the following years, so as to bring the scheme into effect at once. That proposal when it came before

[19TH MARCH, 1904.] [*Mr. Raleigh; Dr. Asutosh Mukhopadhyaya; Mr. Bilderbeck.*]

Government was objected to on the ground that Fellows might be dissatisfied if they were appointed for so short a period as one year. This term of three years was then suggested by way of a concession or compromise. It is important that we should not have more of a sudden break with the present constitution than is necessary, but I do not see the least reason for postponing the whole operation of the scheme for five years as the Hon'ble Mr. Gokhale suggests. I would therefore adhere to the provisions of the Bill."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next one standing against my name. I regret I find myself unable to accept the provision that the first Ordinary Fellows appointed under the new Act shall be liable to removal after three years. I trust I am not making too large an assumption when I suppose that the first Senates will be constituted with the utmost care and caution. If this assumption is well founded, in my opinion they ought to be allowed to hold office for the minimum period of five years prescribed by clause 4. The only effect would be that the introduction of the system of retirement by rotation will be postponed for five instead of three years, and some of the Fellows first appointed may hold office for as long as nine instead of seven years. I am unable to see that any evil or inconvenience is likely to result, unless indeed it be suggested that in constituting the first Senate an abundance of excellent men will be left outside who ought to be brought in at the earliest possible opportunity to replace unwelcome men who may have been taken in on the first occasion for some reason or other."

The Hon'ble MR. BILDERBECK said:—"It seems to me, my Lord, that the principle to be kept in view here is to convert the old order into the new order at the earliest possible date without in any way impairing the efficiency of the University administration. This, I think, is secured by the proposals of the Bill. A shorter period than three years could not well have been proposed, inasmuch as it is extremely likely that it will take quite two years for the earliest constituted Senate to bring in a new body of regulations. It seems to me from the remarks that have been made that one or two features of the provisions of the Bill have been overlooked. According to the operation of the rules, it will only be one-fifth of the Senate as first constituted who will be withdrawn at the end of the third year, and again at the end of the fourth year, so that four-fifths of the men originally appointed would continue to hold office for four years and three-fifths for five years. It cannot, therefore, be said that there can be any danger of impairing the efficiency of University work, nor can it be contended that there is any serious hardship to individuals, more especially if we remember that after all the majority of the members of the newly consti-

[*Mr. Bilderbeck ; Mr. Gokhale.*] [19TH MARCH, 1904.]

tuted Senate are likely to be members of the Senate at the time the Bill come into operation. I must say that I am surprised at the Hon'ble Mr. Gokhale saying that the only effect of the proposed amendment was that perhaps some Fellows would hold office for eight, nine, or ten years. My Hon'ble friend has been such a champion for the cause of representation that, as I say, I cannot but be surprised that he has completely overlooked one of his own proposals. Assuming that there are no casualties at all, no deaths or retirements on the part of those members of the Senate who are appointed to the Senate on the results of the election of Graduates, there will be absolutely no elections at all for the first five years in the case of the new Senate, and those Graduates who represent the general educated public will have to possess their souls in patience and wait, unless there are casualties, till the end of five years before the system of election comes into operation. Moreover, if this rule be passed, it will necessitate the modification of one of the provisions which I think we have already accepted—the regulation as to the fees to be paid by Graduates for keeping their names on the register. For these reasons I must oppose the amendment."

The Hon'ble MR. GOKHALE said:—"I am glad that the Hon'ble Mr. Bilderbeck admits that it will be at least two years before the new regulation are completed, and if the process of elimination is to begin at the end of the third year, it means that for this new Senate, as constituted at the commencement, there will only be one year to introduce the reforms about which the Government are so keen. Now, I do not think that in one year all the reforms will be carried out by the Senate, however efficient it might be. I think that nothing is lost by giving a longer period than one year to such a body for the work. As to the Hon'ble Member's remark about my being a friend of the principle of representation, I must state that it is because I am a friend of the principle of representation that I oppose this proposal. Under this Bill you give only 10 per cent. to election, as against 90 per cent. reserved for direct Government nomination and election by Government nominees, and it is because the principle of true representation fares so badly in this scheme that I deem it my duty to oppose it as far as possible."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that to clause 13, the following be added as sub-clause (3), namely:—

"(3) Notwithstanding anything contained in this section, any Fellow who at the commencement of this Act is entitled as such to vote for the election of any person to be a member of any Council for the purpose of making laws and regulations or of any local authority shall continue to be so entitled as if this Act had not been passed."

[19TH MARCH, 1904.] [*Mr. Gokhale; Mr. Raleigh.*]

He said :—" My Lord, this clause refers to the position of the old Fellows after this Bill becomes law. It is provided in the Bill that these men are to be honorary Fellows for life. The amendment that I have proposed I have taken from the original Bill as drafted by the Hon'ble Member himself. I admit that in Select Committee, when this question came to be considered, the Hon'ble Member gave what then appeared to be convincing reasons why this provision should be left out. He pointed out that it would be a matter of some inconvenience to have such a provision in a Bill passed by the Government of India, when the regulations under the Indian Councils Act had been framed with the sanction of the Secretary of State for India. Since then, however, I have discussed the matter with an eminent lawyer, and he thinks that the words 'as if this Act had not been passed' remove whatever difficulty there might otherwise have been. For purposes of the Council elections and elections to the local authority, the Senate would consist of all old Fellows and of the new Fellows holding office at the time of the elections. If this provision is left out of the Bill, then the whole thing will be left to the action of the executive; and, though assurances have been given that steps will be taken to preserve the exercise of the franchise in the case of those who have hitherto been exercising it, I really would prefer that this point should be provided for in the Bill itself."

The Hon'ble MR. RALEIGH said :—" My Lord, I think the re-wording of the clause has removed the objection I took to it in Committee, and therefore I am prepared to accept this amendment."

The motion was put and agreed to.

The Hon'ble MR. GOKHALE moved that in clause 14, sub-clause (2), head (b), proviso, the word "half" be omitted. He said :—" This refers to the constitution of Faculties; an important principle has been introduced in their constitution, and that was mainly at the instance of the Hon'ble Member in charge of the Bill, and that is that these Faculties are not to consist merely of men who are Fellows but that the Fellows in a Faculty may co-opt for certain purposes a certain number of outsiders up to a maximum limit of half their own number. Now, this is a very valuable provision: and I think the Hon'ble Member was himself disposed to go beyond the limit proposed in the Bill, in Select Committee. And as a matter of fact my amendment is in terms which the Hon'ble Member was himself at the beginning disposed to accept. The men who will thus be co-opted will be the persons from among whose ranks future Fellows might be nominated. Useful training ground is thus provided by this clause for enabling young men to make themselves acquainted with the affairs of the University, and I think

[*Mr. Gokhale ; Mr. Raleigh ; Mr. Pedler ; Rai Sri Ram Bahadur.*] [19TH MARCH, 1904.]

there is no harm in increasing their number to double of what is proposed in the Bill. I therefore move that the word 'half' be omitted."

The Hon'ble Mr. RALEIGH said :—" My Lord, I agree with my Hon'ble Colleague in attaching some importance to this provision. I think it very desirable that we should find scope for what I may call a new idea in regard to the constitution of the Faculties. Up to now a Faculty in an Indian University has been simply a section of the Senate. We found that witnesses of great experience before the Commission had a difficulty in understanding how any person not a Fellow could be a member of a Faculty. It will, I think, have an excellent result if we allow the Faculties to strengthen themselves in this way. The limitation, which was in the nature of a compromise, was adopted in the Select Committee, and I think the Council ought to adhere to the scheme as settled by the Committee."

The Hon'ble MR. PEDLER said :—" I should like to say a few words upon this point. If the word 'one-half' is omitted the number of individuals or experts who may be added to the Faculties by the co-opt clause will of course be equal to the number of Fellows on the Faculties. As each member of the Senate will probably belong to at least one Faculty, the number of gentlemen on the Faculties, in the case of the Calcutta University, may rise to 200, that is to say, there may be 100 of the Ordinary Fellows and 100 of the co-opt members. These gentlemen will do the advisory work of the Faculties, and I think in a case like the Faculty of Arts we should probably get almost too large a number. If we wish to secure really good men on such Faculties, we must keep their number small, otherwise we should reproduce some of the evils which this Bill is intended to do away with. I therefore oppose the amendment."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that in clause 15, sub-clause (1), for the first four lines the following be substituted, namely :—

" (1) The Syndicate shall be the executive Committee of the Senate, and shall discharge such functions of the Senate as it may be empowered to discharge by the regulations made by the Senate under this Act. The Syndicate shall consist of "

He said :—" My Lord, a higher position is assigned to the Syndicate under this Bill than it has under the Acts of Incorporation of the different Universities. This Bill does not clearly define the relation between the Senate and the Syndicate.

It scattered provisions deprive the Senate of some of the very important powers

[19TH MARCH, 1904.] [Rai Sri Ram Bahadur ; Mr. Raleigh ; Mr. Gokhale.]

now possessed by that body and confer them on the Syndicate. The Senate, instead of maintaining the position which it had under section 8 of Acts II, XXII and XXVII of 1857 which created the Universities of Calcutta, Bombay and Madras, respectively, and section 9 of Act XIX of 1832 and Act XVIII of 1887 which constituted the Punjab and Allahabad Universities, respectively, will now occupy a lower position. Instead of entrusting the entire management of, and superintendence over, the affairs of the University to the Senates, the Bill relegates them to the position of a mere consultative body and makes them only a medium of communication between the Syndicates and Government. Under the present Acts and regulations the position assigned to the Syndicate is that of an executive committee of the Senate with power to discharge such functions of the Senate as it may be empowered to discharge by the rules. The position of the Syndicate is defined in section 13 of the Allahabad and Punjab Acts and the regulations made by the three older Universities. It is submitted, therefore, that no higher position than that occupied by the Syndicate at present should be assigned to it."

The Hon'ble Mr. RALEIGH said :—" My Lord, I think this amendment is unnecessary. There is nothing in this Bill to make a substantial alteration in the position of the Syndicate. It will still be in substance the committee of the Senate, and it will still carry on the executive business of the University as it does at present. I quite admit that it is very easy to raise a legal argument as to what is executive business and what is not, and what are the respective functions of a Syndicate and a Senate, respectively. But so far as my enquiries extend, that is not a question which has ever given rise to any administrative difficulty in the past, nor do I anticipate that under the language of this Bill any such difficulty is likely to arise. It seems to me that the language of the Bill is appropriate and I see no necessity to alter it."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 15, sub-clause (1), head (b) be omitted, and that clause (c) be re-lettered (b). He said :—" This refers to the constitution of the Syndicate. The Bill provides that the Syndicate shall consist of, first, the Vice-Chancellor, secondly, the Director of Public Instruction, and then such a number of Fellows between seven and fifteen as may be elected to represent the several Faculties. Now my proposal is that from this list the Director of Public Instruction be omitted. I submit that no case has been made out for making him an *ex officio* member. If he took an interest in University matters and was anxious to be a member of the Syndicate,

[Mr. Gokhale; Mr. Raleigh.] [19TH MARCH, 1904.]

I presume that there would be no difficulty in his being elected, seeing that 80 per cent. of the Fellows are to be nominated by Government, and these men are not likely to set aside the obvious wishes of the Government that the Director of Public Instruction should be a member of the Syndicate.

"In this connection I beg the Council to bear with me while I make one general statement. I think we ought to be allowed to state freely what we think will be the probable consequences of the provisions of the Bill. If in pointing out these consequences we have to assume that certain results might follow, that does not mean necessarily that we impute motives or cast aspersions. I think it is the duty of the Legislature to examine every proposal that comes before it as severely as possible. I suppose that in practice there is nobody who is more willing to trust to the discretion of the executive than myself, but in theory I deem it my duty as a Member of this Council to examine every proposal from this standpoint and to point out what might be the possible inconveniences of any measure. After all, unless it is claimed that every officer of Government is perfect and is not likely to be influenced except by the very highest motives, no objection should, I think, be taken to such criticism.

"It is provided in this Bill that half the members are to be Professors; and Professors from Government Colleges are sure to be a considerable proportion of these. The presence of the Director as a matter of course at meetings of the Syndicate is likely to impair the independence of these members. It again comes to the old argument. But it is a possible contingency, a contingency which it would be well for us to bear in mind. I do not say that this will necessarily follow as a result, but at any rate it is an argument to be considered. Then under this Bill the Government have large powers of interference and control, and they will naturally turn to their Director of Public Instruction as their highest educational officer for advice in the matters coming before them. It would therefore be well if he had not previously taken part in the deliberations of the Syndicate as would be his duty if he was an *ex officio* member. I therefore submit that he should not be an *ex officio* member."

The Hon'ble MR. RALEIGH said :—"My Lord, I have listened with the greatest attention to the argument of my Hon'ble Colleague, but I quite agree with his own estimate of that argument when he told us he was proceeding upon theory. Now let us turn to the facts, setting aside theory.

"The Director of Public Instruction always is a member of the Syndicate. He is usually elected as one of the representatives of the Faculty of Arts.



[19TH MARCH, 1904.] [Mr. Raleigh; Dr. Asutosh Mukhopadhyaya; Mr. Gokhale.]

Now, if the Director of Public Instruction is to be always in the Syndicate, is there not a certain inconsistency in giving the right of election to the Senate or the Faculties, and then leaving the law in such a state that they cannot choose freely, but are obliged to make the Director one of their representatives? The Hon'ble Member thinks that the Director of Public Instruction may possibly abuse his position on the Syndicate to terrorise the members of the Educational Service. Well, I quite agree with the Hon'ble Member that it is possible. Human nature is full of faults, and perhaps in framing a Bill we ought to consider what is the most unreasonable thing that can be done under the powers that we are conferring. All I can say is that that if a Director of Public Instruction were to abuse his position in that way, the subordinate members of the service are not entirely unarmed. I do not think that such a Director would hold his position very long.

"I submit that this provision of the Bill is a very simple and harmless one and that the Council ought to adhere to it."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next motion standing against my name. I am unable to appreciate the necessity for making any provision for an *ex officio* member of the Syndicate. I do not suggest for a moment that the Director of Public Instruction should not be a member of the Syndicate. In the Calcutta University, almost since its foundation, the Director of Public Instruction has been returned by the Faculty of Arts as one of its representatives on the Syndicate and has been rightly regarded as a necessary member of the executive body of the University. In the case of my University, I am not aware of a single instance in which the claims of the Director of Public Instruction to be a member of the Syndicate have ever been challenged, and I find it inconceivable that with a re-constituted Senate in which four-fifths of the members would be nominated by the Government, such a contingency can ever possibly arise. But as the Director of Public Instruction does not and cannot represent all departments of study and all educational interests, if the principle of *ex officio* membership is once recognised, an endeavour may be made hereafter to secure an extended recognition of the doctrine."

The motion was put and negatived.

The Hon'ble MR. GOKHALE moved that in clause 15, sub-clauses (2) and (3) be omitted. He said:—"These two sub-clauses refer to the statutory guarantee which it is proposed to be given to the Professorial element that they shall have practically half the number of seats on the Syndicate.

[Mr. Gokhale ; Mr. Raleigh] [19TH MARCH, 1904.]

My Lord, I object most strongly to this provision. No one was more anxious than myself that the Professors should have statutory representation on the Senate, but when substantial representation has been given to them as a class in the Senate, the best men among them ought to be left to find their seats on the Syndicate by the approval of their fellows. When 40 per cent. of the Senate consists of one interest, is it conceivable that in the election of the Syndicate half the members will not come from that particular interest, unless the men were of exceptionally modest attainments or modest claims to the recognition of their fellows? And I submit, my Lord, that in this possible contingency the Legislature is not justified in coming to the rescue of such men. My Lord, what would be the effect of a provision like this? I take the case of the Bombay University. I find that in addition to the Deans who are *ex officio* members of the Syndicate there are 2 men representing Law, 2 men representing Engineering, 2 more representing Medicine, and 4 men representing Arts. It was pointed out in Select Committee that the Professors of Law are generally junior men. They are generally junior barristers who have not yet got a firm footing in their profession, and they are very often not Fellows. If none of these men is elected to the Syndicate, and further if no Engineering Professor is elected, as the Engineering College of our Presidency is at Poona, a distance of 120 miles from Bombay, the statutory proportion will have to be secured by giving all the four seats of the Faculty of Arts to Professors. This, I think, will be very unfair.

"My Lord, I think that after all the question of experts has to be looked at from a practical standpoint. Even when it is suggested that experts should be in a majority on the Syndicate, or should have a certain statutory proportion set aside for them, what does it really amount to? The men who may represent Medicine or Engineering will not by themselves form a majority of the Syndicate, and their views can prevail only on account of their moral influence, *i.e.*, because the matters having reference to their branches of study are technical and they have expert knowledge of them. If then these men have after all to depend not on their numbers but in their moral influence, where is the special advantage in giving the Professorial element half the number of seats by the Statute?"

The Hon'ble MR. RALEIGH said:—"My Lord, the provisions to which the Hon'ble Member has been objecting were not originally dictated or suggested by Government. They were pressed upon the Universities Commission by a surprisingly large number of teachers in Colleges. The argument to which we

[19TH MARCH, 1904.] [*Mr. Raleigh; Dr. Asutosh Mukhopadhyaya.*]

constantly had to listen was this, that if it was suggested that the Syndicate should be armed with powers of inspection and control over Colleges, then in view of the past history of the Syndicate the teachers in Colleges were apprehensive as to what might happen if these powers were exercised by a Syndicate mainly composed of persons unacquainted with College administration, and under the present state of things that apprehension was certainly not unfounded. The Hon'ble Mr. Gokhale is no doubt aware that the recent elections in Bombay have resulted in a Senate of 15 members, of whom only 3 are engaged in University teaching. I do not know whether Mr. Gokhale regards that as a proof of the wisdom with which things are managed in Bombay. I think it a very unsatisfactory state of things, and if there were any chance of that balance of powers being reproduced under the new constitution, then this clause would be absolutely necessary. I think that the probability of our having a Syndicate of 15 with only 3 teaching members will be very much smaller under this Bill than it was in the past. But these provisions have been introduced in order to satisfy what I think I may call the prevailing opinion of University teachers, especially in the University of Bombay, and I hope that the Council will adhere to them now."

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said:—"I desire to support this motion which is identical with the next one standing against my name. I am unable to accept the provision contained in clause 15, sub-clause (2), which provides that a number, not falling short by more than one of a majority, of the elected members of the Syndicate shall be Heads of or Professors in Colleges affiliated to the University. I concede that the provision relating to this matter in its present amended form is of a more practical character and less open to objection than the corresponding provision in the Bill as introduced in Council. I deem it essential that teachers ought to be fairly represented on the governing body of the University, but surely this object ought to be attained not by means of any artificial rules as proposed in the Bill but by securing to teachers of eminence and distinction full and adequate representation on the Senate; if that is done, as I hope it will be done under the new system, teachers will be duly represented on the Syndicate even by unrestricted election, not merely because they are teachers but because they deserve to be there. Moreover, any rule for the representation of teachers on the Syndicate which does not safeguard the interests of Government, aided and unaided Colleges, will be rightly regarded as unsatisfactory, and I fail to see how, under existing conditions, all Colleges, or even all classes of Colleges, can be represented on the Syndicate. Then again

[*Dr. Asutosh Mukhopadhyaya ; Dr. Bhandarkar.*] [19TH MARCH, 1904.]

every person who has any practical knowledge of the kind of work which the Syndicate has to discharge, must concede that for the proper administration of the business of the University it is essential that the Syndicate should include persons who are not interested in individual Colleges, and upon this point I am fortified in my views by the opinion of the Hon'ble Member in charge, who in his introductory speech stated that it is very desirable that Syndicates should include officials and business men who are able to devote a portion of their time to the affairs of the University. If, therefore, it is deemed necessary to secure the presence of a prescribed minimum number of teachers on the Syndicate, it is equally necessary to prescribe a maximum number for them so as to secure the presence of men who are not connected with any particular institution. My Lord, I deem it my duty to say, though I do so with great regret, that if it be the object to strengthen the position of the Director of Public Instruction on the Syndicate by the presence and support of Government teachers, that object is likely to be secured by this artificial rule, and the only persons who stand in need of, and are likely to be benefitted by, such a rule are the worthy gentlemen whom Your Excellency once fittingly described as 'obscure teachers.'

The Hon'ble DR. BHANDARKAR said :—"The Hon'ble gentlemen that have spoken say on the one hand that the necessary number of Professors will be secured on the Syndicate by election. Then what objection there can be to having a provision to that effect in the Bill? If they insist on the omission of the provision it must be so because they think it as likely as not that Professors should be elected. They want this; but what I want is that there should necessarily be a certain number of Professors on the Syndicate, and to secure this the provision is wanted. Then with regard to what Mr. Gokhale said, that there was not a sufficient number of Professors to represent the Professorial element in the different Faculties on the Syndicate, instancing the Engineering College at Poona and the Law College at Bombay, I say that, though the Engineering College is situated in Poona, its Principal, Dr. Cooke, represented the Engineering Faculty for about ten years on the Syndicate. The present Principal might similarly be elected to represent that Faculty. As to circulars taking up a long time when sent to Poona, in Dr. Cooke's time no inconvenient delay occurred. On the other hand, a great deal of delay and inconvenience were caused by the Bombay members on the Syndicate unnecessarily detaining the circulars. As to the Law College, though the European Professors are junior members of the Bar, there are others who are senior pleaders and vakils. Why might they not be elected members of the Syndicate? So that as regards the number of men

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to be elected, there can be no difficulty whatever and not less than half the number of Syndics should be Professors. The matters that come up before the Syndicate have reference principally to the education practically given in the Colleges, to the examinations which have a close connection with it, and to general discipline. These certainly are better understood by the Professors than by others who follow another occupation. The evils of our present system are mainly due to the fact that there is only a small minority of Professors on the Syndicate, there are only three on the Syndicate at Bombay composed of fourteen members. If the provision in the Bill securing half the number of seats to Professors is erased, they will ever remain in a minority. To my mind a University is a body of learned men, and if persons from other walks of life are taken in at all, it is to enable them to see how what they do strikes a stranger, and modify their views accordingly, *i.e.*, indirectly to influence them and not to override them and take the whole management into their hands. Persons having had nothing to do with pupils and no experience of teaching whatever cannot be expected to supervise and control education efficiently. To entrust them with that work is to employ an amateur to do the work of an artist. Persons interested in upholding the present state of things have been loud in their expression of contempt for educationists ; and a certain Fellow of the Calcutta University is reported to have said that it is the function of teachers to teach and not to control education. It is such men, I dare say, that have brought the University to that pass which has rendered fresh legislation necessary."

The Hon'ble MR. MORISON said :—"I wish to say that, like the Hon'ble Dr. Bhandarkar, I feel very strongly that teachers ought to have a statutory right upon the Syndicate. The work is for the most part of a highly technical nature, dealing with examinations and collegiate rules. It is further a great advantage to have rules framed and directions given to affiliated institutions by persons who will themselves have to carry them out, such being the Principals and the Professors."

The Hon'ble MR. PEDLER said :—"I confess I find it almost impossible to understand the position taken up by the Hon'ble Mr. Gokhale and the Hon'ble Dr. Mukhopadhyaya in this matter. Both Hon'ble Members have been in touch with education and with the working of Universities for a great number of years, and I should have thought that they would have found out by this time that the one place where expert knowledge and expert direction is essential is in the Syndicate. If their experience has been the same as mine,—and I have sat on the Calcutta Syndicate now for a great many years,—it will be to the effect that the largest portion of our trouble in University matters has been due to this want

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of expert knowledge of the members of the Syndicate. These bodies pass certain rules and certain orders without duly understanding what the effect of these rules and orders will be, because they have never themselves experienced the difficulties and trouble of carrying out these things. I think I am right in saying that in the Calcutta Syndicate the teaching element has not been properly represented. Speaking roughly, only about one-fourth to one-fifth of the members of the Syndicate have usually been members of the teaching profession. I may perhaps draw attention to some of the facts lately published in a little pamphlet which I fancy has found its way into the hands of some Hon'ble Members. In it certain points with reference to the Syndicates are taken up, and the figures, as far as I can remember them, are these. During the last ten years in the Calcutta University 14 Graduates of European Universities have been elected members of the Syndicate and have occupied 26 out of 100 vacancies. These Graduates have occupied only 8 out of 50 vacancies filled up by election by the Faculty of Arts. This year again in the Faculty of Arts only one teacher has been elected as a Syndic. Now the case as regards Bombay is quite similar, and I can corroborate what has fallen from the Hon'ble Mr. Raleigh from the fact that quite recently the Chancellor of the Bombay University has written to me in a similar strain saying that in that University in the present year they have only about one-fourth to one-third of the members of the Syndicate consisting of teachers, while the Faculty of Medicine has not returned a single teacher to the Syndicate. In my opinion such a proportion as this is quite insufficient for carrying on the work of the Syndicate properly, and I therefore believe if Mr. Gokhale's amendment is accepted we shall again find ourselves in difficulties. I should therefore strongly oppose any alteration in the existing provision in the Bill."

The Hon'ble MR. GOKHALE said :—"My Lord, I desire to make a brief reply. The Hon'ble Member in charge of the Bill says that the provisions to which I take exception have been introduced at the instance of an overwhelming body of educational experts. That is precisely my complaint. I think that the Hon'ble Member has listened somewhat too readily to the tale of grievances that has been poured into his willing ears by many so-called experts. The Hon'ble Mr. Pedler prophesies that unless some such provision as that which has been introduced here is passed the present state of things would, in the course of a few years, reappear. How little faith has he in this Bill that is to make the Senate a truly academic body! The Hon'ble Mr. Raleigh spoke of only three members out of the Syndicate in Bombay being this year members of the teaching profession. I have noted that, but I may mention that the

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elections have taken place this year under peculiarly unfavourable circumstances. There is at the present moment a feeling of considerable exasperation against educational experts, and naturally in the present state of feeling you cannot expect a large body of these men to be elected to the Syndicate by those who think that the experts are largely responsible for voting away the life of the existing Senates. As regards the argument that the Syndicate will have now to arrange for a regular inspection of Colleges, I have stated in my Minute of Dissent, and I repeat, that we have not got the men here to undertake such inspection. If Government would import from time to time men like Professor Ramsay, I would have no objection; but to allow the Professors of one College to go and inspect another College, is, I respectfully submit, a very objectionable procedure. I submit therefore that this very power of inspection requires that the Professors in the Syndicate—who can represent only a few colleges—should not be in a position to do as they please in the matter.'

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that clause 18 be omitted.

He said :—" My Lord, it has not been shown that any need has yet arisen for legislation on this point, nor has it been shown that provisions similar to these exist in legislations affecting other Universities. I am not aware that any case has ever arisen in which such a provision might be required. I therefore propose that this clause should be omitted."

The Hon'ble MR. RALEIGH said :—" The power to cancel a degree is possessed, and on very rare occasions exercised, by most if not all the Universities with which I am acquainted. We propose in this clause to give that power in a carefully guarded form, and I see no reason either to omit the clause or to make any modification in it."

The Hon'ble MR. MORISON said :—" I cannot understand how it is that the Hon'ble Member who moved this amendment does not resent behaviour which brings discredit upon our Graduates; if the Hon'ble Member esteems and values education, I should have thought that he would have been very jealous of the good name of the educated classes. Black sheep there will be in every large community, and the only way that that community can clear itself of the stain which the presence of such men brings is to repudiate them publicly and emphatically. My experience in India has shown me that a class which really cares about its good repute will bind itself by regulations far severer than this one in

[*Mr. Morison ; Mr. Pedler ; Rai Sri Ram Bahadur.*] [19TH MARCH, 1904.]

the Bill. The old students of my college have formed an Association of which one of the rules is 'that an old boy who does anything to bring discredit upon the College shall have his name removed from the roll of the Association.' "

The Hon'ble MR. PEDLER said :—" I would just like to make one remark in reply to an observation made by the Hon'ble Rai Sri Ram Bahadur. He said he did not know that any case had ever arisen in which this section of the Bill might be required to be put in force. Now my experience perhaps has been more unfortunate than his, for within the first three or four years of my Indian service I came into contact with a most unworthy gentleman who held the degree of B. A. of a certain Indian University. I will explain the circumstances. I was sent by the Government of India to see an eclipse of the sun in the Nicobar Islands, and a certain number of the convicts there were told off to help in the work of putting up observatories and help each Observer in putting up his instruments. I made enquiries as to the history of some of these men with whom I came into contact. One I found to be a B. A. who had been sent, first, to the Andaman Islands, and, having there again misbehaved himself by committing forgery, he was sent as an extra punishment down to the Nicobar Islands. I know of other cases, but one is quite sufficient for my purpose. I therefore think that this clause ought to remain in the Bill."

The motion was put and negatived.

The Hon'ble RAI SRI RAM BAHADUR moved that after the word " offence " in the sixth line the following words be inserted, namely :—

" implying a defect of character which unfits him to hold the degree, diploma, license, title or mark of honour."

He said :—" My Lord, the term ' serious offence ' used in the 18th clause of this Bill is of a very wide significance. It may include culpable homicide not amounting to murder though committed on grave and sudden provocation, and the offence of causing grievous hurt under the same circumstances. A conviction under any of these offences would in no way reflect against the moral character of the person convicted. The words which I propose to be inserted in this clause are those which the Indian Legislature has incorporated in the different Municipalities Acts in their provisions for the removal of the presidents and members, etc., of those bodies, as well as in the Legal Practitioners Act for striking off the name of any legal practitioner from the rolls. I therefore beg that the provisions of this clause should be brought on a level with the other Acts of the Indian Legislature."



[19TH MARCH, 1904.] [Mr. Raleigh; the President.]

The Hon'ble MR. RALEIGH said :—" My Lord, the Bill as amended requires for the cancellation of a degree the consent of two-thirds of the Senate and the confirmation of the Chancellor. I think these safeguards are sufficient and see no necessity for modifying the Bill."

The motion was put and negatived.

His Excellency THE PRESIDENT said :—" We have now come to the large group of clauses and amendments relating to that part of the Bill which deals with the subject of affiliated Colleges. I therefore propose that we should adjourn at the present stage. As regards Monday, I think it will probably be the desire of every Hon'ble Member here, if it be possible, to conclude the debate upon that day ; and I would suggest, therefore, that, as we still have on the Agenda paper 35 amendments to dispose of, we had better meet rather earlier in the morning. I propose accordingly that the Council should meet at 10 o'clock instead of 11 on Monday.

" There is another observation that I should like to make with regard to the discussion that has taken place on these amendments. I think some Hon'ble Members have been disposed to take advantage with almost undue liberality of the privilege of reply. I have not one word to say about the most reasonable brevity which they have observed in making their speeches or motions. But, as regards reply, of course if an Hon'ble Member is to consider it his duty to answer every objection that has been raised by every Hon'ble Member round the table, the discussion may go on for ever. Our rules admit of the privilege of reply, and therefore I do not presume to regard it as irregular ; but I may say that I have never seen the prerogative of reply interpreted in any assembly with the exceeding liberality that is done here. I sat in the House of Commons for twelve years, and I can say that such a thing would never have been permitted there ; indeed, the privilege of reply is only conceded to a mover on rare occasions, and, so far from a member thinking it his duty to reply to every objection, his attitude is that the majority of them are not worth answering at all. I wish that Hon'ble Members here could see their way to adopting that position to a rather greater extent than they do now.

" We will meet again on Monday, and I hope that we shall be able to complete the Bill on that afternoon."

The Council adjourned to Monday, the 21st March, 1904, at 10 A.M.

CALCUTTA ;

The 30th March, 1904' }

J. M. MAOPHERSON,

Secretary to the Government of India,  
Legislative Department.