

Thursday, September 9, 1920

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915.
(5 & 6 Geo. V, Ch. 61.)

The Council met at the Council Chamber, Viceregal Lodge, Simla, on
Thursday, the 9th September, 1920.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.J., G.M.I.E., G.C.M.G.,
G.C.B.E., Viceroy and Governor General, *presiding* and 49 Members
of whom 41 were Additional Members.

THE ALIGARH MUSLIM UNIVERSITY BILL.

The Hon'ble Mr. Shafi:—"My Lord, I have the honour 11 A.M.
to move that the Report of the Select Committee on the Bill to establish
and incorporate a teaching and residential Muslim University at Aligarh be
taken into consideration.

"My Lord, this Report has been in the hands of Hon'ble Members for
several days. It summarises with sufficient clearness the various changes and
the reasons for those changes which the Bill has undergone in the Select Com-
mittee. It is, in consequence, entirely unnecessary for me to enter into a dis-
cussion of the various modifications at this stage. With Your Excellency's
permission, however, I desire to avail myself of this opportunity to express my
grateful acknowledgment of the spirit of helpful co-operation displayed by
all its Members, which has resulted in the emergence of our Bill from the cru-
ible of the Select Committee in an improved form, and I commend the Bill for
the acceptance of this Council."

The motion was put and agreed to.

(201)

[9TH SEPTEMBER, 1920.]

[*Khan Bahadur Ebrahim Haroon Jaffer ;
His Excellency the President ; Mr. Shafi.*]

11-2 A.M.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—

" My Lord, I must express my apology for unavoidable absence from the meeting of the 27th of August when the Aligarh University Bill was laid before the Council. The Muslims of the Bombay Presidency, whom I have the honour to represent, have always taken a keen interest in the Aligarh College and have identified themselves with the movement and have supported the Muslim University financially and otherwise. My silence on this occasion may give rise to the impression that the Bombay Presidency does not take the same lively interest as the Muslims of the other Provinces do.

" My Lord, I take this opportunity of congratulating Your Excellency upon the introduction of the Aligarh University Bill in a form that is likely to give satisfaction to the Muslim community. The problem has been before the Government and the public for a long time and no University with the possible exception of Dacca has accumulated such an amount of literature as the Muslim University did. My Lord, it is a well known fact that Your Excellency has always taken a very great interest in the education of the country and I feel sure that it will be highly valued by the Muslim community that the Aligarh University which had been the subject matter of discussion for a long time is coming after all into existence under the aegis of Your Excellency.

" My Lord, it is also a matter of great satisfaction to the Mussulmans....."

His Excellency the President:—" I must draw the Hon'ble Member's attention to the fact that he has got an amendment on the paper and that he must speak to the amendment which he is to propose."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" In that case I will do that. Shall I move the amendments ?"

His Excellency the President:—" Yes, please."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" My Lord, the first amendment* is more or less a verbal alteration and I have no desire to take up the time of the Council with it. I shall withdraw it."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—" My Lord, I beg to move—

'That in clause 2 (g) delete the words from 'and assistant professors' to 'demonstrators' and add at the end after the word 'lecturers' the words 'and such other persons appointed for imparting instruction in the University or in a Hall.'

" My Lord, this clause provides entirely new categories of teachers not provided in any other University. We shall have professors, assistant professors, readers, assistant readers, lecturers and assistant lecturers. It will be very difficult to lay down the ranks between the different categories of teachers. For example, between an assistant professor and a reader, between an assistant reader and a lecturer. Besides, my Lord, such classifications are likely to create unpleasantness among the teachers of the University.

" With these words, my Lord, I beg to move the amendment."

The Hon'ble Mr. Shafi:—" My Lord, the suggestion embodied in the amendment moved by my Hon'ble friend is one which we are prepared to accept, but the form of the amendment will not suit. If my Hon'ble friend is prepared to accept the form which I am now going to read, I shall have great pleasure in accepting the amendment:—

" Teachers' means professors, readers, lecturers, demonstrators and such other persons as may be appointed for imparting instruction in the University or a Hall."

* That to clause 2 (d) the following be added:—'In which tutorial and other supplementary instruction may be given under the direction of the University in accordance with the Ordinances.'

[*Khan Bahadur Ebrahim Haroon Jaffer ;
Mr. S. Mahomed Ali ; Mr. Shafi.*]

[9TH SEPTEMBER, 1920.]

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—
“ I accept the suggested amendment, my Lord.”

The revised motion was put and agreed to.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—
“ My Lord, I move my third amendment :—

“ That clause 3 be renumbered 3 (1) and to the clause the following sub-clause be added, namely :— (2) The first Chancellor, Pro-Chancellor and Vice-Chancellor appointed under clause 3, sub-clause (a) above shall hold office for such period as the Court may determine.”

“ If the first appointments, my Lord, are made for longer periods, I apprehend that they may not be conducive to the best interests of the University. There is a strong desire among my community that the first appointments should be made after consulting the Muslim University Association. My Lord, the prosperity of the University depends very largely upon its first officers. They will give shape to the University ; the Ordinances will be prepared under their guidance ; they will establish the Intermediate colleges ; and above all, they will arrange for the foundation of the University. It is very desirable that these officers should be persons who command general confidence, who may be able to collect subscriptions for the University and who may be able to carry on the work during the transitional period, which, my Lord, as every body knows, is always very trying. The Calcutta University Commission laid down the duties of the first Vice-Chancellor in eloquent words both in Chapter XXXIII and XXXVII, and it is highly desirable that the officer appointed to this place should be a man competent to discharge those duties. The amendment that I am making before the Council is a very important one and I trust it will be accepted by the Council.”

The Hon'ble Mr. S. Mahomed Ali :—“ My Lord, the amendment, if carried, would result in creating an anomalous position, both as regards the highest officers of the University, and as regards the Governor General in Council. It would be ridiculous if the Court, immediately after the appointment by the Governor General in Council of the first Chancellor, the Pro-Chancellor and Vice-Chancellor, sets aside these appointments and makes fresh appointments. It is hardly conceivable that any person would consent to accept any of these honorary offices under the University under those conditions.”

11-10 A.M.

The Hon'ble Mr. Shafi :—“ My Lord, I am afraid I am unable to accept this amendment. If my Hon'ble friend will turn to clause 17, sub-clause (2), of the Bill, he will find that according to the law as we propose it, the Chancellor shall hold office for three years. Similarly, the other office-bearers are also to hold office for three years. My Hon'ble friend wishes that while His Excellency the Governor General may have the power to appoint these officers in the first instance, they are to hold office at the will and pleasure of the Court. I am afraid such a position is one which the Government of India are unable to accept ; but I may, with Your Excellency's permission, assure my Hon'ble friend that in making those first appointments the Governor General in Council will keep the wishes of the community in view.”

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—
“ My Lord, the powers of the Courts as defined in clause 29 of the Bill are so wide that it is very necessary that it should be given the power of determining the period of these officers ; and I submit, my Lord, that if this power is not given it will find it very difficult to discharge its functions satisfactorily.”

The motion was put and negatived.

[9TH SEPTEMBER, 1920.]

[*Khan Bahadur Ebrahim Haroon Jaffer ;
Mr. S. Mahomed Ali ; Mr. Shafi.*]**The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—**

"My Lord, I beg to move my fourth amendment which runs :—

"That in clause 5 after sub-clause (6) insert the following sub-clause—

" (7) to recognise the examinations and periods of study passed by students of the University at other Universities or places of learning as equivalent to such examinations and periods of study in the University as the University may determine."

And rennumber sub-clauses (7) to (12) accordingly.

"My Lord, this power of the University, which I propose to add, is taken from the Charter of Sheffield University. It is clause (d) of section 18 of the Charter. My object in moving this amendment is to allow the students of other Universities to come and attend special courses of lectures in the Aligarh University and *vice versa*. It is a common practice in Continental Universities that students migrate from one seat of learning to another in order to get a brighter outlook of a subject. The students of Islamic studies in the Dacca University may like to attend the courses of lectures of a specialist in the Aligarh University and the students of the Islamic studies at Aligarh may similarly like to spend a few terms at Dacca. The students of ancient history and learning may like to go to Benares or other places of learning where a special professor for this subject exists. Now this power has not been provided for in any of the sub-clauses of clause 5. The object of my amendment is to empower the University to recognise the examinations and periods of study passed by students of the Aligarh University at other Universities or places of learning, and I hope the Members of this council will not mind giving this additional power to the University."

11-14 A.C.

The Hon'ble Mr. S. Mahomed Ali :—"My Lord, there are certain powers in connection with admissions and examinations which are reserved by the Governor General in Council for all Universities created by Indian legislature. The acceptance of this amendment would override the provision of clause 32(4) of the Bill. The determination of the equivalence of examinations will require the sanction of the Governor General in Council and this provision applies to private Universities to the same extent as it does to the Government Universities. As the Government will be responsible for the recognition of the degrees granted by the University it will be in the interests of the University if this amendment is not accepted."

The Hon'ble Mr. Shafi :—"My Lord, I am unable to accept this amendment on two grounds. The first of these grounds has already been stated by my friend the Hon'ble Mr. Mahomed Ali, and it is unnecessary for me to recapitulate it.

"The second ground is this, that the amendment is entirely opposed to the recommendations of the Calcutta University Commission—recommendations which have already been accepted by the Government of India in the Dacca University Act."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—

"My Lord, I beg Your Excellency's permission to withdraw my amendment No. 5, that sub-clause (2) of clause 12 be deleted."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—

"My Lord, I now move my amendment No. 6 :—

"That to sub-clause (d) of clause 29 add the following words :—
'and their examination'."

"My Lord, the words of this sub-clause have been taken from sub-clause G of section 18 of the Benares University Act. The words appear to be innocent, but they open a wide question on which the Muslim community lays very great importance and it is the question of the

[*Khan Bahadur Ebrahim Haroon Jaffer*; [9TH SEPTEMBER, 1920.]
Mr. S. Mahomed Ali; *Mr. Shafi*.]

conduct of admission examinations. The Government of India have pledged themselves to the Muslim community and the Muslim University Foundation Committee accepted the Muslim University on the distinct understanding that they would enjoy the privileges and have powers in no way less than those enjoyed by the Benares University. The Benares University is authorised to frame regulations for the conduct of Matriculation examination, and for the purpose of such an examination it has power to recognise schools all over India. Such powers to frame regulations, are given under this sub-clause of section 18 of the Benares University Act, and the Muslim community would be very grateful that the privileges of conducting examinations and recognition of the schools now enjoyed by the Benares University, will not be held back from the Aligarh University."

The Hon'ble Mr. S. Mahomed Ali :—"My Lord, this amendment is superfluous as it is already covered by sub-clause (c) of clause 29. The Aligarh University will not be primarily an examining institution but a teaching University, and there is no need of emphasising this point, I therefore oppose it."

The Hon'ble Mr. Shafi :—"My Lord, I have nothing to add to what my friend the Hon'ble Mr. Mahomed Ali has said. I cannot accept the amendment."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer :—"I now, my Lord, move my amendment No. 7 :—

"That for sub-clause (2) of clause 30 substitute the following:—"The Executive Council or, in academic matters, the Academic Council, may from time to time make new or additional Ordinances. But all such Ordinances, or additions to the Ordinances or amendments or repeals to Ordinances, shall be made subject to the sanction of the Court, which may sanction, disallow or refer them back to the Executive or Academic Council, as the case may be, for further consideration. The Ordinances shall be subject to the vote of the Governor General in Council or Visiting Board."

"My Lord, it was decided, during the last discussion, with the Department of Education at Delhi, that the Ordinances, shall be subject to the veto of the Governor General in Council. The procedure now provided for, in clause 30 (2), is very cumbersome. The Ordinances shall prescribe, for instance, whether there will be two or three papers on the particular subject, but according to the procedure now adopted the number of the papers cannot be altered without the sanction of (1) the Department of Studies, (2) the Academic Council, (3) the Executive Council, (4) the Court, (5) the Local Government and (6) the Government of India. Surely, the time of both the Local and Imperial Governments is too precious for such a trifling detail, and the veto of the Visiting Board or the Governor General in Council should be enough. The Ordinances, will also prescribe, temporary courses of studies for those students, who failed in a particular year, and I fear, my Lord, that the sanction of such Ordinances, while going through this lengthy process, may not be obtained in time, and before the examination of students. The Court is likely to meet once a year, and the Local and Imperial Executive Councils, are not likely to hold their meetings, to suit the conveniences of the University."

The Hon'ble Mr. Shafi :—"My Lord, a careful examination of clause 30 as it stands in the Bill will show to Hon'ble Members that the acceptance of my Hon'ble friend's amendment will result, firstly, in the deletion of sub-clause (2) which has been added in the Select Committee at the express request of the representatives of the Muslim Association, and secondly, in very material modifications of sub-clause (3) which I am afraid I am unable to accept. My Hon'ble friend has in the speech which he has just delivered referred to the complicated nature of the machinery proposed in the Bill. I thought I had made it clear in my opening address that this so-called complicated machinery really is in the nature of a measure which liberalises the present enactment as compared with the Benares Act; and I do not, at this

11-20 A.M.

[9TH SEPTEMBER, 1910]

[Mr. Shafi: Khan Bahadur Ebrahim Haroon Jaffer]

stage, intend to repeat what I said in my opening address. In the third place, my Hon'ble friend would like the word 'veto' being substituted for what in effect is previous approval of the Governor General in Council. Here again the Government of India are unable to accept the change proposed by my Hon'ble friend. It will be noticed that previous sanction is the expression used in the Benares Act, and we have, in fulfilment of the pledge given to Hindu leaders at the time, in this respect adhered to the phraseology adopted in the case of the Benares Act. The Government of India are not prepared to depart from the decision then arrived at."

The motion was put and negatived.

The Hon'ble Mr. Shafi:—"My Lord, I beg to propose that to clause 32, sub-clause (5) the following words be added:—

'during a period not exceeding four years from the commencement of this Act.'

"It will be seen from the clause as it now stands that students of the Muhammadan Anglo-Oriental College at present preparing for the examinations of the Allahabad University are enabled to continue the study of the Allahabad courses for the purpose of appearing for the Allahabad examinations; but no time limit has been proposed in the clause as it now stands. The idea of imposing a time limit which is embodied also in the amendment of which my friend the Hon'ble Mr. Jaffer has given notice is one which we are prepared to accept, and the amendment which I have now moved is intended to carry that idea into effect."

The motion was put and agreed to.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"Well, my Lord, I do not think it is necessary for me to move the amendment which stands in my name as the one moved by my friend Mr. Shafi meets mine to some degree."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I move amendment No. 10—that clause 40 of the Bill be deleted. My Lord, this clause did not exist in the Benares University Act. This power and the power to remove the difficulties are vested in the Vice-Chancellor in section 51 of the Dacca University Act. This clause is likely to give rise to misunderstanding in the Muslim University. This clause will be interpreted to mean, that it empowers the Government, to establish a University of the type, which the Government likes, and it cannot be of the type, which the Muslim community may desire. I would therefore suggest, that this clause, should be deleted altogether. If, for the purpose of drafting, it may be considered necessary, to vest these powers in a certain authority, then, my Lord, I submit it should be the Executive Council of the University, and not the Governor General in Council."

The Hon'ble Mr. Shafi:—"My Lord, clause 40 which my learned friend would like to delete is really only a drafting clause, and as I am afraid there is a great deal of misapprehension as to its nature and scope, it is necessary for me to make the position clear. Hon'ble Members will see that sub-clause (1) of this clause begins with these words—

'If any difficulty arises with respect to the establishment of the University or any authority of the University or in connection with the first meeting of any authority of the University, the Governor General in Council may by order make any appointment or do anything which appears to him necessary or expedient for the proper establishment of the University or any authority thereof or for the first meeting of any authority of the University.'

"A careful consideration of the conditions which occur in the first part of this sub-section and of the purpose enunciated in the latter part of this

"That for sub-clause (5) of clause 32 the following be substituted:—'Notwithstanding anything contained in this Act or the Ordinances the students of the Muslim University after the commencement of this Act may continue to read the courses of studies prescribed by the Allahabad University and may appear in the respective examinations of that University until the Academic Council, with the approval of the Visiting Board, may otherwise decide and for the purpose aforesaid such students shall be deemed to be students of an affiliated college of the Allahabad University within the meaning of section 19 of the Indian Universities Act 1904.'

[*Mr. Shafi; Khan Bahadur Ebrahim Haroon Jaffer; Mr. S. Mahomed Ali.*] [9TH SEPTEMBER, 1920.]

sub-clause makes it perfectly clear that this provision has been embodied in the Bill merely to enable the Governor General in Council, should it be necessary, to take certain steps in order to start the University. I cannot understand the reason for the misapprehension which exists in the minds of some people or for the nervousness which seems to exist in certain quarters with regard to this particular clause. I should have thought that the promoters of the University would welcome such a clause as this, for it enables the Governor General in Council to step in at any stage before the completion of the University should it be necessary for him to do so in order to start this institution. As soon as the institution is started this section will have exhausted itself, and after the starting of the University there will be no power in the Governor General to interfere under this Act at all. After this explanation I hope that my Hon'ble friend will think fit to withdraw his amendment."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 11-31 A.M.
"I think I will press for the vote of the Council on this amendment but I would ask my Hon'ble friend, Mr. Shafi, when I move the second part kindly to accept it and then it will satisfy me."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—
"My Lord, I beg to move that to clause 40 of the Aligarh Muslim University Bill the following be added:—

'Provided that no action shall be taken by the Governor General in Council under this clause after the University is fully established.'

"I hope my Hon'ble friend will have no objection to accepting this amendment now."

The Hon'ble Mr. Shafi:—"I should have thought after the explanation I have already given, my Hon'ble friend would see that the addition which he suggests to this clause would be absolutely redundant. I am afraid that even if I were willing to accept it the Legislative Department would come down on me and say 'what business had you to accept an amendment which is not required in the circumstances of the case and would be redundant if accepted'?"

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—
"My Lord, I beg to move the following amendment:—

'That for class III in clause 8 of the Schedule the following be substituted:—

(a) Every person who has contributed to the Muhammadan Anglo-Oriental College, Aligarh, the Muslim University Association or the Muslim University Foundation Committee a donation of Rs. 50,000 or upwards shall be a Life Member.

(b) Every person contributing to the University a donation of Rs. 10,000 or upwards or transferring property of like value at any time after 1st January 1911 shall be a member for a period of 5 years from the date of receipt of donation or transfer of property or from the commencement of the University if the donation is paid before the commencement of the Act.'

"My Lord, the Calcutta University Commission in Chapter XXXIII has recommended, that the donation of Rs. 50,000 should be fixed for the life membership. In the Benares University Act a sum of one lakh is fixed for the life membership. My Lord, the number of liberal donors, in the Muslim community, is comparatively small, and I therefore suggest, that Rs. 50,000 should be fixed for the life membership, in place of one lakh."

The Hon'ble Mr. S. Mahomed Ali:—"One of the chief criticisms made against the existing board of trustees of the Muhammadan Anglo-Oriental College has been that the trusteeship is a life tenure. The overwhelming consensus of opinion against life tenure resulted, as early

[9TH SEPTEMBER, 1920.] [Mr. S. Mahomed Ali; His Excellency the President; Khan Bahadur Ebrahim Haroon Jaffer; Mr. Shafi.]

as 1911, in the institution of a limited tenure for membership of the Court and the community does not want life members, and class III of the life members of the Court by making the conditions of life membership very stringent reduces that membership to a very small number. Their number would not be more than eight or ten. The donation of Rs. 50,000 is a very small amount and would throw open the door to many who will swell the number of the members of the Court."

His Excellency the President:—"I am taking both parts (a) and (b) Mr. Jaffer. Do you wish that?"

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I should like the parts of the amendment taken separately."

His Excellency the President:—"Very well."

The Hon'ble Mr. Shafi:—"The limitation of one lakh as embodied in this sub-clause has been fixed after consultation with the Muslim University Association. The Government are unable to depart from the understanding arrived at with a representative body."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"The Muslim community will not be able to find sufficient numbers to give this donation of one lakh. I would, therefore, ask Your Excellency to place the amendment before the Council."

The first part of the motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I now move part (b)—"

(b) Every person contributing to the University a donation of Rs. 10,000 or upwards or transferring property of like value at any time after 1st January 1911 shall be a member for a period of 5 years from the date of receipt of donation or transfer of property or from the commencement of the University if the donation is paid before the commencement of the Act.

"My Lord, this provision has been borrowed from the Benares University Act and it is in agreement with the recommendations of the Calcutta University Commission. My Lord, in this Bill representation has been provided for the donors of one lakh and the donors of Rs. 500. The gap, I submit, is very great and it is highly desirable, in order to encourage private munificence, that some provision should be made for donors of Rs. 10,000 or upwards."

The Hon'ble Mr. Shafi:—"My Lord, for the reasons already stated in connection with the first sub-clause, I am unable to accept this amendment."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to withdraw the amendment* which stands in my name."

The amendment was by leave withdrawn.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I move the following amendment:—"

'That in clause 16 (2) insert the following sub-clause after (c):—'(d) It shall constitute a Finance Committee with such powers and duties as the Ordinances may prescribe' and re-number clauses (d) to (h) accordingly.'

"My Lord, I do not like to detain the Council any longer, as I have already had a good deal of their time, but it appears to me to be a necessary provision, in order to safeguard the finances of the University. A large Executive Council is not expected to scrutinise all the details of expenditure, and it is very desirable that the items should be thoroughly checked by a small expert committee before they are presented to the Executive Council."

* That in clause 8 for sub-clause (7) of class IV the following be substituted:—

'Fifteen persons to be elected by the Academic Council of whom not less than ten shall be members of the Academic Council.'

[Mr. S. Mahomed Ali; Mr. Shafi; Khan Bahadur Ebrahim Haroon Jaffer.] [9TH SEPTEMBER, 1920.]

The Hon'ble Mr. S. Mahomed Ali:—"This amendment is obviously superfluous. Clause 23 gives general power to any authority of the University to appoint such and so many standing or special committees as may be deemed necessary. The Finance committee will no doubt be one of the several equally necessary committees which will be appointed under that clause. The Executive Council which is responsible for the administration of the revenue and property of the University and regulation of the finance, accounts and investments, etc., will no doubt create a standing finance committee in due course of time."

The Hon'ble Mr. Shafi:—"I have only one word to add to what the Hon'ble Mr. Mahomed Ali has said in connection with this matter. My Hon'ble friend the mover of the amendment would apparently rob the University of its autonomous character at any rate as regards this particular matter. Clause 23 gives the University every power to appoint sub-committees and the Government of India see no reason why that power should be limited by definite instructions in respect to the question now before the Council."

The motion was put and negatived.

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"My Lord, I beg to move the following:—

"That to clause 19 the following sub-clause be added:—(5) The Pro-Vice-Chancellor shall be *ex-officio* member of each department and each Board of Studies and in the absence of the Chairman may convene the meeting of the Board or Department of Studies."

"My Lord, I move this amendment for two reasons; no provision has been made in this Bill about the first meeting of the departments of studies, to elect conveners. The Academic Council, according to the Bill, will consist of the conveners of the departments of studies, and the conveners will be elected by the departments themselves. It is not provided, who will convene the first meeting of the departments to elect the conveners. My amendment, I submit, will overcome this difficulty.

"My next point is that the Pro-Vice-Chancellor who is responsible for the academic side of the University, and who is supposed to speak, on academic matters on behalf of the University, must be in touch, with the requirements, of each department. This clause does not go so far as the provision made in the Lucknow University Bill, where it is provided, that the Vice-Chancellor shall have a right to be present at every Board, and at every committee, of the University."

The Hon'ble Mr. S. Mahomed Ali:—"My Lord, the amendment is wrong in making a reference to the Board of Studies as no such Boards exist in the present Bill. The departments are to be self-contained and their principal function would be to recommend to the Academic Council courses and syllabuses of studies and text-books and to consider similar matters referring to the teaching of the particular subject. For all executive orders a department of study shall have to receive instructions from the Academic Council. The amendment as it stands by making the Pro-Vice-Chancellor an *ex-officio* member of each department militates against the autonomy of that department. The Pro-Vice-Chancellor is to be the chief academic officer but he cannot be regarded a specialist in seventeen different subjects of study and his presence on a body consisting of specialists only will serve no useful purpose. The provision to allow the Pro-Vice-Chancellor to convene a meeting of the Board or the Department of Studies in the absence of the chairman is equally undesirable. Certainly the Departments of Studies should be allowed under clause 24 of the Statutes to elect its own chairman. It is not desirable that the Pro-Vice-Chancellor should interfere in every place and thus try to stifle the freedom of the specialists. Moreover his chief business lies in the Academic Council in maintaining a balance between the various Departments of Studies."

[27th SEPTEMBER, 1924.]

[Mr. Saif; Khan Bahadur Ebrahim
Haroon Jaffer.]

The Hon'ble Mr. Shafi:—"My Lord, for the reasons already given by my friend the Hon'ble Mr. Mahomed Ali, I am not prepared to accept the second part of this amendment. But as regards the first part, we do recognise that it is desirable to have the Pro-Vice-Chancellor as an *ex-officio* member of the various departments of Studies. I am, therefore, prepared to accept the amendment in so far as the proposal embodied in the first part is concerned. At the same time, it will, I think, be appropriate if this proposal were to come in as a proviso to clause 19, sub-clause (3) (a) that is to say—

'Each department of studies shall (a) consist of the teachers in the subject with which the department is concerned, provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each department.'

"If my Hon'ble friend is willing to accept the proposal which I have put forward in this form, I am prepared to accept this part of his amendment."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—"I shall accept it, my Lord."

The following motion was then put and agreed to—

That in sub-clause (3) (a) of clause 19 of the First Statutes the following proviso shall be added, *viz.* :—

'Provided that the Pro-Vice-Chancellor shall be an *ex-officio* member of each department.'

The Hon'ble Mr. Shafi:—"My Lord, I have now the honor to move that the Bill as amended be passed."

11-15 A.M.

"In a somewhat long experience of Legislative Councils, both Provincial and Imperial, I have seldom seen a Bill of the first importance such as the Muslim University Bill pass through the various stages with such little opposition and so smoothly as the measure which we are now about to place on our Statute Book. When the Bill was first published in the Gazette of India, it was cordially received by the entire Muslim press. On its introduction into this Council, Hon'ble Members representing every shade of opinion gave it a warm welcome and in the Select Committee there has been, as I have already said, nothing but helpful co-operation on the part of the various representatives of Indian public opinion. And to-day in its final stage, I feel sure, that the Bill as now modified will be welcomed by all Hon'ble Members who intend to take part in the debate on this motion."

"My Lord, to-day Your Excellency's Government is committing to the custody of the Muslim community a priceless trust, the incalculable benefits of which will be enjoyed not only by themselves but also by their children and children's children. Indeed, upon the manner in which they discharge this sacred trust will depend the future welfare not only of the present generation of the Indian Mussalmans but also of the generations to come. Those of us who believe in the immortality of the human soul, know that the soul of Sir Sayed Ahmed Khan who, because of his boundless love for his community, planted this Tree of Knowledge, is rejoicing to-day at the realization of the wonderful dream which formed the goal of his devoted work in the service of the Muslim cause. That great soul will, henceforward, watch with the deepest anxiety the manner in which the Indian Mussalmans discharge the great trust which is now being placed in their hands. With all the earnestness I can command, I appeal to them to concentrate their attention on the nurturing of this Tree of Knowledge lest, in frittering away their energies in ill-advised pursuits, they lose the substance for the sake of the shadow. They are still far behind their countrymen in the various spheres of national life. It is through a wide expansion of education alone that they can expect to take their proper place in the India of the future. For the Indian Mussalmans in particular, the adoption of dubious principles and methods ending in political suicide would spell utter ruin. To all who have eyes to see, it is self-evident that upon the fullest participation by them in the educational and administrative opportunities brought by the British Government within the reach of all, depends their national regeneration. Indeed, it is no exaggeration to say that the future of Islam itself depends on the future of the

[*Mr. Shafi; Mr. Chaudhri Ismail Khan;* [9TH SEPTEMBER, 1920.]
A. S. Mahomed Ali.]

71 millions of His Majesty's Mussalman subjects in India. In the name of all we hold sacred, I appeal to them to beware of the dangers ahead, to turn their attention to those sober tasks which contribute towards the making of nations and to guard jealously the future of this great institution which, if properly cared for, will, some day, in the words of Sir Antony (now Lord) MacDonnell, become 'the Cardova of the East' in whose 'cloisters Muhammadan genius will discover, and under the protection of the British Crown, work out that social, religious and political regeneration' which was the life-dream of Sir Sayed Ahmed Khan."

The Hon'ble Mr. Chaudhri Ismail Khan :—"My Lord, may I be allowed to voice the gratitude of my community for the fulfilment of their long deferred hopes in regard to the Muslim University which were conceived during Lord Minto's Viceroyalty or even earlier and were destined to be realised during Your Excellency's régime ?

"It is no doubt a remarkable coincidence that all the great political and educational concessions which have set a new land mark in the history of India have come during Your Excellency's term of Viceroyalty and so many as five temples of learning have been set up or projected within Your Excellency's tenure of office. Our community is very backward in education and the sincerest form of friendly help which any one can afford, is the development of educational institutions. The great communal patriot Sir Sayed Ahmed devoted all his energies to the development of the Muslim educational programme and so did all the true well-wishers of the community. I may also say that my friend, the Hon'ble Mian Mohamed Shafi even before his appointment as Education Member devoted much of his time to further the cause of education among the Mussalmans and was not only one of the pioneers of the Muslim University movement but presided at the 'All-India Mohamadan Educational Conference' and was for twelve years President of the Islamia College Committee. Our elders recognised the fact that unless the Mohamadans took full advantage of the opportunities offered them by an enlightened Government of making up their shortcomings in education and of equipping themselves with the intellectual training they would not be able to keep pace with the onward march of nations and had the community followed that wise course we would not have had to wait so long for our University.

"While thanking the Government especially the Member-in-charge for this gracious measure, which is no doubt a distinct advance on the Benares University Act, I would however remark that it does not answer to the needs of the day and satisfy the aspirations of the Muslim community. I hope this is the first step towards our progress, as I firmly believe that our salvation lies within and not without and that is through knowledge and education. With these remarks I support the Bill before the Council."

The Hon'ble Mr. S. Mahomed Ali :—"My Lord, I consider it a privilege to rise to support the motion, which has now been put before the Council. In doing so, I propose to say a few words on my behalf as well as on behalf of the promoters of the scheme, and of the Muslim University Association and also on behalf of the Trustees of the Muhammadan Anglo-Oriental College.

"I consider myself particularly fortunate in representing the Muhammadan Anglo-Oriental College and the Muslim University Association to-day as my connection with the College dates back to its very foundation in 1875. When I joined the institution as a student on the 20th June 1875, there were altogether not more than 20 or 21 boys and I never for a moment thought that I would be representing the institution on the day on which it was to be raised to the status of a University. This day will always be remembered as a red letter day in the history of Muslim education.

"The history of this movement was ably traced by the Hon'ble the Education Member at the time of the introduction of the Bill. It was pointed out that from the very date of the inception of the Muhammadan Anglo-Oriental College the founder had hoped ultimately to see the infant institution raised to the status of a University. We owe a good deal to the generosity and sympathy of Lord Hardinge who for the first time in the history of British

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[*Mr. S. Mahomed Ali; Sir Debprasad Sarbadhikari.*]

rule in India agreed to the establishment of a private non-official University in this country. The scheme is further indebted for a part of its success to His Highness the Agha Khan for having given practical shape to the question by enlisting universal sympathy and support for it and to the Raja of Mahmudabad for having carried on the first correspondence with the Government which elicited the Secretary of State's approval to the idea of a denominational University in this country. My Lord, it is a matter of great satisfaction that this is the fifth University sanctioned by Your Excellency's Government and it is a matter of gratification to the Muslims of this country, who are proverbially backward in education, that it is one of their co-religionists who has initiated within a period of a year four Universities, that is, those of Dacca, Rangoon, Lucknow and Aligarh. Our thanks are specially due to the Hon'ble Member-in-charge of Education for the great skill and tact with which he has piloted the Bill, for the keen and sympathetic support he has always given to the scheme both in his official and non-official capacity and for the valuable advice and help received from the Department of Education on all occasions.

"My Lord, in my speech at the introduction of the Bill, I made a reference to the general desire of the community for a free and autonomous University. The emergency and other powers reserved by Government are still the subject of public discussion, but we are glad to find that the Government control has been considerably relaxed and that the real object of Government is to rely more upon the moral effect of such provisions than upon their actual enforcement for the attainment of the end in view.

"My Lord, we are indebted to the members of the Select Committee who have helped in sending out the Bill with certain improvements. It is thought in some quarters that the franchise granted to the Old Boys' Association has been taken away from them. This is not correct. The Bill clearly makes provision by which the former students of the Muhammadan Anglo-Oriental College, whether belonging to a particular Association or not, are entitled to a vote, and there is nothing in the provisions of the Bill to prevent the Court from recognising the Old Boys' Association in this behalf. Being one of the oldest graduates of the Muhammadan Anglo-Oriental College and having been a member of the Old Boys' Association since its birth, I am of opinion that there need be no difficulty whatever on this point.

"My Lord, the passing of this Bill means that Government is ready to co-operate with the Muslim community for the purpose of preserving and promoting their special culture and for providing the necessary means required for their special needs. The object of Government and the University is to create, in other words, a great centre for education where education imparted should be the soundest and the best. We realise that our highest aspirations can be best realised under the aegis of the British rule and it is hoped that within the portals of the University, East and West will meet and all that is best in them will become the inheritance of the students of the University.

"I do not think that I should be justified in taking up the time of the Council any further. I once more beg to offer our heartfelt thanks to Your Excellency, to Sir Harcourt Butler and to the Government of India and to the Education Member and to the Hon'ble Mr. Sharp and his Assistant Secretary for helping the Government to bring the University into existence."

11-55 A. N.

The Hon'ble Dr. Sir Debprasad Sarbadhikari :— My Lord, I should like to make my small but very hearty contribution to the chorus of congratulations and good wishes that the occasion has naturally evoked. I repeat my congratulations to Your Excellency and to Your Excellency's Government and to the Hon'ble Member in charge of the Bill and also to the Muhammadan community that the Bill is about to be passed into law.

"My Lord, it is little use regretting that the University did not come into existence earlier as it might have and to a greater advantage.

"This University and the Benares University mark a great departure in the educational enterprise of the people of Upper India of which we may well be proud and we hope there will soon be further, larger and more profitable expansion in other directions.

[*Sir Debaprasad Sarbadhikari; Mr. Shafi; His Excellency the President.*] [9TH SEPTEMBER, 1920.]

"It has taught us that when necessary and desirable people can and do combine their resources, limited as they are and help in the enlargement of that enlightened policy of education which was inaugurated quite early in the beginning of British administration in this country.

"The Sanscrit College in Bengal and the Madrasah were established about the same time and if Muhammadans fail to take advantage of the opportunities thus afforded by Government, it is to be hoped that what has been lost in time will be made up in good work and efficiency now that they have a University of their own in Northern India.

"My Lord, the name of Sir Syed Ahmad in the United Provinces and leaders like Nawab Abdul Latif in Bengal, must be gratefully remembered; they realised quite early that without education on sound lines the Muhammadan community, in fact any community, would have no chance in the onward and upward progress of life. I am glad that their work which was somewhat in abeyance in the interval is now to be taken up again in right earnest.

"My Lord, the Hon'ble Member in charge has referred to the work done in the Select Committee and, as most of the amendments from the point of view of educational efficiency were accepted there I did not think fit to move any amendments of my own even on the lines of the dissent which I thought it my duty to record. A word of explanation may be necessary as to why, after recording that dissent, I had not sent in any notices of amendments. I think I have an excellent precedent in the case of my friend opposite (the Hon'ble Mr. Surendra Nath Banerjea) who, having done the same in the case of the Benares University, out of deference to Hindu public opinion, did not bring in any amendments and take up the time of the Council. After my say was said in the Council and in the Select Committee, and after my note of dissent was recorded, my Muhammadan friends were good enough to explain matters to me from their point of view, which after all is what matters here. I thought I should be doing no useful work by pressing matters which must be left to them and to time to rectify. No Bill is ideal; the abandoned Calcutta Bill was not; nor is this one. It must however be left to time to make those corrections which members of the Hindu community, and I am sure members of the Muhammadan community also, feel will be necessary in connection with Benares and Aligarh. Discussion in this Council and elsewhere makes it clear that the Muhammadan community is not quite of one mind with regard to the details, even with regard to the principles, of the Bill. Whatever room for difference of opinion there may be—and there must always be some—I would appeal to my Muhammadan friends, who think the other way, to bury their hatchet for the time being. Trusting God, they should wholeheartedly attempt to make good all that remains to be remedied, and work the measure in a way that in spite of handicap, may make the Muhammadan University of Aligarh an entire success."

The Hon'ble Mr. Shafi:—"My Lord, I am deeply grateful to Hon'ble Members for the kind references that they have made to me in connection with this Bill. My Lord, I desire to avail myself of this opportunity to assure the Muslim community that whatever measure of success I have been able to achieve in this connection has been due to Your Lordship's genuine sympathy with the legitimate feelings and aspirations of the Indian Mussalman. The Government of India will watch over the future of this institution with great anxiety and deep interest, and I have only to add that, as a token of their interest, they will make a grant amounting to one lakh of rupees a year, as in the case of the Benares University, for the upkeep of the Muslim University at Aligarh." 12-3 P.M.

His Excellency the President:—"Before putting the question, I should like to add my congratulations to the Muslim community on the passage of this Bill. I have come here specially this morning to preside in order that I might add my good wishes and congratulations to those which have already been uttered in this Council." 12-3 P.M.

The motion was put and agreed to.

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[*Mr. W. M. Hailey.*]

**THE INDIAN PAPER CURRENCY (AMENDMENT)
BILL.**

12-1 P.M. **The Hon'ble Mr. W. M. Hailey** :—" My Lord, I beg to present the Report of the Select Committee in regard to the Bill further to amend the Indian Paper Currency Act, 1910."

The Council adjourned till Tuesday, the 14th September, 1920, at 11 A.M.

SIMLA ;

The 23rd September, 1920. }

A. P. MUDDIMAN,

Secretary to the Government of India.