

24th August 1943

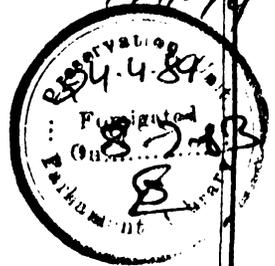
TO
THE LEGISLATIVE ASSEMBLY DEBATES

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.

President:

The Honourable Sir ABDUR RAHIM, K.C.S.I.

Deputy President:

Mr. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen:

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

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Mr. K. C. NEOGY, M.L.A.

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

Sir HENRY RICHARDSON, M.L.A.

[From 20th August, 1943.]

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Dr. P. N. BANERJEA, M.L.A.

Sir F. E. JAMES, M.L.A.

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Mr. M. GHIASUDDIN, M.L.A.

Sardar SANT SINGH, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 24th 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.

MEMBER SWORN:

Mr. Mansen Damodar Bhansali, M.L.A. (Secretary, Posts and Air Department).

MOTION FOR ADJOURNMENT.

SERIOUS FOOD SITUATION IN BIHAR DUE TO PURCHASE OF FOODGRAINS BY GOVERNMENT FOR EXPORT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Maulvi Abdul Ghani who wants to discuss a definite matter of urgent public importance of recent occurrence, namely, the serious food situation in Bihar arising from an order of the Central Government permitting their Trade Adviser in Bihar to purchase unlimited quantities of wheat, rice and other food-grains for export from the province whilst the embargo imposed by the Provincial Government is still in force there.

Is the Trade Adviser making these purchases for supplying Bengal and other deficit provinces?

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): There is no mention of that, Sir. He is buying for outside use.

Mr. President (The Honourable Sir Abdur Rahim): Have Government any information about this?

The Honourable Sir Edward Benthall (Member for Railways and War Transport): Sir, I suggest that this is not a matter of very recent occurrence or of urgent public importance since the whole question of the food problem has been recently discussed at very great length in this House.

Mr. President (The Honourable Sir Abdur Rahim): Are the facts as stated correct?

The Honourable Sir Edward Benthall: No, Sir; so far as I am aware, the Central Government have no Trade Adviser, and therefore he cannot be making these purchases.

Mr. President (The Honourable Sir Abdur Rahim): Is there any one on behalf of the Central Government who is making these purchases?

The Honourable Sir Edward Benthall: Not that I am aware of. The purchases, I believe, are done by the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member for Government says that whatever purchases are made are done by the Provincial Government.

Maulvi Muhammad Abdul Ghani: Sir, it is definitely said in the editorial of the *Indian Nation* of Patna in its Friday issue . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the name of the Trade Adviser?

Maulvi Muhammad Abdul Ghani: His name is not given, only his official designation is given. He is mentioned as the Trade Adviser of the Central Government.

Mr. President (The Honourable Sir Abdur Rahim): There is no such person.

The Honourable Sir Edward Benthall: Sir, the Trade Adviser is an official of the Provincial Government.

The Honourable Sir Sultan Ahmed (Leader of the House): Sir, the Trade Adviser of the Provincial Government is named Mr. Gursaran Lal and there is no representative of the Central Government at all. This provincial Trade Adviser has been making purchases on behalf of the Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim): On the facts as stated by the Honourable Members on behalf of Government that there is no Trade Adviser on behalf of the Central Government or anybody making purchases on their behalf, the motion is out of order.

Maulvi Muhammad Abdul Ghani: May I take it that purchases are on behalf of the Central Government and that the Provincial Government have every right to stop the purchases made?

(No answer was given.)

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

Mr. J. P. Sargent (Government of India: Nominated Official): Sir, the House was discussing amendment No. 79 on the last day when we met. This is not a new statute except in regard to the question of fixing the maximum number of students in any college. That is a matter which was discussed, as my Honourable friend the Deputy Leader of the Muslim League party is aware, between the representatives of the University, the colleges and Government, and we came to an agreement which I think was generally acceptable. The other point which has been raised in connection with this was raised by Sir Yamin Khan the other day when he expressed some apprehension that having a definite ratio of students to teachers might lead to some injustice to teachers in the event of the total number of students falling suddenly in a college. That difficulty we fully appreciate, but the actual intention in fixing this ratio was really exactly the opposite of that suggested. It was to ensure that the number of teachers in a college should be adequate to the number of students, in other words, should not be more than twenty students per teacher. It was also intended that teachers of colleges in future should be recognised as teachers of the University on that basis; and to ensure that, we have laid it down in the conditions of grant. That is all in the interest of the college teachers. At the same time I appreciate the fact that if there was a fall in college numbers,—which, I agree, in a period of transition may take place and has, I believe, indeed taken place in connection at any rate with one college,—hardship might be involved by a too literal insistence on this proportion. At the same time in discussing matters with the representatives of the colleges I have given them an assurance that so long as the transitional stage obtains, we will certainly have fair and reasonable regard to any difficulties which might occur in that way. We are as anxious as no doubt college authorities are that teachers should not be displaced when there is a reasonable prospect that their services may be required as the new scheme establishes itself and, as we hope, the numbers in the colleges grow. I hope that my colleagues in the colleges have accepted that assurance and I only hope that it will be honestly implemented. At the same time one has to bear in mind that in all institutions if there is a permanent fall over a considerable period, naturally some adjustments of staff will have to be made. But I am hoping that that will not take place and that anything that does happen will mean an increase in the numbers up to the maximum specified. After that there should not be any serious fluctuation. But during a period of transition when fluctuation may take place I have given an assurance that it will be sympathetically considered.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): May I make a suggestion? From what I have gathered from my Honourable friend, Mr. Sargent, his idea is that it is only the minimum proportion that is to be fixed.

Mr. J. P. Sargent: Yes.

Dr. P. N. Banerjee: Then why not add the word 'minimum' after the word 'reasonable'. It should not be a fixed proportion but only the minimum. That will obviate all difficulties.

Nawabzada Muhammad Liaquat Ali Khan (Rohilkund and Kumaon Divisions: Muhammadan Rural): We are considering at present the question of

maintaining a reasonable proportion of recognized teachers to students on the rolls. My Honourable friend the Educational Adviser has referred to a conference which took place last year. I happened to be present at that conference. He is right to this extent that the maximum number of students was agreed upon, namely, that the number of students to each teacher shall not exceed 20. There was no minimum agreed to, or even talked about. The Government in April last sent a letter to the various colleges wherein they stated as to what would be the conditions for grants to the various colleges under the new scheme which was proposed to be introduced in the University. In this letter, which is sent by Mr. Sargent as the Joint Secretary to the Government, it is stated that the number of students to teachers may vary from 12 to 20 and it was on this basis that all the colleges, or at least those colleges that are regarded as smaller colleges, based all their calculations regarding the number of their staff and so on. It may be all right in the case of those colleges that have a very large number of students on their rolls to accept the figure 20 as maximum as well as minimum. The Government have, I should like to point out, resiled from this position which they had taken up in April last when they had got the consent of all the colleges to agree to this scheme.

Now, Sir, the Government have fixed the number of students at 20; that is the maximum and that is the minimum also. I submit that the colleges should be allowed to vary this proportion between 12 and 20. I have a shrewd suspicion that the Government have fixed this 20 as the minimum as well as the maximum because they find that they are not able to give that much money to the colleges which they hoped to give in April last. That I submit is not very fair to those colleges who have accepted this new scheme and are making every effort to give effect to it that now when the things have advanced so far they should be told that the number of students will be 20 in any case.

Sir, in this connection, let me tell you a concrete case: I know of one college which has now on its rolls about 200 students under the new scheme. According to the proposal of the Government, that college can only employ ten teachers. When I say "can only employ" I mean that the Government will give grant on the salaries of only ten teachers. But, Sir, that college has at present and always had between 14 and 15 teachers apart from the Principal. Now, it is impossible for a college like that to run the institution efficiently with a reduced staff. Of course the Government say that they have no objection if any college employs more teachers, but they will give grant only on the basis which they have laid down. It is all very well to say that the college may engage any number of teachers, but surely the resources of these colleges are not so vast that they can satisfactorily manage without Government help, which was actually promised to these colleges—in fact, it was an undertaking, a written undertaking, given to these colleges—when the Government had proposed this scheme.

Sir, we have tried to calculate on this new basis and I find that it is really impossible for the smaller colleges to work out the scheme satisfactorily on the basis which the Government have laid down now. And, therefore, I would suggest for the consideration of the Government, that they should stick to the position which they had taken up in April last and under which the various colleges had given their consent to accept this new scheme that a college should be allowed to vary the proportion between 12 and 20. No college is going to be so foolish as to engage an unnecessary staff because at least half of the salary of every member of the staff will have to be paid by a college. Therefore, Sir, I submit that it will not be in the interest of efficiency or betterment of education if this minimum or maximum—whatever you like to call it—was strictly adhered to. This, indeed, is a very important matter as far as smaller colleges are concerned, and I do appeal to the Government that they have, in fact, committed themselves to this position that the number may vary between 12 and 20 and now it is not fair that they should resile from that position. I hope that if my Honourable friend, the Education Secretary

[Nawabzada Muhammad Liaquat Ali Khan.]

chooses to take part in the debate and gets up to speak, he will say something on this point. It is of very vital interest to us and without some satisfaction being given on this point I assure the Government that it will be impossible for the smaller colleges to carry out the programme of education as satisfactorily as they have been doing in the past. The idea of this new scheme is to improve education all round and if the necessary help is not forthcoming from the Government then, I am afraid, instead of advancing the progress of education it will retard the progress of education in the province of Delhi.

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

"That in clause 16 of the Bill, clause (20) of Statute 33 in the proposed Schedule, be omitted."

The motion was negatived.

Maulvi Muhammad Abdul Ghani: (Tirhut Division: Muhammadan): Sir, instead of No. 80, I want to move No. 1 on the supplementary List No. 7.

Sir, I move:

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end:

'for at least men not below fifty years of age.'

Sir, in clause (21) it is provided that:

"in the case of a College for women the staff shall, as far as possible, be composed of women only."

But, Sir, if it is not possible to get suitable women teachers, then there is no restriction laid down as to what kind of men—I mean men of what age—should be appointed for teaching in colleges for women. I think it is necessary that some kind of restriction should be put in with regard to age and I suggest that teachers above the age of 50 should be employed in case women teachers are not available. With these few words, Sir, I move.

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

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end:

'for at least men not below fifty years of age.'

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): I oppose this amendment. I do not think there is any safety in the age limit. I do not know what is the personal experience of the Mover. Anyhow, it is a slur on young men who would like to serve as teachers. Let me inform my friend that persons interested in students, including women, are sure, before engaging a Professor or Teacher, to look into the character of the person to be engaged. It is character more than age that ought to count with the authorities concerned. I would advise my friend to withdraw this amendment, and he had better stick to the certificate of character and not of age.

Mr. J. P. Sargent: Being myself over 50, I appreciate the compliment and the confidence which is implied by the moving of this amendment. At the same time I think it presents a practical difficulty. The University are anxious, and I believe the Women's College is anxious, to comply with this clause by gradually making all their staff women. At the moment for three special subjects—Sanskrit, Urdu and Mathematics—men teachers are being employed. I certainly know that at least one, if not all, of them is very near the age limit which my Honourable friend, the Mover of the amendment has advocated, and I am certain that if ladies with the requisite qualifications are available they will replace these men when they retire. I think the amendment, which limits appointments to men, admittedly at the most highly intellectual period of life, i.e., between 50 and 55 which is the normal retiring age—would unduly restrict the freedom of the college and the authorities to make satisfactory arrangements. I would therefore, with much personal regret, have to say that we are unable to accept this amendment.

Nawabzada Muhammad Liaquat Ali Khan: Mr. Lalchand Navalrai wants to defend himself!

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

"That in clause 16 of the Bill, to clause (21) of Statute 33, in the proposed Schedule, the following be added at the end:

'for at least men not below fifty years of age.'

The motion was negatived.

Syed Ghulam Bhik Nairang (East Punjab; Muhammadian): Sir, I move:

"That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule, be omitted."

Turning to clause 22 of Statute 33, we find that it runs as follows:

"The rules framed by the Governing Body of each College regarding the qualifications, emoluments and the conditions of service of every teacher in that College shall be such as may be approved by the University."

We seek to delete this provision owing to the apprehension which we entertain of interference by the University in the affairs of colleges in season and out of season. When a college is recognised and it is at the same time sanctioned that it shall be competent to teach in such and such subjects, all that is necessary for the University to know about the college becomes known to it. Now as to the Governing Body, that is a body of persons charged with the administration of the college and all matters which fall within the cognizance of such a body are matters relating to none but to the college. The college and those for whom it caters are the only people interested in the administration of the college and the rules and regulations which are framed for the administration of the college, the qualifications, emoluments and conditions of service of teachers and all that, those are matters within the exclusive cognizance of the Governing Body and concern none but that part of the public for which the college caters. Therefore, the approval of the University contemplated by this clause is only calculated to invite interference by the University in season and out of season. Therefore, Sir, this clause should be deleted. Sir, I move.

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

"That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule, be omitted."

Dr. P. N. Banerjee: I fail to understand why my Honourable friend, Mr. Ghulam Bhik Nairang, seeks to omit this important sub-Statute. He suggests that once a college has been recognised, there should not be any further interference with the affairs of the college. But it may often happen that after the college has been recognised, the authorities of the college may frame rules in such a manner as to defeat the object of the University. It is very necessary for the University to know what rules are made by the authorities of the college regarding such matters as qualifications of the teacher. It is very desirable that duly qualified teachers should be in the service of a college. Therefore, Sir it is in the interests of the University and the general public to know what qualifications have been laid down in the rules of the college. Then, also, there is another matter regarding which rules may be framed—the emoluments of the teachers and the conditions of their service. Now if the emoluments are fixed on too low a scale, it would be impossible for the college to obtain the services of good teachers. Therefore, it is in the interest of the University and the general public to know in what way the rules are framed. Another important matter relates to the conditions of service of every teacher. These also should be made known—whether there is any provident fund, whether the term is fixed for three or five years or whether there is fixity of tenure. These things are very important because unless there is fixity of tenure, unless matters like provident fund contribution, etc., are fixed in the rules, it will be impossible to command the services of good teachers.

These are things which ought to be known to the University and therefore it is desirable that before the rules are given effect to, these rules should have the approval of the University authorities.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands):

Sir, I do not think I have really anything to add to what has fallen from my Honourable friend Dr. Banerjee. It is common knowledge that teachers have not been receiving proper treatment in some colleges, and we do regard it as

[Mr. J. D. Tyson.]

most important, if there is to be proper co-operation between the colleges and the University, that the University should be in a position to know that the colleges are offering salaries and conditions of service which will attract suitable teachers—properly qualified teachers. No college which intends to treat its staff properly seems to me to have anything to fear from this statute. We must oppose the amendment.

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

“That in clause 16 of the Bill, clause (23) of Statute 33 in the proposed Schedule, be omitted.”

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

“That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word ‘majority’ the words ‘of at least two-thirds’ be inserted.”

Clause (33) of Statute 33 runs as follows:

“(33) *Withdrawal of recognition.*—The Executive Council may, after due enquiry and after consultation with the Academic Council, by a majority of all the then members of the Executive Council withdraw the recognition granted to a College which has failed to comply with the conditions prescribed by the Statutes and Ordinances or imposed by the Executive Council at the date of recognition or at any later date. The Executive Council shall give the College an opportunity of appearing at any such enquiry as aforesaid and of making representations on its own behalf. The Executive Council shall inform the College of its decision and the College shall be entitled to appeal to the Central Government within thirty days of the receipt of any decision of the Executive Council to withdraw recognition, and the decision of the Central Government on the appeal shall be final.”

I want to insert the words “of at least two-thirds” after the word “majority” in this clause. This is meant only as a safeguard. The withdrawal of recognition from a college is a matter of very great seriousness and importance, and when this clause lays down the necessity of holding an inquiry and all that, and that college is to be represented at the inquiry and every formality intended to satisfy the college concerned and all concerned as to the correctness and propriety of the decision of the Executive Council is being laid down, I would like to add this further condition that the majority should not be a bare majority but should be a majority of at least two-thirds of the members of the Executive Council. That is only a further safeguard and I do not think the Government should grudge the inclusion of that safeguard in this clause. I move.

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

“That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word ‘majority’ the words ‘of at least two-thirds’ be inserted.”

Mr. J. D. Tyson: Sir, I rise to oppose this amendment. This provision for a majority of all the then members of the Executive Council represents a decision arrived at in Select Committee, I think, unanimously, after a good deal of anxious consideration. The Executive Council will consist now of 25 members, or 26 if the post of Rector is filled. A 2/3rds majority therefore would require 17 or 18, according as to whether there is a Rector or not, to vote for withdrawal of recognition. In the total number, it must be remembered, there will certainly be the Principal of the college concerned, and in most cases—I should think in all cases—there will be someone else at least from the college concerned on the Executive Council. It has to be remembered that matters of this kind are unpleasant, and one has noticed in all countries—and this country is certainly no exception—a tendency, when matters of this kind arise, for members of the body who have to decide it, to find business in another place or to be stricken with illness and not to attend; and if we lay down that there must be a two-thirds majority, it may be quite impossible even in the clearest of cases to muster a full house and to get the requisite majority. We have to look at this sort of thing from a realistic point of view; and, as I have said, we are not dealing as one is in a jury trial,—in which incidentally a bare majority suffices in this country—we are not dealing with 7 unconnected persons, or 5 unconnected persons or 9 unconnected persons. In this case one at least and possibly more of the persons who may attend the Executive Council will be judges in their own cause. In amendment No. 68 which we negatived, the

party opposite themselves had suggested that temporary removal of recognition should be effected, obviously by a straight vote—no two-thirds majority necessary.

Nawabzada Muhammad Liaquat Ali Khan: Subject to confirmation by the Court.

Mr. J. D. Tyson: As the law stands at present, a bare majority in the Court can disaffiliate a college, take away its recognition. I would submit, without any disrespect to the Court, that a body composed in that way, with its large numbers and with a certain number of non-resident members, is a body more likely to arrive at an unrepresentative decision than the Executive Council. It is a very serious matter—taking away recognition—but what I think is required is that there should be full inquiry, full opportunity for the college to represent its case, and, when those things have been provided, then, as in most matters in democratic countries, there should be a decision by the majority of the body entrusted with taking that decision. I may say that there is also provided an opportunity for appeal, which I do not think exists under the existing law. We have taken the precaution of ensuring that this matter cannot be disposed of by a majority vote in a thin House, so to say, for we have put in the words, "by a majority of all the then members of the Executive Council"; in other words, there must be a clear majority of the total personnel of the Executive Council. We hope very much that this provision will never have to be used, but it is necessary to have power to take away recognition and we think that that power should be backed up by a machinery which can be effective, and we very much doubt whether the insertion of the words "by a two-thirds majority" would give us a machinery that would be effective.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): It is admitted that this power of disqualification of a college is a serious matter, Government admits it. Still, if a safeguard is being provided they reject it. I think this is not reasonable at all. They should in matters of this kind take a sensible view of what is being asked in the shape of a safeguard. The present statute provides that recognition can be taken away by the Court and not by the Executive Council. The proposal is to transfer that power to the Executive Council. I cannot understand why this is being done and why they are inimical to the Court, and why they are reducing the powers of the Court and transferring them to the Executive Council. What we say is, when you are giving these powers to the Executive Council, all right, then a safeguard should be provided, namely, that the decision should be by a two-thirds majority of the persons present. Two-thirds is for the purpose of securing that the right decision is arrived at. Therefore, in refusing that, the Government are doing a wrong to those colleges whose recognition may be withdrawn. The presence of the Principal or any other person would not meet the point that we are making. It is said that a full House cannot be mustered. I do not understand it. Why should it be so in a matter so serious as this? If you have not got the proper number of persons to make up a full House, adjourn the meeting and consider the subject at the next meeting when the full House is present. These are not matters to be trifled with. If it were a small matter we would not have minded it. It is not a small matter; it is a very grave one, and I think the Government will be well advised to accept the amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It has been recognised that it is the valuable right of a college, once it has been recognised, to continue to do so. My Honourable friend, Mr. Tyson, has accepted this view. He also accepts the position that the college will be hard hit. He also says that people can be influenced in this matter. If they can be influenced in one way, it stands to reason that they can be influenced in the other way also. So far as Government officials are concerned, they do not exert their brains at all. What has been revealed by the debate on this Bill is that they do not care what is right and what is wrong. Once they have made up their mind they must continue to stick to it; whatever arguments you may place before them, they are no good because decision has been taken. Here my

[Sir Muhammad Yamin Khan.]

Honourable friend takes up the position that because the decision has been taken in the Select Committee, therefore nothing can be done. He thinks that the Select Committee was all wise and no such thing is possible as to go behind the decision of the Select Committee. If we accept this argument, then we need not be fighting all these days in this House. We say that the decisions that have been taken by the Select Committee are not quite all right, and that they are defective. The House has got every right to be enlightened and the Select Committee members will be glad to change their opinion. If this cannot be done, then I think the whole debate is a farce. If the Select Committee members are not even willing to listen to the other side, but think that whatever decision was arrived at by a majority or unanimously in the Select Committee is the right decision, then I submit all this is a waste of public money. I think the Rules of Business of the House should then be, whatever decision is taken in the Select Committee, that must be endorsed by the House. Why this waste of time, why this waste of energy, why all this

Mr. President (The Honourable Sir Abdur Rahim): I do not think that that is what the Honourable Member meant.

Mr. J. D. Tyson: The Honourable Member has not followed my argument. The argument was that the Select Committee, after due consideration, had introduced a change in the Bill.

Sir Muhammad Yamin Khan: Yes. A change has been made and the Honourable Member wants to stick to it. I am saying that though the change has improved the Bill, it falls far short of what we require. No doubt the principle is all right, but principle and procedure are two different things. They accept the principle that it will be hard on the college to be disaffiliated or its recognition to be taken away. If it is left only to the majority of the Executive Council if present in the meeting, we say that it is not sufficient; you should go a little further. Though it is a very urgent matter, it is also a very serious matter to take away recognition. If out of 25 members 17 are not present, he says, let us leave it to the Executive Council; if there are 13 members present, let them decide it. Is this the correct position? Does not the Honourable Member mean to say that some interested college may see to it that many members may not attend and it can get the matter postponed from day to day. Does he mean to say that it will never be possible to get 17 members present? Is the taking away of recognition so urgent that it cannot be postponed from one month to the other month? It is the usual practice that if sometimes members are not present a further notice is sent. Cannot he visualise that those persons who may be interested in taking away the recognition may also manipulate the dates in such a way that a date may be fixed on which he knows that a lot of members can be absent? Does he ignore that fact? I quite agree that there is a possibility such as this in this country as well as in other countries. He says that the members can absent themselves but can it not be said equally well that a date may be fixed purposely in such a way that some members may not be able to attend on that day. I have known it many times myself. Some date is fixed on which it is known that the other side cannot be present. My Honourable friend ignores this fact altogether. I quite agree that the Select Committee did their best but we have also something to suggest and I am sure that the members of the Select Committee themselves may be willing to change their opinion after hearing the other side. They know that there is this weakness in the minds of the people. The Executive Council consists of human beings and they can be influenced to act in one way or the other. If the character of 12 persons out of 24 is such that these 12 persons can be made to absent themselves, then the position of the others will be no better. I had expected that the people who will be on the Executive Council will be men beyond all reproach, that they will rise to the occasion and give their decision impartially. Unfortunately we must take the world as it is. I believe weakness is everywhere and we must take into account all weaknesses. We must not take into account only one weakness.

Then my Honourable friend says that if the Executive Council came to the wrong decision there is a right of appeal to the Government. May I know who these people will be who will give the decision? Does he not visualise that these 18 persons, who will be present, will be Government people mostly. Will the Government like to go against the decision which has been given there by the members who were left to be present there. My experience in those matters is that if one Government member says 'No', then everybody else must say 'No', without applying his brain. Then there is the question of prestige. They will say 'We have decided this in this way and the Government prestige must not be lowered. If we give a decision against such and such a highly placed person, then he will be reduced in the public eye'. This is our day to-day experience. It will be useless in such cases to appeal to the wooden horses. They will never go against the decision which has already been given. Does my Honourable friend think that if the decision has been taken by the Educational Adviser who is there, that decision can be reversed? Who will advise the Government that the decision is wrong? Who will advise the Chancellor? We have had the experience that every department advises the Head of the Government.

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

Sir Muhammad Yamin Khan: I say that the Chancellor will have no time to go into the whole file from A to Z. He will depend upon the advice of his advisers and here the Chancellor will be advised by my friend the Educational Adviser. Against whose decision do you want to appeal? The appeal will be listened to by people against whom will be the grievance. Of course, it is supposed to be so insignificant that it cannot be balanced with the question of prestige. In many matters we have known that these provisions have been misused. We have had experience of these in the municipalities in the United Provinces many times.

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

Sir Muhammad Yamin Khan: The Chairman was removed by a bare majority. The executive officer was removed or dismissed by a bare majority because some people got offended with him. There the provision has been introduced that no such person will be removed unless two-thirds of the total number of members vote against and since then we found that this provision has not been misused. There is continuity and also independence of the people. Here, we want to accept the weaknesses of the people. I must say that the weakness is on every side. There is a momentary excitement which often works in this country. There might be momentary excitement one way or the other which might influence the decision of the Executive Council and when we find that everybody is not properly represented in the Executive Council then it is safe and proper that this thing should be properly safeguarded and I think a majority of two-thirds of the total number of members is essential to take away this valuable right. My Honourable friend says this will not happen very often. If that is so, then what is his objection to accepting this amendment, unless he wants this provision to remain a dead letter. I fear the operation of this rule will come very often. Then I think in that case that it is right and proper that we should accept this amendment and not leave it to the whims of the members. I support the amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I think at this stage the Honourable Members have to make up their mind whether it should at all be possible for the Executive Council to withdraw recognition from a college or not. There will be plenty of safeguards for a college. It will not be the decision of the members present, as my Honourable friend Mr. Navalrai seems to understand, but it will be the decision of the total number of the members of the Court who will ultimately have to decide in favour of the withdrawal of recognition. Now, Sir, we know the weaknesses of human

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[Mr. M. Ghiasuddin.]

nature. There may be good many people who would shun the odium of unpopularity if they vote for the withdrawal of the recognition. So, the easiest thing to do for people of that type will be to absent themselves from the meeting. Even by doing that they will be helping the college and will be neglecting their duty in a way that nobody will be able to blame them. If any university is to be run on healthy lines, it is essential that the colleges which are not working properly should be eliminated from that university. It is a very regrettable necessity but it is so in every walk of life. Sometimes even Doctors are struck off the rolls and Clergymen are defrocked. It is a very unpleasant duty, but sometimes it has got to be done. Therefore, I think it will make the thing far more difficult if two-thirds majority is accepted. Then, there is a valuable right of appeal to the Central Government. Notwithstanding all that my Honourable friend Sir Muhammad Yamin Khan has said the Central Government are not a body of people without conscience. Some of them may have conscience. I am putting it clearly because Sir Muhammad Yamin Khan seems to think they are all wooden people without any conscience. But I say that even some of them may be people with some ideas of justice and fairplay. Therefore, I think the safeguards should be enough. If the majority of the members of the Executive Council think that a college should be disaffiliated and if the Central Government also thinks that the college deserves disaffiliation, then I think it should be disaffiliated.

Dr. P. N. Banerjee: What do you understand by the term 'Central Government'? Are you referring to the Members of the Executive Council?

Mr. M. Ghiasuddin: I have not much experience of the working of the Central Government but I think the process really starts from the bottom. Somebody writes a note and then it goes up until the head of the Department passes his final order.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member need not take any notice of the conversations that go on.

Mr. M. Ghiasuddin: Therefore, I oppose the amendment.

Dr. Sir Zia Uddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): Sir, my friend the Honourable the Education Secretary did not appreciate the basic idea which my Honourable friend Syed Ghulam Bhik Nairang had at the back of his mind in moving this amendment. It is not a question of the personal equation of the members of the Executive Council, nor is it a question so much of the numerical calculations, say, 50 per cent. or 60 per cent., but the fundamental idea is that we should not lightly consider the question of the withdrawal of the recognition. Now, this has always been considered to be a serious matter in every university. Look into the Act of 1904 which the Government of India passed. I know it was passed during the regime of Lord Curzon and it was by no means a popular Government. We know very well the point of view of Lord Curzon. It was not a democratic Government. Let us see what legislation that autocratic Government passed in the year 1904 on this particular subject? They provided that this thing should be thoroughly considered before the question of the withdrawal of recognition can be decided. They said that in the first instance this question should be considered by the Syndicate. The Syndicate should then give an opportunity to the college to present its case and give its reasons why the recognition should not be withdrawn. Then, it was to be considered by the Syndicate, who will then send its report to the Senate. The Senate will again ask for any explanation they liked from the college and then they will consider the question. Then, the Senate will send its proposal to the Chancellor, who will further consider the pros and cons of the case. Afterwards, the Chancellor will pass the final order of the withdrawal of recognition. This was the legislation of an autocratic Government in the year 1904. They made it so difficult to withdraw the recognition: The number

of people who legislated at that time was very small and they clearly understood what the withdrawal of recognition means.

Suppose you have 300 boys in the college and you withdrew the recognition during the middle of the session, where will these boys go? This is an idea which you must prominently keep in your mind. You must also keep the interests of the boys in mind who are prosecuting their studies in that college. Some kind of notice is absolutely necessary in the interests of the boys so that they may be able to make some arrangement for their admission elsewhere. My friend may argue that as soon as the recognition is withdrawn, say, about the middle of April or in October or in November, the boys will probably go to some other college. But most of the universities and colleges have got a definite rule that they cannot admit any students after a certain number of days from the beginning of the new session. So, if the students were to go to any other college in the months of December or January, they will not be admitted. This fact may perhaps be neglected in the heat of the discussion by the members of the Executive Council. Therefore, we should not allow the withdrawal of the recognition by one authority only. This question was also considered by several other bodies and I do not think in any university this power is finally vested in the Executive Council only with a right of appeal.

Now, we know what is the meaning of the appeal to the Government of India and the Chancellor. The appeal will be of the same type which we have been condemning on the floor of the House, namely, the appeal of the railway people. The right of appeal there has got no force whatsoever and the right of appeal here also will have no force because the decision on this appeal will be passed on the advice of the Educational Commissioner, whose opinion is already included in the order passed by the Executive Council. The Educational Commissioner is part of the Executive Council and his opinion is already there, which he is not likely to change. I said on the floor of the House why the right of appeal is illusory in the case of the Railways and I am afraid the same thing is going to happen here. In the Railways, they have got the rule that the order given by any Superintendent of a particular branch will go only to the Divisional Superintendent for appeal. But generally what happens is, that the Superintendent of the branch privately consults the Divisional Superintendent before he passes his order. So, there is no chance whatsoever of the Divisional Superintendent changing his mind when the case goes to him in appeal. The Educational Adviser has already expressed his opinion when passing orders and therefore he ceases to be a fit person to discharge the functions of an appellate court. Here we find that the orders of the Chancellor will be passed on the advice of the Education Member. (Interruption.) My Honourable friend corrects me by saying that the position is still worse. It is not really the Chancellor, it is individual judgment, and in that case he may fall back upon some other advice also. Really the Central Government will say as the Member in charge says. Who will advise the Member in charge? It is really the Educational Adviser. But the Educational Adviser has already given his opinion about the recognition of the particular college in the Executive Council. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already repeated this argument several times.

Dr. Sir Zia Uddin Ahmad: The case is so obvious, but I want to press it from every point of view. I have also referred to the example of what is happening in Railways. I am appealing to the Honourable the Leader of the House who is familiar with this kind of work, whether an appeal of this kind has got any value at all. We ought to consider the interest of the boys also who receive education. We can consider it fairly only if we have more than one body to examine it. If it goes to one body, there must be a substantial majority. With these words, I support the amendment.

Some Honourable Members: The question be now put.

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

Nawabzada Muhammad Liaquat Ali Khan: Sir, there are more speakers who want to take part in the debate. I have not yet spoken.

Mr. President (The Honourable Sir Abdur Rahim): If the leaders have not chosen to speak, I cannot help it.

Nawabzada Muhammad Liaquat Ali Khan: But, Sir, I was waiting for the Honourable Member in charge of the Bill to speak first. Then two Honourable Members of my Party spoke. The other day you said, Sir, that it was not desirable for any member of the Party to speak after the Leader has spoken. Therefore, I was giving time to members of my Party to speak.

Mr. President (The Honourable Sir Abdur Rahim): In that case, there has been enough debate. But now, if the Honourable Member wishes to take part in the debate on this amendment, he can do so now.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I am really surprised at the opposition offered by the Government to this amendment. It shows and confirms us in our belief that the whole idea of this legislation is to place all the powers in the hands of a caucus and an individual. The Executive Council, composed as it is, is nothing more than a caucus of Government officials and their henchmen. I submit, Sir, that the question of disaffiliating a college is indeed a very serious matter. The whole idea of the Government seems to be to rule over this University as an autocratic authority. My Honourable friend talks about democracy and he said that in every democratic institution it is the majority vote that counts. But where is democracy in the composition of this Executive Council? Has my Honourable friend studied the composition of this Executive Council? Does he realise that at least 13 Members out of 26 are completely under the thumb of the Government? There is the Vice Chancellor who will depend for his salary on the sweet will of the Government. There is the Rector who will depend for his appointment on the sweet will of the Chancellor. Then, there is the Treasurer, the Superintendent of Education, Delhi and Ajmer-Merwara, the Deans of Faculties who will all depend for their jobs in the University on the sweet will of the Chancellor and the Government.

Mr. J. D. Tyson: May I ask the Honourable Member if they are not elected by the Faculties?

Nawabzada Muhammad Liaquat Ali Khan: Yes, but they are all employees of the University. They are servants of the University. My Honourable friend forgets that. Then, there is the Educational Adviser to the Government of India. Then, we come to the representative of Professors. Another person who will depend entirely for his bread and butter on the whims and caprices of the Vice Chancellor, whoever that person may be.

Mr. J. D. Tyson: Three out of five are honorary at present.

Nawabzada Muhammad Liaquat Ali Khan: May be. But that does not mean that you are legislating for the present. Are you? Are you legislating this only to apply for the next six months or so? I thought it was a permanent legislation.

Mr. J. D. Tyson: It is.

Nawabzada Muhammad Liaquat Ali Khan: If it is, then my Honourable friend is not quite right in defending with his argument that three out of five are honorary. After that, there are four persons to be nominated by the Chancellor. We have seen, Sir,—I do not mean any disrespect to our colleagues in this House nominated Members of the Assembly—we know how their votes are cast and what influence is exercised by the Government, the nominating authority. Therefore, in other words, my Honourable friend really wants that this power should rest entirely with the Government and its henchmen, as I said a moment ago. What does he fear? He fears that some of the members may not attend. Therefore, it will not be possible to get 17 or 18 members to vote for disaffiliation of a college. Now, Sir, this is

really rather surprising. Well, Sir, my Honourable friend has immense confidence and trust in certain kinds of persons who are to be on the Executive Council, but has no trust in those others either in their sense of duty or in their sense of honesty who will be on this Executive Council. Does he think that these other members, that is, the members of six colleges, five persons to be elected by the Court, and two persons to be elected by the Academic Council, that these are irresponsible people, untrustworthy? Why does he say that they might prevent a decision being taken by the Executive Council by opposing this? I am really surprised at this argument.

Then, my Honourable friend tried to make out a point by saying, well at least the Principal of the college will be there and perhaps somebody else belonging to that Governing body. I do not know where the provision is in the Executive Council that there will be representatives of Governing Bodies, but the only person who is certain to be there is the Principal of a college. My Honourable friend would like to deprive even a Principal of the right of being on the Executive Council.

Then, Sir, great stress has been laid on the appeal to the Central Government. From what we have seen in this debate, I am afraid, as far as the Honourable Member in charge of the Department is concerned, it seems to be a farce, it seems to be the case of the tail wagging the dog. We know that it is the decision, and it is the proposal not of the Honourable Member in charge, but of those who are there to advise him. I am making this statement because although we have been honoured by the Honourable Member in charge of the Department occupying one of the back benches throughout these days when matters of vital importance of policy were under discussion, he never took the trouble of coming forward and defending the Government. What is the use of your saying that the appeal is to the Central Government? It is a farce. Who is the Secretary who will deal with this appeal? My Honourable friend the Educational Adviser, because he is the Joint Secretary in the Education Department. So I think it is really fictitious and it is really a fraud that is being enacted here by telling the people that they are providing for an appeal to the Central Government. As far as we are concerned Government have deliberately kept us,—by "us" I mean the Mussalmans,—out of the Executive Council. How do they expect that we will place our neck in the hands of a body like that where even our presence is not tolerated?

It is indeed a very serious matter and I appeal to Government not to be so obstinate. If the case against a college is really very strong I do not see any reason why there should be any difficulty in getting the requisite number of members to support the proposal for disaffiliation. Our proposal only provides a kind of safeguard; it still leaves the power to the Executive Council. My Honourable friend said,—I do not think he was quite fair to us,—that we had proposed that disaffiliation should take place by simple majority of the Executive Council, but he did not go on to our second proposal which was there. It wants a simple majority of the Executive Council for withdrawal of recognition but this withdrawal was not to take effect until such time as the Court had approved of it. Therefore it is not quite right to say that we had put forward a proposal which would have meant really a simple majority of the Executive Council for this purpose.

Sir, the only question seems to me to be this. There is a dispute whether when a college is disaffiliated the number of members of the Executive Council voting for such action should be 14 or whether it should be 18. Surely out of 25 if you cannot get even 18 persons to agree to the Executive Council taking such a drastic action then I think there is no case for the disaffiliation of a college. As my Honourable friend Sir Zia Uddin pointed out, it is not a question of showing your anger against the Governing Body of a college; it is a question of the life of hundreds of students. In each college, even in the smallest college there are about two or three hundred students. What are they going to do? Where are they going to after you have disaffiliated the college? Under your new scheme you have fixed the maximum that a college can take.

[Nawabzada Muhammad Liaquat Ali Khan.]

Now supposing one college which has on its rolls later on about 500 students is disaffiliated, what is going to happen to these students? What is going to happen to members of the staff and to the whole education? And as far as we are concerned, it is really a very serious matter, because as far as the other colleges are concerned they have sufficient representation on the Executive Council to defend their case but we, as I have said just now, have been deliberately kept out of exercising any power or influence in the deliberations of the University, and we cannot agree to a proposal which would place us at the mercy of a man who would not be under the influence of anybody.

Sir, when we were dealing with the question of the Vice-Chancellor I stated that you were really under this new scheme of yours, by giving all the powers to the Executive Council, making the Vice-Chancellor an autocrat, and it is a farce to say that the withdrawal of recognition will be by the Executive Council. I tell you that in actual practice it would mean action by the Vice-Chancellor. If the Vice-Chancellor is not satisfied with a certain college he can get the majority which you have laid down here under this clause, because they are all officials or employees of the University, all nominated as members by Government. Therefore as a safeguard against the interests of the student community and the colleges concerned it is absolutely essential that the proposal which we have put forward should be accepted by Government. We are making a very fundamental and very revolutionary change in this respect in our constitution. Before this it was the Court which used to have this power and now you are giving this power to the Executive Council, and therefore it is more necessary than ever to provide such safeguards as would prevent any abuse of power by this body, namely, the Executive Council which is to exercise this power. Sir, I support the amendment.

Dr. P. N. Banerjee: Sir, I had no desire to take part in the debate on this amendment but the observations which fell from my Honourable friend Mr. Tyson as to the decision of the Select Committee compel me to say a few words in order that I may make my position clear. Sir, I was a member of the Select Committee and I was a party to the compromise which was ultimately arrived at; but I should like to emphasise that it was a compromise, and we accepted it because it was considered by me as an evil lesser than the other evils. Sir, it would not be correct to say,—my Honourable friend has not said this,—that there were no other proposals before the Select Committee. There were many other proposals and we took a long time to consider all of them. In this connection, I should say something about the composition of the Select Committee. In a word, the composition of the Select Committee was not such as it ought to have been and in view of that fact we accepted as a compromise a thing which was acceptable to the rest of us. Otherwise I would have been placed in a much more difficult position; I would have been faced with a greater evil.

Now as to the merits of this question, the reason why we accepted this compromise was this. It provided some little safeguard against the powers of the majority. But if it is desired here in this House that further safeguards should be provided, is it desirable on the part of any of us to stand against such a proposal? I say, no.

Let us consider very carefully and calmly all the aspects of this question. Disaffiliation means the pronouncement of a death sentence on a college. The result is not merely that the college goes out of existence but the students stand to suffer a great deal. What will become of the students when a college is disaffiliated? They may not find accommodation in any of the other colleges because their roll strength is limited. Therefore, we should not brush aside this question in the summary fashion in which it has been sought to be brushed aside. I agree with my Honourable friend Mr. Tyson that there should be some provision in the statute by which the college authorities may be brought to book; but I suggest some other remedies for that purpose. If you had agreed to take over the management of a college for a certain period of time,—for a

period of three or five years,—that would have been a much better remedy than disaffiliating an institution. But that proposal was not acceptable to my Honourable friend. All that we can do now is to provide the necessary safeguards—all the safeguards that are considered desirable from the point of view of educational interests of the community. It is in that view of the thing that I support this amendment.

Mr. J. P. Sargent: Sir, I had no intention of intervening in the discussion of this particular amendment, but in view of a few things which have been said by recent speakers, it is desirable to get up just to make one point. If my Honourable friend, the Deputy Leader of the Muslim League, has no confidence in the proposed re-constituted Executive Council or if he has still less confidence in my own sense of fairness nothing that I can say will, I know, affect his attitude in the very slightest

Nawabzada Muhammad Liaquat Ali Khan: But it is not a question of individuals.

Mr. J. P. Sargent: No?

Sir Muhammad Yamin Khan: Your successors.

Mr. J. P. Sargent: I am not suggesting any personal reflection, perhaps I should have said "my office". But I am rather concerned at the suggestion that I, or my successors, should necessarily be interested to get colleges disaffiliated. I cannot imagine anything we should be more reluctant to do. After all, some of us have an interest in education and we have, from time to time, an interest in the welfare of students. How anyone who has given a considerable portion of his life to the service of education, for some whim or to please some faction, would vote, without due and grave consideration, for the disaffiliation of a college without any regard to the fate of the students or teachers in that college, really passes my comprehension. That is, I think, a reflection which one has hardly deserved.

I agree, Sir, that the disaffiliation of a college is a very grave matter, but I would remind the House that matters as grave, or even graver, are decided in Assemblies in all parts of the world on a bare majority after, I hope, very serious consideration, which is provided for I think adequately in this sub-clause. But, Sir, while we all appreciate,—or I hope those of us with any sense of responsibility appreciate,—that it is a grave matter, that it cannot be settled merely as an issue calling for an isolated decision, and that its consequences to the fate of students and teachers must be fully viewed and provided for, at the same time I do venture to suggest that occasions may arise—and I will go so far as to say that occasions have arisen in the case of this University—when the question, whether a college was acting in the best interests of the University or whether it was maintaining the minimum standard consistent with the dignity and welfare of the University, ought to be considered and considered seriously and it may well be a matter of public interest that a college should be disaffiliated—unpleasant and repugnant as such an act must be to very many of us. When that important issue arises, we have provided, as I have already stated, that it should receive the fullest consideration. Then there is also an appeal. Here again, I am sorry that it should be supposed that the thing should be regarded as a prejudged matter because the Educational Adviser might have happened to have been engaged in the preliminary discussions. When however these considerations have been fully examined, then it seems to me that, if the majority of the Executive Council such as it is, or such as it may be, have decided that it is in the interest of the University and that it is in the interest of the public that a college should be disaffiliated—and I hope regard will be had to what will have to be done to prevent the failure of the college authorities having a harmful effect on the students and teachers—when all that has been considered, then it seems to me that the body concerned has got to take its courage in its hands and if the majority of the body decides in favour of disaffiliation, I think that is a judgment which will have to stand. For that reason, Sir, I am bound to oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, after the word 'majority' the words 'of at least two-thirds' be inserted."

The Assembly divided:

AYES—17.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Banerjee, Dr. P. N.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Kailash Bihari Lall, Mr.
Lalchand Navalrai, Mr.
Liquat Ali Khan, Nawazada Muhammad.
Maitra, Pandit Lakshmi Kanta.

Murtuza Sahib Bahadur, Maulvi Syed.
Nairang, Syed Ghulam Bhik.
Nauman, Mr. Muhammad.
Raza Ali, Sir Syed.
Saddique Ali Khan, Nawab.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

NOES—30.

Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Benthall, The Honourable Sir Edward.
Bhansali, Mr. M. D.
Chapman-Mortimer, Mr. T.
Chatterji, Mr. S. C.
Dalal, Dr. Sir Ratanji Dinshaw.
Dalpat Singh, Sardar Bahadur Captain.
Ghiasuddin, Mr. M.
Habibur-Rahman, Khan Bahadur Sheikh.
Haidar, Khan Bahadur Shamsuddin.
Imam, Mr. Saiyid Haidar.
Ismail Alikhan Kunwer Hajee.
James, Sir F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmad, Shamsul-Ulema.
Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Pai, Mr. A. V.
Pierre Lall Kureel, Mr.
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.

Mr. Lalchand Navalrai: Sir, I move:

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule, for the words 'all the then' the words 'not less than two-thirds of the' be substituted and after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

We had an amendment akin to this, but unfortunately we lost it.

Mr. President (The Honourable Sir Abdur Rahim): Then the first portion is barred?

Mr. Lalchand Navalrai: I am only mentioning what is the difference between the two.

Mr. President (The Honourable Sir Abdur Rahim): Then you are only moving the second part?

Mr. Lalchand Navalrai: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Then you need not go into the other question. What you are moving is:

"That after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

Mr. Lalchand Navalrai: That is quite right.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member then confine himself to that?

Mr. Lalchand Navalrai: What I was submitting was that the last amendment was in regard to the disqualification of a college being pronounced against not by the majority of the members of the entire strength of the Executive Council, but by two-thirds of the members of that Council. My amendment is a lesser amendment and I am asking for a little less safeguard and I want to try the Government how far they can go in accepting that much. Now my amendment calls for two-thirds of the members present at the meeting called for the purpose. I have put in these words for this purpose, that when it is announced that a meeting is going to be called for such a fundamental and very important proposition, it is expected that the members will attend and decide this matter by two-thirds of those that are present. Against this I was very sorry to hear from my friend, Mr. Ghiasuddin that the members would not attend a meeting like this. If that is so, then they will be shirking their duty.

Therefore, I would submit that this amendment which I have put in has got the support of the University and I would draw the attention of the Honourable Mr. Sargent as to how this matter was considered by the University authorities before the opinion of the University was called for. I am told that a meeting was convened of the Executive Council and the members of the Academic Council were present. This matter was also recommended by the Court itself. I mean to say that at a meeting it was decided that the decision of the Executive Council to withdraw recognition should be made by not less than two-thirds of the majority of the members present at a meeting especially called for the purpose.

I am only supporting the executive authorities, in which I hope my Honourable friend Mr. Sargent himself must have been present. Not only the Executive Council and the Academic Council are of that opinion but even the Court; and now it is said that because the Select Committee agreed to this under the circumstances which have been explained by the Leader of our Party, it cannot be said that because the Select Committee said that it should be done, therefore the opinion of the Executive Council and of the Academic Council and of the Court should be flouted, and persistence is made that we are not going to move an inch, and they have determined to get it through in this thin House. I would also draw his attention to this fact that in the present statutes, when there is a question of removing the degrees and diplomas, which is certainly a small matter in comparison, that can be done by the Court by a resolution passed with the concurrence of not less than a two-thirds majority of the members voting. I cannot understand why it should not be in a matter in which they themselves have given away their case by saying that this is very important and very fundamental and one which concerns not only the colleges but the students who are there.

Again, with regard to dispensing with the services of a teacher in the service of the University, that can only be done by a decision of two-thirds of the members of the Executive Council present at a meeting. That is a smaller thing, and yet there is so much persistence here. It is said that in the case of teachers there is actually an agreement of service; it would be therefore extraordinary that colleges can be disaffiliated with only a bare majority. I do not think I need repeat anything more. I would only say that the Government is lending their hand to those that have determined to see that all they have said should not be lessened even by a comma. I would therefore move this amendment.

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

"That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

Mr. J. D. Tyson: Sir, at the risk of seeming obstinate, which seems to mean being unable to agree with my friends opposite, I must oppose this amendment. The speech of the Honourable Member seemed very largely to be devoted to the first part of the amendment, although that part has not been moved. I understand that after amendment the clause would read: ". by a majority of the then members of the Executive Council present at the meeting specially called for the purpose." If it means anything,—I think myself there is a contradiction in terms,—it would seem to mean, as the Honourable Member himself has suggested, something less by way of safeguard than Government put forward in the amended Bill. Strange as it may seem, I prefer to stand by the Bill as recommended by the Select Committee, not because it was recommended by the Select Committee, but because I consider that on its merits it is the better recommendation. We have provided that a majority of all the then members of the Executive Council is required for removing recognition. If the Executive Council consists of 25, as we have envisaged, there must be 13; if 26, there must be 14. Whether 25 or 26 are present or not, there must be 13 or 14 present and voting,—I mean 13 or 14 voting for the removal of recognition. We do feel that that much safeguard is necessary and I stand out for that. I oppose the amendment.

Mr. M. Ghiasuddin: Sir, I would just point out to my Honourable friend the Mover of this amendment a simple arithmetical problem and I want to prove the case against him by that. Supposing a certain meeting was attended by 12 members—there is no compulsion for any member to attend—and then three-fourths of the members present would be nine. If nine members vote for disaffiliation, the college will be disaffiliated. Whereas the recommendation of the Select Committee is that at least 14 members should be for disaffiliation and only then the college will be disaffiliated. Therefore this amendment of Mr. Navalrai is no safeguard at all. It is even less of a safeguard than the Government itself proposed. Therefore, I oppose it.

Mr. Lalchand Navalrai: I want all of them to be present, all the 25.

Mr. M. Ghiasuddin: No university authority can issue a warrant to a member of the Executive Council to be present; he has to be present of his own free will. In this Assembly you find that so many Members do not attend and they cannot be compelled to attend. Similarly in the Executive Council members cannot be compelled to attend; and in that case only nine members voting for disaffiliation will disaffiliate a college.

Sir Muhammad Yamin Khan: Would you not make a quorum—say two-thirds of the members can form the quorum?

Mr. M. Ghiasuddin: But is there an amendment to that effect? Therefore I oppose it.

Sir George Spence (Secretary, Legislative Department): The question may now be put.

Maulvi Muhammad Abdul Ghani: Sir, I want to know whether the first part of the amendment about two-thirds being present has been allowed to be moved—whether those words “not less than two-thirds of the” form part of the present amendment or not . . .

Mr. President (The Honourable Sir Abdur Rahim): The first part is not before the House: only the second part.

Maulvi Muhammad Abdul Ghani: Then it means that only the last two lines of the amendment are before the House and the first part is not before the House.

Mr. President (The Honourable Sir Abdur Rahim): I have told the Honourable Member repeatedly that it is not before the House: it has not been moved.

Maulvi Muhammad Abdul Ghani: Yes, Sir; there is some confusion about it.

Mr. President (The Honourable Sir Abdur Rahim): I tell the Honourable Member that the first part is not before the House.

Maulvi Muhammad Abdul Ghani: In that case, Sir, it is difficult to understand it, because it would amount to this—a majority of the members present at a meeting specially convened for the purpose. It is nowhere said that it should be not less than two-thirds present—it is not before the House. That is my difficulty.

Mr. President (The Honourable Sir Abdur Rahim): That difficulty has been pointed out.

(Interruption. Some Honourable Members rose to speak.)

Order, order.

Mr. Lalchand Navalrai: The House is asking what is my amendment and I would explain it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken.

Sir Muhammad Yamin Khan: If the first part is not moved, it makes it worse.

Maulvi Muhammad Abdul Ghani: If the former part of the amendment is not before the House, the position becomes still worse. Reference was made to amendment No. 68 which had not any kind of safeguard regarding two-thirds majority or anything of that kind. But that was not for permanent disaffiliation, it was only for a temporary period, and

besides, that amendment has not been accepted by the House. So no reference should have been made to it. If it had been accepted by the House, then to refer to it would have been all right. I cannot support the amendment.

An Honourable Member: Let the question be now put.

Dr. P. N. Banerjee: As regards the first portion of this amendment, you, Sir, have ruled that it is barred.

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member would not move it. He did not move it.

Dr. P. N. Banerjee: Let me then confine my remarks to the second part.

Mr. Lalchand Navalrai: When I moved my amendment, I had moved the first portion also.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member himself said that an amendment like this had been lost and he is not moving. Then I put to the House the rest of the amendment.

Mr. Lalchand Navalrai: The Chair said this was in a particular manner, and then I said, Yes, but I did not mean that those words should be taken out.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go back.

Mr. Lalchand Navalrai: I never said that they must be taken out.

Dr. P. N. Banerjee: I will confine my observations to the second portion of this amendment. It relates to the insertion of the words, "present at the meeting specially called for the purpose". This, I think, is very essential in order that a snap division may be guarded against. It may happen that there may be many items of business before that meeting, and under the head miscellaneous the question of disaffiliation may be considered. It may also happen that out of a dozen items the disaffiliation of a college may form one of the items. When that is the case, it would be very difficult for many members of the Executive Council to confine their attention to this particular item. In order that members of the Executive Council should know definitely that disaffiliation of a college will be taken into consideration it should be a special meeting called for the purpose. A special meeting called for a particular purpose has a significance much greater than an ordinary meeting. In order that an ordinary meeting may be called, a definite period of notice is given; for a special meeting, a longer time is generally given. Besides, Sir, when a special meeting is called, every member would be on his guard; every member would know that the only business before the meeting is the disaffiliation of a college, and every member in that case would make it a point to attend that meeting, so that what is apprehended by Mr. Tyson may be avoided. He says that some members may not attend a meeting at all. There are some members who do not attend ordinary meetings but if there is a meeting which is of an extraordinary character, meeting of a special significance, then all the members will make it a point to attend that meeting. This will not place my Honourable friend, Mr. Tyson, or my Honourable friend, Mr. Sargent, at a disadvantageous position. They all want that the meeting should be well attended. When members of the Executive Council get adequate notice that the only business before the meeting is the question of disaffiliation of a college, the attendance would be larger and there would be a proper consideration of that particular item. If it does not form a part of several items of business, but is the only item before the meeting, it will acquire a special significance. I therefore support the amendment.

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

"That in clause 16 of the Bill, in clause (35) of Statute 33 in the proposed Schedule, after the words 'Executive Council' occurring in the third line the words 'present at the meeting specially called for the purpose' be inserted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 84—
Syed Ghulam Bhik Nairang.

Mr. J. D. Tyson: On a point of order, Sir. I would submit that this amendment has already been negatived when the House was considering amendment No. 11 of the first Consolidated List.

Mr. President (The Honourable Sir Abdur Rahim): It relates to disaffiliation?

Mr. J. D. Tyson: Yes.

Nawabzada Muhammad Liaquat Ali Khan: That amendment referred to the powers of the Executive Council. Here we are framing statutes regarding withdrawal of recognition.

Mr. President (The Honourable Sir Abdur Rahim): That means, regarding disaffiliation. Amendment No. 11 says:

"That in clause 7 of the Bill, to the proposed clause (ff) the words 'and subject to confirmation by the Court be added at the end'"

Is not that actual disaffiliation of the college by the Executive Council?

Nawabzada Muhammad Liaquat Ali Khan: May I submit that this clause (ff) reads:

"shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University."

Here we are considering the question of withdrawal and we are framing a Statute. Now, we are entitled to move for the inclusion of this in the Statute, subject to which is this clause 7 of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): This is the same thing—the power of the Executive Council to disaffiliate a college, subject to confirmation.

Nawabzada Muhammad Liaquat Ali Khan: In that case, it referred to both withdrawal and recognition. Now, we are considering only the question of withdrawal. The present motion is restricted in scope.

Mr. President (The Honourable Sir Abdur Rahim): That was wider. The House rejected both.

Nawabzada Muhammad Liaquat Ali Khan: What I am submitting is this. Originally there were two propositions—recognition of a college and the withdrawal of recognition. The House rejected that amendment. Here, there is only the question of withdrawal of recognition. So, it is quite possible that the House may not like that in the case of recognition of a college it is necessary that the matter should go to Court but in the case of withdrawal of recognition it is necessary that the matter should go to Court.

Mr. President (The Honourable Sir Abdur Rahim): What is the effect of the rejection of that amendment? It covered both recognition and withdrawal.

Nawabzada Muhammad Liaquat Ali Khan: I say that in the case of recognition the House may have felt that it was not necessary that the matter should go to Court. Now this statute that we are dealing with deals only with withdrawal of recognition. The House may be of the view that in the case of withdrawal of recognition it is necessary that the matter should go to Court. Therefore, I submit that the present amendment is not barred.

Dr. P. N. Banerjee: May I submit that this is a more restricted proposition? In view of that, I hope you will allow it.

Mr. President (The Honourable Sir Abdur Rahim): The wider proposition covers this also. Has the Leader of the House anything to say on this?

The Honourable Sir Sultan Ahmed (Leader of the House): In the amendment previously rejected, both recognition and withdrawal were mentioned. It is also our view that the present amendment is covered.

Mr. President (The Honourable Sir Abdur Rahim): I have heard the arguments on both sides relating to this amendment and I must hold that the verdict of the House on Amendment No. 11 of the original Consolidated List [That in clause 7 of the Bill, to the proposed clause (ff) the words "and subject to confirmation by the Court" be added at the end] which was rejected on the 6th August covers this case as well, namely, withdrawal of recognition and therefore the question cannot be reopened.

For the same reason amendment No. 85 standing in the name of Mr. Abdul Ghani is also barred.

Maulvi Muhammad Abdul Ghani: I do not say that it should not be acted upon. It should be acted upon but I say it should be subject to confirmation by the Court at its next meeting.

Mr. President (The Honourable Sir Abdur Rahim): This is clearly barred. The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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

Syed Ghulam Bhik Nafrang: Sir, I move:

"That in clause 16 of the Bill, in clause (35) of Statute 33 in the proposed Schedule, the words 'with the sanction of the University' occurring in the first line and the words 'the University' occurring in the third line be omitted."

Clause (35) of statute 33 reads thus:

"When a College ceases to exist with the sanction of the University, the disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation. If these bodies should fail to reach an agreement, the Central Government shall appoint an arbitrator whose decision shall be final."

Here, Sir, in the first line I seek to delete the words "with the sanction of the University". That is one part of it; I will come to the other part of the amendment later on. I submit that if a college ceases to exist in fact, I do not think it is open to the University to continue its existence in any way whatsoever. All that we should be thinking of in a provision of law like this should be the actual extinction of an institution as a matter of fact. To say that if a college ceases to exist with the sanction of the University would imply that even if a college actually ceases to exist, it can be kept in a state of artificial existence. (*An Honourable Member:* "Suspended animation.") Suspended animation is a different thing. It will be kept in a state of artificial existence by some process like artificial breathing. What is that existence? If a college does not exist, it does not exist. How can you treat it as in existence till you have sanctioned by your royal pleasure that it do cease to exist. I submit this is really a thing which passes the comprehension of a layman like myself. All that is necessary to provide in law is that if an institution ceases to exist, then such and such thing follows. That is the only thing that is necessary to provide. To say that its non-existence is to be sanctioned by the University would be like a judicial pronouncement that so and so is dead, so that unless such a declaration is made by a court in exercise of its special jurisdiction in cases of death, the man continues to live. He has no right to die unless allowed by a judicial authority by its pronouncement. So, I submit that these words appear to be not only unnecessary but really meaningless and may lead, if allowed to stand there, to complications. An institution may cease to exist and yet the University may treat it as in existence and liable to perform such and such duties and enjoying such and such rights although the institution which was entitled to enjoy those rights and bound to perform those duties has ceased to exist in fact. This much, Sir, about a college ceasing to exist.

Then comes the second part of my amendment. When a college ceases to exist, what follows? "The disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation." Here, I seek to delete the words "the University". The clause itself contemplates a case where the disposal of the assets of a college is specifically provided for by the instrument or the document by virtue of which the college came into existence. When such a thing is provided for then, of course, the clause has no application. But when there is no specific provision for the disposal of its assets, then the clause says that the Governing Body, the University and the Central Government will consult each other and dispose of the assets. I say that the University should have no place in that consultation. The Governing Body is there and the Central Government is there. They should mutually consult and decide as to what will be done to the assets of such a college. The inclusion of the University

[Syed Ghulam Bhik Nairang.]

in a matter like this is, to my mind, unnecessary and will probably be a source of complications. The net effect of my amendment would be that neither will the death of a college, which God forbid, await the royal pleasure of the University because it will be at liberty to die whenever it chooses to die nor will the University be in a position to impede its death if it has decided to die. As to the disposal of assets, the University is nobody. Let the Governing Body, on the one hand, and the Central Government, on the other, by mutual consultation decide as to what will be done to the assets when there is no specific provision as to their disposal.

Sir, I move:

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, in clause (35) of Statute 33 in the proposed Schedule, the words 'with the sanction of the University' occurring in the first line and the words 'the University' occurring in the third line be omitted."

Mr. J. D. Tyson: Sir, the somewhat quaint phraseology of this clause appears to be taken from the Conditions of Grant. What is envisaged here is that the college ceasing to exist will have the permission of the University. There are two possibilities, either a college may cease to exist with the permission of the University or it may cease to exist without the permission of the University. This clause refers only to the former state of affairs and that, we would imagine, would be the ordinary mode of ceasing to exist, because if a college, for example, is participating by means of its staff in co-operative teaching, it obviously must give notice to the University that it is going to cease to exist and that its teachers will no longer be available. The University will then say: "Very well, we acquiesce in that position", or the University may have proposals to make which would obviate what would generally be an unwelcome occurrence. There is the possibility that the University might under those conditions wish to take over and carry on the institution itself as a University College or Hall, rather than let it go out of existence. If, therefore, a College ceases to exist with the sanction of the University in circumstances of that kind, it seems proper that the University should along with the Governing Body and the Central Government have some say in how its assets ought to be disposed of. For, if the University were anxious to take the College over it would want to take over the assets as well. The clause does not at all refer to a case where a College, by some act of God, shall I say, ceases to exist before it has been able at all to make a reference to the University. It does not provide for such circumstances at all. I think, Sir, there is a useful function in this clause and we are anxious to keep it in. This is one of the terms of the Conditions of Grant and that is how it got into the Statutes.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I would have thought that the Government would be only too glad to accept this amendment, because it makes a provision for the non-existence of a college in either case whether with the permission of the University or whether without the permission of the University. My Honourable friend the Education Secretary has stated that the chief reason for including this here is that it is worded like that in the Conditions of the Grant. That seems to be his main defence for retaining this sub-clause. Sir, I think that the amendment that has been moved makes the position better as far as this particular matter is concerned. My Honourable friend the Mover of the amendment explained that the question of permission of the University does not really arise in a matter like this. I mean it will cease to exist whether with the permission of the University or without the permission of the University. Therefore, I would request the Honourable Member to reconsider whether it is not in the interest of the Government themselves who are giving and will have to give very large sums of money to these colleges to provide for either contingency whether with the permission or without the permission.

Then, Sir, my Honourable friend has stated that the University may take over a college and may want to run it. Well, Sir, if the University is taking over a college and it is being run, then the question of its not existing does not arise. It still exists.

Then, Sir, the third point that has been raised is that when the question of deciding as to what should be done with the assets of a college arises, the University also should come forward and have a voice. I do not know on what ground does my Honourable friend support a proposition of this kind. The assets have been built up either with the money that has been collected and raised by the Governing Bodies or with the money that has been given by the Government. How does the University come into the picture at all? The University as such does not give a single penny to any college. Therefore when the question of disposal of its assets arises, the University really has no share and should not have any voice as to how those assets should be disposed of. My Honourable friend says that if the University were to take up a college which was wanting to go out of existence, then the University would naturally take the assets also. Well, Sir, I suppose in a contingency like that, if the Governing Body and the Government agree that the University should take over that college, then naturally the assets would be given to the University. But why should the University have any voice in the disposal of these assets, I fail to understand. I should think that there is nothing objectionable in the amendment that has been moved. It improves the position to my mind in one respect very much, namely, the non-existence of a college in any case and under any circumstances which would cover these cases. Secondly, when the question of disposal of assets arises, it is really only the Governing Body and the Central Government which can have any say in the matter, and to bring in the University here is not justified under any circumstances.

I support the amendment that has been moved by my Honourable friend and I would again request the Education Secretary to consider this proposition and not depend on the fact that because it has been entered here in the statutes, therefore, it must be retained. I should like to ask him one question: What would happen in a case where a college ceases to exist without the permission of the University? What would happen to the assets of that college in that case? As I say, here, no provision has been made in these statutes and when you definitely make a provision for one particular contingency, then the interpretation would be that in the other case, it is entirely left to the college Governing Body to do as they please which I think will not be in the interest of the general taxpayer because after all, these Colleges are being paid and will be paid very large sums of money from the general revenues and the Central Government which is responsible for supplying this money should have a say in this matter in either case.

Mr. J. D. Tyson: The answer to that question is that we have not sought to provide for the second contingency at all in this clause. We have only provided for the first contingency where the college ceases to exist with the sanction of the University. We find it very difficult to envisage all the circumstances in which a college may cease to exist without the sanction of the University.

Nawabzada Muhammad Liaquat Ali Khan: Then, why not leave it out?

Mr. J. D. Tyson: We cannot agree to have "with the sanction of the University" left out, as this amendment is worded, without leaving out the word 'University' later on, which we want to keep in.

Dr. Sir Zia Uddin Ahmad: Sir, I do not know what the intentions of the Government are in this matter. Are they contemplating that they would ask the Governing Body to retire and they would run the college themselves, as an integral part of the University, that is, the college will be maintained as an institution by the University? If that is the intention, then this clause has some meaning. But if this is not the intention, then, I do not see the necessity for this particular clause at all. In the constitution of every college, there is a provision that if the college ceases to exist, then the property will be disposed of in such and such a manner. It is really an integral part of the constitution of every institution in India. So there is no need to make a provision which already exists in the constitution of a college and this additional provision is unnecessary.

[Dr. Sir Zia Uddin Ahmad.]

The second point which has already been referred to by my Honourable friend is that we have made provision for the non-existence of a college with the permission of the University. But a college may cease on account of other things like an earthquake, disagreement among members of the Governing Body or want of funds, and so on. What would happen then? If we pass this clause nothing would happen to that property and I do not know what they will do, and whether they will follow the original terms of the contract or not.

The next thing that is not clear is this. These colleges are all registered bodies and in their constitutions they provide for the manner in which the property should be disposed of. When we pass this clause, will those conditions be *ultra vires* and will they be replaced by this provision? That is not clear. Then what would happen if they voluntarily retire and do not run the college for want of funds? This section surely will not apply in that case and with the passing of this clause the original provision that they had will also be *ultra vires*. So I think there will be confusion and it is unnecessary to bring in the University when there is only a contract between the college and the Central Government. Money is always supplied by the Central Government and not by the University, and therefore the University does not come in. The only parties interested are the Central Government and the Governing Body of the college. So I submit that the clause is superfluous, it is badly drafted and it makes the thing more complicated. I support the amendment.

Mr. J. P. Sargent: Sir, I should be inclined to agree with my Honourable and learned friend the Vice Chancellor of the Aligarh University that in most cases where Government gives a grant to an institution there will be some particular kind of agreement or implement covering that. But that is actually provided for in this clause where it is said, "where not specifically provided for"; in other words, it deals with cases where such an agreement may not be in operation. I must say that this is a harmless little clause which is useful, but if the Mover with the consent of the Chair would like to put this amendment in two parts we would have no objection to the withdrawal of the words "with the sanction of the University". On the other hand we do attach great importance to the University being brought in on any such occasion since the ceasing of the existence of a college would necessarily create a situation in which the University would be interested. This is merely a matter of consultation and we feel it essential that the University's interest in such a contingency should be preserved. Therefore we should not accept the second part but if it were moved in two parts we would be prepared to accept the first part.

Nawabzada Muhammad Liaquat Ali Khan: Sir, I want to ask a question. The assets of an institution have nothing to do with the University. How does the University come into this?

Mr. J. P. Sargent: We were reminded this morning that we were legislating for the future. I hope it will not be impossible in the case of the Delhi University, that the University may be given a benefaction of which they may pass on a share to the colleges, in which case they will be interested in the assets.

Dr. P. N. Banerjee: When a college ceases to exist would it be possible for the University to run the college itself or to run it under the management of a body created by the University? Is that in contemplation?

Mr. J. P. Sargent: That, Sir, is an obvious possibility.

Dr. P. N. Banerjee: In that case there should be no objection.

Mr. Deputy President (Mr. Akhil Chandra Datta): Does the Honourable the Mover accept the suggestion?

Syed Ghulam Bhik Nairang: I do not wish to amend my amendment but in the light of the remarks made by Mr. Sargent I should like to have the permission of the House to withdraw the whole amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Seth Yusuf Abdoola Haroon (Sind: Muhammadan Rural): Sir, I move:

"That in clause 16 of the Bill, to clause (38) of Statute 33 in the proposed Schedule, the words 'or any first class securities on the approved list of the Reserve Bank' be added at the end."

Under clause (38), investment is allowed in property and securities authorised by law for the investment of trust funds or other securities approved by the Central Government. I wish to add some other securities approved by the Reserve Bank, because the Trust Act provides only for those securities which are allowed by that Act like Government or Port Trust loans, etc. It may happen that a college has money for building purposes but it is not able to put up the building. The only course open to them is to invest their money and they have to invest in securities under the Trust Act which means that they will get a lower percentage of interest on their investment. But there are securities which are not covered by this Act and those securities are approved by the Reserve Bank on which money is advanced if they are deposited with them, and by other first class banks. "First class banks" is a phrase which is well understood in business, i.e., those which allow 80 per cent. of that investment for advancing money. If such investments are allowed they will naturally fetch more interest and the colleges will thus be able to accumulate more money. These securities which are on the approved list are also very good securities but with different conditions. They cannot be approved by the Trust Act and therefore the necessity has arisen that these colleges should be allowed to invest their surplus money in these securities. I hope Government will accept this amendment. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, to clause (38) of Statute 33 in the proposed Schedule, the words 'or any first class securities on the approved list of the Reserve Bank' be added at the end."

Mr. J. D. Tyson: The proposal is to add the words "or any first class securities on the approved list of the Reserve Bank". A reference has been made
3 P.M. to the Reserve Bank and I am authorized to say that the Reserve

Bank maintains no such guide to investors as the Honourable Member seems to have in mind. It would no doubt be invidious to publish, at all events, even if it did maintain, a list in which it divided securities into first class and other class securities. But in actual fact, Sir, the Reserve Bank maintains no such list and I submit that the proposed amendment is entirely meaningless. What my Honourable friend wants to do is, however, covered by the wording of the clause itself; namely,—

"Investment of funds belonging to the College . . . shall be made in property and securities authorised by law or the investment of trust funds or such other classes of security as may, from time to time, be approved by the Central Government."

That is a wider thing than what we call "trust fund securities". At all events, I cannot accept the amendment for the reason I have given.

Mr. H. A. Sathar H. Essak Salt (West Coast and Nilgiris: Muhammadan): Do I understand the Honourable Member to say that there is no approved list published by the Reserve Bank, or does he object to the use of the words 'first class securities'?

Mr. J. D. Tyson: There is no such list published . . .

Seth Yusuf Abdoola Haroon: Money is advanced by the Reserve Bank on certain securities.

Mr. J. D. Tyson: . . . No doubt the Reserve Bank has its own ideas as to what securities should be accepted for advancing money, but it does not maintain or publish any list of securities of the kind envisaged here.

Seth Yusuf Abdoola Haroon: Sir, I beg to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (1) of Statute 34 in the proposed Schedule be omitted."

With this amendment we pass on to Statute 34. The heading of the Statute is "Instruction provided by Colleges". Clause (1) is:

"A College shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council."

[Syed Ghulam Bhik Nairang.]

We seek to delete this clause mainly on the ground that the decision as to the subjects in which a college is authorised to teach and as to the standard up to which it is authorised to teach is, according to the wording of this clause, a variable quantity. It may at one time be that when the college happens to be in favour with the Academic Council and Executive Council it is authorised to teach up to the M.A. standard or even up to the standard of Doctorate in any of the subjects, and, later on, when times change and the institution does not happen to be in favour, the standard may be lowered or the number of subjects may be curtailed. We say that when the college first obtained its recognition and satisfied the authorities of the University as to the subjects which it can teach and also as to the standard, that decision should be taken once for all and only perhaps in case the standard is sought to be raised there may be a different proceeding undertaken. For instance, an institution is recognized as authorised to teach in certain subjects up to the M.A. standard. That should remain there and the standard should never be lowered unless of course later on an application is made by the college to be authorised to train research students for the Doctorate degree in certain subjects. Then of course another stage will come and the University may naturally have to look into the matter and have its say. But unless such a contingency arises, such matters should not be left to be disturbed, every now and then, by the Executive Council on the advice of the Academic Council. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, clause (1) of Statute 34 in the proposed Schedule be omitted."

Mr. J. P. Sargent: Sir, under the definition of a "college" in the Act itself a college means "An institution in which instruction is provided under conditions prescribed in the Statutes". So that a Statute of some kind is necessary.

I will not take up the time of the House by referring at length to the question of co-operative teaching with which this particular sub-clause, and indeed most of the clauses in Statute 34 deal. If Members are not in favour of co-operative teaching, they will of course support this amendment. If, on the other hand, they share my belief that co-operation between the University and the colleges will not only economise teaching power and enable the total scope of instruction to be enlarged, but will also ensure to the colleges a reasonable share in the higher teaching of the University, then I think they will feel that the co-operative idea is one which it is desirable to try. And for that reason, I think, they will find that the arrangements prescribed not only in this sub-clause but in the other sub-clauses of Statute 34 are designed to define, as far as may be reasonable and desirable, the relations of the colleges to one another and to the University in this respect.

I explained the other day why, in my opinion, it was not practicable to lay down for good and all, when a college was recognized, the subjects in which, and the standard up to which, it should be authorised to teach. Men, even teachers, are mortal and changes will occur in co-operative arrangements which may necessitate reconsideration of this matter. And so long as that reconsideration is carried out in a measure of reasonable fairness, I can see no harm whatever in it. So, if Members share my optimism as to the advantages of co-operative teaching, I feel sure they will support the sub-clause and will not be able to support the amendment. I feel I cannot personally do so.

Maulvi Muhammad Abdul Ghan: Sir, clause (1) of Statute 34 deals with the providing of instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council. It has been moved that this should be deleted. It has been pointed out on several occasions that whenever a college requires to alter the subject or raise the standard of the subject it has to take the sanction of the Executive Council. Here it says that a college shall provide

instruction, irrespective of whether it is in a position or not, or whether its financial condition permits it to do so, but "a College shall provide" as it may be authorised by the Executive Council. I fail to understand this kind of mentality. I support the amendment.

The Honourable Sir Sultan Ahmed: The question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the question be now put."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 16 of the Bill, clause (1) of Statute 34 in the proposed Schedule be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

'(1) A College shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University'."

Sir, in the last amendment I sought to delete clause (1) altogether, but it appears that Government is in love with something of that sort so I am now proposing a much better thing. I say, all right, if you do not want to get rid of that provision altogether, you may change it and give it a better form. In that you say that a college shall provide instruction in such subjects and up to such standard as it may be authorised to do from time to time by the Executive Council on the advice of the Academic Council. It say a much better provision which will ensure the same result will be my proposed clause which will make it necessary only to give information to the University, not necessarily to obtain its sanction and permission as to what subjects it will teach and up to what standard. Of course such information can be given from time to time as the provision for instruction and the subjects in which instruction is to be given and the standard up to which instruction is to be given vary from time to time. All that should be necessary is to give information to the University and not to await its sanction.

We have been saying this in a good many matters covered by the present Bill. The interference of the University, I mean the Executive Council and its ally the Academic Council in matters of this kind should be reduced as much as possible so as to allow smooth running of the institutions and good work to go on without interference from the powers that be. No harm can at all befall any of the colleges or the University or the cause of education. The provision simply is that the college shall provide instruction in such subjects and up to such standard as it may arrange from time to time giving information thereof to the University. The University should not be in the dark as to what a college is teaching and up to what standard. Yet the college should not be made to wait till the sanction of the University has been given and conveyed to it and up to that time—pending the receipt of the sanction of the University—to hold up all its work.

I think, Sir, the meaning of my amendment is perfectly clear and I commend it to the Government for acceptance. I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

'(1) A College shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University'."

Sir Muhammad Yamin Khan: Sir, I think there is no harm in Government accepting this amendment. The present statute will take a lot of time—the sanction of the Executive Council will have to be obtained after the Executive Council have received the sanction of the Academic Council. It is only a matter of procedure—that is the only difference between the statute and the proposed amendment. The amendment simply proposes that the University should be informed of the subjects and instruction as soon as a particular college starts work after the summer vacation—the session usually starts after the summer. Supposing the university education starts on the 15th July—it has been closed for a good part of June and July—the necessary arrangements are made during the vacation: the college authorities decide that education

[Sir Muhammad Yamin Khan.]

should be given in certain subjects and upto a particular standard. This decision has to be arrived at very quickly. If after they arrive at this decision they have to write to the Executive Council saying "Please allow us to give instruction in these subjects and up to this standard", that Council will have to send it to the Academic Council and get their sanction; the Academic Council may not meet till very late—the members who decorate that Council may not be available and they may be enjoying their summer holidays in distant places and they may not be able to come till a few days before the opening of the University. That means that only a few days will be left for their decision; and that will be really hard on the college; the boys will not know whether they can join that college and that college will not know whether they can enrol them or not. My Honourable friend may say "Why should the college authorities wait till so late? Why should they not apply in the beginning of the year or in March or April?" But my Honourable friend will realise that the Government themselves are not in a position to say till the budget is passed what amount they will be able to give to a particular college. After the budget the colleges will know about the Government contribution and their financial position—say about the 15th April; and then the boys and the staff are engaged in the examinations and then the summer vacation starts; and it is not always possible to know how many boys will apply.

It has been brought to notice, in this year, that there has been a sudden fall in the roll of students. Very few boys have joined the Delhi University because they do not know whether their studies are safe or not; they have gone to other places; therefore it is not possible for the boys or their parents and guardians to be sure whether they can send a boy to a particular college or not: the parents of course have got to know and make up their mind. I would not like to put my boy in a college till I come to know that a particular college will be allowed to teach a particular subject. I would naturally like to make my arrangements elsewhere and not like to wait till the eleventh hour. I think therefore the formalities under the present statute are unnecessary; and the amendment contains proper safeguards. There is this safeguard that all teachers will have the same qualifications, though in different colleges; it does not matter what subject they teach. It will really depend on whether the college is financially sound, whether it has got the money to go in for that education, and whether it has got the proper staff. If all these things are present—these three things, *viz.*, sufficient finance, good staff, and the number of students, they would like to go in for the highest education; there is no taking risks or doing things in a hazardous manner by opening classes which they cannot carry on; the Honourable Member would not like to contribute if I were to open M.A. classes with only four students; therefore I would not like to open such a class. But if I can find money from somewhere else, why should my Honourable friend say that I should not open a class even with four students on the roll? It is only a matter of procedure involved in this amendment and I think it will be acceptable to the Government unless they can show and convince us that it is wrong.

Mr. Lalchand Navalrai: Sir, I find that the amendment that has been put in is not happily worded or happily proposed

Nawabsada Muhammad Liaquat Ali Khan: It is not happily understood!

Mr. Lalchand Navalrai: By the Government, you mean. I have understood it all right. I find that the clause itself requires the sanction of the Executive Council in regard to the subjects that are going to be taught and the instructions in those subjects and the standard which may be authorised from time to time by the Executive Council. Now, one can understand this: if the interference or the sanction of the Executive Council is not necessary, then I think the whole clause should be omitted; and an amendment to that effect was put in, which has not been accepted. That was an amendment of some substance. But there is no substance in the present amendment. The

present amendment only says that instead of getting the sanction—it will amount to that—only information need be given by the colleges to the Executive Council about the subjects and the instructions. I ask, what for is this information being given? We are giving information to the University authority

An Honourable Member: What is it for?

Mr. Lalchand Navalrai: To be thrown into the waste paper basket! Or they think it is some routine business, something has come and we take no notice of it. If you give information, if you go so far as to say that you are prepared to give information, then I think you have lost your case. Sir, I oppose the amendment.

Mr. Kailash Bihari Lalī (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): I am tempted to support this amendment. The amendment proposed by Government is to this effect:

"A college shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Executive Council on the advice of the Academic Council."

That is mandatory and obligatory on the college to follow. Circumstances may arise in which a certain college may not be in a position to carry out the wishes of the University. In that case the fate of the college must be hanging in the balance. I think advantage may be taken by the University against a certain college which may have gone against the wishes of the University, and the position of that college may become precarious. It will mean a halter round the neck of an educational institution. Whether they have funds or not, whether other circumstances permit or not, the college will have to abide by the wishes of the University in the matter of teaching subjects up to the standard desired by the University. So, the amendment proposed here seems to be a good alternative for the kind of mandatory provision. The amendment now proposed says:

"(1) A college shall provide instruction in such subjects and upto such standard as it may arrange from time to time giving information thereof to the University."

This is more desirable because it is left to the college to fathom its own capacity for imparting education in the subjects the particular college wants. It may be urged in that case that the college may not like to teach in subjects that are desirable in the public interest and that the University may like that those subjects should be taught in the college, but the college will follow its own way. But it seems to me unnatural that a college will be so self-willed as to undermine its own interest by teaching to a lower standard, or teach subjects according to its sweet will without injuring its own reputation. It is in the nature of things that a college will look after its own interests and its own reputation, and generally it is the case that it tries to impart instruction in subjects that may attract more students or may enhance its own reputation. So, there is no fear that the college may go astray in selecting subjects to be taught or in keeping up to the standard required. Looking at the question from that point of view, I think the amendment suggested is more natural and gives more scope to the college and there is less chance of any halter being hung round the neck of an educational institution, because it has always to fear what sort of mandate may be issued from the higher authorities and we do not know whether the college will be in a position to carry out that mandate, and in that way the position of the institution is always precarious. Whereas under the proposed amendment, they are free to carry on according to their might and capacity to impart education and act in a manner which will enhance the reputation of the University. In this view I support the amendment.

Mr. J. P. Sargent: I am aware how poor my powers of explanation are. I do feel that I have completely failed to explain to the House the advantages of the system of co-operative teaching. I have been charged with being in love, or Government have been charged with being in love, with that system. I would not put my affection so high as that, but I do regard it as an extremely sensible and practical method of conducting, at any rate, higher teaching in an institution like a university. But if you are going to have co-operative teaching somebody has got to have the last word as to the arrangements for it.

[Mr. J. P. Sargent.]

and it appears to me that that body logically is the Executive Council acting on the advice of the Academic Council, which itself will act on the advice of the Board for co-ordinating co-operative teaching on which, if my memory serves me right, all the colleges are represented.

Now, Sir, I am the last person to wish to apply arbitrary restrictions to the desires of colleges to teach up to a high standard in as many subjects as is economically possible, but one has to have regard to practical considerations. Supposing there are very few students in a certain subject to be taught up to the M. A. stage and a college offers to undertake that instruction and that is approved; quite clearly it would be extremely unbusinesslike for another college, for some reason into which we may not enter, to set up a rival class in the next year in the same subject. Clearly, the University's interest is to enlarge teaching and to get colleges to provide as much instruction of a higher standard as is possible. But there must be somebody to see that there is not uneconomic and undesirable competition between colleges. I think personally that it is very unlikely that any of these issues will arise, but it is necessary to provide for settling them when they do.

My Honourable friend, Sir Muhammad Yamin Khan, has referred to the question of time. I agree that that is an important factor. Obviously in a matter of this kind decisions may be required in a hurry. Normally the teaching arrangements of the University for the next academic year are settled at the end of the preceding academic year, and we have been rather hoping that under the new system of grants which are calculated on a formula,—that, subject to the general approval of this House to the budget, the colleges will in future know better where they are likely to stand from the financial point of view than they have ever done when the grants were subject to variation. If after making all the arrangements for co-operative teaching, a teacher shall we say, who was to teach Arabic up to the M. A. standard, should unfortunately leave, die or otherwise not become available during the summer vacation, then there will be, I imagine, the Standing Committee of the Co-operative Teaching Board to deal with such emergencies, or alternatively, under the powers vested in him, the Vice Chancellor is entitled to give a decision in a matter of this kind. I cannot conceive that there will be many of these questions, but I do say that if they arise, you cannot have a college waiting a long time to know whether it will or will not be authorised to teach a certain subject. I think ample provision already exists for dealing with this. Again, I make my appeal to Honourable Members, whether they believe in this scheme or not as an educational experiment or as any other kind of experiment, at any rate, to give us, who are interested in it, credit that we shall try and make it work as smoothly as possible. It is not in our interest to try and present unnecessary obstacles to the successful working of this co-operative teaching. For these reasons I hope this amendment will not be pressed, but if it is pressed, I regretfully have to say that we shall have to oppose it.

Sir George Spence: Let the question be now put.

Maulvi Muhammad Abdul Ghani: I am the first person to support the advancement of learning and I have always done it. But everything must be within the means. We have repeatedly asked for an assurance from the Finance Member whether he is going to provide the necessary money which may be required to carry out the provisions of this measure, but we have been disappointed at his studied silence. Here the Education Department urges that all such improvements should be had but I say it should be within the means of the institutions which are going to be asked to comply with these provisions. There is no mention in the clause that the institutions will be asked to introduce certain things according to their funds. It is obligatory on them to start teaching of certain subjects once they are asked to do so by the Executive Council after consultation with the Academic Council. If they are asked to introduce a higher standard, there is no option for them to refuse. The amendment proposed is a very modest one. It serves the purpose of the Government and at the same time it does not compel the institution to have

its standard raised in certain subjects. I think the authorities here are counting their chickens before they are hatched. They should try to secure money and it is difficult to get money in these days of war and scarcity. Let better times come when all will equally contribute money. Therefore, the Government should not be in a hurry. After all, these Statutes can be amended by the Court and the Executive Council as many times as the authorities like to suit their convenience. Why show so much impatience? I think all these elements and factors should be taken into consideration and I think the authorities should revise their decision. It is not a question of communalism here. It is the financial aspect of the thing that has got to be considered. You will be imposing a sort of compulsion on an institution which has no money and cannot have any money in these days. I hope the Government will revise their decision and accept the amendment moved.

Nawabzada Muhammad Liaquat Ali Khan: My Honourable friend, the Educational Adviser, has supported the retention of this sub-clause in the language in which it is put down here on the ground that it would facilitate co-operative teaching. But as my Honourable friend knows, this sub-clause does not apply only to co-operative teaching. If and when a system of co-operative teaching is introduced, then certainly a sub-clause like that would be necessary but what happens now is that a college wants to start teaching in a certain subject. It has to apply to the University. The University takes, as I have, stated on another occasion, an unduly long time over giving its decision. It is really to prevent a thing like that happening that we seek to amend this sub-clause. Co-operative teaching, as I stated the other day, does not seem to be possible till such time as the colleges are situated in the same locality. For that we will have to wait at least till after the war and perhaps a few years till after the war. At present, this sub-clause applies to all types of teaching. The amendment seeks to provide that if a college fulfils the conditions that are laid down regarding the number of teachers, their qualifications and so on, then that college can start teaching any subject by informing the University to that effect, and the University have got power to see that the teaching is done in accordance with their rules and regulations and is done under their supervision. I would like to draw the attention of the House to sub-clause (4) of the same Statute. All recognised teaching (and of course we have given an amendment to remove the word 'recognised') in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University.

Now, there is a complete control of the Academic Council, the body which is responsible for supervising the teaching work in the University. All the teaching in the colleges will be subject to the control of the Academic Council. So, there is no question of any college making inefficient arrangements for imparting education to its students. When we start co-operative teaching, then a power like that would be absolutely necessary but this power will not be used by the Executive Council only in cases where there is a proposal to start co-operative teaching. This power is being used, has been used in the past, for any kind of teaching, whenever there is a question of teaching a new subject or raising the standard of a particular college. My Honourable friend the Educational Adviser has referred to co-operative teaching and he has been quite frank in saying, though he did not want to use the word 'love', that he is not in love with this system but he is certainly enamoured of it and I personally think that it is an experiment worth trying. I do not say that we should not start co-operative teaching but what I do submit is that for the system of co-operative teaching to be successful it is necessary that certain conditions must be fulfilled and those conditions do not exist today. If the University today started co-operative teaching in any particular subject, then I think to a very large number of students, who would be in other colleges and not on the University site, it would be a great hardship. You can only make it a success when the complete scheme materialises in the form of the establishment and construction of these colleges round about the University buildings. Therefore, all these amendments,

[Nawabzada Muhammad Liaquat Ali Khan.]

that follow, to this statute, are really intended with that purpose. Instead of leaving it completely to the Executive Council to decide whether they should allow a certain college to do teaching in certain subjects or whether they should not, we want that the teaching should be under the Executive Council but that a college should be allowed to start classes without getting the previous sanction or should be allowed to start classes if that college fulfils those conditions. That really is the object.

Sir, there is a saying: Once bitten twice shy. We have had rather a sorry experience in the past. I have not hidden this fact before and I do not hide it now and that is why we are really very nervous whenever a provision like this comes before us because of the absence of our voice in the affairs of the University. All that we try to do by means of these amendments is that we try to reduce the chances of any injustice being done to any particular college to the minimum. That is the intention. Our intention is not to hamper education in any way. We are as anxious as anybody else to have the best type of education in the University. As I stated just now, we have studied this very carefully and we have suggested certain amendments which do not affect the fundamental idea underlying this but which certainly make it less difficult for those unfortunate colleges which have not got any voice in the University to start higher classes or open classes in new subjects. That is why I support the amendment that has been moved.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 16 of the Bill, for clause (1) of Statute 34 in the proposed Schedule, the following be substituted:

"(1) A college shall provide instruction in such subjects and up to such standard as it may arrange from time to time giving information thereof to the University."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, clause (2) of Statute 34 in the proposed Schedule be omitted."

Clause (2) which I seek to delete reads as follows:

"Where a College desires to raise the standard or alter the subjects of instruction in respect of which it is recognised, the procedure prescribed in respect of its recognition shall, as far as applicable, be followed."

Sir, as happened in the case of a few amendments before, this amendment too is due to our very peculiar situation. We do not belong to the circle of the initiated and very often do not understand the idea underlying a particular provision. Now, this clause that I have just read out to the House is strangely reminiscent of clause (16) of Statute 33.

Mr. J. D. Tyson: May I say that for the reason which my Honourable friend has just pointed out, we do not propose to oppose this amendment from this side. We are prepared to accept it.

Syed Ghulam Bhik Nairang: I am glad that my Honourable friend Mr. Tyson, who the other day caught me napping over a little point of grammar and gently touched me on the shoulder to rouse me from my temporary torpor, has confessed his own mistake and said that he does not want to oppose this amendment. So we are quits.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 16 of the Bill, clause (2) of Statute 34 in the proposed Schedule be omitted."

The motion was adopted.

Seth Yusuf Abdoola Haroon: Sir, I move:

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice' be substituted."

Clause (3) reads as follows:

"A college may not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject which it is authorised to teach."

For the words 'previous permission' I would like to substitute 'previous notice'. I cannot understand why a college which would like to suspend one of the subjects should get the permission of the University. If it tries to obtain the permission of the University, it might fail to get it in time which may result in a waste of time. I think the notice should be quite enough. If a college gives notice, it must be sufficient for them. Therefore, the question of permission should not arise. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 16 of the Bill, in clause (j) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice to' be substituted."

Mr. J. P. Sargent: Sir, I will try and be very brief in deference to the feelings of the House. As I have explained in connection with the co-operative teaching system, if it is necessary for somebody to make a final decision as to what subjects a college shall undertake, it seems to me all the more necessary in the interests of students that a similar body should have a similar voice with regard to a college giving up teaching which it has undertaken to provide.

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

Clearly, a college may say: We will provide teaching up to the M. A. standard in a certain subject and the co-operative body will say, there are only eight or nine students in the whole University wanting this subject, if you will

undertake to provide a teacher for this class, we will suggest that all the students should attend your class. Then, that college becomes responsible for teaching the students in that particular subject. Honourable Members will appreciate the fact that a mere notice from that college that they no longer propose to carry on that class would hardly be a sufficient safeguard for the interest of the students. On the other hand, they should say: we will carry on this class for some time, please enable us to do so and after a certain period, will you please release us from this obligation? I plead that in both cases permission is necessary both in the case of a college undertaking a new commitment and of its giving up a commitment which it has already undertaken. For these reasons, I am afraid I must oppose the amendment.

Maulvi Muhammad Abdul Ghani: Sir, I think it is like this. I feel appetite, but I must wait for a week to take my food. Here the colleges and institutions feel their difficulty in financial matters, and if they go on waiting for years together in obtaining sanction or permission of the Executive Council to suspend teaching in certain subjects, wherefrom will the money come. The Government would not come forward to give money. If the Government will be responsible financially, in case there is any delay in giving sanction, it is all right. But no such guarantee is given to the colleges. The colleges have to stand on their own legs. So, it is better that the amendment should be accepted. It only says that the college may not suspend it without giving previous notice to the Academic Council. In clause (1), it is said that a college shall provide instruction in such subjects as it may be authorised to do. The college says that it is not in a position to give instruction in such subjects and up to such standard. If they do not get enough funds, their position is precarious. They should be given some alternative to get out of the difficulty. This is the only proper remedy to help the college or institution. I think the Honourable the Mover has brought forward a timely amendment and I hope the House will accept the amendment.

Mr. Kailash Bihari Lall: Sir, I oppose this amendment because I feel there is great force in the argument that the interest of the students will suffer if this amendment is given effect to. I have heard the argument advanced by my Honourable friend Maulvi Muhammad Abdul Ghani that if the college is starving and if it has no money to carry it on, how can it wait for the permission of the University and run the institution! Of course, so far as the question of fund is concerned, no doubt it is a thing to be taken into consideration. If the college is so hard up for money that it cannot run the institution at all,

[Mr. Kailash Bihari Lall.]

then permission is given by the University. Of course, no doubt it is a situation that should be taken into consideration. But the interest of the students is still more important than the financial condition of the institution. It seems to me that if the college is allowed fully to close down teaching in certain subjects, on the mere service of a notice to the University, then the condition of the students must be precarious. This is a thing which ought to be taken into consideration and no college should be allowed to stop teaching in subjects merely on the service of notice to the University. With these observations, I oppose the amendment.

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

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'without the previous permission of' the words 'without giving previous notice to' be substituted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'is authorised to teach' the word 'teaches' be substituted."

Sir, I call attention to the misprint in the printed list of amendments. The word should be 'teaches' and not 'teachers'.

Sir, clause (3) of Statute 34 which has been under discussion just now says: "A college may not, without the previous permission of the Executive Council and the Academic Council, suspend instruction in any subject which it is authorised to teach."

I want the words 'is authorised to teach' to be omitted and the word 'teaches' substituted. Sir, there is a difference between the two expressions. A college may be authorised to teach a subject, but may not actually be teaching it yet. If a college having obtained permission of the Executive Council and the Academic Council to teach a subject, to give instructions in a particular subject has not yet started giving instruction in that subject, then I think there is no reason to say that the mere fact that it has been authorised to teach that subject, that permission to that effect has been granted to it, makes it obligatory on that college to go on imparting instruction in that subject unless it has obtained the previous sanction of the Executive Council to suspend it. This will include even suspension of instruction which has not yet begun. If the mere fact that permission has been granted means that instruction must be taken to have commenced and should not be suspended, I think, Sir, that would be a very unreasonable proposition to propound. There is one stage, giving permission, there is another stage of actually carrying out that permission, taking advantage of it and starting instruction. So, what is really contemplated by this clause is that once you have started teaching in accordance with the permission of the Executive Council, you should not suspend it without permission.

I think the amendment which I am suggesting will make the clause clear. Without such an amendment, an absurd result will follow that the moment I have been authorised to teach a particular subject, I must *ipso facto* be taken as actually teaching it and should not suspend it. Surely the two things are quite distinct. I am authorised and I start teaching. When I start teaching I should not have the right to suspend that teaching without obtaining permission. There is of course bound to be an interval between my getting permission and my actually starting taking advantage of that permission. During that time there is no duty on me not to suspend what I have not started. Sir, I move.

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

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, for the words 'is authorised to teach' the word 'teaches' be substituted."

Mr. J. D. Tyson: Sir, I thought that this amendment was put in as being consequential to Nos. 88 and 89 and I was a little surprised that after they were negatived it is now being moved. But apparently what is troubling my Honourable friend is the phrase "suspend instruction", and he has centred his argument on that phrase, although his amendment is to substitute "teaches" for "is authorised to teach". I do not think that this clause at all affects the case

where a college has been "authorised to teach" but has not begun teaching. There can be no question of "suspending instruction" in such a case; they can only suspend instruction when the thing has actually begun. The main point of the clause is the same as that of the clauses that have preceded it, and we do not like the amendment because "is authorised to teach" is the position taken up in clauses 1 and 2 of this statute and those words may just as well stand in this clause. Sir, I must oppose the amendment.

Sir Muhammad Yamin Khan: Sir, I could not follow the Honourable Member's argument. Emphasis was laid on the point that instruction cannot be suspended when it has not started. The point was that there can be suspension of a thing which exists, not of something which does not exist.

Mr. J. D. Tyson: That was my point; I am sorry if I did not make it clear.

Sir Muhammad Yamin Khan: I could not follow the argument. Our point is that we may be allowed to give instruction in many subjects but although the teaching has not started this statute is to take effect immediately from the beginning of the academic year. If that is the idea it will make the position of some colleges very hard, because they may have got permission but could not start the instruction at once and thought of starting it later on. If this remains it will mean that they have suspended instruction. But what we want is that this should not take effect until they have actually started the instruction. Therefore we want to substitute the word "teaches" for "is authorised to teach". That will mean that there will be no suspension until the teaching has started.

Mr. J. D. Tyson: Sir, I may make a suggestion which may meet my Honourable friends' point. I would not mind, if the Chair allows an amendment, that the words "and teaches" be inserted after the words "is authorised to teach".

Syed Ghulam Bhik Nairang: I have no objection, Sir, That will meet the point.

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

"That in clause 16 of the Bill, in clause (3) of Statute 34 in the proposed Schedule, after the words 'is authorised to teach' the words 'and teaches' be inserted."

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

Clause 4 says that all "recognised" teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University, and I wish to strike out the word "recognised". When the teaching is to be conducted by teachers of the University,—and we know the implication of the phrase "teachers of the university",—surely it is teaching by recognised teachers, *i.e.*, recognised as possessing the necessary qualifications. So, teaching by them is to go on under the control of the Academic Council. Where is the need for the word "recognised"? The teaching is according to the University courses; that also means approved and sanctioned by the University. It is by men who have been admitted to possess the necessary qualifications for teaching those subjects. When all these requisites have been fulfilled, one fails to see what need there is for using the word 'recognised'. Under these circumstances, that word is superfluous and should be omitted. Sir, I move.

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

"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

Mr. J. D. Tyson: This is a very small point, but we prefer to keep the word in order to keep in line with section 7(i) of the Act. Section 7(i) lays down that 'All recognised teaching in connection with the University courses shall be, etc., etc. . . .'. Where the statute is on the same subject, it is in our opinion, better to keep the same phraseology as in the Act itself.

Nawabzada Muhammad Liaquat Ali Khan: May I ask a question? Is there such a thing as 'not recognised teaching' in the University?

Mr. J. D. Tyson: I do not think so.

Nawabzada Muhammad Liaquat Ali Khan: Then what difference does it make?

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

"That in clause 16 of the Bill, in clause (4) of Statute 34 in the proposed Schedule, the word 'recognised' be omitted."

The motion was negatived.

Syed Ghulam Bhik Nairang: Sir, I move:

"That in clause 16 of the Bill, in clause (8) of Statute 34 in the proposed Schedule, all the words beginning with the words 'the Executive Council' and ending with the words 'and the University' be omitted."

● Clause (8) of the Statute reads as follows:

"The teaching work of colleges shall be subject to the control of the Academic Council. The Executive Council may, after considering the advice of the Academic Council and in consultation with the authorities of the recognised College or Colleges of the University, direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the colleges or among the Colleges and the University."

I want to delete the whole of this clause practically except the first sentence—"The teaching work of colleges shall be subject to the control of the Academic Council".

After reading the whole body of Statutes which has preceded this clause, I do not really see that any point has remained to be cleared up by this clause so as to mention all those matters which I want to be omitted from this clause. All that is necessary is to say that "the teaching work of colleges shall subject to the control of the Academic Council". After that whatever is prescribed in the rest of the clause are things which have been already sufficiently and clearly provided for. Why repeat all those things in this clause again? For instance, to say that the Executive Council may, after considering the advice of the Academic Council and in consultation with the authorities of the recognised college or colleges of the University, direct that such part of the teaching of the University, as may be prescribed by the Ordinances may be provided on a basis of co-operation, etc., etc. The idea of co-operation we have already had. Where is the need of saying that if such and such a procedure is adopted, the Executive Council may direct that there shall be co-operative teaching in the college. So, I would delete this long second sentence in the clause, Sir, I move.

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

"That in clause 16 of the Bill, in clause (8) of Statute 34 in the proposed Schedule, all the words beginning with the words 'the Executive Council' and ending with the words 'and the University' be omitted."

Mr. J. P. Sargent: Sir, on a large number of previous occasions Members of this House have been good enough to take my word, or not to take it, that the clause under consideration referred to co-operative teaching. Here, for the first time, we have co-operative teaching specifically referred to. I venture to suggest to my Honourable friend, the Mover of the amendment, that the words he proposes to omit are important and necessary and do define in sufficiently precise terms the procedure by which co-operative teaching shall be controlled. It makes it clear that the Executive Council will act on the advice of the Academic Council and will act in consultation with the authorities of the recognised college or colleges of the University, and direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the colleges or among the colleges and the University. This seems to me a reasonably clear definition of the way in which co-operative teaching should be carried out and if, as I hope, we are agreed that this experiment is worth trying, it seems to me quite essential that somewhere in the Statutes this procedure should be incorporated. Therefore, I feel that this is a very important part of this Statute and I resist the amendment to omit it.

Syed Ghulam Bhik Nairang: In view of what my Honourable friend, Mr. Sargent, has told us, I would ask the permission of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Abdul Ghani: Sir, I move:

"That in clause 16 of the Bill to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

Sir, after the sad experience of years together, I thought it proper that some kind of restriction should be put on the teaching staff. I have already pointed out on previous occasions that the fault does not lie only with the students when they fail. If the students do not receive proper training they are bound to fail in time. Parents have to lose money over them and the country has also to suffer because the taxpayers have to contribute towards the educational expenditure. It so happens that though periods for teaching are fixed the teaching staff do not care for that. Before going further, I say that the periods of teaching are not of 60 minutes, as we have in this House. They are generally for 40 minutes or 45 minutes. So the period in institutions is quite different from the period of work elsewhere, and I have said here that the period should be 26 hours. In fact it is less than that. It will be about 19 to 20 hours. If a teacher does not devote so much time over teaching he deserves some kind of reduction in his salary. I know that some friends of mine here will come forward and say that they are not properly paid. I do not contend that. But then let the pay of the teachers be raised to anything that the House likes. Still whatever the standard of salary, there should be some restriction . . .

Mr. M. Ghiasuddin: If he is an honorary Professor, what do you suggest?

Maulvi Muhammad Abdul Ghani: An honorary teacher has got no salary. This is concerning those getting salaries and remuneration.

Mr. M. Ghiasuddin: What is the punishment for an honorary Professor?

Syed Ghulam Bhik Nairang: No punishment.

Nawabzada Muhammad Liaquat Ali Khan: Is it not enough that he is honorary?

Maulvi Muhammad Abdul Ghani: Whenever I have seen that the teaching staff happens to be in their classes they always come late and whatever time is left they pass in talking and dozing. Often times private tuitions are allowed to them and after working all day and night, when they come to their classes, they are so fatigued that they do not take much interest in giving their lectures to the students. As a remedy against this I proposed on the previous occasion that there should be some kind of punishment for a less percentage of passes but I regret to say it was not accepted. This is not a trifling matter. It deserves the serious consideration of the House because the parents' monies are concerned. The poor boys have to devote their attention and energy to study . . .

Mr. President: (The Honourable Sir Abdur Rahim): I do not think the Honourable Member need harp on the poor boy. The teachers are more concerned in this. I think the Honourable Member has made his meaning quite clear.

Maulvi Muhammad Abdul Ghani: I have seen that on account of inattentiveness and the faults of these teachers the country has suffered. I would like to quote figures but I am afraid of the Chair. So I will content myself by saying that in the primary stage there is a general wastage of about 93 per cent, but the wastage is less at the middle stage and still less in stages upward. Similarly, the other day . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not speak of the other day. We have had enough of the other day.

Maulvi Muhammad Abdul Ghani: If I cannot refer to it I shall have to quote figures and that will take much time of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not refer to what happened the other day.

Maulvi Muhammad Abdul Ghani: On account of the faults of these Professors and teachers we find that at the Matriculation stage, including male and female, 1,26,004 appeared at the examination and 73,090 passed.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going back. I must ask the Honourable Member not to go on repeating himself.

Maulvi Muhammad Abdul Ghani: I did not follow what the Chair said.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not repeat.

Maulvi Muhammad Abdul Ghani: I have never repeated anything.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to this amendment.

Maulvi Muhammad Abdul Ghani: Then let me proceed from the I. A., the B.A., and M.A. I do not like to speak about the Matric stage. At the I.A. and I.Sc. examinations

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go into all that; he must accept my ruling; otherwise I shall have to ask him to discontinue his speech.

Maulvi Muhammad Abdul Ghani: I am not referring to those figures, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must accept my ruling; he must not go back to his previous amendment.

Maulvi Muhammad Abdul Ghani: I am accepting your ruling, Sir, but . . .

Mr. President (The Honourable Sir Abdur Rahim): I will have to ask the Honourable Member to sit down if he persists in repeating himself.

Maulvi Muhammad Abdul Ghani: I want to know whether the Chair is ready to hear my further submission or not.

Mr. President (The Honourable Sir Abdur Rahim): The amendment is there and the Honourable Member has spoken on it quite enough.

Maulvi Muhammad Abdul Ghani: I am making my submission whether the Chair is ready to hear my further submission or not.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to this amendment; he must not get into the figures of literacy, etc. It has nothing to do with this.

Maulvi Muhammad Abdul Ghani: I say that I cannot therefore follow the result

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that already.

Maulvi Muhammad Abdul Ghani: Without proof, if I go on saying something, nobody will believe me, they will laugh at me and say that I merely made these statements without producing any figures in support. I say therefore that on account of their improper teaching, at the I. A. examination 16,956 students failed

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to discontinue his speech and sit down if he will not accept my ruling. Will the Honourable Member resume his seat?

Amendment moved

Maulvi Muhammad Abdul Ghani: Sir, I again rise to

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow the Honourable Member to speak. He has spoken. I ask him to resume his seat.

Maulvi Muhammad Abdul Ghani: I strongly protest, Sir: though I resume my seat.

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

"That in clause 16 of the Bill, to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

Mr. J. D. Tyson: Sir, I think for very obvious reasons this is an amendment which we cannot accept.

Dr. Sir Zia Uddin Ahmad: Sir, I have heard of wastage and stagnation in connection with primary schools; but today I heard for the first time the same phraseology used about a university and higher education. I must say I did not understand it very well. It is very difficult to prescribe the number of periods in the case of university teachers. You can make a teacher come to the class at particular hours and to sit in the class for a particular time, but you cannot force him to teach the whole time if he does not want to. This cannot be done by force, but must be left to the teachers themselves. In principle I agree entirely that it is difficult to prescribe a time limit. It also depends on the lectures. Some lectures are original, and probably four such lectures a week may be sufficient, because the lectures can be published but if a person goes on repeating the same lecture year after year for ten or twenty years, it becomes mechanical; and you cannot apply the same principle to such lectures. So this is exceedingly difficult; but I agree with the general principle of my friend, Mr. Abdul Ghani, that there are teachers who do not teach properly. But every teacher does not come in the same category and we cannot regulate it by means of statutes as proposed: it can only be done by moral pressure and moral persuasion. You cannot force it by regulations and rules. That will never succeed. If a teacher is not prepared to teach, no statutes will make him do so. It should be left to the teachers themselves; they ought to realise they are public servants after all and their work cannot be tested in the same way as that of a labourer or a clerk—they are the judges of their work and their conscience should be the test of their ability and their devotion to duty. Unless such a feeling is created, we cannot regulate it by means of these hours because whatever period you may fix they will sit in the classes but the net result of their work will be very little. It can only be done by raising the standard of morality among the teachers and by creating enthusiasm in them. In certain universities the total lecturing period comes to about 30 minutes a day—in some cases even less; but my friend's solution will not solve the difficulty. It can be only done by making the teachers more responsive and more enthusiastic in their work. No regulation can do it. My friend has just said, what about fixing a maximum? The idea is that some members of the Governing Body are inclined to believe that they should regulate like the labourers, and the university always supports the idea that the teachers should not be asked to do more work than is reasonable, say, 24 hours a week

An Honourable Member: It is 22 here.

Dr. Sir Zia Uddin Ahmad: In the Aligarh University it is 24. But I do not like to judge the work of a teacher by the number of his working hours. That is impossible. There are some who teach for something like 60 hours a week—either lectures at college or private coaching in their own houses. Professor Ray is a conspicuous example of a person who was engaged all the time in teaching work. There are others who even if you ask them to put in 2 or 3 hours merely waste the time of their pupils and practically do no work. This cannot be regulated by statutes—it must be left to the teachers themselves; we must try and inculcate in them a feeling of responsibility.

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

"That in clause 16 of the Bill, to clause (8) of Statute 34 in the proposed Schedule, the following be added at the end:

[Mr. President.]

"The ordinances may further provide for period of teaching works which in no case be less than 26 hours a week by every teacher, lecturer, professor or Principal of an institution and also for proportionate reduction of salaries or remuneration for failure of such teaching works."

The motion was negatived.

Seth Yusuf Abdoola Haroon: Sir, I would like to move Nos. 4 and 5 of Supplementary List No. 7 together.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot move the two amendments together. If they are connected he can move them one after the other.

Seth Yusuf Abdoola Haroon: Yes, Sir, they are connected. I move No. 4.

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule, after the words 'Every College' the words 'except the women's College' be inserted."

I move No. 5 also:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'in this behalf' the following be inserted:

'in the case of women's College the inspectors so appointed shall be women.'

The clause runs thus:

"Every College shall be subject to inspection, from time to time, in respect of the instruction, education and discipline therein by one or more persons appointed by the Academic Council in this behalf. The Executive Council may, on the report of the Academic Council, advise the College concerned, on any matter relating to the report or direct the College, after considering any representation that it may make, to take such action as may be specified; and the College shall take action as directed within such period as may be fixed."

My amendment seeks to exempt women's college. Because the Muslim ladies observe purdah and no Muhammadan will agree to send their ladies to the college which will be inspected by men. I am sure the House will realise that this provision is very essential and I hope that the Government will accept these amendments. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): I will put the amendments one after the other. Amendment moved:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'Every College' the words 'except the women's College' be inserted."

Amendment moved:

"That in clause 16 of the Bill, in clause (12) of Statute 34 in the proposed Schedule after the words 'in this behalf' the following be inserted:

'in the case of women's College the inspectors so appointed shall be women.'

Mr. J. P. Sargent: I am afraid really that these two amendments do not hang together very well. The first would appear to exempt women's colleges from being inspected at all, and the second one provides for a method of inspection if they are inspected. One may be intended to be consequential on the fate of the other, but they do not hang together. I may take however the spirit which lies behind these amendments. I think we are all agreed, and it is in conformity with the intentions already set out in the statutes that it is the desire of the University that a women's college should be staffed by women and consequently inspected by women. But so far in this case the college authorities have found it impracticable to find women teachers to replace the men teachers in certain subjects, and I fear for some time it may be impracticable for them to get women for the purpose of inspection. While it will be very difficult to accept this amendment in the form proposed, for the reason that I think it would be impracticable at the moment to give effect to it, I can assure my Honourable friend that the general intention behind this recommendation is identical with the intention of the University authorities. I hope that he will not find it necessary to press his amendments.

Sir Muhammad Yamin Khan: If the first amendment is withdrawn, will the Honourable Member accept the second?

Mr. J. P. Sargent: In theory I should be prepared to, but we have been pressing the women's college to replace their men teachers by women but they have not done so yet. They are not able to obtain ladies with requisite qualifications in certain subjects, but the University is keen on this matter and I am sure the colleges will take the necessary action.

Seth Yusuf Abdoola Haroon: In view of what has fallen from the Government side, I beg leave to withdraw both the amendments.

Both the amendments were, by leave of the Assembly, withdrawn.

Dr. Sir Zia Uddin Ahmad: Sir, I move:

"That in clause 16 of the Bill, Statute 35 in the proposed Schedule be omitted."

This particular clause was added by the Select Committee. I am not aware of the existence of this diploma in any university. I should like to know what the framers of this measure had in mind when they suggested a thing of this kind. It is a new thing. We have got separate courses in the high school stage, but when they come to the university they come there for learning in the same subjects which are taught. I should like to know what the framers had in contemplation when they inserted this particular clause.

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

"That in clause 16 of the Bill, Statute 35 in the proposed Schedule be omitted."

Mr. J. D. Tyson: Sir, I understand that this statute was framed and passed when it was expected that the Lady Irwin College of Domestic Science in New Delhi would apply for affiliation to the University. It has not so applied yet, but I suppose it might still do so, and we are inclined to think it would be a good thing if it did. The statute as it stands would cover such a case.

Dr. P. N. Banerjee: Will domestic science be the only subject taught in the college, or will there be other subjects?

Mr. J. D. Tyson: I understand that it will be a combined course, B.Sc. and Domestic Science, as in the London University.

Dr. P. N. Banerjee: In that case it would not be necessary to give a separate diploma. It would be quite all right if domestic science forms one of the subjects if at all. Why give a separate diploma? They will take the B.Sc. degree.

Mr. J. P. Sargent: It has not yet been finally settled. We do not know whether the college will come forward. If it comes forward and asks for a diploma the University is authorised to provide a diploma course. Or it may come and ask for a complete course of B.Sc. in domestic science including all the allied subjects, as is provided in many western universities. There is no proposition yet before the University. But it may come and it is preferable to have a statute dealing with it in case it does. It will do no harm and if the proposition arrives, the provision will be there to cover it.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadian Rural): Do you include hygiene in domestic science?

Mr. J. P. Sargent: Yes.

Dr. Sir Zia Uddin Ahmad: We have got here power to add to or amend the statutes. If and when such an occasion arises, the University
5 P.M. will be authorised to frame a statute, but why should we frame a statute on the basis of a hypothetical case?

Mr. J. D. Tyson: The statute has been there for some time. The University framed and adopted the statute: It was not the wicked Government that put it in. The University had it already.

Dr. Sir Zia Uddin Ahmad: Why not a Board of Military Science?
(Maulvi Muhammad Abdul Ghani rose to speak.)

Sir George Spence: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
"That the question be now put."

Maulvi Muhammad Abdul Ghani: I won't take more than a minute . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member ought to know that when the President rises he ought to resume his seat.

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, Statute 35 in the proposed schedule be omitted."

The motion was negatived.

Sir George Spence: Sir, I move:

"That in clause 16 of the Bill, in the proposed new Schedule, the Statutes and clauses thereof be re-numbered or re-lettered as necessitated by the amendments made therein, and that all references therein to the numbering or lettering of clauses be corrected as required by such re-numbering."

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

"That in clause 16 of the Bill, in the proposed new Schedule, the Statutes and clauses thereof be re-numbered or re-lettered as necessitated by the amendments made therein, and that all references therein to the numbering or lettering of clauses be corrected as required by such re-numbering."

The motion was adopted.

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

"That clause 16, as amended, stand part of the Bill."

The motion was adopted

Clause 16, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th August, 1948.