

18th August 1943

TO
THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1943

(26th July to 25th August, 1943)

EIGHTEENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1943



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LEGISLATIVE ASSEMBLY.

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Deputy President:

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[From 27th July to 19th August, 1943.]

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Mr. HOOSEINBOY A. LALLJEE, M.L.A.

Sir HENRY RICHARDSON, M.L.A.

[From 20th August, 1943.]

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Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 18th August, 1943.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

THE DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the following amendment:

"That in clause 16 of the Bill, in clause (1) of Statute 3, in the proposed schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix):

(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (1) and clauses (4) and (6) of Statute 2."

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, yesterday when the House adjourned for the day, the amendment moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait was under discussion, that is election of four persons by bodies which were approved and accepted by the Government on previous occasion while we were discussing the constitution of the Court. During that discussion, a few bodies like the Muslim Chamber of Commerce and the Delhi Wakf Majalis were given representation on the Court. This amendment propose to give them some representation on the Executive Council. I do not think the Government will have any objection to accepting the principle which they have already accepted. Various bodies have been given representation on the Executive Council of the Delhi University. We only hope that those bodies which have been given representation on the Court will be allowed to elect four persons to represent them on the Executive Council. I whole heartedly support the amendment.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, the amendment which has been moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait is to my mind an acid test of the *bona fides* of the Government. When we tried to point out to the Government the necessity of securing adequate representation of Muslims on the Court and the Executive Council we were consistently met with the plea that that would be introducing communalism into matters of education. But this amendment which is now under consideration is of an entirely different nature and I think if my Honourable friend Mr. Tyson will give a little thought to the subject, he will find that the proposal does not suffer from being, what he abhors, communal. You see, Sir, that under sub-clause (xi) of clause 1 of Statute 2, we shall have the Sadars of Majalise Aukaf constituted under the Muslim Wakf Act. Under clause (4) of Statute 2 we shall have at the most 12 representatives of such Associations as are approved by the Chancellor: that is to say, those Associations evidently will not all be Muslim Associations, one or two Muslim Associations may come in for approval from high quarters, but a majority of these Associations are bound to be non-Muslim. Then comes clause (6) of Statute 2 under which 25 Members will be nominated to the Court by the Chancellor and we have been told by the wording of the amendment now passed on the motion of Government that care will be taken that at least 18 of them shall represent minorities and such other interests as in the opinion of the Chancellor are not adequately represented. So, Sir, there too, as has been pointed out the Muslims stand just a chance of getting a share of the favours which will be showered on certain individuals by the Chancellor. It is impossible, of course, that all the 25 or all of the 18 may be Muslims; but only a few, just a sprinkling will be Muslims. So, Sir, the constituency which we have outlined in this amendment is a mixed constituency in which there will be just a few Muslims and the rest will be all non-Muslims. We say that such a constituency should be given the right to return four Members elected by them from among themselves to the Executive Council. Now, Sir, I do not know why the Government is behaving like the ostrich in the story. The ostrich is called *Shuturmurgh* in Persian, which literally means

[Syed Ghulam Bhik Nairang.]

camel bird. When the ostrich was asked by some one to carry a load for him, he said, "I am not a camel, I am a bird; do birds ever carry a load?" But when the ostrich was asked to fly, he said "I am a camel; do camels ever fly?" Well, Sir, we do not know how to impress this Government with the necessity of granting at least, the barest possibility of some Muslims, just a few Muslims coming into this great body the Executive Council. When we say there should be such and such Muslims they say it is communalism; when we say, here is a mixed constituency, the voters will be Muslims and non-Muslims and they will elect from among themselves only a few Muslims the rest being non-Muslims,—we stand only a very small chance,—we are met with the plea that that will make the Executive Council a very unwieldy body. What is there unwieldy in it? As at present envisaged, this Council is to consist of 27 members and if this amendment is accepted it will make the number 30. One fails to see what great disproportion will result from this and how 30 members will make it unwieldy. Here is a chance for Government to prove its *bona fides* by accepting this amendment because they will find after going into details that this will not introduce communalism but will only introduce a sort of popular element into the Executive Council. I need hardly go into greater details but one thing I will point out that although we did make very great efforts to get a few more Muslims into the Court, yet that body is more or less an ornamental and ceremonial body; because the powers of the Court as outlined in section 20 of the Delhi University Act are:

"(a) of making Statutes, and of amending or repealing the same.

(b) of considering and cancelling Ordinances, and

(c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates."

and the Court—

"shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act, or the Statutes."

So, as has been pointed out, the exercise of powers for the good or otherwise of any body or institution rests with the Executive Council. Among other powers of the Executive Council we find in sub-section (c) of section 22 that they shall

"lay before the Governor General in Council annually a full statement of the financial requirements of the University and the Colleges;"—

Now if the financial requirements of the Colleges are to be laid annually by the Executive Council before the Governor General in Council, surely all the Colleges become interested for that reason in having some voice in the deliberations and recommendations made by the Executive Council. I will not say how many Colleges there are and who the parties interested are, but surely we happen to have a college of our own in the Delhi University, and we are interested to that extent in seeing that our interests are not ignored or lightly treated by the Executive Council. And therefore having failed to impress Government with the need of allowing Muslims as such to come into the Executive Council through Muslim constituencies as such we are now making an effort to induce this Government to allow us to have a chance,—though not a certainty,—of having a few Members on the Executive Council through this constituency which we have outlined. Sir, I support the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, in clause (1) of Statute 3 in the proposed schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix):

'(viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xi) of clause (1) and clauses (4) and (6) of Statute 2'."

The Assembly divided:

AYES—15.

Abdul Ghani, Maulvi Muhammad.

Abdullah, Mr. H. M.

Azhar Ali, Mr. Muhammad.

Choudhury, Mr. Abdur Rasheed.

Choudhury, Mr. Muhammad Hussain.

Essak Saib, Mr. H. A. Sathar H.

Ghiasuddin, Mr. M.

Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed.

Nairang, Syed Ghulam Bhik

Nauman, Mr. Muhammad.

Siddique Ali Khan, Nawab.

Siva Raj, Rao Bahadur N.

Yamin Khan, Sir Muhammad.

Zafar Ali Khan, Maulana.

NOES—34.

Ahmad Nawaz Khan, Major Nawab Sir.	Muazzam Sahib Bahadur, Mr. Muhammad.
Aiyar, Mr. T. S. Sankara.	Noon, The Honourable Malik Sir Feroz Khan.
Ambedkar, The Honourable Dr. B. R.	Pai, Mr. A. V.
Azizul Huque, The Honourable Sir M.	Parma Nand, Bhai.
Bewoor, Sir Gurunath.	Piara Lall Kureel, Mr.
Chapman Mortimer, Mr. T.	Raisman, The Honourable Sir Jeremy.
Chatterji, Mr. S. C.	Ray, Mrs. Renuka.
Dalal, Dr. Sir Ratanji Dinshaw.	Roy, The Honourable Sir Asoka.
Dalpat Singh, Sardar Bahadur Captain.	Sargent, Mr. J. P.
Dam, Mr. Ananga Mohan.	Spear, Dr. T. G. P.
Habibur-Rahman, Khan Bahadur Sheikh.	Spence, Sir George.
Haidar, Khan Bahadur Shamauddin.	Sultan Ahmed, The Honourable Sir.
Ismail Alikhan, Kunwer Hajee.	Thakur Singh, Major.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Trivedi, Mr. C. M.
Kamaluddin Ahmad, Shamsul-Ulema.	Tyson, Mr. J. D.
Khare, The Honourable Dr. N. B.	Zaman, Mr. S. R.
Mackeown, Mr. J. A.	
Maxwell, The Honourable Sir Reginald.	

The motion was negatived.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3, in the proposed Schedule for the word 'four' the word 'two' and for the words 'of whom at least two' the words 'both of whom' be substituted respectively, and after the word 'women' the words 'and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease' be added."

Sir, this is practically an amendment against system of nomination. In the 20th century all institutions which are going to be set up should be set up on democratic lines. It is a pity that Government is going to set up a University at Delhi—an educational institution—and is urging for more and more nomination. I understand that the present scheme of three years is an experiment and if it has its intrinsic worth and if Government is sure that it will prove useful to Indian constitution. I believe that there would not be any nervousness in the Government. I agree with the Government with regard to this three years scheme, but I do not think that Government has any justification for having nominated members to help them. This amendment of mine only wants that instead of 4 persons only 2 should be nominated and those two should be women. The original provision is "4 persons nominated by the Chancellor of whom two shall be women". There is no need of increasing the number from 2 to 4 and if two of them are to be women let two only be nominated and not four.

Sir, on our left we find that Government is crazy about getting more and more power to control the University. On our right we find our Muslim friends becoming crazy about getting more representation for Mussalmans. We are in between two horns of the dilemma. We can neither support the Government in their urge for more and more power, nor can we support our Muslim friends to get more and more representation for their community; yet, I believe the Honourable Member in charge will readily accept this amendment which is only for diminishing two members out of the nominated number.

With regard to the second part of the amendment, the nomination will hold good for the first three years. I can see that in order to make this experiment a success Government desires to have more power

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): A very large concession.

Mr. Amarendra Nath Chattopadhyaya: and we cannot persuade Government to give up this idea of nomination because we are less in number here. We accede to the proposal that this nomination shall continue for three years only. After three years there should be no nomination at all. So far as women are concerned, this amendment urges that two women, if they are to be taken in the Council at all, shall be taken by selection. With these words, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved.

"That, in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3, in the proposed Schedule, for the word 'four' the word 'two' and for the words 'of whom at least two' the words 'both of whom' be substituted respectively, and after the word 'women' the words 'and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease' be added."

Mrs. Renuka Ray (Nominated Non-Official): Sir, I rise to support this amendment that has been moved by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya. So far as the first part of the amendment is concerned, he has explained his position. It is in regard to the second part that I am speaking. If those who are desirous of improving the status of the Delhi University want that for the first three years the two women should be nominated, no great harm can be done. But it seems to me that there is no reason whatever to perpetuate a system of nomination for the representation of women on the Executive Council. Nomination is never a good principle, and certainly I agree with my Honourable friend that in these days we should try and avoid it and not perpetuate it. It is against the ideals of Indian woman. Of course, I am aware it might be pointed out that I am here myself as a Nominated Member and that at the instance and the request of the All-India Women's Conference, which is one of the premier women's organizations in the country. But I think Honourable Members are aware that this was for a particular purpose and it was because there is no woman at present in this House who is in a position to put forward the woman's point of view at a time when interests particularly pertaining to women were up for consideration. It does not in the least detract from the stand that women have taken, that they do not like the principle of nomination, and in any case they would not like to perpetuate it in an Act such as the Delhi University Act. It would be all right for the first three years, but it should really not be perpetuated for all time.

The other method that might be brought in for the appointment of women could be by the method of co-option. It would really amount to co-option if the Executive Council selected the women. This would not be the best procedure, but it would certainly be a much better procedure than nomination.

There is another procedure which I should like to suggest, and that is that the two women should be elected by the Registered Graduates from amongst prominent women educationists in this country. This is not a procedure which is entirely unheard of. It is somewhat on the lines of the election of the Rector of the Glasgow University who is elected by the Registered Graduates and undergraduates from amongst prominent personages in the country.

I hope that my Honourable friend, Mr. Tyson, will find his way to accept this amendment and bring in either the one or the other procedure that I have mentioned as a way of representing women rather than that of pure nomination after the period of the first three years.

The appointment of the Vice-Chancellor which was in the original Bill by pure nomination, was not commendable and did not meet with the approval of all. The sponsors of this Bill themselves had agreed to the changes brought in by the Select Committee. Of course I do not contend that the appointment of the two women is as important or of such urgency as that of the Vice-Chancellor; but at the same time I do urge that it is of sufficient importance for my Honourable friend to accept this amendment.

Sir, it is not my desire, nor do I wish Honourable Members of this House to think that I am one of those who have joined in the merry game that has been going on in this House for the last few days of dilatory tactics to put off the passage of this Bill. I support this measure because I consider it is one of great importance. I heard on the first day of this debate some of the Honourable Members saying that this Bill was being rushed through with too much haste, that adjustments would have to be made and that difficulties would arise. It is quite true that in any new scheme that is brought in adjustments are necessary. During a transition period there are many difficulties that arise. But if these are to be made a reason for not trying a new

experiment, however beneficial it may be to the community, I think it shows a mentality which is entirely against any improvement for the community as a whole.

But though I support this Bill in so far as it is bringing in the three years' course, and is an improvement which has had the blessings, I should say, of all major educational bodies, I would at the same time request once more my Honourable friend, My Tyson, to accept this particular amendment, as it will, to my mind, make a great improvement in the Bill as a whole.

Mr. Kailash Bihari Lall (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I rise to support this amendment, and I remember that while I was speaking yesterday I said that officialisation is better than communalisation. Then some friend remarked that I was getting a reactionary. It is to clear that point that I take the opportunity of supporting this amendment and opposing in a way the system of nomination. Of course nomination is not necessary. Previously the charge was levelled against Congressmen that they always followed their leader like a flock of sheep and voted without understanding what they were doing. We find a similar thing going on with regard to this Bill. There are many who talk with us about the Bill but their hearts are elsewhere. I shall not name the persons. Let them search their hearts. It is an open secret. Everybody knows that the voting is taking place in this fashion and it is for that reason that I support this amendment so that those who are engaged in work that requires independence may be left alone to work with a free will. With nomination there is always the idea, which we have heard times out of number in this House—and people have spoken frankly about it—that one has only to obey the mandate of one's constituency. Just as those who are elected have to obey the mandate of their constituencies, so in their own way those who are nominated have also to obey a mandate. It has been so said here on the floor of this House. So we can understand that, when it is by nomination, those who are nominated think they will have to do things according to the wishes of those who nominate them. It is for that reason that I support this amendment that there should be no more of nomination where we wish that things should go on with some amount of free will. It is for that reason that this amendment seeks that women should be elected and nomination should last only for three years till they are in a position to elect. Of course it is not clear from this amendment as to who will elect them after three years. That will be seen later on and I think perhaps Government will find out an elective body of women who will elect them; but it is surely healthy that the system of election should be introduced so far as the representation of women is concerned and the system of nomination should be abolished altogether. With these words I support this amendment.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, this is frankly, as the Honourable the Mover has said, an amendment to eliminate the nominated element from the Executive Council

Dr. P. N. Banerjee: Reduce.

Mr. J. D. Tyson: Eliminate. The effect of this amendment will be to reduce our proposal of 4 nominees, of whom 2 are to be women, to two, and these again will be eliminated as nominees after three years. That is elimination of the nominated element, and in fact the Honourable the Mover quite frankly stated that that was his idea. We believe that nomination on a small scale has advantages from the point of view of the university. Of the two members who are nominated at the moment, one is a representative of a minority community, and we think that the possibility that the Chancellor can rectify inequalities to some extent in that way is in itself one argument for retaining a small element of nomination in the Executive Council

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): And the other? Whom does he represent?

Mr. J. D. Tyson: I think he represents commercial interests. So far as I remember, this other one is a gentleman from the commercial community. In this connection, I may say that I find that there is an amendment—I do not

[Mr. J. D. Tyson.]

know whether it will be moved—from the other side of the House—in the name of Dr. Sir Zia Uddin—to raise the nominated element from 4, as we have suggested, to 6, of whom 2 are to be Muslims: so that, though no one has spoken from that side of the House, I believe that to some extent I am voicing their feelings that a nominated element should be retained. After all, if after trying this experiment, after the experience of some years of having, as we hope, 4 nominated members of whom 2 will be women, the University have suggestions to make, there are ways by which they can put forward their suggestions for change, and no doubt they will be considered on their merits. It does not involve legislation.

There is also one point,—that I do not think in any case I could have accepted an amendment which left the whole procedure to be followed so much in the air as this one does, that nomination will hold good for the first three years only, after which “there shall be an election and the system of nomination shall cease”. It is not there even suggested from what constituency or by what means election should take place. I cannot accept the amendment.

Rao Bahadur N. Siva Raj (Nominated Non-Official): Mr. President, I oppose this amendment moved by my friend Mr. Chattopadhyaya and for these reasons. In the first place, I must frankly state that it is a matter of self-interest for me to oppose this motion, because it reduces the number of seats from 4 to 2, and reserves those two seats entirely and solely for the purpose of representation of women, thereby depriving what chances I have, should I have any chance at all, of getting representation for a member of my community. As you will see later, I have an amendment in my name where I say that one at least of the two seats left over shall be filled in by a member of the scheduled castes. The second reason for my opposition to this amendment, as Mr. Tyson has already pointed out, is that it is somewhat vague and indefinite. Even supposing that this House accepts that there ought to be a method of election after three years, the electorate and the method of election is vague. The third reason why I oppose this amendment is this: it has recourse to a principle which is sought to be substituted in favour of nomination, whereby the minority communities will not get adequate representation at all. In fact in a way, it is true to say that the women of India, with the rapid progress in education that they have made generally, constitute really a very cultured and capable majority. In fact I think it is the biggest minority, should it be considered at all a minority, in India; whereas people like the scheduled castes are occupying a very very inferior and subordinate position generally in the life of this country in all its aspects. Consequently, we feel there ought to be some protection for communities like mine and probably also for communities like the Muslim community.

But so far as the question of nomination and election is concerned, I do not know how far it is open to us at any rate in India to say which of the two methods has been really a good method. I find that whereas nomination by itself is not to be condemned, it is open to people to say that the authorities who have got this power vested in them have probably abused this power of nomination. It is just possible that by the power of nomination we may be able to get the best persons available for any of these bodies or institutions. It is because this power has been abused in the past that in some cases nomination is generally condemned. Nor can one suppose that election has thrown up the best men or women possible as a result of those elections. Even as people can say that there are toadies of the Government, it is equally true to say that there are toadies of the Congress and perhaps later on there will be toadies of the Muslim League also; and so I do not believe that either because the authority which has got the power of nomination is abusing that power or because the members nominated as a result of that behave as if they have absolutely sold their souls to the powers which nominated them, that nomination by itself is bad. Whatever might be the result in the case of political institutions, certainly in

bodies like a university, nomination ought to be resorted to to set right certain inequalities, or what is more important, to bring on any body or authority of the university persons whose presence is desirable and necessary for the proper conduct of the university work. With these words I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3, in the proposed Schedule for the word 'four' the word 'two' and for the words 'of whom at least two' the words 'both of whom' be substituted respectively, and after the word 'woman' the words 'and that the nomination will hold good for the first three years only after which there shall be an election and the system of nomination shall cease' be added."

The motion was negatived.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I move:

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word 'four' the word 'six' be substituted and at the end of the sub-clause the words 'of whom at least two shall be Muslims' be added."

I wanted to bring this Act into line with the recommendation of the Calcutta University Commission for the constitution of the Executive Council. This recommendation was for both the Dacca and the Calcutta Universities. We had an enactment for the Dacca University and this provision was made therein. We have not yet had an enactment for the Calcutta University, but I hope that when it is made, this provision will be made. In the case of the U. P. this was not needed because we have a Muslim University at Aligarh which is really serving the purpose in the U. P. One of the greatest proofs that I can give in support of all the arguments and all the speeches that have been delivered on the floor of this House,—not only in connection with this Bill but in connection with all constitutional problems that we discuss here—the discussions in them are a proof and an indication that a provision of this kind is necessary. You should take the situation as it is and not as it ought to be. If you want to lay the foundation of a university in an ideal society on the plane at Mars and not in India or somewhere else—if you want to do so, you can make any enactment you like. But when the university is to be for the benefit of the people of the country and 'people' includes all classes and all sections, we know what the mentality of the people here is. If you want academic support, it is there of the Calcutta University Commission, but there is nothing academic in my suggestion. I just want to bring it into line with the recommendations of the Calcutta University Commission.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word 'four' the word 'six' be substituted and at the end of the sub-clause the words 'of whom at least two shall be Muslims' be added."

Mr. J. D. Tyson: This amendment is again on lines which have become familiar to the House and I am afraid I cannot accept it.

Nawabzada Muhammad Liaquat Ali Khan: As was expected, the Government have once again come forward and opposed this amendment. A little while ago the lady Member of this House was pleased to remark that there has been "a merry game" going on on the floor of the House. It may be merry for her who is siding with those who have come to play with loaded dice, but I can assure her that it is not a merry game for us. Then she accused us of dilatory tactics. I wish to say with all the emphasis that I can command that there is no such thing as far as we are concerned. If this Bill is taking longer than any measure of this type should have taken, it is due entirely to the attitude of the Government. If they had accepted the motion that was made in the last Session for the circulation of the Bill, Honourable Members would have been in possession of opinions from independent quarters. But, in the absence of that, the responsibility that has fallen on the shoulders of the Honourable Members is great and we would be failing in our duty if we did not, according to our lights, put our point of view before the Legislature. I wish to assure the House that as far as we are concerned there is no intention, there has never been any intention of any dilatory tactics.

[Nawabzada Muhammad Liaquat Ali Khan.]

The amendment that has been moved by my Honourable friend Dr. Sir Zia Uddin Ahmad, was intended to give some representation to the Mussalmans without depriving other minorities of their representation on the Executive Council. But the Government have opposed that. May I ask the Honourable the Education Secretary what proposal they have to give some kind of representation to the Mussalmans on the Executive Council? As I said yesterday, the Executive Council under your new scheme is going to be the most important body. Is it right, is it fair, is it just to deprive one community of any voice in the deliberations and decisions of this Executive Council? It seems to me that to the present Government the word "Mussalman" is like a red rag to a bull. Wherever there is mentioned the word "Mussalman", they think that, "Goodness knows, what is behind this?" Perhaps the whole of the university will be demolished because the word "Mussalman" is mentioned somewhere in this measure that is being enacted! Sir, I really do not see why Government go on making these professions, that they want to safeguard the interests of the minorities. Why don't you come out openly and frankly like honest people and say, "We are not concerned with the interests of minorities or anybody, we want to hand over this university to the majority community", and be done with it? Don't waste our time, don't waste your time. But their coming forward and saying that they are most concerned about the interests of the minorities, that the Chancellor will make nomination under which the Mussalmans and other minorities will get adequate representation is all rubbish and humbug. I am sorry I am using those expressions but I hope you and the House will forgive me because I would much rather that they came out openly and honestly and put forward what their case is. Of course, my Honourable friends of the Nationalist Party and the lady Member of the House are perfectly satisfied with the Bill as it is, because the "haves" are always satisfied and it is the poor "have-nots" who have to fight for their rights. I support the amendment that has been moved.

Before I resume my seat, I would again wish to assure the House that our intention is not to use any dilatory tactics. Whatever we are putting forward and the amendments that have been drafted and notice of which has been given—they have all been considered most carefully and we consider that it is our duty as long as we represent the public opinion in this House to put forward our point of view before this Honourable House.

Rao Bahadur N. Siva Raj: I will not take much time in supporting this amendment. I will just give only one reason, and that is, the more the merrier for the minorities.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): The question here is about nomination and Dr. Sir Zia Uddin Ahmad could not perhaps for some reason quote the decision arrived at by the Calcutta and Dacca Universities. I would like to read to this House two passages, one from the Calcutta University and the other from the Dacca University to enlighten Honourable Members of this House and the Government. On page 214, this is what the Calcutta University Report says about the educational needs of Mussalmans:

"In designing the Executive Council of the reorganised Calcutta University we have provided that out of 17 members three at least must be Mussalmans, while our proposed Academic Council is to include 'four representatives with educational experience, two at least of whom should be teachers to be appointed by the Chancellor after report from the Muslim Advisory Board'."

Then on page 216 of the same report it is said:

"As regards the other constituent bodies of the University we have suggested that the Court should always contain, among others (a) 30 graduates of the University, of whom 15 should be Muslim graduates elected by the Muslim graduates, and (b) 40 members appointed by the Chancellor, of whom not less than 20 should be Mussalmans."

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Mr. Muhammad Azhar Ali: I am reading from the Calcutta University Commission Report, Vol. V. The report goes on to say:

"and that the Executive Council should always include four persons appointed by the Chancellor, of whom two shall be Mussalmans, one being a teacher of the University and four persons elected by the Court, two of these being elected by the Muslim members of the Court who have registered themselves as Mussalmans from among their own number."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that.

Mr. Muhammad Azhar Ali: Then, coming to the constitution of the Executive Council, this is what we find on page 301 of the Report, Volume IV:

"Two members appointed by the Chancellor, one of these to be a Mussulman, and one a representative of experience in industry and commerce. Two members appointed by the Government of Bengal, one of these to be either the Director of Public Instruction, or, in his place, a representative of experience in secondary education. Three members appointed by the Court, one of these to be a Mussulman and none of these to be a salaried officer of the University, or of any institution connected with the University."

Mr. President (The Honourable Sir Abdur Rahim): All these matters have been fully discussed.

Mr. Muhammad Azhar Ali: This matter has not been dealt with so far. Then the Report says:

"Three University teachers appointed by the Academic Council, one of these to be a Mussulman; the term University teacher to include teachers of constituent colleges giving public instruction in the University as well as teachers wholly paid by the University."

Then, Sir, besides the acts of commission and omission on the part of the Government of India, so far as this Bill is concerned, we on this side of the House are not in any sense indulging in dilatory tactics. We are doing our level best to convince the Government that our claims are right and that they have been supported by the enactments of other Universities. We are doing our duty to our constituents and we shall be guilty of not discharging our duties properly if we do not put forth the claims of the Mussalmans. Is it suggested by Members of the House that we should not discharge our duties properly. It is our misfortune that we have to discharge our duties, which is not liked by the Government or other Members of the House. With these words I support the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, in sub-clause (iii) of clause (1) of Statute 3 in the proposed Schedule for the word 'four' the word 'six' be substituted and at the end of the sub-clause the words 'of whom at least two shall be Muslims' be added."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Piare Lall Kureel, Mr.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—32.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Bewoor, Sir Gurunath.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan, Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Jamâiel Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lall, Mr.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.

Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur Sir A. Ramaswami.
Pai, Mr. A. V.
Parma Nand, Bhai.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. R.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule the following be added at the end:
'and at least two shall be Muslims'."

Sub-clause (viii) says:

"Four persons nominated by the Chancellor, of whom at least two shall be women."

And I add to it that at least two shall be Muslims. This may look like dividing the number provided by this sub-clause for nomination by the Chancellor among Muslims and women. But I do not think that can by itself be any objection. In fact, I think if the matter is looked at more deeply, it will carry out the intention of that provision much more rationally than if the amendment were not made. After all, by providing that at least two shall be women, it is sought to give the fair sex representation on the Executive Council. I think the consciousness or the feeling underlying that provision is that otherwise women are not likely to get any representation on the Executive Council, so that a provision should be made for compulsory nomination by the Chancellor of two women to that body. That is to say, an element in the population of India which is otherwise likely to go entirely unrepresented should be given the right to come in and secure a place on the Executive Council by the door of nomination. I say, by parity of reasoning, the Muslims are also entitled to the benefit of that nomination. The House must have seen by this time how all the doors are barred, bolted, locked and sealed against the Muslims for having any access to the portals of this temple of learning. If, in spite of all that we say against nomination and believe against nomination, we do get at least two seats by nomination on the Executive Council, I think it will yet be something. It will certainly not be all that we want and it will certainly not be such a valuable thing as it might have been under a system of election such as we envisage in some of our amendments. But having failed to get that, we may act on the principle:

Sara mal jata janiye to adha dije bant.

If we see that the whole of the property is being lost, we may distribute half of it among others and keep the other half to ourselves. So, I say let us have at least two Muslims by nomination under this sub-clause.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule the following be added at the end:
'and at least two shall be Muslims'."

Mr. J. D. Tyson: Sir, my Honourable friend, if I understood him aright, seemed to argue on the basis that it was inconceivable that one of these two ladies, who are to form half of the nominated element, could be a Muslim. I am sure he did a wrong

Syed Ghulam Bhik Nairang: No; I did not assume that. I talked of women as women.

Mr. J. D. Tyson: The Honourable Member, as far as I could follow him, seemed to assume that as there would be two ladies, they must get their two Muslims nominated from the other half—the men. If, however, I did him wrong, I will not pursue the matter. I submit the amendment is in the same category as those that we have already been discussing and I am afraid I cannot accept it. There is one nominee at present, and I hope that out of the two ladies, one certainly will be nominated from a minority community, but I do not care to put it into the Statute.

Maulvi Muhammad Abdul Ghani: Sir, I thought good sense would have prevailed upon my Honourable friend Mr. Tyson, but we have been thoroughly disappointed in that. Our demand is only for a period of three years. The members of the Executive Council other than *ex-officio* members shall hold office for a period of three years. I see, Sir, that community after community is being created. The Government have created a women community as against men community. When so many communities are being created afresh, I fail

to understand why they dislike all proposals put forward by Muslims. I think the word 'Muslim' seems to be very much pinching to all here, and it is due to the fact that the Government ears have been poisoned by slogans outside this House and inside this House. I may point out for the information of the House that the British Government have clearly accepted the principle of separate electorates and we are in this House by virtue of the acceptance of that principle.

Mr. President (The Honourable Sir Abdur Rahim): All that has been said before.

Maulvi Muhammad Abdul Ghani: But, I say now

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot repeat his arguments.

Maulvi Muhammad Abdul Ghani: I am not repeating. I am simply referring to it because our very existence in this House is due to that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go on repeating that argument.

Maulvi Muhammad Abdul Ghani: I am simply putting forward this argument so that my Honourable friend may be convinced of the justice of our case and understand our position. After all if the Honourable Member does not understand it in the first instance, we have to plead it a second time.

Mr. President (The Honourable Sir Abdur Rahim): That is not allowed. He cannot go on repeating the same arguments.

Maulvi Muhammad Abdul Ghani: However, Sir, I leave it there. My Honourable friend Dr. Zia Uddin Ahmad raised the nominated seats to six and out of those four, he demanded two, but that too was not acceptable to my Honourable friend. It is now urged that two out of those four should be Muslims. The Government are out again to oppose it. I think it is only fair that he should leave the decision of this question to the elected representatives of the House. Let them decide it. The Government are legislating for the people of Delhi Province, or as they say for the people of India. Then why should the Government poke their nose? They should keep aloof, if they have got sincerity of heart. Sometimes in the name of democracy, sometimes in the name of fairness, sometimes in the name of something else, they urge all these arguments. Afterwards, they say, well it has been passed by the House, what can we do. In that connection, I have got the right to say, if he has got the courage to say to the outside world that it has been passed by the House, then let it be passed by the elected representatives of the House and by no one else. Then, the Honourable Member shall have the right to say to the world at large that it has been passed by the House; that it was passed by the representatives of the people. He has in his pocket a large number of nominated votes, and particularly at a time when most of the elected representatives are absent from the House, he is carrying everything by sheer force of voting strength which he can command. It is not at all fair. We have all along been fighting and crying for due representation of those interests who are 50 per cent. here. But that right of representation is going to be denied. Here the number of Executive Council Members will be 19. Out of these only one seat is to be given to Muslim? Is it fair that a nation whose population in Delhi City is 50 per cent should be given only one seat? I think the Government ought to think twice before doing this. The administration cannot go on in this way when a nation which has half the population is denied all representation. After all we have got to safeguard our culture, our Islamic studies, our Islamic traditions, our religion and everything concerning Muslims is to be safeguarded. We are not going to entrust our case to one man, who may perhaps be absent at the time of the meeting. In that case, who will voice our views, and the voice of a nation may go unheard there. The other day, I submitted to you, Sir, that this body is an all powerful body. It exercises the greatest possible influence in matters of education, in matters of recognition, disaffiliation of colleges, etc. It is not fair at all that Government

[Maulvi Muhammad Abdul Ghani.]

should act on their whims and fancies and to regard whatever they think to be proper. So, Sir, I give my wholehearted support to this amendment.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, at first sight, I felt the same difficulty as regards this amendment as was felt by Mr. Tyson. I thought the two seats were reserved for women and the two are claimed by Muslims, and therefore there will be no further representation. But that has been made clear, that we do not want two male Muslims. They may be female Muslims and therefore the provision would not make the whole representation go to these two classes.

Now, Sir, looking at the constitution of the Executive Council, I want to compare the constitution of this Executive Council with the constitution of the Court. There in the case of the Court, the Government had taken steps in the amendment which they put before the House to provide for 25 persons of whom not less than 18 shall be appointed to secure the representation of minorities not otherwise in the opinion of the Chancellor adequately represented. There is provision for representation of minorities on the Court. But when we come to the Executive Council, there is no such provision. The only provision for nomination is contained in this clause. They make reservation for women, but no reservation for minorities. I do not know if the Government will think it advisable to consider whether, even if they are not prepared to nominate Muslims directly, they may not follow the example of amendment No. 7 that was moved by Mr. Tyson and add to this clause that 'two' shall be appointed to secure representation of minorities not otherwise in the opinion of the Chancellor adequately represented.

Nawabzada Muhammad Liaquat Ali Khan: If all the minorities are to be included, then 'three' at least.

Qazi Muhammad Ahmad Kazmi: So if such provision is made there may be some question of representation of minorities in the Executive Council, but as the present section stands there will be absolutely no provision for the representation of minorities. In view of this I hope Government will reconsider their position and come with a better amendment if they are not prepared to accept the clear amendment of the Muslim League Party that two should be Muslims.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and at least two shall be Muslims'."

The motion was negatived.

Rao Bahadur N. Siva Raj: Sir, I move:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and one a member of the Scheduled classes'."

I think the need for making a speech in support of this amendment does not arise having regard to the fact that while Government are not prepared to openly recognise in the Statute, they have at least got at heart the need for securing representation to the Scheduled classes as a minority in some of these bodies. In view of that I will not take the time of the House any further. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:
'and one a member of the Scheduled classes'."

Mr. J. D. Tyson: Sir, it is our hope that in making these nominations the Chancellor will consider minority communities; but it will not be in keeping with my attitude on many amendments that have already been considered by the House that I should accept this, and I hope my Honourable friend will not press it.

Maulvi Muhammad Abdul Ghani: Sir, when the Honourable Member gives an assurance I do not think there should be any objection to accepting this

modest amendment on the part of a nation which deserves the utmost sympathy of all sections of the country. It is only fair and just that the scheduled classes should be assured of their position so far as their interests in the Delhi University are concerned. I therefore think it is proper for Government to accept this amendment.

Qazi Muhammad Ahmad Kasmi: Sir, I had just pointed out how the Honourable Member has himself provided representation to minorities in the case of the Court, and I have not yet understood why he shirks the same provision in the case of the Executive Council. The Honourable Member says that in accordance with his attitude in regard to many previous amendments he has to oppose this. But what I pointed out was that he has not named the minorities at all. If instead of the present provision he brings in an amendment himself that these four seats are meant to make up for the representation of minorities two of whom may be women, we can understand that the matter of representation of minorities in the Executive Council has also been taken into consideration by the Legislature. No doubt the Honourable Member hopes that this will be done by the Chancellor but when the matter is before the Legislature they should decide it and not leave it to the whims and fancies of the Chancellor whom we do not know. So if Government are serious in hoping that minorities will be represented under this clause, it is better to make the necessary amendment in the Bill and in view of this I hope Government will reconsider their attitude in this matter.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end:—
'and one a member of the Scheduled classes'."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

'(ix) Four members of the Court elected by the Muslim Members of the Court'."

Some people must be wondering why, in spite of the stubborn attitude of the Government Benches and the generally hostile atmosphere that prevails in the House against all amendments moved from this side of the House, I persist in putting forward amendment after amendment which is practically to the same effect, and why, in view of the most unreasonable and irrational attitude of the Government and the most unsympathetic and even hostile attitude of the House, if only—as a matter of protest, I do not decline to move the rest of my amendments. But, Sir, to adopt an attitude of that kind would be un-Islamic. We have not yet ceased to believe in the corrigibility of human nature. We think that even a lost soul can be redeemed and those who convinced against their will are of the same opinion still may yet, by some chance, see the light of reason and get a temporary fit of fairness. With such considerations present to our mind we are continuing our efforts to put forward the case which has been put forward in so many shapes, with so many arguments and with so many appeals, although of course with little success so far.

This amendment also relates to the composition of the Executive Council. We say that after sub-clause (viii) add sub-clause (ix) whereby 4 members of the Court be returned by the Muslim Members of the Court to the Executive Council. Under other heads and other amendments we tried to secure representation on the Executive Council which might not have numerically amounted to much and if Government had yielded in respect of those amendments we would certainly not have moved this. But we find that whether we try to get a chance in a mixed constituency, such as was proposed in the amendment moved by my Honourable friend Mr. H. A. Sathar H. Essak Sait or in other ways we are met by the same cast iron reply: "We are unable to accept this amendment." Possibly, in fact most probably, we are going to have the same sort of laconic reply to any amount of argument that we may address to the Government Benches in respect of this amendment as well, but, as has been said, we are here to do our duty.

[Syed Ghulam Bhik Nairang.]

We did not at all relish the remarks made by the lady member of the House who thought we were indulging in dilatory tactics. Nothing of the sort. If she had only tried to place herself in our position she would have realized what duty we owe to the people whose interests are at stake. But I would not further comment on the remarks of the lady as that would be unchivalrous. I simply repeat with other members of my Party that there is nothing like dilatory tactics in our intentions. All that we do intend is to put forward the Muslim case again and again till at last, perhaps, Government may relent and come round to a rational and just and equitable way of thinking: Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

'(ix) Four members of the Court elected by the Muslim Members of the Court.'

Mr. J. D. Tyson: Sir, I am afraid I cannot accept the amendment which is in line with a number of amendments already considered by the House.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I do not know what words should I use to express the sense of regret that I and my Party have at the attitude which the Government has taken. The amendment before this House is just and reasonable and I do not believe that the Government representative, who probably thinks that he holds the monopoly of all the wisdom in the world, is so devoid of understanding as to what we are trying to seek by this amendment. My Party has taken a definite stand and we feel reluctant to advance the same arguments which we have been reiterating, namely that in view of our separate existence as a nation in this world, in this country and in this House we have a claim to have a separate existence in that organization for which the Bill is brought forward—the Delhi University. We are not asking for a separate University; we are not asking as yet for an absolutely separate educational organization; what we are asking for is a modest share in that organization for which we are taxed to finance and for which we are required to pass this Bill and to do everything else. This Government, with all the callousness that they have shown, have the audacity to come before this House and before the elected Members, who have been elected on definite tickets of separate electorate, to ask us to give our sanction to a Bill under which position of Muslims has been absolutely ignored,—not only ignored but made worse,—under which a new philosophy has been adopted that the Muslims will have nothing to do with the culture and the method of education in that citadel the existence of which they claim their own, and to whose prosperity and culture they have made very great contributions for centuries past. The University of Delhi today is established on the ruins of that educational culture which was introduced, nursed and brought up by Muslim civilization of many hundreds years but it is being sacrificed today at the altar of the whims of the officials of the British Government by this enactment. Therefore, Sir, I refuse to accept the position which Government wants us to accept.

I do not understand the suggestion which has been made by the lady Member of this House regarding dilatory tactics of my Party. My Deputy Leader has made the position sufficiently clear and I need not dilate on that point. But what I want to say is this: What else can we do? Are we not here to give vent to that feeling of the people that we represent? Are we not here to tell the Government, the House and the world at large that this is what Mussalmans want? This is their due, and this is their rightful claim.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better speak to the amendment now.

Mr. Muhammad Nauman: In the amendment we are asking for a very modest share of representation from amongst the members of the Court. What I have been trying all this while to impress upon the Government is that we have taken a definite stand and this is the legitimate share that they should

concede to us. Therefore, I once again request with all the emphasis that I can, or demand with all the power that I, my Party and the Mussalmans of the country have, that Government should concede our request and show at least some sense of justice and prove that they have not become so callous as not to be amenable to any sane argument whatsoever. It is very easy to see that Government have taken a definite stand against these amendments. It is simple for my friend, Mr. Tyson, to say that the amendment does not bring in anything new. Of course it does not. But all along the principle is there, viz., that some share in representation should be given to the Muslims. We should not be asked to be left at your mercy and at the mercy of a Government which is not sympathetic to us, a Government that is trying to rush things and push it against our will and against our definite opinion expressed by the elected Members of this House. I do not think I need illustrate my point any more. I have done what I could. I have tried my best to bring home to the Government that our position is clear. With these few words, I resume my seat and support the amendment.

Maulvi Muhammad Abdul Ghani: I just want to say a word or two. If this amendment is accepted the number of the members of the Executive Council would be 30. Then out of the 30, one seat can be secured for the Principal of the Arabic College and the additional four seats may be given to the Muslim nation. After all the right of election is going to be given to the Members of the Court, not to any outside body, and it is to be regretted if Government has not any confidence even in the Court of the Delhi University. This total of 5 seats is only 1/6 of the full number 30, although the percentage of Muslims here is 50. So I hope the Government would reconsider their decision and not persist in opposing such modest demands put forward by the Muslim League Party.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted:

'(ix) Four members of the Court elected by the Muslim Members of the Court'."

The Assembly divided:

AYES—17.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Choudhury, Mr. Abdur Rasheed.
Choudhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Siddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

NOES—38.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ambedkar, The Honourable Dr. B. R.
Azizul Huque, The Honourable Sir M.
Banerjee, Dr. P. N.
Bewoor, Sir Gurunath.
Chapman Mortimer, Mr. T.
Chatterji, Mr. S. C.
Chattopadhyaya Mr. Amarendra Nath.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Dam, Mr. Ananga Mohan.
Habibur-Rahman, Khan Bahadur Sheikh.
Haider, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haider.
Ismail Alikhan, Kunwer Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kailash Bihari Lal, Mr.
Khare, The Honourable Dr. N. B.
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mudaliar, The Honourable Dewan Bahadur
Sir A. Ramaswami.
Pai, Mr. A. V.
Parma Nand, Bhai.
Piare Lal Kureel, Mr.
Raisman, The Honourable Sir Jeremy.
Ray, Mrs. Renuka.
Roy, The Honourable Sir Asoka.
Sargent, Mr. J. P.
Siva Raj, Rao Bahadur N.
Spear, Dr. T. G. P.
Spence, Sir George.
Sultan Ahmed, The Honourable Sir.
Thakur Singh, Major.
Trivedi, Mr. C. M.
Tyson, Mr. J. D.
Zaman, Mr. S. B.

The motion was negatived.

Syed Ghulam Dhik Nairang: Sir, I move:

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end:

"providing adequate representation of Muslims and minority communities in the services of the University."

With this amendment we enter upon the consideration of statute 4. That Statute deals with the powers of the Executive Council and says:

"Subject to the provisions of the Act, the Executive Council shall have the following powers, namely:—

(a) to institute, at its discretion, such Professorships, Readerships, Lectureships or other teaching posts as may be proposed by the Academic Council;

(b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship or other teaching post;

(c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes."

It is here that I want to add the words "providing adequate representation of Muslims and minority communities in the services of the University". The intention and meaning and object of my amendment are self-evident and the principle which I want to be recognised by means of this amendment is one on which I hope Government will think twice before it goes back. This is the principle which, after long ages of experience, has been accepted by Government itself and has been incorporated in very formal and solemn resolutions of the Government of India. The Resolution of the Government of India of July 1934—I am speaking from memory and subject to correction—on the subject of communal proportions in the services of the Central Government is well known, and I think it was after very serious and prolonged deliberation and consideration of all the circumstances that that Resolution was passed and it has been in force ever since. In spite of complaints which are made now and then about its non-enforcement in certain departments or in certain sections of the service. Recently another Resolution, which was long overdue, has been passed by the Government of India recognising the right of the scheduled caste to representation in the Government services, and that has only recently been published and need not be quoted from or referred to at any length. That principle being a well-recognised one, I do not think that even my very Honourable and very amiable friend, Mr. Tyson, will in spite of the attitude which he has been forced to adopt—I say forced to adopt because I know it is not in his nature to adopt such an attitude with regard to reasonable amendments—I think even he situated as he is will not deny the validity of that principle and will not hesitate in incorporating that principle in the statute as my amendment requires. Sir, for the present, I think there is no need for me to detain the House longer on that subject; and in the confident hope that in this particular matter at least my Honourable friend Mr. Tyson will agree with me, I simply say that I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end:

'providing adequate representation of Muslims and minority communities in the services of the University'."

Mr. J. D. Tyson: My difficulty about this amendment is that I am afraid it would not be workable in practice. The wording is so wide that I think the addition which it is sought to make to clause (c) of Statute 4 would certainly cover readers and teachers of the University. This is how it would read: The powers of the Executive Council would include power—

"(c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes, providing adequate representation of Muslims and minority communities in the services of the University."

If that, as I read it myself, is going to apply to teachers and readers, then I cannot accept it. Teachers of the University itself at the moment cover two Faculties, Law and Science, and without knowing a great deal more about the University's requirement I should demur to introducing a statutory communal reservation in the Faculty of Science where I feel that the University will probably want to get men on the basis of their degrees and not on the basis of their religion. Over and above that, we shall have a category of teachers who come from colleges but are recognised as teachers of the University. There will

arise the greatest difficulty in applying any such recommendation as this, I think, to the teachers who are drawn from colleges, which are, to some extent, at all events, communal in themselves. I confess that if this had referred only to the clerical staff and other servants of the University and not to the teaching staff I would not have minded it, though it is questionable whether the Legislature should direct the University even in that matter. But covering as I am afraid it does the teachers, I cannot accept the amendment.

Maulvi Muhammad Abdul Ghani: The Honourable Member has not made it clear as to what extent he is going to accept the amendment. If he meant that he could accept it only with regard to services, say, officers, clerks and other members of the staff, he might have put in an amendment to this amendment and then we would have known what he thought about this. But now he says that in matters of the appointment of teachers he would not accept this principle. I ask, except in regard to teachers, in all other matters is he going to accept this amendment? Besides, the amendment does not seek any proportion, any fixed proportion. It only says that adequate representation of Muslims should be had in the services of the University. That is a safeguard against any arbitrary action on the part of those in power in the University and nothing else. Here there is no question of any share at all, but the acceptance of the principle which the Government of India have repeatedly urged, as has been rightly pointed out by the Honourable Mover of the amendment. They are every day open to conviction in the matter of revision, and they are going on accommodating interests unrepresented in the matter of services. I submit that Government should make their position quite clear as to the extent to which they are prepared to accept this amendment, so that we may think over and come to a decision accordingly.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly reassembled after Lunch at Half Past Two of the Clock Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Nawabzada Muhammad Liaquat Ali Khan: Sir, before the House adjourned we were discussing amendment No. 27 which was moved by my Honourable friend Mr. Nairang. The amendment seeks to make provision for adequate representation of Muslims and other minorities in the services of the University. My Honourable friend, the Education Secretary, has opposed this amendment on two main grounds, one was that the Government could not accept the principle of communal representation in the services as far as the question of appointment of professors or Readers or teachers of the University was concerned. I assure him that when we moved this amendment our intention was not only to get representation in what are called the menial services of the University. We do want representation for Muslims and other minorities in all the services of the University. We are not ignorant that certain of the staff is employed by the various colleges which are more or less autonomous as far as the question of appointment of staff in a particular college is concerned. We know that and when we moved this amendment it was with the deliberate purpose of making provision for representation of Mussalmans and other minorities in the services that are recruited directly by the University. The Mussalmans have, I am sorry to say, not given that attention to the question of university education in the country that it deserves. The deplorable state of affairs that exists in the University of Delhi prevails in every University in India and if we took up the position that we have, it was because it was the first opportunity that we could have of putting forward the legitimate grievances and the just demands of the Muslims for their adequate share in the administration and services of the universities in general. I wish to assure this House and I want to disabuse the Members of this idea, which seems to be prevalent particularly amongst the Official Benches, that we have given notice of these amendments and are moving these amendments just for the fun of it. We have studied the question of university education very carefully and every amendment that has been given notice of has been drafted and has been moved with a definite purpose and that definite purpose is to secure for Mussalmans an adequate share in the universities in the country. Perhaps it will not be out of place if I refer the Honourable Members

[Nawabzada Muhammad Liaquat Ali Khan.]
of this House to the position of Muslims that exists in other Universities of India. I have taken a little trouble in preparing these figures and I would like to place them before the Honourable House. There are five universities out of 16 (I have excluded the University of Aligarh and the Benares Hindu University) which do not employ any Muslim teacher in any subject whatsoever and those universities are the Andhra University, the Annamalai University, the Mysore University, the Nagpur University and the Travancore University. Then there are 11 universities out of 16 which do not employ a single Muslim teacher of any status, namely, Professor, Reader, Lecturer or Demonstrator in any science subject. The importance of science nowadays cannot be over-emphasised and it is indeed deplorable that the Mussalmans are deliberately kept out of this department in these 11 universities. These 11 universities are Agra, Allahabad, Andhra, Annamalai, Bombay, Delhi, Madras, Mysore, Nagpur, Punjab and Travancore.

Dr. P. N. Banerjea: Punjab also?

Nawabzada Muhammad Liaquat Ali Khan: Yes.

Dr. P. N. Banerjea: But the Vice-Chancellor is a Muslim there. He is a science man so far as I know.

Nawabzada Muhammad Liaquat Ali Khan: But he is not on the teaching staff of the University and my Honourable friend should know that the appointments are not made by the Vice-Chancellor and that is why we had been fighting all this time for representation for Mussalmans on the Executive Council of the University of Delhi. There are four universities that employ some Muslim teachers in science subjects. In the University of Calcutta, there are two Muslims out of 120, in the University of Dacca there are four Muslims out of 49, in the University of Lucknow there are two Muslims out of 40 and in the University of Patna there are two Muslims out of 91. In Calcutta both the teachers are of lower grade and in Dacca the teachers are of lowest grade. In Lucknow, one of the teachers is an Indian Educational Service officer whose services have been lent by the Government. So, he in fact was not employed by the University of Lucknow as such. Then it is worth noting that in the 16 Indian Universities there are only 3 Muslim Professors and all of them are I. E. S. officers whose services have been lent to the University and there is only one Reader who is a Muslim. And there are only 6 teachers of the lowest grade who are Muslims.

Sir, I have got here figures giving in detail the representation of Mussalmans in various branches of studies, but I shall not waste the time of this Honourable House by quoting them. Let me tell the House that I have collected these figures from the compilation called the Inter-University Board, India Handbook of Indian Universities, 1942.

When my Honourable friend comes forward and says that they cannot accept the principle of representation for Mussalmans in the services of the University, I wonder if he really realises the significance of such a statement. He is indirectly taking upon himself the responsibility of keeping the Mussalmans of India as a whole out of the services of the various Universities in the country. Sir, I am afraid the Government have come forward to oppose these proposals without making a proper study of the subject. I would, indeed, be surprised if my Honourable friend the Education Secretary or the Educational Adviser would get up and say that they are aware of this situation. They really know nothing about the affairs of the various Universities in the country, and naturally so because they are not affected by them. As we are directly affected by the paucity of Muslim teachers, we have made it a point to study this matter. I wish the Government had considered the whole position more carefully before coming forward and opposing our amendments. In the University of Delhi, the figures have already been given and I shall be glad to hear from the Honourable the Education Secretary that the representation of Mussalmans in the services under the Delhi University is adequate and that we have no reason to make any complaints about it.

Sir, we sometimes are told that it is really efficiency that counts in appointments of this kind. I am afraid I cannot subscribe to that view. It is not always the efficiency that counts; it is the composition of the authority that makes the appointment and efficiency is only made an extuse. I see my Honourable friend the Educational Commissioner is shaking his head, but surely in a country like India—and I have given the House all these figures—are there no Mussalmans who are fit to be appointed? And if that is so, then I say that it is a very sad commentary on the policy of the Government that they have followed during the last hundred years. They have completely ignored the interests of 100 million Mussalmans to the extent that today they cannot find a suitable man for appointments in the services of the various Universities in the country. Efficiency, like paternity, is only a conjecture.

Dr. P. N. Banerjea: But maternity is certain.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend Dr. Banerjea says that maternity is certain. I do not think he could have made a more apt remark had he been a medical Doctor instead of a Doctor in some other subject. No amount of denial by those who are responsible for these appointments can convince the Mussalmans that they had received a fair deal at the hands of the appointing authorities. I submit that the proposition which has been placed before this Honourable House is a just and fair proposition. It does not lay down any definite proportion for the Mussalmans and various other minorities. The effect of this amendment will be, if it is carried, that at the time of making the appointment, the appointing authority will have this fact before it, and when it is making the appointment, it will think that they have to give the Mussalmans and other minorities their due share. It is not an amendment that can be classed as a communal amendment. It is an amendment which seeks to do justice to the interests of those who have not had a fair deal in the past. It is an amendment that will act as a reminder to the appointing authority in the University of Delhi that the Delhi University is not the private property of any one community. Most of its expenses are met by the Central Government which derives its revenue from all the various communities in India. Therefore, it is but right that whenever the Government money is spent, all the communities should have a fair chance in getting their due share. But it seems to me that the Government have come forward with certain proposals and they are so certain of the correctness of those proposals that no amount of argument is likely to convince them. They have lost all sense of justice; they have lost all reason; and they are so much obsessed with their own scheme which they have placed before this Honourable House that it seems that it is futile to expect them to apply an unbiassed mind to the various proposals that are put forward from this side of the House. I submit that this is a very just and fair amendment and it is an amendment which will secure justice for the interests which have suffered in the past. If the Government defeat this amendment, they will only be putting another nail in their coffin.

Qazi Muhammad Ahmad Kazmi: Mr. Deputy President, the state of affairs that has been disclosed by my Honourable friend Nawabzada Muhammad Liaquat Ali Khan regarding representation of Muslims in the services of the Colleges is really deplorable. I do not exactly understand the attitude of the Government in making up their minds even before they have considered the amendments and heard the Members of this Honourable House. Of course, on some matters, they have to come to a decision. But sometimes there are matters which require greater consideration than a simple reply by the Government that they have come to this particular decision and that they are not going to change that decision in spite of requests from the Opposition. I personally, Sir, am not much in favour of communal representation as such. But, as I submitted yesterday, I make differentiation between communalism and representation of various communities in a body. I consider that the mere fact of representation of different communities in a body, or representation of a particular community in a body does not make it a communal body. Any

[Qazi Muhammad Ahmad Kazmi.]

demand that any particular body should be represented on a particular Council or Assembly or Senate or Executive Council cannot be considered to be a communal demand. The question of fair distribution of services, of fair numbers of employment to all persons who are living in this country is only a demand which is conceded in principle by everybody, whether Hindu or Muslim, whether Government or anybody else. If that principle is once conceded, then I fail to understand how the word 'communalism' can be used to describe any demand of representation of any community on any particular body. I quite understand that we do not want to have communalism in the citadel of learning. But that does not mean that we are going to take persons of only one community in that citadel of learning and that would make it less communal. My personal experience is that the presence of members of various communities in a body makes it less communal and the presence of an overwhelming majority of only one community makes it more communal. What is not a communal body? Only religious bodies in which only one community is represented are communal bodies. No other community has got representation in that body. You may call it a communal body. But how are you going to call this Assembly, where all sorts of interests are represented, a communal body? By the representation of various interests it ceases to be a communal body.

Time and again we have been complaining that when Congress Governments were in office, they had done injustice to Muslims. I may or may not agree with that proposition. But I say that it is only the presence of overwhelming majorities of the members of a particular community which make for complaints from other communities. The complaint may not be very serious, the complaint may be insignificant, may be due to certain feelings of hostility. But when such complaints are put forward, it is time they are analysed and considered. What I want to urge is only this, that due representation of all communities decreases communalism. Our complaints against the Congress Ministries are to a certain extent justified. If coalition Ministries had been formed in all the Provinces, probably there would not have been this cry. I am sure that those very gentlemen who are today accusing the Congress of having done something wrong, probably would have gone to the country and would have said that the Congress Ministries were perfectly right, but that the people should also consider their limitations and they could not have changed the destinies of the country in a day. Because they made the mistake in not taking other communities into their confidence or because they did not form coalition Ministries, the result was that those very persons who would have helped them in carrying on the administration of the country came into the opposition and carried on propaganda against those Ministries, and these complaints made by the Muslim representatives went deep down the hearts of the Muslim community. Now, Sir, these are problems which require real and very deep consideration. If Muslims are not properly represented in the universities, then if a few more Muslims are taken into the services, what sort of communalism will that be? Will the citadel of learning be demolished on account of the representation of a few Muslims? I fail to understand the logic of this argument. I feel that after proper representation, there will be no possibility for any community to leave the true path and to take the road to communalism. When you have got an overwhelming majority of any community in any body, they are at liberty to take any line of action they like. But the very existence of minorities in a body will have a sobering influence on the majority community and it will change the mentality of the majority themselves. Situated as we are, determined as we are to have a National Government, determined as Indians are that they must have a Government which must be carried on by all the communities, we should not shirk our responsibility of bringing all persons in the category of Members running the administration of the country. If we are not going to do that, if we are going to shirk our responsibility, then the question would be whether we can carry on the duties of the Government whenever it is formed in this country.

A majority party Government is not suited to India at all, not in the sense that they cannot carry on the Government, but in the sense that they cannot succeed in creating that peace and tranquillity which is necessary for the purpose of carrying on a good government for the peace and prosperity of the country.

Sir, I do not want to take up much of the time of the House by going into details regarding the position of Colleges. It is a well known fact that there are rivalries between Universities and Universities and between Colleges and Colleges in India. May I just give you an instance of one of the oldest Universities in India, the Allahabad University which once extended jurisdiction over the whole of U. P. I can say from my personal knowledge—I am sorry that there is nobody here to represent the case of persons against whom I am making this complaint—I know it definitely that persons who went from other colleges, like the Aligarh college, to the Allahabad University were not treated in the same manner by the examiners and teachers of that University as were their own students. I can also say from personal experience that a person from Aligarh who answered an examination paper in the same way as another person from Allahabad got only a third class whereas the latter got a first class. Persons from Aligarh who did their papers in the same way as third class passes of the Allahabad University got failed simply because they happen to belong to Aligarh College. Allahabad University is the University from which we received our college education and most of us must have passed through the same experience as I narrated just now. The evil has very much decreased now on account of the establishment of so many universities. But I say that when in

3 P.M. bodies which were not at all communal but only different bodies in the same university there are rivalries and jealousies. They become all the more serious if they are constituted of only one community. And for this reason I would say that the representation of various communities in the university itself will not create and is not likely to create communalism, but is likely to sober the ideas of those who are in actual charge of the university and is likely to soften that rigour which is likely to continue if persons of only one community are there and is likely to make matters more reasonable and more agreeable to all the communities.

Sir, it is education which is the basis of all development. If we do not get properly educated persons we cannot hope that this country will ever rise. Many persons are against denominational universities; I am also not much in favour of them, but when we say we are against the denominational universities what do we mean? We mean that we do not want to have exclusive universities of one community, but if you make the universities practically universities of only one community, are they not denominational universities? On the one hand you say you do not want denominational universities because only one community will be there, they will receive training at the hands of persons who are their own co-religionists and only one sort of idea will be permeated in the minds of the students and they will not be in happy company when they come to live with people of other communities. A Muslim who is brought up in the atmosphere of a Muslim university or a Hindu brought up in the atmosphere of a Hindu university is not considered fit to carry on work with other compatriots of other religions. In the boarding house our oddities are rounded and we learn how to carry on in society, but our chances of that are ruined when we are in purely one kind of society. Please do not make the universities, that exist now, denominational universities; and they will be denominational so long as there is no representation of every community in the universities. I urge this not in the name of communalism but in the name of peace and tranquillity and in the name of the proper training of the children of the various communities which will fit them for the society of India and not the society of one particular community. I again appeal to Government to reconsider their position. In whatever form they want to tackle the problem,—either by this provision or some other provision,—they must make some alterations in the Act which would make all the universities in India really cosmopolitan bodies in which

[Qazi Muhammad Ahmad Kazmi.]

there will be representation of all communities and the students going out of them really be fit citizens of India.

Mr. Kailash Bihari Lall: Sir, my Honourable friend Mr. Kazmi has in his speech supported communal representation; I shall give the national point of view on this motion. I realise his sincerity when he said that the present state of things should continue. He says that things which have been established by Government or the people should continue. He said that we have gone on with these denominational bodies which Government have recognised and we have been habituated to them.

Qazi Muhammad Ahmad Kazmi: Sir, what I said was that we are against denominational universities and we should not make the existing universities denominational but must make them cosmopolitan. And they cannot be cosmopolitan without the representation of all communities.

Mr. Kailash Bihari Lall: No one objects to the representation of all sorts of people in the country. And Government have promised to see that all communities are represented.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Have you always believed Government's promises?

Mr. Kailash Bihari Lall: If you do not believe their promises that is another thing. But you always hope they will do it and to that extent you believe them. But if you want some assurance from Government that in the services and other places where the Muslims are not adequately represented, there should be proper representation of the Muslim community, then you should have provided for the adequate representation of the minority communities in the services, if you did not want any communalism.

An Honourable Member: We are a nation, not a community.

Mr. Kailash Bihari Lall: Then ask Government to give you statutory recognition as a nation. Why bring it about through the Delhi University Bill? First try to get Government to recognise you as a nation. You are a member of the Indian Nation. But how do you want to come through the back door?

Sir Muhammad Yamin Khan: Is the Government a High Court that we should accept their ruling?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Yes, for you.

Mr. Kailash Bihari Lall: Since when Sir Muhammad Yamin has started thinking that way? Government is the highest court and not the High Court!

Mr. Lalchand Navalrai: To whom he goes begging.

Mr. Kailash Bihari Lall: If you want that your nationhood should be recognized, nobody stands in your way. But in this Delhi University Act perhaps the Government is not recognizing you as a nation although you are trying by these back-door methods—by inserting this amendment and that amendment to various clauses in this Bill—to get your nationhood recognized. Do you think you are doing justice to yourself and to the Government by doing so? You are abusing the Government for not looking after your interests and for not conceding your demands. The Government concedes the main demand of safeguarding your interest, but it is quite another thing if you do not believe in their sincerity and honesty. I do not of course say that the Government is sincere and honest because I know that the Government has not fulfilled its promises in the past. I cannot give you any guarantee that they will fulfil their promise in the future, but if the Government says that minority representation will be looked after and you will not be neglected then you should be satisfied by that, because, as a minority, you are safeguarding your position. But if you change your position and say that yours is not the question of minority, it is the question of nation, it is thrashing out something for which the Delhi University Bill is not really meant.

Mr. Kazmi's argument that the Congress made a mistake in not protecting other communities and they met with the lot which the world saw, is not a fact, Sir. My friends know that the Congress did not make that mistake.

The mistake of the Congress was that they formed the Utopian ideal of parliamentary system under which the majority party forms the Government, and on that analogy they did not take stock of the things and there they committed the mistake, and not that they neglected the Muslim community. Muslims were there. (Interruptions.) Of course, my friends decry them that they were not true Muslims, but I do not agree with them. I think my Honourable friend, Mr. Kazmi, can be said to be as true a Muslim as anybody else. And every body will admit that there were Muslims in the Congress ministries and they were true Muslims as well. The difference was that their political views were different from those of the Muslim League, but on account of their sincerity, their wide outlook, and service to India they had created confidence amongst the masses. You have recently won a victory in the North-West Frontier Province; you can win a victory everywhere, even in this Assembly if you try some other methods—I do not know.

Sir Muhammad Yamin Khan: What are those methods?

Mr. Kailash Bihari Lall: I do not know. The mistake of the Congress was that they depended too much on the analogy of the words 'parliamentary system' and did not look into the state of things here. I am of the opinion that they should have formed coalition with the Muslim League. If they had done that, they would not have met with the present lot. I agree up to here. But I do not agree with what Mr. Kazmi has presumed, namely, that because there is inadequate representation of Muslims in the ministries they suffered and the same lot may befall the Delhi University, and the Muslim community or other minority communities may be neglected. This presumption is wrong. Their community will be represented and so far as I have heard Mr. Tyson, he is for doing justice to all the communities and he has said so. The only thing is that he does not want to make an exhibition of communal provisions in this measure by accepting the demand of 'nationhood'.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): What about our experience of the last 20 years?

Mr. Kailash Bihari Lall: I do not want to enter into all these things here, but I may tell you that sometimes you have got imaginary demands also. I have told about my one dream and I may tell you hundreds more

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is going away from the subject of the motion before the House.

Mr. Kailash Bihari Lall: It is because my Honourable friend is interrupting me. The trend of the Delhi University Bill is lost in the jungles of communalism and I sometimes forget and lose myself, just as so many Honourable friends seem to have done, in communalism and nationalism. I do not know how far I have gone astray. I was only replying.

Sir Muhammad Yamin Khan: You have also changed Benches. What is the harm if Mr. Kazmi has done so.

Mr. Kailash Bihari Lall: I think this is beyond the motion. I do not want to go into that.

If Congress members had been here they would have supported you. That is what we are now suffering from. If in the Delhi University Bill and in other measures if the Government takes up a strong attitude you will realize that you are common nationals with others in this country. Rather you will be in the vanguard of nationalism

Sir Muhammad Yamin Khan: We have always been.

Mr. Kailash Bihari Lall: Yes, because I realize that the Mussalmans have got more germs of nationalism. But as it is, instead of taking your right part in the advancement of nationalism in this country, you are only misleading everybody simply for want of loaves and fishes in this department, and in that department, and you want to satisfy yourself by having denominational terms. Most of the amendments have been on the basis of a separate nation, although they have been in the name of the Delhi University Bill. If we mend our ways, and if the Government boldly takes the stand as they have done so far, you

[Mr. Kailash Bihari Lall.]

will see that the Delhi University Act, when it is passed, will be really a good Act it will not smack of anything communal.

Mr. J. P. Sargent (Government of India: Nominated Official): I am very conscious that since I have been in this country I have been responsible for many acts which may be open to criticism. But hitherto no one has charged me with having been actuated by bias in regard to any particular class or community. I venture to intervene in this discussion because I think that, even though I am not prepared to accept his solution, my Honourable friend the Deputy Leader of the Muslim League Party has called attention to an educational aspect of this question which deserves some consideration. I naturally accept the figures he has given, showing the very small share which members of his community have at the moment in the higher posts in Indian universities: and although I am afraid I did not hear whether he specifically mentioned it, I gathered that that shortage also applied in the case of the University of Dacca, where I believe that his community does enjoy a certain representation on the administrative bodies of the University. I refer to that because it does indicate what my experience in this country has also indicated that in certain branches of learning—I emphasize the word 'certain'—there is a definite shortage of Muslims with the necessary qualifications. I do not, as I say, myself as an educationist attach undue importance to these things, but one naturally watches and cannot help observing in the case of appointments with which I am concerned, that when certain subjects are involved the difficulty of securing the well-qualified Muslim candidate does arise. It is true that this amendment is not open to the objection which I have felt, although I have not voiced it, in regard to other amendments, in that it does not attempt to tie down the University to any specific quota of communal appointments in its teaching staff. But at the same time I think there is a practical difficulty about it and an educational one as well. The first point is that it is important that if the idea we have of improving the status of the Delhi University is to be carried out, what we obviously have to look for is quality in the teaching staff, both of the University and of the colleges and I am afraid that if in the next appointments which took place in the University, either in regard to appointments of their own teachers or the recognition of college teachers, the educational requirements of the University and the candidates who presented themselves should so turn out that members of the minority communities did not secure any appointments, the University or we might be charged with failing to give effect to this amendment which we are being asked to adopt. There is also the great importance at this stage in the University's development of raising standards and getting the best possible men we can, and I would remind, if I may, my Honourable friend, the Deputy Leader of the Muslim League Party, that in connection with the recognition of college teachers as teachers of the University, the college in which I know he is particularly interested has to a certain extent a partial remedy in its own hands. With a view to raising the standard of college teaching, it has been agreed that college teachers in future will in fact, or in a very great majority of cases, be recognised as teachers of the University. Therefore, if the teachers, either the Muslim teachers on the staff of Anglo-Arabic or of other colleges,—I am glad to say that there are already some distinguished Muslims on the staffs of other colleges—if the number of Muslim teachers increases as of course they will automatically do if the Muslim college itself grows, then their share in these appointments can itself be made automatically to increase.

I think my Honourable friend has perhaps painted an unduly gloomy picture so far as the University of Delhi is concerned. I speak from experience of my periodical attendances—they used to be more regular than they are at the moment—as a member of several University bodies and I can only say that two or three of the members, whose views are always listened to with the utmost attention and whose opinions, I think, I can say without any

fear of contradiction, carry great weight with those bodies, come from amongst those Muslim Readers of the University, whom it is already fortunate enough to possess. It is also true, looking back to the past, that the part played by outstanding Muslim scholars in the University is not so negligible as might have been imagined from some of the speeches which we have heard in the course of this Bill. We have had a Muslim Vice-Chancellor, and I think I am correct in saying, though I speak subject to correction, that three out of the four or five holders of the posts of Librarian of the University have also belonged to the same community. I can only say that so far as my experience of the University has gone, there has certainly been no bias in any appointments with which I have been connected against members of the minority communities.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): What is the actual result?

Mr. J. P. Sargent: I cannot tell you what the actual result is numerically, but I remember that on one or two occasions when I happened to be consulted, particularly in regard to University teachers of Science—I am saying this quite frankly inside this House—the Vice Chancellor expressed his regret that the field of applications had not produced a Muslim candidate with adequate qualifications; on another occasion a Muslim candidate was, I know, appointed in the Science Department. I cannot give you statistical figures for the last five years, but I am giving my own impression. I won't put it higher than an impression. So far as the Delhi University is concerned, neither in the past nor in the present has there been bias against minority communities. The difficulty has been the smallness of the numbers presenting themselves. I do not think I am unduly optimistic in my expectation that if the Muslim interest in the University strengthens itself the community will reap its reward in increased weight in the future conduct of the affairs of the University.

Maulana Zafar Ali Khan: Sir, in his historical work, "Talisman", Sir Walter Scott draws a pen picture of the duel between the champion of the Cross, Richard, the Lion Hearted and the champion of Islam, Salah Uddin. The champion of the Cross, Richard, in order to show his skill as a swordsman cut a bar of steel into two by one powerful blow of his ponderous sword. Salah Uddin's manifestation of his skill was more scientific. He threw up a warp of silk into the air and with one dextrous stroke of his finely tampered sword cut the silk in two. This scene has been transferred to Delhi today on the floor of the House in connection with the discussion on the Delhi University Bill. On one side Mr. Tyson, the representative of the might of Britain. On the other side is the Muslim League, the representative of the 10 crores of the Muslims of India. In this struggle, Mr. Tyson and Nawabzada Liaquat Ali Khan are playing the role of Richard and Salah Uddin respectively; and I am sure Nawabzada Liaquat Ali Khan will win the crowning victory as justice is on his side. With an obstinacy which would do credit to a mule, the Government of India have taken up their stand on the pernicious and ridiculous principle that in educational institutions the Muslims as such shall have no place. I tell them and warn them as the exponent of the sentiments and aspirations of 100 millions of Muslims of India, that the Government will share the fate of Richard. What is it that we have put forward in this amendment? We are not fighting for ourselves only—not for the Muslims alone, but also for the other minorities. We say the Muslims and the other minorities should have adequate and effective representation in the Executive Council of the Delhi University which is the managing and governing body and is all in all. But you say the minorities as such, the Harijans as such and the Muslims as such, shall have no part or lot in it. Where is the reason for it? Where is the ground for it? You stultify yourself every day, from morning till evening. On the one hand you give us the right to claim that we are a separate nation, you give us the right to have our own laws, our own institutions, our own constitution; you concede all this to us as Muslims of India. But when on a small

[Maulana Zafar Ali Khan.]

scale, we want a modest share in the present institutions, you deny our claims entirely. You shall have to part with power after a few years—the war may come to an end tomorrow and then according to the principles laid down by Mr. Amery and the Premier of Great Britain, you will have to leave everything to us, you will have to part with power; and when that time comes, I tell you that we shall frame our own laws and we shall not be responsible to you; we shall be responsible to ourselves; we shall be responsible to the Hindus if they want us; and then where will this Delhi University Bill go? It will be consigned to the waste paper basket. With these words I strongly support the amendment.

Dr. Sir Zia Uddin Ahmad: Sir, I will just say a few words about the sharp distinction between community and nation which my friend has just talked of. It reminds me of the counting of an ignorant servant whom I knew. He said he could count and understand counting from 1 to 20; but if anything exceeds 20 then it was immaterial to him whether you called it one hundred or one thousand, because the counting really ended at 20. Similarly, if you have got individuals, then one could understand; but when you come to a group of individuals, it makes no difference whether you call that a group, a nation or a community. You call it the Muslim community or the Hindu community; but when we discuss matters outside we always call it the Indian community, not the Indian nation when we discuss matters outside India. Therefore this sharp distinction as between community and nation is as really superfluous as it is unnecessary to maintain.

Now, coming to Mr. Tyson's remarks, I quite understand that his background is from the academic point of view just what any academician would take; but he should not forget that he is now on the soil of India and not on English soil; and he must take the facts that exist in this country and not the facts as they exist in England. When my friend the Deputy Leader of my Party brings forward a motion of this type he had at the back of his mind, as his background, the circumstances which do exist unfortunately in this country. I wish Mr. Sargent or Mr. Tyson can change them; I will give every support in their effort to change them; but so long as they are not changed, we must have to recognise these facts and work in the light of those facts, and adjust everything in the light of those facts.

My friend, Mr. Sargent, drew attention to the shortage of the Muslim community in certain professions and certain branches of learning. That is a fact. Take one branch—engineering. There is a definite shortage of Muslims in this particular branch. We were told repeatedly—I have been a member of the governing body of Roorkee college for years—that students with requisite qualifications are not available; we cannot get Muslims who have taken the Intermediate in Science, with physics and mathematics, who are qualified to join. Certain places are reserved in the engineering colleges but Muslims are not available to fill those places. Similarly also in the Maclagan and Sibpur colleges such students are not available. Naturally I had this impression in my mind till a few months ago; so much so that Dr. Wali Muhammad has just published a pamphlet in which he has advised Muslim students to study those subjects so that they may be qualified to join those colleges. I had this theory in my mind also and I thought it was correct. But recent circumstances have convinced me that I was absolutely wrong. When we opened an engineering college, for 60 places we received 500 applications from people who were qualified in physics and mathematics and chemistry; out of these 500, about 100 were B.Scs. I interviewed these candidates and they told me that the doors everywhere were banged against them. It is not therefore the case that the material is not present; it is not that Muslims are not available; but the question is that they have no opportunity; the mere fact that it is said they have equal opportunities is of no value. We had a great discussion on this question of minorities—the defence

of minorities in the central European countries after the war; a good deal of literature has been published and they have made a very strong representation that it is useless merely to offer on paper equal opportunities to every community; you must ensure that the opportunities are of equivalent value. My friend Mr. Tyson has no doubt provided equal opportunities for all, but these equal opportunities are not of equivalent value and that is why we press these particular points.

So far I have talked about engineering. Take the case of medicine. In the case of medical colleges the position is even more difficult. I myself tried to get some of our students admitted in the colleges of Lucknow and Agra, because these are the only two colleges open to the students of the United Provinces; but I always failed in my attempts and I could not get them admitted to those colleges, though I am quite sure that the boys we sent could be admitted in any college whatsoever. I have got a record—Mr. Sargent might make a note of this—of a student who was really exceedingly good and he appeared in one of their competitive examinations for admission into the Lucknow college but his answer books were destroyed and he obtained zero marks and he was not admitted; this same student spent about 4 or 5 years seeking admission in different colleges; he went to Lahore, to Calcutta and several other places; and after great difficulty he secured his admission in Bombay on the ground that he produced a paper in bio-chemistry and the person who was making research in bio-chemistry said this is the only man who knows bio-chemistry and he must be admitted. On account of personal influence he was admitted, and he is one of the greatest living authorities in the medical profession now. This is the difficulty that we have to face, and we cannot shut our eyes to the handicaps under which the Mussalmans have to labour in the matter of admission. It is all very well to say that the Mussalmans can come in by open competition and join the medical colleges, but these opportunities are not of equivalent value. As I said in one of my speeches in the meetings of the Court of the Lucknow University, either you reserve a certain number of places for the Mussalmans, or in your Admission Committee take up the representatives of the different universities in the U. P.—for, though the Medical College is located at Lucknow, it is a college for the whole province of the U. P. and in the Admission Committee the other universities who have got equal claims must be represented. But they never listened to our request, and they have not admitted a single student of the Aligarh University. When at Aligarh we open a medical college, and we hope to open it within one year, we will have 500 well qualified students who will apply for admission and there will be no difficulty in giving them admission, though they have been now going from place to place and not getting admission.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Nobody can shut his eyes to these facts. You may talk of academic principles, but these facts do exist in India though they do not exist in other countries. Even in England you will not admit easily into an English school a person coming from Germany or a man from France, or a person from some other place, because you have restricted your schools to a particular group. The same idea which exists on a scale in England does exist here. You cannot deny it. I may tell my Honourable friend, Mr. Sargent, that there is a metallurgical department in the Benares Hindu University. I repeatedly asked the Pro-Vice-Chancellor to admit one of our boys to the metallurgical class, but I could not secure admission into that university. Though the University is open to all, it does not really operate as such in practice. I can cite many other cases.

Mr. Lalchand Navalrai: Hindus also are not being admitted.

Dr. Sir Zia Uddin Ahmad: I challenge, there is not a single Muslim in the metallurgical department of that university. Do you mean to say that Muslims are not qualified for metallurgical work? I cannot accept that statement.

Mr. Lalchand Navalrai: What I said was that no Hindu is also being accepted now in the metallurgical class in the Benares Hindu University.

Dr. Sir Zia Uddin Ahmad: Hindus are not admitted; Muslims are not admitted; then only Harijans are admitted?

Mr. Lalchand Navalrai: Because there is no vacancy there.

Dr. Sir Zia Uddin Ahmad: Either the department does not exist in which case the question of admission does not arise at all, but if it does exist, there must be some vacancies and if they are not filled up by Hindus or by Mussalmans, they must be filled up by Harijans! Therefore, these facts exist, however unacademic they may be from your English experience. You have to take the Indian facts into consideration. It is not sufficient to say that you provide equal facilities for all, you should also see that these facilities are of equivalent value to every community, to every nation. This is what we have at the back of our mind when we press this amendment for the consideration of the House. We think if, at any rate, there be some persons inside, they will announce those facts, the facts will be published, and I think that publicity is the only safeguard which the minorities have got. How can we have publicity if people do not even know the facts? The facts about the Medical College I came to know only about two days ago. When I expressed a desire to know about the medical college scheme, one of the doctors came to me and said, before you embark on this scheme, ask the medical men what difficulties they had for their admission, what attempts they made in the various colleges, how they were thrown out and their admission could not materialise. To publish a thing like that is a difficult job, but the facts are there and I request Mr. Sargent to look at the problem from the point of view which I have placed before the House. Is he not familiar with the fact that in England there is great pressure from the labouring class that they should have opportunities to take part in university education? Though the colleges were open to everybody, in practice the labouring classes had no admission and they began to demand and you had to make some kind of provision by giving scholarships and employing various other methods, in order that these particular sections could have admission into the highest institutions in England. Sir, the same is the position in this country. There are classes, call them backward or by any other name, who for some reason or other have not derived the fullest benefit from the educational facilities provided in this country by the British Government. They were late in joining. There is no doubt about it, that the position is there and they are now eager to take the fullest advantage of the university education. You have to make special provision for admission in the same manner in which you have made special provision for admission of your labouring classes. It is said, we only legislate for minorities, it does not matter—we do not make any distinction between Mussalmans, Sikhs and Christians, but we provide for minorities. In 1925 the Government of India reserved one-third of the vacancies for the minorities, but from 1925 to 1934 we collected statistics and we found that when there were three vacancies, one went to the Sikh minority, one went to the Christian minority and one went to the Parsi minority, and the largest minority, which is the Mussalman minority, was left unnoticed. We brought these facts to the notice of Sir Harry Haig, the then Home Member, in the year 1934, and he was compelled to say, "No, the provision for the Mussalman community should explicitly be made. It is not safe to tag them on to other minorities, as the experience from 1925 to 1934 shows". To tag on the Muslims who form 25 per cent. of the population to other communities who form less than one per cent. is unfair to the Mussalmans and it did not work satisfactorily as far as the working of the Government of India was concerned. Really speaking, when

you say that you want to reserve so many seats for minorities, I think it is unfair to the Muslims. You cannot tag on a population of 25 per cent. to a community which is less than one per cent. You should provide separately for those who form the biggest minority. The Government of India after careful consideration accepted this principle in 1934, though in practice they are not carrying it out. They are not prepared to accept it even in theory, and even if you accept it in theory, it will take many years to materialise in practice. There are many steps which you will have to take before you achieve this end. Therefore, to recognise explicitly Mussalmans as Mussalmans is certainly not unacademic. I have repeatedly quoted the highest educational authority, that is the Calcutta University Commission in support of my argument. In the political field it has already been accepted. The Government of India Act is really a manifestation of this acceptance. Such being the case, I see no great harm in recognising that fact in the case of the Delhi University. One thing is apparent from the speeches on the Opposition Benches and the speeches on the Government side, and that is, we all recognise that they must come in, but we do not like to differentiate in the first instance between Mussalmans as a minority and the other minorities. Now, this thing they will have to accept, because the Government of India have accepted it on account of certain facts brought to their notice.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat it so often.

Dr. Sir Zia Uddin Ahmad: You will have to admit that the Mussalmans are a separate entity and you should not mix them up among the other minorities, as it will not work very well. I also request you to consider this fact that the admission of Muslim students in all the important colleges, particularly technical and professional, has become exceedingly difficult. We have shown it by facts and figures. We can give you more facts during the third reading, if they are necessary to convince you. When you legislate for an All-India institution, you should not forget that there are in India 10 crores of Muslims who have unfortunately not been well treated in the academic institutions and in the so-called temples of learning. When they demand their right, which is a just right, then it is only fair and reasonable that the Government should acknowledge it.

An Honourable Member: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule the following be added at the end:

'providing adequate representation of Muslims and minority communities in the services of the University'."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Mohammad.
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad.
Chondhury, Mr. Muhammad Hussain.
Essak Sait, Mr. H. A. Sathar H.
Kamaluddin Ahmad, Shamsul-Ulema.
Kazmi, Qazi Muhammad Ahmad.
Liaquat Ali Khan, Nawabzada Muhammad.
Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.

Nauman, Mr. Muhammad.
Piare Lal Kureel, Mr.
Siddique Ali Khan, Nawab.
Siva Raj, Rao Bahadur N.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Yusuf Abdoola Haroon, Seth.
Zafar Ali Khan, Maulana.
Zia Uddin Ahmad, Dr. Sir.

Ahmad Nawaz Khan, Major Nawab Sir.
 Aiyar, Mr. T. S. Sankara.
 Ambedkar, The Honourable Dr. B. R.
 Azizul Huque, The Honourable Sir M.
 Banerjee, Dr. P. N.
 Bewoor, Sir Gurunath.
 Chapman-Mortimer, Mr. T.
 Chatterji, Mr. S. C.
 Chattopadhyaya, Mr. Amarendra Nath.
 Daga, Seth Sunder Lall.
 Dalal, Dr. Sir Ratanji Dinshaw.
 Dalpat Singh, Sardar Bahadur Captain.
 Dam, Mr. Ananga Mohan.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Mr. Govind V.
 Habibur-Rahman, Khan Bahadur Sheikh.
 Haider, Khan Bahadur Shamsuddin.
 Imam, Mr. Saiyid Haider.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kailash Bihari Lall, Mr.
 Khare, The Honourable Dr. N. B.
 Lalchand Navalrai, Mr.
 Mackeown, Mr. J. A.
 Maitra, Pandit Lakshmi Kanta.
 Maxwell, The Honourable Sir Reginald.
 Pai, Mr. A. V.
 Parma Nand, Bhai.
 Raisman, The Honourable Sir Jeremy.
 Roy, The Honourable Sir Asoka.
 Sargent, Mr. J. P.
 Spear, Dr. T. G. P.
 Spence, Sir George.
 Sultan Ahmed, The Honourable Sir.
 Thakur Singh, Major.
 Trivedi, Mr. C. M.
 Tyson, Mr. J. D.
 Zaman, Mr. S. R.

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

Clause (d) of Statute 4, as it stands at present, reads:

"To appoint all examiners after considering the recommendations of the Academic Council."

I submit that but for compelling necessity we would not have moved an amendment like this asking for some sort of representation among the body of examiners appointed by the University for conducting the University examinations. I think it will certainly conduce to inspire confidence in the system of examinations held by the University and it will obviate any sort of complaint or grievance that the examinees of a particular community were not fairly treated if this principle is embodied in the Statutes. I must point out that in discussing and considering the last amendment, I am afraid there was some misconception as to the meaning of the word 'adequate'. It was construed practically as if we wanted a certain proportion to be fixed. No doubt, I did in explaining that amendment refer to the circulars of the Government of India fixing communal proportions in the services and all that, but really I did not mean that I wanted proportions to be fixed under that amendment. Here, again, we are only using the word 'adequate'; we are not using the word 'proportionate'. I must explain that we do not say that there can be a fixed proportion of Muslim examiners in the entire body of examiners to be appointed by the University. We wish to say only this that regard shall be had that there is an adequate representation of Mussalmans in the body of examiners. I have said that this is really a measure which is calculated to inspire greater confidence in the system of examinations and to obviate possible complaints which are sometimes heard. And considering the very daring instance of an examinee's papers being destroyed in the Lucknow Medical College referred to by Dr. Sir Zia Uddin Ahmad in his speech on the last amendment, I think if complaints of this kind are sometimes heard one should not take it that they must be unfounded. Sometimes certain things do occur and I think it is wise to forestall such complaints and take action which may be in the nature of prevention which is always better than cure. So, why not from the very beginning have a system of the appointment of examiners which may be liked by all concerned and which may not in any way lead to any apprehension that there may be any unfairness. I think this amendment does not really require a long speech and I have explained what I mean.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

Mr. J. P. Sargent: Sir, I ventured in connection with the previous amendment to deprecate, perhaps mildly, the introduction of the communal consideration into the appointment of teachers of the University. I am afraid that as an educationist I must deprecate a good deal more strongly the amendment now before the House. I deprecate it not only as an educationist but as a man of some experience of examining. I have been endeavouring to find out in what possible way this amendment could in any way contribute to impartiality or justice in the conduct of the examinations of the University? In what particular way would a proportion of examiners belonging to minority communities contribute towards securing justice for presumably members of their communities.

Syed Ghulam Bhik Nairang: May I call attention to the word 'proportion' used by the Honourable speaker? I never said 'proportionate'; I used the word 'adequate'.

Mr. J. P. Sargent: Adequate or any number. I apologise for using the word 'proportion'. But in what way would the introduction of any consideration of this kind add to the impartiality or effectiveness of the examination? An examiner, if anybody, ought to be regarded as impartial. The system of University examinations, as Members are fully aware, is designed in this country and in most other countries to try and prevent the identity of the student being known to the examiner by the adoption of roll numbers, double roll numbers and other devices. I cannot, therefore, see in what way this amendment could have any effect on the system unless by some unfortunate chance the identities of students and the identities of examiners became known to one another. I am afraid that if that did happen, then so far from, as the Honourable the Mover of the amendment hoped, increasing confidence in the examination system, I can only feel that it would undermine it completely. In actual fact, however, perhaps I can to a certain extent allay any feeling of uneasiness as to the present position in Delhi University. I have looked up the figures for the present year and I find that the minorities have actually had 76 out of 224 examiners appointed. Therefore, from that point of view, if it is a question of having a fair share of what we examiners used to call the 'spoils', then the minorities are not doing badly at all. With regard to the question of introducing communal considerations into this question, I think everybody would agree that it ought to be regarded as a matter of the strictest impartiality and I am afraid, as an educationist, I could not agree at all. Therefore, I am afraid I could not possibly accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I have very great regard for the expert knowledge of my Honourable friend the Educational Adviser to the Government of India with regard to matters educational. But I think in his last speech that he made on another amendment when he tried to defend the University of Delhi, he was not on very solid ground. By way of example, he told us that amongst Librarians, which is indeed a very honourable office in the University, the Muslims have had a good share. Had it not been that my Honourable friend provoked me to give certain figures, I would probably not have felt justified in placing certain figures before the House which are very important with regard to the matter which we are discussing now. During the 21 years since the Delhi University was founded, there has been one Muslim Vice-Chancellor. There has never been a Rector who has been a Muslim.

Mr. President (The Honourable Sir Abdur Rahim): Now, we are dealing with Examiners. I think the Honourable Member should confine his remarks to the amendment under discussion.

Nawabzada Muhammad Liaquat Ali Khan: I must give these figures. Unless I show the composition of the University, as it is now, how am I to deal

[Nawabzada Muhammad Liaquat Ali Khan.]

with this matter and show that the interest of the Muslims is bound to suffer. That is why I am giving these figures. It will not take very long. I am myself very careful not to take much of the time of the House. Then, Sir, amongst Treasurers, in 21 years, there has never been a Muslim. Amongst Deans of Faculties of Arts, there has never been a Muslim. Deans of Faculties of Science, there has never been a Muslim. Deans of Faculty of Law, out of five that have been there so far, only once has been a Muslim. Amongst Proctors, never a Muslim was appointed. Wardens, never a Muslim was appointed.

Now, Sir, I come to the teaching staff in the University. I am referring to this because my Honourable friend tried to show that as far as the staff of the University was concerned, or the officers of the University were concerned, we really were not treated so badly as we have tried to make it out to be. In English, out of 54, there are only five Muslim teachers. In History, out of 18, there are only three Muslim teachers. In Economics, out of 20, there is only one Muslim teacher, in Philosophy, out of 12, there is only one Muslim teacher, in Mathematics, out of 15, there is only one Muslim teacher. In the Faculty of Science, in Physics and Chemistry, out of 22 there are only two Muslim teachers. Now, Sir, according to part (d) of Statute 4, the Examiners are to be appointed by the Executive Council on the recommendation of the Academic Council. Now, Sir, in the Academic Council, out of 45, the Muslim representation is only six. In the Executive Council, so far, the only certain seat that Muslims can hope to get out of 26 is one of the *ex-officio* seats that are reserved for the Principals of various Colleges. We have not been given any representation on the Executive Council. Hence the necessity of trying to provide some representation for the Muslims in such cases. If the Muslims had had their due share on the Executive Council, then probably it would not have been necessary for us to move an amendment of this kind.

My Honourable friend says, how would the interest of the Muslim community benefit if certain Examiners were appointed from amongst the Muslim teachers. I am afraid that although my Honourable friend has been in this country long enough, he has not yet realised the amount of prejudice that exists in every walk of life in this country. But it is said, and rightly so, that an Examiner should be above suspicion, that he should do his duty honestly and impartially. I agree. If the conditions in this country had been what they are in other countries, then probably an amendment of this kind would not have been necessary. Then, probably all the amendments that we have moved wanting adequate representation for Muslims on the various bodies of the Universities would not have been necessary. Situated as we are, and the conditions being what they are, I am afraid we cannot afford to ignore such matters where, I submit, the interests of the Muslims are very intimately connected.

Sir, the Honourable the Educational Adviser has given us some figures that out of a total of 224 Examiners, 76 Examiners belong to the Muslim and other minority communities. I would have been really very glad if my Honourable friend had given us some details regarding these 76 Examiners.

Mr. J. P. Sargent: With your permission, Sir, I can do that now. Out of the 76 Examiners, 51 are Muslims, four are Sikhs, 21 belong to other communities.

Nawabzada Muhammad Liaquat Ali Khan: I did not mean details like that. I meant subjects. What subjects of the Examinations? I have my own doubts and I have a suspicion that all these 51 are probably Examiners in Persian, Urdu and Arabic. These are the only subjects where you cannot get anybody else as Examiners. So, Sir, if they are Examiners in Persian, Urdu or Arabic, then I am afraid it is no concession to the Muslims. I would have liked to know that out of these 51 Examiners who have been appointed, how many have been appointed in subjects other than Arabic, Persian or Urdu. That would really show to Honourable Members of this House whether the contention that has been made by my Honourable friend that the minority communities have

nothing to grumble about as far as the appointment of Examiners is concerned was justified or not. I do not know whether my Honourable friend is in possession of these facts. If he is not, I would request him to go and study them and he will find that out of these 51 Examiners, a large number of them will be those who have been appointed as Examiners in Arabic, Persian and Urdu. I see my Honourable friend is shaking his head. I am sure the House would welcome a statement from him giving the various subjects in which these 51 Muslims have been appointed as Examiners.

Sir, the amendment which has been moved, from our point of view, is a very important one and I can assure my Honourable friend that if we had been given a proper and adequate representation on the Executive Council, it probably would not have been necessary to bring forward such detailed amendments in the House. But when we have been practically excluded from the Executive Council by the methods that have been adopted by the Government, then I am afraid it is our duty to point out in what directions the Muslim interests are likely to suffer. Sir, with these words, I support the amendment.

Mr. Lalchand Navalrai: Sir, our silent vote might mean that we approve of these communal amendments and that is why I speak on this. They are going on and are putting forward the most absurd amendments and considered calmly and dispassionately they will appear to be absolutely impracticable demands. To begin with, if they have no faith in the honesty or impartiality of other communities they should openly say so.

Nawabzada Muhammad Liaquat Ali Khan: We do not want to hurt your feelings.

Mr. Lalchand Navalrai: Then they should say that plainly instead of moving these absurd amendments. First they started with a demand for Muslim representation in the Court because they have no faith in the other members of the Court, then the same thing in the Executive Council, then in the Academic Council and now they make this absurd demand for Muslim teachers and Muslim examiners, forgetting that throughout all these years they have prospered and risen high through Hindu teachers and examiners. And it cannot be ignored,—as Mr. Sargent rightly said,—that whenever there is qualified material among them they get everything; and so it is better to deserve first and then to desire. It is better to have more and more Muslims getting educated and qualified than to be pulled up by cranes. No Hindu will grudge them getting education and it is false to say that Hindu teachers are not giving them proper education or failing them in examinations because they happen to be Muslims. If they want separate teachers and examiners they should have separate *Madrassas* and not spoil the atmosphere of the university. If Muslims have merit let them have all the places, but they should not have them with inferior qualifications, in which case Hindu boys will stand up and refuse to be taught by these Muslim teachers with lower qualifications. (Interruption.) Well, Englishmen are teaching you also. Wherever there is a qualified man, whether Hindu or Muslim or a depressed class man, he should be taken in. It has been said justly that as yet there are not enough qualified Muslims to fill these posts, and when they qualify they will surely be given these places; and people qualified in certain subjects like Urdu and Persian and Arabic have been taken as examiners. Therefore they should not show ungentlemanliness by saying that Hindus do not take care of Muslim boys or are not impartial to them. In time they will have examiners from their own community in all the universities, and they should not spoil this university now. If one of these demands is granted that will be an example for spoiling other universities also and the whole standard of education will be lowered. Therefore they should qualify themselves instead of coming forward with these rabid amendments.

Mr. Muhammad Nauman: Sir, I do not want to introduce any heat into the debate and reply to Mr. Lalchand Navalrai with the same vehemence as he showed in opposing this amendment. He said one very significant thing, namely, that the Englishmen are teaching us a good lesson.

Mr. Lalchand Navalrai: No, Sir, I never said that.

Mr. Muhammad Nauman: Sir, I do not want to narrate here instances of what has happened to Muslim examinees here and there. I can cite cases from the Patna and Calcutta universities and few other universities as well. My Honourable friend Dr. Sir Zia Uddin has given some cases which ought to convince the House of the mal-treatment we receive. I will refer to a case in the Patna University where the Vice-Chancellor rusticated a Muslim graduate because he discovered certain instructions given to a Hindu examiner to pass a Hindu student, whereas Muslim examinees who secured the same marks were not allowed to go through. The matter was not left there. Sir, it was published in the *Star of India* and in other papers. The Muslim boy had to meet the fate of being rusticated and the degree of the other student was withheld. There are many other instances also. Therefore, we feel that as we have not got any safeguards in the Executive Council of the Delhi university there should be some safeguard somewhere. Make us believe at least that we will receive proper treatment in the matter of examinations.

My Honourable friend, Mr. Navalrai, said that better class of Muslim teachers were not being made available, and probably it was for that reason that some deficiency existed. I do not know how many times in this House we have repeatedly made assertions that there is no lack of capable men, that there is no lack of men with intellect who would be fit for any position. The question is whether you want them, or not. There is an Urdu couplet:

"Tum jise chaho charha do sur-per Warne kab doosh per kakul therapy."

It is you only who can decide whether a man has the required calibre, education and everything, and unless you say that no other man has got any status to make that claim. It is for that reason, Sir, that we have moved this very important amendment.

Then, Sir my Honourable friend, Mr. Navalrai, said that we have not said definitely that non-Muslims are partial or that we have no faith in them. I do not want to say anything on this occasion. Much has been said on various occasions and that should give enough inkling into the sentiments that we have and the feelings which we profess as a result of many years' experience that we have had in these matters. It is for these reasons that I ask the Government to accept this amendment. Sir, I support the amendment.

Dr. Sir Zia Uddin Ahmad: I am very loath in taking part in this particular debate. In the matters of examinations—perhaps many members know that—I have studied this problem very thoroughly and I have written two books on this subject. The whole system is so rotten that on one occasion my Honourable friend, Mr. Sargent, and correctly in my opinion, while describing an examination hall said that it is not an examination hall but it is a hall of torture, on account of the way in which these examinations are conducted. A very important academician said, and he pressed his argument, that no injustice will be done to the candidates if the marks are allotted to every candidate not by reading his paper but by drawing the number from a lottery box. Roll No. 1: draw the number and if it is 37, give him 37.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is speaking on the system of examination generally. There is a particular question now before the House and he had better confine his remarks to that.

Dr. Sir Zia Uddin Ahmad: Coming to the point at issue, I had an opportunity to read about 20,000 papers when I was in Calcutta and the conclusion at which I reached—and my colleagues will certify—was that this point requires very careful examination and it cannot be left alone in this manner. No doubt my Honourable friend, Mr. Nairang, who moved this motion, could not lay out all the points which he had at the back of his mind—it is very difficult. But you will have to admit that something will have to be done.

I said that I am very loath in taking part in this particular debate, because I do not believe in the system of examination. I would rather like to reduce them. I think the whole system should be properly modified and altered. There are good many educationists who say that these examinations should be ended or radically mended. Unless that is done some steps will have to

be taken to meet the difficulties which are now existing in the country. What my Honourable friend, Mr. Nairang, has suggested may not be a solution, but I think it is the duty of those who are legislating on this particular point to find a solution.

As regards Mr. Navalrai, I have always thought that he was speaking before the mirror: Whatever he has said in his speech, he has referred to himself.

An Honourable Member: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill, to clause (d) of Statute 4 in the proposed Schedule the following be added at the end:

'and to arrange for the annual and compartmental examinations of the University and also for the examination of such students who perchance fall ill at the time of examination'."

Sir, the system of examination is condemned by many eminent educationists, and even then the examinees have to face the hardships of examinations. Students have to undergo some system of examination all the year round. They have to pass in almost all the subjects. Sometimes it so happens that a student gets plucked in one subject only—may be it is something unimportant, some practical examination carrying hardly more than 20 marks—and he is detained that year and has to appear again next year. The whole year's labour, energy and money is wasted. Next time when he appears, he gets plucked in another subject in which he has already secured pass marks. There are instances in which students had to face such hardships. I therefore thought that some system should be devised to give some relief to these examinees. Now we are considering the case of the Delhi University. Therefore this is the proper time to make some provision in the Statute, so that it may not rest on the whims and fancies of the examining authorities. I know that they realise the difficulties of the students but then they do not remedy the defect. In almost all the foreign universities, particularly residential universities, we find that students are only examined in those subjects in which they get plucked and that too after a short interval so that their progress of further education is not marred. Here in India at the law examination it is so that when a student of Law does not pass at the preliminary examination his further progress of appearing at the final examination is not stopped. He is permitted to sit at the final examination but his degree is withheld until he passes in the preliminary examination. This I can follow but I do not follow why a student who has passed in all subjects, except one, has to appear again in all the subjects in which he has secured success. It is said by the experts here that an examination is not a surer test of efficiency. Then in that case it should be still more a matter of consideration that the examinees should not unnecessarily undergo such kind of hardship. It has also been said by many that sometimes it has so happened that one set of examiners have been appointed and papers have been sent to them; after they have marked the papers, the papers have been sent to another examiner and the allotment of marks has differed. In this connection the Chief Commissioner of Education in India, in his Report 1938-39 rightly observes:

"It is difficult to resist the conclusion that there is no effective standardization either of examinations or examiners who are allowed to mark more papers than they can deal with efficiently."

Therefore, I urge the case of such hardships and I hope that the Honourable Members will realise the difficulties of the examinees who are unnecessarily put to trouble and the parents have to lose for no fault of theirs a considerable amount of money over the detention of such students. I hope that the authorities will come forward and say that there is in the Delhi University some

[Maulvi Muhammad Abdul Ghani.]

system of examination by which a student can be examined only in that particular subject in which he gets plucked. But that is not free from conditions. There is a system here that if an examinee secures 45 per cent. marks in the subject in which he passes, then in that case he is allowed to sit after a short period in the subject in which he has failed. But why is it so? There should not be any distinction. Do not say that he should secure a certain standard of marks and then he will be allowed to sit in one subject. Raise the standard but make it similar. There should not be any condition. My argument is this. Until the system of examination changes, examinees should be re-tested in the subject in which they do not secure pass marks and that too within a short interval. In the second place, I would add that their further promotion should not be stopped. It may be made a condition that they must pass in the subject, but they should be asked to proceed further and join a higher class.

I am also aware that an expert committee has been appointed to consider the various systems of examination prevalent in Indian Universities, but till they give their view and results are obtained, I have thought it proper to move this amendment so that the hardships of the student community might be redressed. This is not the only occasion on which I am advocating the cause of the student community. I have found it helpful, particularly in the Patna University where the result never went to more than 33 per cent. and when the matter was brought to the House it was decided that very year, 1935, that the percentage of passes should be raised to 56 and since then it is ranging between 56 and 62. I find from the report that the Andhra University is the strictest of all the Indian universities. Their results never go up more than 20 per cent., but I do not find that all the competitive seats have been captured by the graduates or students of the Andhra University. What for are these hardships? What for this strictness? It is only the examinee who has to undergo all sorts of hardships; the system is such that it compels students to have recourse to cramming and nothing else. It would not be out of place to mention here that some students of Aligarh University of 3rd year who have passed the promotion examination in all subjects have been detained because their percentage is short by one per cent. Is it not to the credit of such a student, who was absent from college, for a long period, to pass in all the subjects? Should not such a student rather be rewarded with prizes? But it all depends on the whims and fancies of the examiners and the university authorities. We are tired of all these things. This is the proper time when we should deal successfully and solve the difficulties of the student community in general. We urge this because the literacy of this country is not progressing as it should. With all our efforts, the literacy percentage is only 13 per cent. All these people are not going to be provided with employment; then why all these hardships? Government can prescribe any restriction they like for examinations for employment. I can understand that. But why are they out to stop the progress of general education? Let the students study throughout the period and take notes. When the professor is satisfied that the student has understood the subject and has had periodical tests, that is enough. Why these examinations? Why so many examinations? If he fails in one subject at one time, he fails in another subject at another time. These are unnecessary hardships and obstacles in the way of the general progress of education in the country. We resent this very much and do not want that progress of education should be interfered with. The days are gone when Government had an idea that certain classes of people should be had for administrative or ministerial or clerical purposes. Nowadays Government is not going to provide for all these persons. Therefore they should have their own examinations for employment and allow the university to have its own examinations and allow the students to go through these courses and give them a diploma or degree at the end

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member moved the amendment?

Maulvi Muhammad Abdul Ghani: Yes, Sir. If I were to cite instances, it would be surprising to hear that it often happens that questions are set beyond the syllabus and I pointed out an instance while I was speaking in the Bihar Legislative Council—I will narrate one instance. The syllabus in geography says "Important towns and the reasons for their importance." The question put by the examiner was "Write notes on the growth of such and such a town." This was referred to the Board of Examiners; they said "No; they were right." When the matter came before the local council, it was held that the questions were out of the syllabus. Sometimes it happens that even the examiners or higher authorities cannot answer the questions; yet those questions are put to poor unlucky students. It so happened that examinees in Patna University at the Matriculation stage were asked once to translate in their vernacular some passages which, when I threw challenge, could not be translated even by the University representative. Such is the irony of fate of poor students and parents who spend lots of money and whose energy is wasted for nothing.

I have not much time, otherwise I would have placed before you certain things—samples of questions set for matriculation boys. Some examiners asked questions about liquors. Most boys who or whose fathers had never touched liquors or wines and they did not know what is called effervescence and such like nonsense. Yet they were asked to write notes on wines. Let me give another instance. A question was asked:

"Imagine you had a brief interview with Mahatma Gandhi about the harijan movement. Write a letter to your friend describing your conversation with him."

There are people who do not yet know what is called harijan—it is a newly coined word; they may get to know of it later. Let me place before you another sample—once in the Patna University

Mr. President (The Honourable Sir Abdur Rahim): The Patna University is not under discussion.

Maulvi Muhammad Abdul Ghani: I say that universities in general put questions in their examinations which are very hard and which cannot be answered even by the examiners themselves, especially the translation of passages. As

an instance I said that once a passage was put to matriculation boys for idiomatic translation into their own vernacular; the passage runs as follows:—

An Honourable Member: Idiotic or idiomatic?

Maulvi Muhammad Abdul Ghani: The passage runs:

"But the beautiful woman now clapped her hands; and immediately there entered a train of two and twenty. . . ."

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is going very much beyond the amendment.

Maulvi Muhammad Abdul Ghani:

" . . . serving men, bringing dishes of the richest food, all hot from the kitchen fire, and sending up such a steam that it hung like a cloud below the crystal dome of the saloon. An equal number of attendants brought great flagons of wine of various kinds, some of which sparkled as it was poured out, and went bubbling down the throat."

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member not to read at such length from that book.

Maulvi Muhammad Abdul Ghani: These are the difficulties that students encounter; a student of the matriculation class cannot answer such questions. There are many hardships from which these young men suffer, but what little I have placed before the House is ample proof of what I have submitted, and I hope the House will consider the question very sympathetically having regard to the waste of energy, waste of money and the obstacles that stand in the way of the progress and growth of education in the country. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in clause 16 of the Bill, to clause (d) of Statute 4 in the proposed Schedule the following be added at the end:

"and to arrange for the annual and compartmental examinations of the University and also for the examination of such students who perchance fall ill at the time of examination."

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th August, 1943.