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**PROCEEDINGS
OF
*THE INDIAN LEGISLATIVE COUNCIL***

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

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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, Imperial Secretariat, Delhi, on
Thursday, the 18th March, 1920.

PRESENT :

The Hon'ble SIR GEORGE LOWNDES, K.C., K.C.S.I., Vice-President, *presiding*,
and 58 Members, of whom 51 were Additional Members.

JAGANNATH COLLEGE BILL.

The Hon'ble Mr. Shafi :—" Sir, I beg to move that the Bill to transfer the Jagannath College at Dacca from Trustees to the Governor of Bengal in Council be taken into consideration."

The Hon'ble Mr. L. M. Chatterji :—" Sir, when the Hon'ble the Member for Education introduced this Bill into Council, I rose in my place to speak in support of it, but, unfortunately, failed to catch the eye of His Excellency the President. I wanted then to say a word of explanation and a word of thanks. As the Hon'ble the Member for Education explained very clearly in his speech when introducing the Bill, the object of this short Bill is to enable the Jagannath College, which I have the honour to represent, to be incorporated in the new University. This College, Sir, is subject to two agreements. One agreement is between the proprietor and founder of the College and a number of gentlemen whom he appointed trustees with power to carry on the College. The other agreement is between the trustees and Government under which they obtained from Government certain grants. It is necessary that the College should be freed from these conditions, before it can be incorporated in the new University, and it was thought that this would be the best, the speediest and the safest way of bringing the trust to an end and incorporating the College in the new University.

Hon'ble Members will remember that in the Dacca University Bill, as it was first drafted, there were two sections bearing upon the position of the Jagannath College in the University. From these two sections we find that it was contemplated that the College might remain for three years outside the University. This provision filled the minds of the trustees of the College with considerable misgivings. It was not clear to them what the object of these two sections might be. The real object, Sir, as we know now, was that time might be given to the trustees so that the preliminary arrangements

[*Mr. L. M. Chatterji.*] [18TH MARCH, 1920.]

might be completed before the College could be included in the University. But it was feared that if the College was put back for three years, it might have a very disastrous effect. It might be said that three years is not much in the life of a University; but these first three years of the University might make a very great difference. That was what the trustees felt and they hastened to telegraph to the Local Government who very kindly took up the cause of the College and put themselves in communication with the Government of India, and the result of that is this Bill. In connection with this, Sir, I want to make it clear that this has been done at the express desire of the trustees. The result of this Bill will be that, as soon as the Dacca University Bill is passed and this Bill is passed, the College will be transferred to Government. Then the post-intermediate classes will be incorporated in the University and the intermediate college will remain and may become a Government institution or may be handed back to the trustees, not as the Government may desire, but as the trustees may desire; so that there is no difficulty about that matter. In this connection, Sir, I want to express my most grateful appreciation of the readiness with which the Hon'ble the Member for Education and the Education Secretary have met the wishes of the trustees. All through the proceedings we have received the most sympathetic consideration of our claims at their hands. I wish also to acknowledge the great courtesy shown by you, Sir, and by the Legislative Department in going into the subject, getting this Bill ready and giving us the time that was necessary for all this. I wish also to express my appreciation of the readiness with which Lord Ronaldshay and the Government of Bengal took up our cause in this matter.

"Sir, with this Bill we have reached a stage in the history of the Jagannath College from which it is interesting to look back and it is good to look forward. The College was founded in 1884; it is therefore one of the oldest privately managed colleges under the Calcutta University. The founder of the College was a local zeminder, none too rich; but he spent money upon the College. He was ambitious, and though he could not give much money to the College he did one great service to it in watching over its early years of struggle. I have said, Sir, that he was not without ambition. The College was an Arts College to begin with, but he added a Law Department. There was also a school for teaching homeopathy and a school for teaching Indian art. The founder of the College, however, found that it was no good trying to be a universal provider. So some of these dropped off for want of funds. But it showed the vigorous life that there was in the College. In 1907, a new chapter was opened when the trustees went up to the Government for substantial grants. These were given and the college started on a new career. It was re-born so to speak. It raised the status of the whole institution so that to-day we have a first grade college which compares favourably with any other institution in the high ideals at which it aims and in the organisation of its teaching and discipline. It is the only private college, which has been allowed to teach English up to the M.A. standard, and altogether, Sir, its connection with the Government has been all for the good, it has brought strength without, I hope, the college losing any of its independence.

"I hope, Sir, I may be forgiven for using such language regarding the college which I represent, but after all it is the swan song of the college. Before long the college will lose its separate existence in the greater life of the University. As to the future, of course that depends upon what the University is going to be. In spite of differences about particulars, I hope this University, which is the first of the new Universities after the great report of the Sadler Commission was published, will be a University of which Bengal will be proud. After all, the good work it can do will depend chiefly upon its teaching staff and the organisation of its work. I hope and trust, indeed I feel quite sure that the Jagannath college or the Jagannath Hall will be equal to any other Hall in the University in promoting the aims of education and culture, and what is more important, in helping to shape the citizen of the future broad-minded, just, free, willing and able to bear responsibility.

"With these words, Sir, I give my support to the motion."

[18TH MARCH, 1920.] [Nawab Saiyed Nawab Ali Chaudhuri; Rai Sir Nath Ray Bahadur; Mr. Shafi.]

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:— 11-14 A.M.

"Sir, I welcome the incorporation of the Jagannath College as one of the Halls of the Dacca University, ready to take its part in the life activities of the University from the very start. Sir, under the principalship of my Hon'ble friend Rai Lalit Mohan Chatterjee Bahadur, the Jagannath College had a career of great usefulness in the past and is recognised as one of the premier colleges in the Calcutta University. I hope in the new and wider sphere of influence it will prove of still greater service to my countrymen in Eastern Bengal.

"With these few words, Sir, I beg to lend my hearty support."

The Hon'ble Rai Sita Nath Ray Bahadur:— 11-15 A.M.

"Sir, I also beg to support the motion that the Jagannath College should be transferred from the Trustees to the Governor of Bengal in Council. But at the same time I must state that the original founder of the College, Keshuri Lal Ray Chaudhuri, though not a very rich man, spent his whole fortune in founding and in maintaining the college with some difficulty; he had successfully done so up to 1907 when the college was transferred from his own management to the trustees and a grant obtained from the Government for the maintenance of the College. All this is very praiseworthy indeed. And I want to know if the gentleman who founded that college and, as I have said, who spent his whole fortune in maintaining the college, I want to know whether his representatives will have a voice in the management of the college at all. That is a point which has been troubling me for some time. If his representative is to be deprived of any voice in the control of the college, I consider that it would not be a very graceful thing to do. I therefore submit that the representative of the founder of the College should have a voice in the control of the college."

The Hon'ble Mr. Shafi:— 11-17 A.M.
 "Sir, there is only one observation which I would like to make in connection with what has fallen from the lips of my Hon'ble friend Rai Sita Nath Ray Bahadur. He apparently forgets that the plan which I sketched out in my opening speech clearly indicated that the present Jagannath College will be split up into two institutions, the fourth and fifth year classes being removed to the University which will constitute a Jagannath Hall of the University. The name of the founder of the institution will thus be perpetuated within the University itself. The first and second year class will remain in their present habitation and will form an Intermediate College connected with the University. This Intermediate College will no doubt continue to be managed by the Board of Trustees as at present constituted or as they will be constituted under the arrangement which will be entered into between the Local Governments and the Trustees, so that the representatives of the founder will continue to exercise a very powerful influence in the educational institution at Dacca which will have the founder's name attached to it."

The motion was put and agreed to.

The Hon'ble Mr. Shafi:— "Sir, I now beg to move that the Bill be passed."

The motion was put and agreed to.

DACCA UNIVERSITY BILL.

The Hon'ble Mr. Shafi:— 11-19 A.M.
 "Sir, I have the honour to move that the Report of the Select Committee on the Bill to establish and incorporate a unitary teaching and residential University at Dacca be taken into consideration. It is unnecessary for me to invite the attention of Hon'ble Members to all the changes which have been made in this Bill as originally introduced

in the Select Committee. The Report of the Select Committee has been in the hands of Hon'ble Members for the last three or four days, and I have no doubt whatever that they have familiarised themselves with the nature of the changes which have been introduced.

"There are, however, some of the more important modifications made in the Select Committee to which it is necessary for me to invite the attention of Council. It will be noticed that in clause 4(2) a change has been introduced in what is put down as (b), which enables teachers in educational institutions to take their degrees at the new University without having to pursue a course of study in the University itself. This was an omission, an inadvertent omission, which has now been supplied to the benefit of a class who, if I may venture to say so, are entitled to this recognition.

"In clause 6, a sub-clause (d) has been added to provide for tutorial instruction in the various Halls and Hostels of the University, and I am sure Hon'ble Members will recognise that this is a desirable improvement in the Bill.

"In clause 7(2) an addition has been made which again will be recognised by Hon'ble Members as a distinct improvement. The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereon. It will be seen that according to the Bill, as originally drafted, this inquiry might possibly have been an *ex parte* one without notice to the University and without a representative of the University being present at the inquiry. This omission has now been rectified.

"In clause 10, the words now printed in the Bill in italics secure that the Executive Council shall have a voice in the matter of the appointment of the Vice-Chancellor. The Vice-Chancellor according to the clause as it now stands shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and I am sure Hon'ble Members will readily recognise that this constitutes a distinct improvement.

"In clause 16 which describes the constitution of the Court, sub-head (xii) has been added, which secures the representation of public associations on the court; 10 persons will hereafter be elected by such public associations. This too is a distinct improvement securing representation on the court of public associations in Dacca.

"In clause 22, which gave originally the list of Faculties to be created, two further Faculties of medicine and agriculture have been added in deference to public opinion in Dacca, as well as to the opinion expressed by almost all non-official members who took part in the debate on the introduction of this Bill. The Government of India recognised that it was desirable, under these circumstances, to have these Faculties and they have readily acceded to the demand that was made by Hon'ble Members in this Council.

"To clause 28, sub-clause (6) has been added to the following effect:—

'Notwithstanding anything contained in this section no Statute shall be made affecting the proportion or method of Muhammadan representation on the Court, the Executive Council or the Academic Council, save with the previous sanction of the Governor-General in Council.'

"The Muhammadan representatives in this Council as well as in the Select Committee pointed out that as the Statutes were liable to repeal an amendment by the court, the intention of the Calcutta University Commission had not been carried out in the Bill as originally drafted. In consequence, this sub-clause (6) has been added to provide a further safeguard against hasty or ill-considered amendments or repeals of Statutes concerning Muhammadan representation.

"To clause 48 a proviso has been added to this effect:—

'Provided that nothing in this section shall apply to any agricultural or other technical institution established or maintained in connection with the University with the sanction of the Governor General in Council.'

[18TH MARCH, 1920.] [Mr. Shafi; Khan Bahadur Ebrahim Haroon Jaffer.]

"This proviso has been added in order to make it possible for the University to establish agricultural or other technical institutions even beyond the radius of five miles to which the jurisdiction of the University is limited, and will be recognised, I am sure, by Hon'ble Members as a distinct improvement on the original Bill.

"Coming now to the Schedule, to clause 2 of the Schedule, sub-clause (2), a provision has been added showing that the 15 non-Muslim graduates will be elected by non-Muslim registered graduates. As the Bill originally stood the Muhammadan graduates had a right to elect half the graduates as their representatives on the court and the election of the remaining half of the graduate representatives on the court was left to the graduates as a body. The Select Committee recognised that it would be unfair to the non-Muslim graduates that Muhammadan graduates, who had a right to elect half the number of graduates as representatives of their own on the court, should have the further right to take part in the election of the non-Muhammadan graduates, and in consequence this modification was introduced.

"Similarly, in clause 3 (1) Constitution of the Executive Council—other Members, a modification has been introduced in sub-head (iv) confining the election of the non-Muhammadan Members of the Court on the Executive Council to the non-Muhammadan members of the court itself, so that the Muhammadan members who are conceded the right of electing two representatives of their own on the Executive Council should not take part in the election of non-Muhammadan members of the court on the Executive Council.

"In clause 18 the words 'by a resolution passed with the concurrence of not less than two-thirds of the members voting' are introduced in order to secure that the withdrawal of degrees and diplomas in any individual case shall not be by a bare majority, but that at least two-thirds of the members of the Executive Council shall concur in such withdrawal.

"In clause 18 which provides for the establishment of committees of selection in the United Kingdom, certain changes have been introduced in deference to the criticism addressed in connection with this clause by the Hon'ble Mr. Sastri. In sub-clause (1) (b) the word 'Chancellor' has been substituted for 'the Secretary of State' so that the action contemplated therein will be taken not at the instance of an outsider, but at the instance of the head of the University itself, thereby maintaining the autonomy of the University. In sub-clause (2) which relates to the constitution of this Committee of selection changes have been introduced in order to improve the constitution of the committee. Formerly three of its members were to be appointed by the Secretary of State and two by the Academic Council.

"Now two will be appointed by the Secretary of State, two by the Academic Council and by the Chancellor of the University; so that the majority of the members will now be appointed by the University authorities, while only two will be appointed by the Secretary of State. I am sure Hon'ble Members will recognize that the modifications and changes to which I have invited the attention of Council constitute distinct improvements and have liberalised the Bill, which cannot but be regarded as in the highest degree satisfactory."

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:— 11-32 A.M.

"Sir, the motion asks for the final voice of the Council which will give the force of law to the measure before us. I beg to say that I have very great pleasure in supporting this Bill. It will, no doubt, be received by the people of Eastern Bengal with enthusiastic gratitude.

"No one can say after reading the Bill, as amended by the Select Committee, that this is not a measure on sound lines and a distinct improvement.

"Sir, the Muhammadans of Eastern Bengal have every reason to rejoice at the generosity with which the promoters of the Bill have treated the communal principle in the representation of the Muhammadan community. It is, however, a matter of very great satisfaction to me to hear, Sir, that some of my Hon'ble friends who have sent in amendments regarding

[*Khan Bahadur Ebrahim Haroon Jaffer* ; *The* [18TH MARCH, 1920.]
Vice-President ; *Mr. Surendra Nath Banerjea* ;
Mr. Shafi ; *Mr. Kamini Kumar Chanda*]

the question of communal representation, have arrived at some understanding, by which they will not now press them. Such a sentiment, on the part of our Hindu brethren, will go a long way to cement the tie of Hindu-Moslem unity.

"Sir, I hope and trust the Dacca University will be conducted in such a way, that it will be satisfactory to the people, for whom it is designed and that it will turn out good and healthy citizens. I trust, as the Bombay University has appointed a Committee, to examine the recommendations of the Calcutta University Commission, other Universities will follow suit."

The motion was put and agreed to.

The Vice-President :—"The Council will now proceed with the amendments on the list."

11-34 A.M. **The Hon'ble Mr. Surendra Nath Banerjea** :—"I beg to move the amendment which stands against my name. It is, if I may say so, merely a formal amendment and it will not be necessary to take up much of the time of the Council. I hope my Hon'ble friend will be able to give an encouraging answer if he is not barred by technical difficulties from accepting the amendment which I have the honour to move.

"My amendment reads as follows :—that at the end of the definition of 'Local Government' in clause 2—the words 'together with the ministers' be added. When the Indian Reform Act comes into force this will mean popular ministers and therefore they will be a part and parcel of the Local Government. I raised this point in Select Committee, but I was told that there were technical difficulties in the way. I am not a lawyer and I am not prepared to say whether these difficulties are of an insuperable character or not. I hope my Hon'ble friend will be able to give us an assurance that as soon as may be the insertion will be made and that the popular ministers will be regarded, as they will be to all intents and purposes, a part and parcel of the Local Government."

11-36 A.M. **The Hon'ble Mr. Shafi** :—"Sir, my Hon'ble friend has, I venture to think; already noticed the difficulties lying in our way in accepting the amendment. The Local Government at present means the Governor of Bengal in Council. Ministers have not yet been appointed and as we hope the Dacca University will come into existence before the appointment of such Ministers, it is difficult for us to include Ministers in the definition of Local Government. But I can give him this assurance that when under the Reforms Act Scheme Ministers are appointed the expression 'Local Government' will of necessity include ministers and the necessary change will then be made."

The Hon'ble Mr. Surendra Nath Banerjea :—"I beg to withdraw the amendment after that assurance."

The amendment was withdrawn.

The Vice-President :—"Does the Hon'ble Mr. Chanda accept that assurance too?"

The Hon'ble Mr. Kamini Kumar Chanda :—"Yes, I shall not move my amendment* in view of what has been said."

The Vice-President :—"The amendment is withdrawn."

The Hon'ble Mr. Surendra Nath Banerjea :—"This amendment runs as follows :—

'That in clause (2) the words 'to hold examinations and' be inserted before the words 'to grant.'

* That in clause 2 at the end of the definition of "Local Government" the words "and the Ministers (when appointed)" be added.

[18TH MARCH, 1920.] [Mr. Surendra Nath Banerjee; Mr. Shafi; Mr. Kamini Kumar Chanda.]

"This is a drafting matter which I raised in Select Committee and which I desire to raise again. The clause does not say to hold examinations, it merely says 'to grant and confer degrees and other academic distinctions to and on persons,' etc., etc. The functions of the University are described in that section. The holding of examinations is one of the most important of the functions of the University. I suppose I shall be told in reply that that is already implied in the words. But no harm is done by being a little explicit in the matter of legislation. I think my lawyer friends are not very careful about tautology, and they use the same expression for the sake of being explicit *ad nauseam*. I hope my Hon'ble friend will see his way to accepting the amendment."

The Hon'ble Mr. Shafi :—"I accept the amendment."

The motion was put and agreed to.

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to move my amendment which runs :—

'That in clause 7 (3) the words 'and shall advise the University upon action to be taken thereon' be omitted.'

The clause in the Bill reads as follows :—

'The Visitor may address the Chancellor with reference to the results of such inspection or inquiry and the Chancellor shall communicate to the Executive Council the views of the Visitor, and shall advise the University upon the action to be taken thereon.'

'This is a matter which relates to the inspection of the University which may be made by the direction of the Visitor. I say the natural course would be for the Chancellor to call upon the University to express its views on the result of the inspection, and then the Chancellor may, if necessary, advise the University. It is not right that the Chancellor should form an opinion and communicate it to the University before hearing what the University has to say. I trust the Hon'ble Member in charge of the Bill will see his way to accepting this amendment.'

The Hon'ble Mr. Shafi :—"I am afraid I am unable to accept the amendment which the Hon'ble Mr. Chanda has placed before the Council. I feel sure that he will on reflection be convinced that this amendment, if accepted, would, instead of being beneficial to the University, result in considerable harm. Hon'ble Members will have noticed that according to the framing of this clause, the Visitor has first the right to cause an inspection to be made by such person or persons as he may direct of the University buildings, etc., and to cause an inquiry to be made in like manner in respect of any matter connected with the University. On receipt of the Report the Visitor may address the Chancellor with reference to the results of such inspection or inquiry, and the Chancellor shall communicate to the Executive Council the views of the Visitor 'and shall advise the University upon the action to be taken thereon.' It is these last words that my Hon'ble friend would omit. But what will be the consequences of the omission of these last words? The consequences will be these, that not only will the Chancellor, who is the head of the University and who occupies a position somewhat analogous to the position of a President in any other institution, be deprived of his inherent right to give advice to the institution of which he is the head, but it will also result, in this that as under clause 5 the final action is to be taken by the Chancellor the University will be deprived of an opportunity of seeing what that final action is to be in the form of the advice that will be given to them by the Chancellor, and they will also be deprived of an opportunity of making a representation to the Chancellor in connection with that advice, so that the result will be injurious to the University rather than beneficial to this institution. But if the Hon'ble Mr. Chanda were to so amend his proposal as to provide that the Chancellor, if he deems it necessary, should ascertain the views of the Executive Council before offering his advice, Government will be prepared to accept such an amendment."

[*Mr. Kamini Kumar Chanda; The Vice-President; [18TH MARCH, 1920.]*
Mr. Shafr; Mr. Srinivasa Sastri; Mr. Surendra
Nath Banerjee.]

11-43 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"That is exactly what I meant by my amendment. The drafting might be faulty. What I mean is that the Chancellor before passing an opinion should ascertain the views of the University, and I am quite prepared to accept the suggestion of my Hon'ble friend."

The Vice-President:—"May I know what amendment I am to put to the Council?"

The Hon'ble Mr. Shafr:—"May I read the words to my Hon'ble friend, Sir?"

The Vice-President:—"Certainly."

The Hon'ble Mr. Shafr:—"If the Hon'ble Mr. Chanda moves an amendment to provide that the Chancellor, if he deems it necessary, should ascertain the views of the Executive Council before offering his advice, I shall be glad to accept it."

The Hon'ble Mr. Srinivasa Sastri:—"Am I in order if I say a few words at this stage, Sir?"

The Vice-President:—"Not strictly, but we may hear you as the Hon'ble Mr. Chanda will in the meanwhile be able to formulate his amendment."

11-45 A.M. **The Hon'ble Mr. Srinivasa Sastri:**—"It seems to me, Sir, that the insertion of the words which the Hon'ble the Education Member seems to approve of would merely complicate procedure and introduce another stage; as he himself pointed out, sub-clauses (4) and (5) provide for an intermediate stage under which the Executive Council shall first report to the Chancellor and then if the Chancellor is not satisfied, he can direct final action. There is therefore time for consultation between the Chancellor and the Executive Council. It seems to me that Mr. Chanda's amendment is somewhat misconceived. It is desirable that the Chancellor should at once indicate, not direct—because the word used is 'advised,'—the line of action that seems appropriate to him. Then the Executive Council sees how much of it they should follow, and finally if the Chancellor is not pleased, he directs that such and such action should be taken. I think that is quite enough, and the clause may stand as it is."

11-47 A.M. **The Hon'ble Mr. Surendra Nath Banerjee:**—"Sir, if I may say so, it does seem to me that there is an advantage if the amendment proposed by the Hon'ble the Education Member is accepted. Before the Executive Council submits its report to the Chancellor, the Executive Council should have an opportunity of knowing beforehand when considering the matter, the views of the Chancellor, before submitting its final report. It does seem to me that it places them in possession of materials which would be useful to them in submitting their report to the Chancellor, and from that point of view the Hon'ble the Education Minister's amendment is worthy of acceptance."

The Vice-President:—"Will the Hon'ble Member say what amendment he wishes to substitute?"

The Hon'ble Mr. Kamini Kumar Chanda:—"The revised amendment, Sir. It is this: That between the words 'and shall' and the word 'advise' the words 'after ascertaining, if he so thinks fit, the opinion of the Executive Council, there' be inserted."

The amendment as revised was then put and agreed to.

[18TH MARCH, 1920.]

[Mr. Kamini Kumar Chanda; Mr. Shafi.]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move that in clause 8 the following be inserted after sub-clause (v):—(vi) 'The Librarian' and that sub-clauses (vi) and (vii) be re-numbered (vii) and (viii).' What I mean by my amendment is that the Librarian should also be one of the officers. I may mention to the Council, probably they are already aware of it, that it is one of the recommendations of the Calcutta University Commission that the Librarian should be one of the officers of the University and of a rank not below that of a Reader. Under these circumstances, I think, Sir, that the Librarian should also be one of the officers of the University and should come in the Bill and not in the Statute merely."

11-54 A.M.

The Hon'ble Mr. Shafi:—"Sir, I am afraid I am unable to accept this amendment. The frame of clause 8 will show to Hon'ble Members that while the higher officers of the University are expressly named in the Bill as officers, a general clause, sub-clause (vii) to clause 8, is added, or rather a head is added to clause 8, which lays down 'such other officers as may be declared by the Statutes to be officers of the University.' Surely, a Librarian cannot be considered to come in the same class as the Chancellor, the Vice-Chancellor, the Treasurer, the Provosts, the Registrar and the Deans of the Faculties. Hon'ble Members will notice that in clause 16 in the Schedule a Librarian is included among the officers of the University, so that all the necessities of the situation are provided for in the Bill read together with the Statutes. The Government is not prepared to make any further modification in respect of this matter."

11-53 A.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"It is not a very important point, Sir, and I need not press it in view of what the Hon'ble Member has said, but my submission is that the rank of Librarian, according to the Calcutta University Commission, should not be below that of the Treasurer, and in that view it would probably be better if that were provided for here. However, as the Hon'ble Member says, his rank will not be so high as the officers mentioned here, I need not press it."

11-51 A.M.

The amendment was withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, clause 10, sub-clause (1) reads as follows:—

11-52 A.M.

(1) The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes;

and I beg to move that for the words 'for such term' to 'Statutes' the following be substituted:—

for three years and shall be eligible for re-appointment. He shall receive such remuneration from the funds of the University as the Chancellor may determine. His pay should be on the estimates of the University.

Now I will tell the Council in a minute the points in favour of this amendment. In the first place in all the existing universities the Vice-Chancellor is only appointed for a term of three years. This has been going on for about half a century, and I think that course might be taken as regards the Dacca University also. Of course, he will be eligible for re-appointment and that would be more advantageous than to have an officer appointed for a very long term. On the other hand, if you have a permanent Vice-Chancellor he will somewhat overshadow the University, and thirdly, that was the recommendation of the Dacca University Commission. Of course they said five years and I make it three years to make it uniform with the practice of other universities. There are many cases where after a certain time it may be found undesirable that a Vice-Chancellor should continue. So I should think, under these circumstances, it might be as well to limit his term to three years. One objection to this is that it may be said that you will not get a really good man if the appointment is only for a short time. But we are getting Members of the Government of India for five years, and there is not very much difference between five years and three years. It is on a question of principle that I am

[*Mr. Kamini Kumar Chanda ; Mr. Shafi.*] [18TH MARCH, 1920.]

asking for it. On this ground, Sir, I put forward this amendment and trust it will receive sympathetic consideration at the hands of the Hon'ble Member in charge. I also provide that he shall receive such remuneration from the funds of the University as the Chancellor may determine. The University, I think, ought to be allowed to have some say in the matter after some time.

"With these few words I put forward this amendment."

11-55 A.M. **The Hon'ble Mr. Shafi:**—"Sir, I feel sure that Hon'ble Members will recognise that the question of the term of office and the conditions of the Vice-Chancellor's appointment are matters which ought not to be laid down in the Bill itself and ought to be left in a fluid condition. The University has to come into existence. It has, so to speak, to be built up, so that it is undesirable to lay down a hard and fast rule which shall apply even to the first Vice-Chancellor. It will be noticed that sub-clause (1) of clause 10 lays down that the term of office and the conditions may be prescribed by the Statutes. There will be nothing to prevent the University hereafter laying down that in the Statutes the term of office shall be three years, but for the present it would be a mistake to lay down a hard and fast rule in the Bill, and therefore the Government are not prepared to accept this amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I agree to the reservations of my Hon'ble friend and do not press this amendment."

The amendment was withdrawn.

11-56 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"Sir, in clause 11 it is stated:—

'The Vice-Chancellor shall be a whole-time officer of the University. He shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat, unless he is a member of the authority or body concerned.'

I move that the words from 'and shall be entitled' to 'body concerned' be omitted. That is to say the Vice-Chancellor shall not himself be entitled to attend every meeting of every body he pleases and speak at it. My reason is that if you have this you attribute to him the quality of a '*sub janta*' (a 'know-all'). I do not think that is very desirable. Of course he will attend the meetings of the body of which he is a member, but I do not think he ought to attend the meetings of every body and give an opinion on every matter discussed by that body. Unless he is a member he should not have a right to speak at the meetings of those bodies."

11-57 A.M. **The Hon'ble Mr. Shafi:**—"Sir, I am afraid I am unable to accept this amendment. It must be obvious to Hon'ble Members that the Vice-Chancellor will not exercise the right which he is given by this sub-clause on each and every occasion. It is only when questions of very great importance will come before any particular body that he will take the trouble of being present and offering his advice. To rob him of this privilege is to rob the particular body, before which important questions may come for discussion, of the benefit of his advice. The rule embodied in this sub-clause is in accordance with the existing practice, and my own experience of over 20 years as a Fellow of the Punjab University convinces me that the practice is perfectly sound and is in the best interest of university education. I am, therefore, unable to accept this amendment."

11-58 A.M. **The Hon'ble Mr. Kamini Kumar Chanda:**—"I do not think, Sir, there will be any difficulty in making him a member of any body of which it is considered necessary that he should be a member, but, unless he is a member of the body, I do not think there is much point in giving him a right to go and speak at the meetings of such body. I do not pretend to have a fraction of the experience of my Hon'ble friend. I have a very limited

[18TH MARCH, 1920.] [Mr. Kamini Kumar Chanda; Mr. Shafi.]

experience of the Calcutta University, but I have had the advantage of having discussed the matter with some experienced members of the Calcutta University, and I thought it would be undesirable to have a provision of this kind, and therefore I put my amendment before the Council."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I move 11-59 A.M.
that to clause 11 (4) the following be added:—

'If an individual officer is concerned such officer shall have the right of appeal to the proper authority.'

In sub-clause (4) of clause 11 the Vice-Chancellor may take action against any individual officer in case of necessity. I provide that that officer should have the right to appeal to the proper authority. Of course, such a right is generally conceded, but at times it so happens that it is denied to an officer unless it is expressly mentioned in the Act, and therefore, I think, this right ought to be given."

The Hon'ble Mr. Shafi:—"Sir, in dealing with this amendment 18 P.M.
may I invite the attention of Hon'ble Members to clause 41 of the Bill, sub-clause (1) of which lays down:

'An appeal may be made by petition to the Chancellor against the order of any officer (including even the Vice-Chancellor) or authority of the University affecting any class of persons in the University.'

It seems to me that it is not advisable to carry this right of appeal in express terms in the Bill any further. Of course, a person aggrieved has constitutionally always a right to appeal to higher authority, but if this right were to be conceded in express terms in the Bill in regard to individuals the result would be the fostering of a spirit of insubordination and impairing of discipline. In consequence, I am not prepared to accept this amendment.

The Hon'ble Mr. Kamini Kumar Chanda:—"I do not press it."

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, with regard 12-1 P.M.
to amendments Nos. 9 to 11, I had the advantage of discussing them yesterday with the Hon'ble Mr. Sharp, and, as a result of that discussion, I beg to withdraw my amendments, Nos. 9, 10 and 11."

The amendments were by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to 12-2 P.M.
move—

'That in clause 12, sub-clauses (5) and (6) be omitted.'

"Clause 12 relates to the functions of the Treasurer. Now the Calcutta University Commission recommended that the Treasurer should be an honorary officer. In this clause you will find it is not said in so many words that he shall be an honorary officer, but it is said that he 'shall receive such remuneration (if any) from the funds of the University as the Chancellor shall deem fit'. If the clause contemplates that he should be an honorary officer I do not think it would be right to saddle him with so many duties. Sub-clause (5) says:

'Subject to the powers of the Executive Council he shall be responsible for seeing that all monies are expended on the purpose for which they are granted or allotted', while sub-clause (6) says:

'All contracts shall be signed by the Treasurer on behalf of the University.'

9. That to clause 11 (6) the words 'and the regulations' be added.

10. That in clause 12 for sub-clause (3) the following be substituted:—

(1) The Treasurer shall be an Honorary Officer appointed by the Chancellor after a report from the Executive Council upon such conditions and for such period as may be determined by the Chancellor.

11. That for sub-clause (3) of clause 12 the following be substituted:—

(3) He shall be an *ex-officio* member of the Executive Council.

[*Mr. Kamini Kumar Chanda ; Mr. Shafi ; The Vice- President.*] [18TH MARCH, 1920.]

" I ask that sub-clause (5) be omitted on the ground that the Treasurer will be an honorary officer and these duties ought not to devolve on him.

" As regards sub-clause (6), I say that the duty described in it is a duty that ought to be entrusted to the Registrar. He ought not to be merely a clerk; therefore, I say the duty of signing all contracts ought to fall on the Registrar as in other Universities.

" With these remarks, I move this amendment."

12-7 P.M.

The Hon'ble Mr. Shafi:—" Sir, the Hon'ble Mr. Chanda's ideas regarding the position and duties of the Treasurer differ materially from those which we entertain. In our view it is not only one of the legitimate functions, but, as we consider, the necessary duties of the Treasurer to see that all monies are expended on the purpose for which they are granted or allotted, and we think that it is a legitimate privilege of the Treasurer, who has to discharge such important functions in connection with the expenditure of the University funds, that all contracts on behalf of the University should be signed by him. Therefore, I am unable to accept this amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—" I have nothing to add to what I have said."

The Vice-President:—" You wish me to put the amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—" Yes, Sir."

The amendment was put and negatived.

The Vice-President:—" Your amendment* No. 14, Mr. Chanda, will, I think, follow the fate of this one. It is merely intended to make the Registrar responsible for signing all contracts on behalf of the University."

12-8 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—" Sir, I beg to move—

"That in clause 13 after the word 'Court' the words 'the Academic Council' be inserted."

" I wish that the Registrar should also act as Secretary of the Academic Council.

" Clause 13 as it stands says:

"The Registrar shall act as Secretary of the Court and the Executive Council."

" I do not see any reason why he should not act as Secretary of the Academic Council too, and that is the reason why I want to move this amendment."

12-9 P.M.

The Hon'ble Mr. Shafi:—" Sir, I am unable to accept this amendment. It seems to me that the Academic Council should have perfect liberty to elect its own Secretary. If the Academic Council were to wish that the Registrar should be its Secretary there is nothing in the Bill to prevent their electing him to that office. But it seems to me that the Registrar, being an executive officer and not a teacher in the University, it would be wrong to bind the hands of the Academic Council in the manner in which my learned friend would wish.

" I am therefore unable to accept this amendment."

The amendment was put and negatived.

* 14. That in clause 13 after the words 'registered graduates' the words 'and sign all contracts on behalf of the University' be inserted.

[18TH MARCH, 1920.] [Mr. Kamini Kumar Chanda; Mr. Shafi; Mr. Surendra Nath Banerjea]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I think, in view of what we heard before; that I need not press this amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move. 12-10 P.M.

'That in clause 17 (2) for the word 'thirty' the word 'fifteen' be substituted and the following be added:—'The Court shall appoint a Committee of Reference. The constitution and powers of this Committee shall be fixed by the Statutes.'

"I wish in clause 17 (2) to substitute the word 'fifteen' for the word 'thirty.' Clause 17 (2) as it stands at present says:—

'The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.'

"My difficulty is this. If you have such a high number as thirty I do not know whether it will be possible to convene a special meeting. I believe—that is my impression—that in the Patna University the number is fifteen. I would ask the Hon'ble Education Member, therefore, if he cannot see his way to reduce the number from thirty to fifteen. I am afraid it will be very difficult to get thirty people to sign a requisition."

The Hon'ble Mr. Shafi:—"Sir, I am afraid I cannot accept this amendment. The result of accepting it would be that whenever 15 persons could be got together by interested people, they would always be sending in requisitions for extraordinary meetings. Requisitions for extraordinary meetings are justified in exceptional circumstances only, and I submit that the number 30 is from no point of view too large for the purpose of calling an extraordinary meeting." 12-11 P.M.

The amendment was put and negatived.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I beg to move the amendment which stands against my name and which runs as follows:— 12-12 P.M.

'That in clause 18 after the words 'shall exercise' the words 'control over the general policy and finance of the University and' be inserted.'

"Sir, my amendment concerns section 18, and it is somewhat important looking at it from the constitutional point of view. The word used here is 'Court.' I think this is the second time in University legislation where that word occurs. The first time it occurred was in the case of the University of Benares. Our word is 'Senate' and the Patna University calls it 'Senate.' Well, Sir, the object of this amendment is to give some power to the Court over the policy and over the finances of the University. At present the Court is more or less in the nature of an Advisory Board. It may criticise, but of real power it has little or none. My object is to give it some measure of power; without power there can be no responsibility, and without responsibility there can be no interest.

"A Court constituted such as this Court would be more or less in the nature of a useless appendage, and if I were a member of a Court such as this and asked to attend its meetings, I do not think I would do so for the simple reason that it would be a sheer waste of time. I might criticise, I might move resolutions, I might make speeches, but they need not be listened to. We want to be in places where we have real power—that is our complaint against this Council—we want to convert what seems to me to be a useless agency into a useful organisation. I want to give it some general control and power over finance, and in this connection I find that I am supported by the high authority of the Sadler Commission. The Sadler Commission is more or less a gospel to my Hon'ble friend the Member for Education, and I hope he will treat it as sacrosanct in this particular case. I will read an extract from the Report of the Sadler Commission:—

'We have proposed that University legislation should be submitted to the Court and have proposed that all changes in constitution and ordinance should require their sanction.'

* "That in clause 10 (1) after sub-clause (vi) the following new sub-clause be inserted:—(vii) The 'Librarian,' and that the remaining sub-clauses be re-numbered."

[*Mr. Surendra Nath Banerjea; Mr. Shafi.*] [18TH MARCH, 1920.]

A part of this is done under the first part, namely, the control over finance.

'In regard to the supervision of University finance which in so many cases involves policy, we propose that the Court should have greater powers than those proposed for the Dacca University.'

"Well, Sir, we have concurred in these words of the Sadler Commission and my amendment proceeds upon the lines of their recommendation. I may just point out in passing that, unless very weighty reasons are brought forward, I am entitled to hold that my amendment ought to be accepted by the Hon'ble the Education Member. Possibly the objection would be that the Court would be more or less a mixed body, and that they would largely be persons other than educationalists, and therefore it would not do to give them any substantial measure of control over an educational body like the University. Well, Sir, questions of policy are general questions which need not require the knowledge of experts. Questions of finance come under the same category. Therefore, even if you have a body of outsiders having little or no experience of educational matters, their views would be useful and their authority would be beneficially used in ~~keeping~~ ^{keeping} the University in matters of policy and finance. Therefore, it seems to me that the objection does not arise, and I strongly urge the Hon'ble the Member for Education to accept the view which has been put forward by the Sadler Commission.

"I may point out, in conclusion, that we have a Court or Senate constituted under the Patna University Act, but of course the argument would be that that Court is differently constituted from the Court which is contemplated under the new Act. I think it is admitted that we ought in this matter to follow the recommendations of the Sadler Commission and some measure of control over the general policy and over expenditure should be given to this body."

12-15 P.M.

The Hon'ble Mr. Shafi :—"Sir, may I invite the attention of Hon'ble Members to the clause as it is actually framed? One of the powers of the Court embodied under the head '(b)' is of making Statutes and of amending or repealing the same. It is obvious that this power is a very extensive one—as extensive as can be desired under the circumstances. The Statutes will no doubt cover all phases of University life. They will relate no doubt to the powers of the Executive Council, of the Academic Council and so on, so that when the Court is given this extensive power of framing Statutes and of amending or repealing the same from time to time, it is obvious that it does exercise considerable powers of control. Again, under head '(d)' the Court is given the power of considering and passing resolutions on the Annual Report, the annual accounts and the financial estimates so that estimates for the ensuing year as well as the annual accounts come under the scrutiny of the Court under this head. It thus seems to me, Sir, that sufficient power of control, both financial and otherwise, is provided for in this clause 18. I am afraid, therefore, that I am unable to accept the Hon'ble Member's amendment."

12-17 P.M.

The Hon'ble Mr. Surendra Nath Banerjea :—"Sir, my Hon'ble friend's speech divides itself into two parts. In the first place, he says that some considerable powers of control are given and these powers are set forth in the power of making Statutes and so on. I think I recognised that powers of control are given to some extent, but what about finance? My Hon'ble friend says that they will be at liberty to pass resolutions and to scrutinise accounts, but their resolutions will be like the resolutions of this Council—pious aspirations which may or may not be fulfilled. That is to say, that these resolutions would not be binding upon the Executive Council or upon the University; they would be mere recommendations. The resolutions of the higher body would not be binding upon the subordinate or inferior body, but apart from that, I do say that if you have given them the power of passing resolutions, why not also give them power of making these resolutions effective. My complaint is that these resolutions may or may not be accepted by the Executive Council. What I want is, that these resolutions should be binding upon them and that those powers of control ought to be given. Is my Hon'ble friend prepared to do that? If he is then I will withdraw my amendment; if he can give me this assurance I shall be content."

[18TH MARCH, 1920.] [Mr. Shafi; The Vice-President; Mr. Surendra Nath Banerjea.]

The Hon'ble Mr. Shafi:—"May I, in connection with my Hon'ble friend's observations, invite the attention of the Council to the further power which is given to the Court by clause 16?" 12-19 P.M.

The Vice-President:—"I must remind the Hon'ble Member that Mr. Banerjea is replying on his amendment. If he desires he can make an explanation in answer to Mr. Banerjea, but I am afraid the Hon'ble Member has no right of reply."

The Hon'ble Mr. Shafi:—"I was merely inviting attention to this fact, Sir, that this further consideration placed before the Council by my Hon'ble friend is already provided for. That is all."

The Vice-President:—"No doubt, Mr. Banerjea would like to hear that."

The Hon'ble Mr. Shafi:—"And shall exercise such other powers and perform such other duties as may be conferred upon it by the Statutes' and the Statutes are to be made by the Court. If necessary, the Court can pass a Statute just of the type my Hon'ble friend contemplates and exercise powers which he thinks are necessary for the Court to do under that Statute

The Hon'ble Mr. Surendra Nath Banerjea:—"There is just one point, if this is not expressly provided for in the Act, would the Statute, which gives this power of control over finance, be considered as *ultra vires*, that is to say, they make statutes but somebody may say 'you have no power to make these Statutes because you have no control provided for the Court over finance'? Therefore, Sir, why not put this point in so that it will not be possible for anybody to argue that these powers have not been given? If these powers are given, why not make it explicit and say so. That is all I have to say." 12-20 P.M.

"The amendment was put and declared carried.

The Council divided as follows:—

Ayes—17.	Noes—29.
The Hon'ble Mr. S. N. Banerjea.	His Excellency the Commander-in-Chief.
" Pandit M. M. Malaviya.	The Hon'ble Sir Claude Hill.
" R. B. L. M. Chatterjee.	" Sir George Lowndes.
" Mr. S. Sastri.	" Sir William Vincent.
" R. Ayyangar.	" Mr. Shafi.
" Mir Asad Ali, Khan Bahadur.	" Sir Arthur Anderson.
" Sir Dingshaw Wacha.	" Sir Thomas Holland.
" Mr. V. J. Patel.	" Mr. C. F. de la Fosse.
" Rai Sitauath Ray Bahadur.	" Mr. H. Sharp.
" Maharaja Sir M. C. Nandi.	" Mr. A. H. Ley.
" Raja of Kanika.	" Sir William Marris.
" Chandhuri Muhammad Ismail Khan.	" Mr. R. A. Mant.
" Sir Umar Hayat Khan.	" Maj.-Genl. Sir Alfred Bingley.
" Sir Zulfikar Ali Khan.	" Mr. E. Bardon.
" Sardar Sunder Singh.	" Sir Sidney Crookshank.
" R. B. K. V. Reddi.	" Mr. G. R. Clarke.
" Mr. K. K. Chanda.	" Mr. H. Moncrieff Smith.
	" Mr. A. P. Muddiman.
	" Mr. C. A. Barron.
	" Mr. W. E. Marjoribanks.
	" Mr. E. H. Jaffer.
	" Sir Fazulbhoj Carrimboy.
	" Mr. K. C. De.
	" Mr. J. F. Morshead.
	" Mr. C. A. Kincaid.
	" Mr. P. J. G. Pipon.
	" Mr. B. C. Allen.
	" Mr. G. F. S. Christie.
	" Maung Bah Tho.

The amendment was therefore negatived.

[*Mr. Shafi*; *Mr. Srinivasa Sastri*; *Mr. Surendra Nath Banerjea.*] [18TH MARCH, 1920.]

12-30 P.M.

The Hon'ble Mr. Shañ:—"The amendment which stands in my name is merely a consequential one. It is—

'That sub-clause (a) of clause 18 be omitted, and that the remaining sub-clauses be re-lettered.'

Hon'ble Members will notice that in clause 3(i) (iv) of the Schedule an amendment has been made in the Select Committee to this effect:—

'Two non-Muhammadan members of the court elected by the non-Muhammadan members thereof at its annual meeting.'

As this stood originally these two members were to be elected by the whole court in its annual meeting. As modified, these two members will be non-Muhammadans and they will be elected by the non-Muhammadan section of the court. In consequence, these words, which were in clause 18(a), have become not only redundant, but are inconsistent with the Schedule as modified. The words here are—

'of electing at least one member to the Executive Council.'

that is to say, the whole court shall exercise that power; and as the election of members will now rest with the non-Muhammadan section of the court, the retention of this head, as it stands, would be inconsistent with the Statute. Therefore, I propose that this sub-clause (a) should be omitted."

The Hon'ble Mr. Srinivasa Sastri:—"It would have the effect of removing one election at which Hindus and Muhammadans would be voting together."

12-32 P.M.

The Hon'ble Mr. Shafi:—"Sir, sub-clause (a) of clause 18 provides for something which does not exist under the Statute; the power of electing at least one member to the Executive Council. You will have to re-consider the constitution of the Executive Council if sub-clause (a) is to be amended."

The amendment was put and agreed to.

12-33 P.M.

The Hon'ble Mr. Surendra Nath Banerjea:—"I beg to propose that to clause 18 the following words be added:—

'and may for the purpose appoint a Committee of reference.'

This is really a corollary to the amendment which has been lost. I recommend that the control over the general policy and finance should be given to the court and the machinery that I suggest for the purpose of this control is a Committee of reference. This is not my idea; it is the recommendations of the Sadler Commission; they were of opinion that new items of expenditure should be laid before the court in order that they may be scrutinized. My friend talked about scrutiny and examinations, etc. May I ask how 200 persons are to scrutinize the accounts? It would be more or less, if I may be permitted to use a strong expression, in the nature of a farcical proceeding for 200 persons to sit together for the purpose of scrutinizing accounts. It cannot be done. The Sadler Commission recommended that some financial control should be given to the court. They also suggested, practical men as they were, there should be an organization for the purpose. They recommend the formation of a Committee of Inquiry.

"Now, Sir, let me read an extract from the Commission's Report.—

'We think they (court), should also have some effective power' (mark you not merely the passing of Resolutions) 'some effective powers of criticising the body of the new expenditure, and we therefore propose that the court should elect a committee of Reference which would have the power of conferring with the Executive Council, the Academic Council and of hauling up items of new expenditure for the consideration and discussion of the court.'

"It seems to me that that would be pre-eminently the function of a body like the court, which would be composed of business men, who would go into details. There should be an agency provided for this and here is the agency.

[18TH MARCH 1920.]

[Mr. Surendra Nath Banerjee; Mr. Kamini Kumar Chanda; Mr. H. Sharp.]

If my Hon'ble friend thinks that the power of control of the finances is given, then why not accept this recommendation, namely, that a committee of reference should be appointed.

"With these words I beg to move my amendment."

The Hon'ble Mr. Kamini Kumar Chanda:—"I beg to support the amendment."

The Hon'ble Mr. H. Sharp:—"I am afraid this amendment cannot be accepted. It is quite true that the Sadler Commission did make a recommendation for a committee of this kind, and a committee of this sort would in certain circumstances undoubtedly be an extremely useful body. But I cannot help suspecting that when that recommendation was made by the Commission, it was made primarily with reference to the University of Calcutta and that they thought it might also not unsuitably be fitted into the university of Dacca. Now there is a considerable difference between these two universities. The University of Calcutta is going to be a very large and complicated organisation with colleges in various stages of association or affiliation. The Dacca University is going to be a smaller thing; it is going to be a unitary university; there will be much more community of feeling between the bodies and professors and all concerned. If I may say so it will be very much more of a happy family, in which things will go along, everybody knowing what everybody else is doing. As regards financial control, of which the Hon'ble Mr. Banerjee has made a considerable point, I think that the financial control by the Court is already sufficiently clear. The accounts of the Council are to be made public and it will be open to the Court to pass resolutions about the finances of the University as well as other important matters. These resolutions will not be binding on the Executive Council. Nevertheless, it is quite certain that the Executive Council will take very serious notice of them. Some criticisms have already been directed at this Bill even as it stands, that for a small unitary university we are overloading the constitution with a mass of authorities. I feel myself the weight of these criticisms, but I do not see how we can lessen the number of the more important bodies, the Court, the Executive Council and the Academic Council. But I do think it is unnecessary to add a fifth wheel to the coach. It will be open, if experience dictates the desirability, to the Court to have such a Committee of Reference, which would act as a kind of *liaison* officer between the Court and the Executive Council and other bodies. We should act on the principle that we should not in the first instance dictate over much to this university in the Act which will constitute it, and that we ought to leave it a certain amount of reasonable liberty in the constitution of minor bodies which will go to help it in its various activities. I think we may leave out this Committee of Reference and that it may be left to the University to decide if it is going to have such a body or not."

12-35 P.M.

The Hon'ble Mr. Surendra Nath Banerjee:—"Sir, what my Hon'ble friend the Education Minister says is that the Dacca University should not be on the comprehensive scale of the University of Calcutta, and that it would perhaps be a mistake to overload it with organizations. Is that an argument that would stand the test of scrutiny? You have already got many organisations and that if you add one more, a small one to this number, it would not make a very sensible addition to the organisations already constituted. This Committee of Reference would be a small Committee, it would not consist of a large number of men, perhaps half a dozen would suffice to form the Committee. It does seem to me, especially in the crucial matter of finance, that we cannot afford to make mistakes; if the Court is to exercise any control, any kind of audit, this can only be done by having recourse to a Committee. My Hon'ble friend suggests that the University can add such a Committee, but you are not suggesting in your Statutes or laws that it should be done; where questions of finance are involved they should not be left to chance."

12-40 P.M.

[Mr Surendra Nath Banerjee; Mr. Shafi; Mr. Kamini Kumar Chanda] [18TH MARCH 1920.]

"Then my Hon'ble friend says that financial control is secured. Well, if financial control has been secured, for the Court in order to make it effective to use the words of the Commission, a Committee of Reference should be appointed.

"Then, Sir, my Hon'ble friend Mr. Sharp observed that this was meant for the Calcutta University, and then it was applied afterwards by the Commission to the Dacca University. Well, I am not conversant with the history of the development of the ideas of the Commission. My Hon'ble friend may be more cognisant of the inner secrets of what passed in the minds of the Commission, and I am not in a position to say yes or no. But the fact remains that these remarks which I have quoted apply to the Dacca University. Therefore, it seems to me, Sir, that on all grounds it is desirable that a small Committee of this kind should be appointed for the purpose of helping the Court in the supreme matter of exercising effective financial control over the affairs of the institution."

The amendment was put and negatived.

12-43 P.M.

The Hon'ble Mr. Shafi:—"Sir, for the reasons which I have already explained in connection with my amendment to clause 18, I now beg to move that the last three lines of clause 19 consisting of the words, 'The Statutes shall provide that at least one member of the Executive Council shall be elected by the Court' be omitted."

The amendment was put and agreed to.

12-44 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I do not want to move—No 21.

21. 'That in clause 20 in the proviso to sub-clause (c) for the word 'omolumentis' the following be substituted:—

'and of the appointment, omoluments, suspension and dismissal.'

The amendment was by leave withdrawn.

12-47 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move—

'That in clause 20, sub-clause (f) after the word 'appoint' the words 'and shall have power to suspend and dismiss' be inserted, and the following proviso be added at the end—

'Provided that, in the case of the Registrar, the Librarian and the Provests, the order of dismissal, passed by the Executive Council shall be subject to confirmation by the Court'.

Sub-clause (f) provides that the Executive Council shall appoint the officers (other than the Chancellor, the Vice-Chancellor and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts. Nothing is said about the suspension or dismissal of these officers which the Executive Council will appoint. I think, Sir, this question of dismissal or suspension of the officers by the Executive Council ought to be made clear, and therefore I say that in this clause the words 'and shall have power to suspend and dismiss' should be inserted after the word 'appoint.' It has the power of appointing, and, I think, it must also have the power of suspending and dismissing.

"Then I want a proviso added at the end, namely 'Provided that in case of the Registrar, the Librarian and the Provests the order of dismissal, passed by the Executive Council shall be subject to confirmation by the Court.' Because the officers I have named in the proviso are senior officers, and I think it is desirable that any order to suspend or dismiss passed against them should be subject to confirmation by the bigger body. Of course, Sir, it may not be necessary to exercise this power, I hope that no occasion will

[16TH MARCH 1930.] [Mr. Kamini Kumar Chanda; Mr. H. Sharp;
Mr. Shafi; The Vice-President.]

arise to take any such steps against any of the senior officers, but I think it would be extremely desirable to make provision that any order passed to suspend or dismiss against any of the higher officers I have named shall be subject to confirmation by the Court. Therefore, I propose that, while you say that the Executive Council shall have the power to appoint certain officers, it should also have the power to suspend or dismiss them, and that in the case of the officers I have named in the proviso, this power should be subject to confirmation by the Court."

The Hon'ble Mr. H. Sharp:—"Sir, I am not a lawyer, but I believe that it is a principle of drafting never to use an excessive word or phrase. Now, were we to insert the words at this point which the Hon'ble Mr. Chanda desires to see inserted, I think they would be excessive, because appointment carries with it the powers of suspension and dismissal. I think the Hon'ble Mr. Chanda will be able to satisfy himself on that point if he looks up the General Clauses Act, I believe it is section 16, in which it is laid down that the one power connotes the other two powers. I, therefore, suggest that possibly the Hon'ble Mr. Chanda may think fit to withdraw this amendment, but, if not, I am afraid that there are not sufficient grounds for its acceptance." 12-47 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"The Hon'ble Member has not said anything about the proviso regarding the higher officers."

The Hon'ble Mr. Sharp:—"I am afraid that I had only heard the Hon'ble Member speak on the one point about his amendment No. 22. Now it is the proviso that he wishes me to deal with." 12-48 P.M.

"As I said, I did not hear the Hon'ble Member speak anything about that. Surely the proviso that the Hon'ble Member wishes to put in here would constitute a breach of the division of functions which it is the object of this whole constitution, as framed by the Commission, to bring about. The Executive Council is, as its name shows, the executive body which will deal administratively with all questions of appointment and also the other questions arising out of them, and while it will be in general matters subject to the legislative and supervisory powers of the Court, it must be left free to carry out matters of this kind itself; and I fear that if a proviso of this sort were put into the Bill at this point, it would constitute rather a serious inroad into the proper functions and powers of the Executive Council. For that reason this part of the amendment also cannot be accepted."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I would like to withdraw the first part of the amendment, but not the other part of it." The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to move that in clause 21 for the word 'education' the word 'examination' be substituted. At present it is laid down that the Academic Council shall be responsible for the maintenance of 'standards of instruction and education.' I would like to have 'examination' brought in here. The word is not there and I propose it should be inserted." 12-50 P.M.

The Hon'ble Mr. Shafi:—"I agree to the word 'examination' being added, not substituted for 'education.' The word 'education' will remain and 'examination' will be added."

The Hon'ble Mr. Kamini Kumar Chanda:—"I agree to that, Sir."

The Vice-President:—"I understand the clause will run 'standards of instruction, education and examination'."

[*Nawab Saiyed Nawab Ali Chaudhuri.*] [18TH MARCH 1920.]

The following amendment was put and accepted :—

'That in clause 21, the word 'and' before 'education' be omitted, and after the word 'education,' the words 'and examination' be added.'

12-53 P.M.

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :—

"Sir, I beg to move the amendment that stands against my name and runs thus :—

'That in clause 22 (1), after the word 'Arts' the following words be inserted 'with a department of Islamic Studies conferring the same degrees as in the other Arts Department.'

"Sir, even since the time the proposal for the establishment of a University at Dacca had begun to take a practical shape, it has been universally recognised that a Department of Islamic Studies should form a principal and characteristic feature of the proposed University. The Nathan Committee, after consultation with the distinguished savants like late Shams-ul-Ulama Maulana Shibli Namavi, Shams-ul-Ulama Syed Ali Hilgrani and Dr. Horoviz, included Faculty of Islamic Studies in their scheme of the Dacca University. The Calcutta University Commission, too, have lent the weight of support and approval to the proposal in the following words 'the proposal to establish a strong Department of Islamic Studies on modern lines, combining with instructions in those studies a thorough grounding in English language, forms an essential feature in the Dacca University Scheme, and we fully endorse the desirability of establishing a Department of Islamic Studies on these lines.' In Chapter XLIX, page 214, they further observe 'turning to the Dacca University we have placed in the forefront of our proposal the establishment of a strong Department of Islamic Studies.' Sir, the department that was admitted to be an essential feature of the University, the proposal that was placed on the forefront by the Calcutta University Commission has unfortunately been thrust back into the background by the Government and no mention of it has been made either in the Bill or in the Statutes. It might be argued that Ordinances and Regulations will make provisions for the Department of Islamic Studies. But, Sir, according to clause 29 the Ordinances are to be made subject to the provisions of the Act and the Statutes, and if the department is not mentioned either in the Bill or in the Statute, the framers of the Ordinances will undoubtedly hesitate to initiate any such Department. I refuse to admit the contention that special mention of the department of Islamic Studies will necessitate the specific reference to the other departments of the Art Faculty—in view of the fact the Department of Islamic Studies has no parallel in Arts Faculty of any of the existing Universities in India and as such deserves to be specially alluded to. The mention of the Department in the Act itself will preclude all possibility of the authorities neglecting or delaying to establish it and will give it a position in the forefront of all other branches of studies. It would give the department, as well as the students who graduate in it, a recognised and an honourable position. Sir, there is another and graver reason which is not purely sentimental why the Department of Islamic Studies should be specially mentioned in the Act. In pursuance of the proposal of the Dacca University Committee the Government of Bengal have already reformed and modernised the courses of study in all the colleges except the Calcutta Madrasa, and instituted an examination called the special Matriculation equivalent to the Matriculation Examination of the Calcutta University. They have further instituted a two-years' collegiate course in the Dacca Madrasa, in the Islamic branches of learning which are equivalent to the first and second years' courses of any college affiliated to the Calcutta University. The students now reading in all the Reformed Madrasahs, who number thousands and specially the students of these two advanced classes, are confidently looking forward to the opening of the Faculty of Islamic Studies in the Dacca University so that they can complete their courses and obtain their degrees. It would be a cruel injustice and an unbearable disappointment to this large body of students if the Faculty of Islamic Studies is not initiated simultaneously with the establishment of the University.

[18TH MARCH 1920.]

[*Nawab Saiyed Nawab Ali Chaudhri; Khan Bahadur Ebrahim Haroon Jaffer; Mr. Surendra Nath Banerjee.*]

"An Islamic Course properly framed will attract the Muhammadan youth and the greatest benefit will by this means be bestowed upon them and upon the greatest number of them. These weighty considerations do not apply to the students of Sanskritic studies. We have not the slightest objection to the formation of a Board of Sanskritic Studies or any other studies later on. What I desire to emphasise is the essential necessity of providing for the Department of Islamic Studies as a fundamental part of the University. As to the part of my amendment asking for the same Arts degree for the students of the Department of Islamic Studies, it might be said that inclusion in the Faculty of Arts should and does connote the privilege of the same Arts degree and so my amendment is unnecessary. I wish it were, but suggestions have been made that the degree of B.I. and M. I. should be conferred on the students of Islamic Department rather than the ordinary Arts degrees of B.A. and M.A. Muhammadans, Sir, have unanimously protested against this proposed distinction between the students with equal culture, and the Calcutta University Commission have supported the Muhammadan view. In volume 4, page 181, they remark 'We have pointed out above that we should welcome the conferment of an Arts degree in Islamic studies, but we think it should be conferred only on students who have received an adequate basis of Western education and have pursued their Islamic Studies with a knowledge of the critical methods employed by Western Scholars.' Muhammadans too, Sir, agree in welcoming any course of study that demands of the student an acquaintance with the methods of Western criticism combined with a thorough knowledge of Islamic culture. The curriculum for Islamic studies should, of course, be as liberal and inclusive of as much modern culture as the degree courses in any other subject, but we would surely object to our boys receiving a degree different from those of their fellow students in other departments of Arts Faculty. A different degree is likely to be looked down upon as an inferior degree. We want sound education for our boys. Sir, I have never been an admirer of cheap degrees and would strongly oppose any arrangement that tends in that direction. We want equally liberal culture and the same standard of education for our boys so that they can fight on equal terms with graduates of other communities in the battle of life, but we want their education to be combined with instruction in our religious subjects to make them better men morally as well as intellectually.

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

The Hon'ble Khan Bahadur Ebrahim Haroon Jaffer:—

1 r. 2.

"Sir, I strongly support the amendment moved by my Hon'ble friend Nawab Ali Chaudhuri. It seems to me that he is not making any new demand nor is he asking for any fresh concession. As we understand from his speech, in anticipation of the establishment of the Faculty of Islamic Studies, orthodox Madrasahs have already been started all over Bengal to serve as feeders to the Islamic side of the Dacca University. My friend's object is only to secure statutory recognition for a system of education initiated and approved by the Government themselves as best suited to the genius of the Mussalmans of Eastern Bengal. The addition suggested is purely a formal one and I therefore see no reason why it should be refused.

"Sir, I also agree with my friend that the same Arts degree should be conferred on all the students of the Faculty of Arts. It is absolutely beyond my comprehension why this curious degree of B. I. should be given to the graduates of the Islamic department of the Arts Faculty. I see no justification for making this invidious distinction in degrees granted to students studying under almost identical conditions.

"On these grounds I should strongly urge the Government to accept the amendment."

The Hon'ble Mr. Surendra Nath Banerjee:—"Sir, I desire to support the amendment with this reservation, which, I hope, my Hon'ble

1-2 r. 3.

[*Mr. Surendra Nath Banerjea ; Mir Asad Ali, Khan Bahadur ; Mr. J. M. Chatterji ; Mr. Kamini Kumar Chanda.*] [18TH MARCH 1920.]

friend will accept, and which, I hope, the Government will also see its way to accept, that instead of a Department of Islamic Studies the scope of the Department should be widened and it should be made a Department of Oriental Studies including Islamic and Sanskrit Studies. I have been having a conversation about this matter with my Hon'ble friend the Mover of the amendment. He is quite willing to accept it and I trust it will be satisfactory, both to the Hindu as well as to the Muhammadan communities of Eastern Bengal; and the co-operation of both these communities is essential to the success of the new University.

"Sir, there is one other point to which the amendment refers to which I desire to call attention. My Hon'ble friend has suggested that the degrees to be given should be the same as in other cases. Well, I have no objection provided, and I am quite sure my friend will be of the same opinion, that the standard is sufficiently high and that modern culture is insisted upon. A B.A. or an M.A. of a University has the hall-mark of a certain amount of modern culture apart from Oriental culture which he may be in possession of. I think it is important, as my friend does not want that there should be any lowering of the standard in respect of these qualifications, that a suitable standard should be fixed for the purpose.

"I have, therefore, great pleasure in supporting the amendment of my Hon'ble friend."

1-5 P. M.

The Hon'ble Mir Asad Ali, Khan Bahadur:—"I beg to support the amendment of the Hon'ble Mr. Banerjea. Instead of having only a Faculty of Islamic Studies, the Dacca University should have a Faculty of Oriental Studies as in the Punjab University and degrees similar to those of B.A.'s and M.A.'s should be granted for proficiency in Sanskrit as well as in Arabic."

1-6 P. M.

The Hon'ble Mr. J. M. Chatterji:—"Sir, I have great pleasure in supporting the first part of the amendment brought forward by the Hon'ble Mr. Nawab Ali Chaudhuri. I think that one of the distinguishing features of this new University will be its Oriental side and, with the Department of Islamic Studies and the Department of Sanskritic Studies which will come, I hope that this University will have something which the Calcutta University has not yet been able to show.

"But, with regard to the second part of the amendment, I want to submit that the Report of the Calcutta University Commission is expressly against it. The argument has been brought forward that, if the qualifying standard of culture demanded is high enough, why should not the ordinary B.A. degree be given? My answer to that is that this will be a different *kind* of culture, though not necessarily an inferior culture. I do not accept the argument of the Hon'ble Nawab that these Oriental degrees will be looked down upon. I think they will compare favourably with the other degrees; they will only show that the students who go in for them have gone through a different kind of culture. I do not see any reason why the special colour that is given to the Dacca University in this Oriental side should be taken away. I look forward to the time when the degrees of the Oriental side will rank quite as high as the ordinary degrees. It is because the degrees will be new that there is this prejudice against these degrees. I submit that, considering the very great real difference that there will be between the two kinds of culture, the two kinds of degrees should be retained to mark the distinction."

1-8 P. M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I wish to give my support to the amendment of my Hon'ble friend the Nawab Sahib as further amended by the Hon'ble Mr. Surendra Nath Banerjea, that is to say, that there should be a Department of Oriental Studies and not of Islamic Studies only. That is what I pleaded for when I spoke on the motion to refer the Bill to the Select Committee."

[18TH MARCH 1920.]

[Haji Chaudhuri Muhammad Ismail Khan;
Mr. Shafi; Nawab Saiyed Nawab Ali Chau-
dhri; The Vice-President; Mr. Surendra
Nath Banerjea.]

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan :— 1-9 p. u.
“Sir, very few words are needed after the speech of the mover to commend the ~~Resolution~~ to the acceptance of the Council. It is a question of vital importance to the Muhammadans and I hope the amendment will be accepted by all members of this Council, irrespective of caste or creed. I further support the amendment of the Hon'ble Mr. Banerjea who ably moved for Sanskrit study.”

The Hon'ble Mr. Shafi :— 1-10 p. u.
“Sir, the Government are prepared to accept the happy compromise which has been arrived at between the representatives in this Council of the two communities concerned. So far as the actual drafting of the amendment is concerned, I trust that my Hon'ble friends will leave it to us to do that.

“With reference to the observations made by my Hon'ble friend Mr. Banerjea with regard to the course of study and the standard of examination, I have only one word to say. It will be the duty of the Faculty to frame a suitable course and to fix a high enough standard for this examination, so that the degree in this department may rank as high as the degrees in the other departments of the Faculty.”

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :— 1-11 p. u.
“I am grateful to the Hon'ble Educational Member for his remarks and I quite support the intention of my Hon'ble friend Mr. Surendra Nath Banerjea. We shall be very glad to see side by side with the Department of Islamic Studies a Department of Sanskrit Studies. I do not mind a change in the wording of the amendment, but our intention is to see that the degrees to be given to the students should be B.A. and M.A. and not B.I. and M.I.

“With these words, I press my amendment.”

The Vice-President :— “I understand an amendment in the following form will commend itself to the Hon'ble Member; if so, I take it the Hon'ble Nawab Ali Chaudhuri will move the amendment in place of the one which stands on the paper.”

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :— 1-12 p. u.
“Yes, Sir.”

The Vice-President :— “The question is (1) that after sub-clause (4) of clause 22 the following sub-clause be inserted, viz. :—

(5) The Ordinances shall provide for Departments of Oriental Studies (including Departments of Islamic and Sanskritic Studies) in the Faculty of Arts, on which the same degrees shall be conferred as in the other Departments of that Faculty, and

(2) That sub-clause (5) of clause 22 be re-numbered (6).”

The revised amendment was put and agreed to.

The Hon'ble Mr. Surendra Nath Banerjea :— 1-15 p. u.
“Sir, the object of my amendment* is to include Technology among the Faculties. Originally the Bill included Arts and Law, but two Faculties have been added by the Select Committee—Medicine and Agriculture. I submit, Sir, that Technology is so important a subject that it should be included and set forth in the Bill as being a Faculty which the University should be provided with even at the start. At the present moment there is a very strong feeling all over India, especially in Bengal, in connection with the study of Technology, and, I think, a University

* That in clause 22 (7) the word 'and' where it first occurs be omitted and the words 'and Technology' be inserted after the word 'agriculture'.

[*Mr. Surendra Nath Banerjee; Maharaja Sir Manindra Chandra Nandi; Rai Sita Nath Ray Bahadur; Haji Chaudhuri Muhammad Ismail Khan.*] [18TH MARCH 1920.]

which does not possess that Faculty would be considered as being imperfectly equipped. There is no reason why we should not have it, and there is another reason in favour of the amendment which I have the honour to move. It is this. If you have this Faculty specifically mentioned in the Bill there are rich men in Dacca—my friend over there, the Hon'ble Rai Sitanath Rai Bahadur, is one of them—and they will come forward as Sir Rash Behari Ghosh has come forward, with large donations for the purpose of helping this institution. Sir, the Council is aware of the fact that Sir Rash Behari Ghosh has given 21 lakhs of rupees out of his private fortune, 11 lakhs for the establishment of a course of studies in Technology, and it seems to me that in order to popularise the institution, in order to meet the generally felt wish which may have the effect of stimulating the springs of benevolence, it is desirable that the Faculty of Technology should be included. What harm is there in expressly stating that the Faculties shall include the Faculty of Technology?"

1-17 P. M.

The Hon'ble Maharaja Sir Manindra Chandra Nandi:—"Sir, I have much pleasure in giving my cordial support to the amendment just moved by my Hon'ble friend, Mr. Banerjee. In every part of Bengal there is a crying necessity for technological education, and facilities should be offered in every university to meet this growing demand. It is for this reason, Sir, that I support this amendment."

1-18 P. M.

The Hon'ble Rai Sita Nath Ray Bahadur:—"Sir, I wanted to move an amendment similar to this one, but as it has now been moved by my Hon'ble friend Mr. Banerjee, I heartily support it. But I should like to add that I am glad the Select Committee have included a Faculty of Agriculture among the Faculties. The fact that the Agriculture Department of the Government of Bengal is now located at Dacca makes it more convenient to arrange for agricultural education in the new University. But, I am sorry, the claims of Technology have been ignored, both by the framers of the Bill and by the members of the Select Committee. The Industrial Commission recognised the importance of technological training. In their report they said 'it will be necessary in the immediate future for the Government to consider the more general question of the part to be played by the existing Engineering Colleges and the Universities, in providing for the increasing need in India for scientific, technical and technological training.' They said that 'the simplest way of meeting this demand would be to expand the engineering colleges into technological institutes by the creation of new departments.' For the industrial re-generation of India and the solution of her poverty problem, it is absolutely necessary that the Faculty of Technology should be included in the list of Faculties in our Universities. Unfortunately even our Muhammadan friends who are so keen on securing special representation on the governing bodies of the University have not pressed the claim of Technology. While fighting for the shadow they let the substance slip away. We are all in agreement upon this point that the Faculty of Technology should be introduced into the Dacca University."

1-20 P. M.

The Hon'ble Haji Chaudhuri Muhammad Ismail Khan:—"Sir, I have pleasure in supporting the amendment of my Hon'ble friend Mr. Banerjee. I have always felt that the poverty problem of India can be solved if we can successfully establish flourishing industries. The need for technical education has been discussed by the Industrial Commission in their report, and I hold that it would benefit the country if instead of establishing a Law College we establish an Institute of Technology in connection with the University of Dacca. India cries aloud for Industries other than the universal but insecure industry of agriculture which depends on the caprice of the clouds. I am glad that the inclusion of a Faculty of Agriculture has been found possible. And I hope a Faculty of Technology will be included in the list of Faculties."

[15TH MARCH, 1920.]

[*Nawab Saiyed Nawab Ali Chaudhri; Mr. Kamini Kumar Chanda; Mr. Shafi; Mr. Surendra Nath Banerjea; The Vice-President.*]

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir, ^{1-21 P.M.} the amendment moved by my Hon'ble friend Mr. Banerjea has my hearty support. For the industrial advancement of the country we require experts and specialists in particular branches of industry, and a modern University should undertake the duty of training up the educated youths in applied Science and Technology which will be a valuable adjunct to the Dacca University, and I would gladly welcome the institution of such a Faculty there. I quite realise that it might not be possible to set up at once such a costly institution in the new University of Dacca, but there is no harm in including it in the Bill as one of those departments which it should be the goal and ideal of the University to strive after. We want the University to be started with those Faculties which can be included with the least possible delay, and to add others gradually when funds and circumstances permit. In any case, the establishment of the University should under no circumstances be postponed or delayed, pending the completion of arrangements for any of the Technical Faculties."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I support this amendment. I was one of those who asked for it when speaking on the motion for reference to the Select Committee."

The Hon'ble Mr. Shafi:—"Sir, the Council is aware that we our- ^{1-22 P.M.} selves have met Hon'ble Members more than half way by proposing the inclusion in clause 22 (1) of two out of the three Faculties which were asked for. The addition of these Faculties, of course, cannot in any way delay the initiation of the University. But it has to be remembered that the Faculties of Medicine and Agriculture, on the one hand, and of Technology, on the other hand, in view of the actual existing circumstances, in Dacca, are on two different positions. The object which my Hon'ble friends have in view has my entire sympathy. I too hope that the Faculty of Technology will come into existence as soon as possible. The provision is already there, contained in the clause in the words 'such other Faculties as may be prescribed by the Statutes,' but there are difficulties in constituting this particular Faculty at once. I have personally no doubt whatever that the desirability of constituting a Technological Faculty at an early date will not be lost sight of.

"I trust my friends will be content with this assurance and will not insist on the inclusion of this Faculty by name in clause 22 (1)."

The Hon'ble Mr. Surendra Nath Banerjea:—"If I may be ^{1-24 P.M.} permitted to ask a question, Sir, may we expect from the Hon'ble Member any assurance as to the period of time within which this Technological Faculty will come into existence?"

The Hon'ble Mr. Shafi:—"I am sure, Sir, that my Hon'ble friend is aware that the actual setting up of the necessary machinery for a Faculty like this is more in the hands of his own local Government than in the hands of the Government of India, and it is, therefore, impossible for the Government of India to name a particular date before which such Faculty must necessarily come into existence."

The Hon'ble Mr. Surendra Nath Banerjea:—"As there is very strong feeling in favour of this matter, Sir, I should like to ask you to put the matter before the Council."

The Vice-President:—"Does the Hon'ble Mr. Banerjea desire to reply?"

The Hon'ble Mr. Surendra Nath Banerjea:—"No, Sir."

[The Vice-President; Rai Sita Nath Ray Bahadur; [18TH MARCH, 1920.
Mr. Kamini Kumar Chanda; Mr. V. J. Patel.]

The Motion was put and the Council divided as follows:—

Ayes.—17.	Noes.—85.
Hon'ble Mr. W. E. Crum.	His Excellency the Commander-in-Chief.
" " S. N. Banerjee.	Hon'ble Sir Claude Hill.
" " M. M. Malaviya.	" " George Lowndes.
" R. B. L. M. Chatterjee.	" " George Barnes.
" Mr. R. Ayyangar.	" " William Vincent.
" Sir Dinshaw Wacha.	" Mr. Shafi.
" Mr. V. J. Patel.	" " W. M. Hailey.
" Sir Fazulbhoj Currimbhoy.	" Sir Arthur Anderson.
" Rai Sitanath Ray Bahadur.	" " Thomas Holland.
" Maharaja Sir M. C. Nandi.	" Mr. C. F. de la Fosse.
" Nawab Ali Chaudhuri, Khan Bahadur.	" " E. M. Cook.
" Raja of Kanika.	" " H. Sharp.
" Chaudhuri Mohamed Ismail Khan	" " H. McPherson.
" Sir Umar Hayat Khan.	" " A. H. Ley.
" Sardar Sundar Singh.	" Sir William Morris.
" Mr. K. K. Chanda.	" Mr. R. A. Mant.
" Sir Zaiskar Ali Khan.	" Major General Sir Alfred Bingley.
	" Mr. E. Burdon.
	" Sir Sydney Crookshank.
	" Mr. H. B. C. Dobbs.
	" Sir John Wood.
	" Sur-General W. R. Edwards.
	" Mr. G. R. Clarke.
	" " H. Moncrieff Smith.
	" " A. P. Muddiman.
	" " C. A. Barron.
	" " N. E. Marjoribanks.*
	" " K. C. De.
	" " L. P. Morshead.
	" " C. A. Kincaid.
	" " P. J. G. Pison.
	" " H. A. Casson.
	" " B. C. Allen.
	" " G. F. S. Christie.
	" Maung Bah Too.

The amendment was therefore negatived.

The Vice-President:—"Does the Hon'ble Member Mr. Sita Nath Ray wish to move his amendment?"

The Hon'ble Rai Sita Nath Ray Bahadur:—"No, Sir."

The Vice-President:—"The amendment is withdrawn."

[At this stage the Council adjourned for lunch.]

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, the next amendment"

2-17 P.M.

The Hon'ble Mr. V. J. Patel:—"I rise to a point of order. There is no quorum, Sir."

*That in clause 23(1) the word 'and' where it first occurs be omitted and the words 'and technology' be inserted after the word 'Agriculture.'

[15TH MARCH, 1920.] [*The Vice-President; Mr. Kamini Kumar Chanda; Mr. Shafi; Mr. Surendra Nath Banerjea; Rai Sita Nath Ray Bahadur; Nawab Saiyed Nawab Ali Chaudhri.*]

The Vice-President:—"There is more than a quorum, I think. Additional Members are coming in."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, the next ^{2-13 c.s.} amendment of mine is in clause 22, which reads thus:—

"That in clause 22(2) for the words 'the Vice-Chancellor shall appoint' the words 'the teachers of the department shall elect' be substituted and the words 'as he thinks fit' be omitted."

"Sub-clause (4) of clause 22 says 'that each Faculty shall comprise such departments of teaching as may be prescribed by the Ordinances. The head of every such department shall be the professor of the Department or, if there is no professor, the reader. If there is more than one professor or more than one reader of a department, as the case may be, the Vice-Chancellor shall appoint such professor or reader to be head of the department, as he thinks fit.' This is a point in which the question whether election or selection should be the basis for appointment is involved, and I submit that we ought to see that the appointment will be made by election by the different staffs of the department and not by the Vice-Chancellor. We had a discussion before about the question of selection *versus* election to the teaching body. That is the basis of my amendment. With these few words I move my amendment."

The Hon'ble Mr. Shafi:—"Sir, I wonder if my Hon'ble friend ^{2-19 r.s.} realises that if in the existing state of things the selection of a Principal for a college were left to the professors on the staff of that college, what would be the condition of affairs in this country? That is exactly an analogous case. My friend wants that the head of a department in which there is more than one professor shall be elected by the professors and not by the Vice-Chancellor. If I may venture to say so, with all deference to him, the absurdity of the position is so obvious that I need say nothing further about it."

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I do not unfortunately see any absurdity in my amendment, and therefore I cannot see my way to withdraw the motion."

The amendment was put and negatived.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I beg to ^{2-50 r.s.} move 'that in clause 24 after the words 'Muhammadan Advisory Board' the words 'a Hindu Advisory Board' be inserted.

"There is provision for a Muhammadan Advisory Board, and it seems to me that other Boards may be formed. Those are the words in the clause. That being so, I think it would be as well specifically to state it. I understand the Hon'ble the Education Member has a proposal in this connection, but if one particular Board is mentioned there, the other should also be mentioned, but if none is mentioned, that would satisfy me altogether."

The Hon'ble Rai Sitanath Ray Bahadur:—"Sir, I beg, to support this amendment."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir, ^{2-51 c.s.} it appears to me that this amendment is based upon a clear misapprehension of the duties and functions of the Advisory Board. Perhaps the institution of a Moslem Advisory Board has led my Hon'ble friend Mr. Banerjea to demand the complement of a Hindu Advisory Board too. Sir, some of the peculiar educational needs and grievances of our backward community found their solution in the establishment of a Moslem Advisory Board. Absence of identical drawbacks in the highly advanced Hindu community renders the institution of

[*Nawab Saiyid Nawab Ali Chaudhri*; *Mr. Surendra Nath Banerjea*; *Rai L. M. Chatterji Bahadur*; *Mr. Shafi*; *The Vice-President.*] [18TH MARCH, 1920.]

identical Boards wholly unnecessary. It was to secure to the under and the unrepresented a hearing in the Councils of the University, and not perhaps to turn it into a cock-pit of conflicting interest that the Calcutta University Commission recommended the establishment of the Moslem and the women Advisory Board. For the strong and powerful Hindu community which will, as a matter of course, preponderate in the University staff and the principal bodies, the addition of an Advisory Board is not at all justified by any real necessity. Besides, I am not sure, Sir, that the addition of a fifth wheel to the already complicated machinery of the University coach will not prove an impediment to the progress of the University. Personally, I consider it unnecessary and superfluous in the best interest of the University. I would rather suggest the abolition of the Moslem Advisory Board than institute two permanent rival Boards ever ready with antagonistic suggestions in every question that is brought before the University. It will serve only to accentuate the difference between two communities and lead to undesirable complications. The abolition of the Moslem Advisory Board would, Sir, involve a great sacrifice to the part of the Mussalmans, but we would rather forego a privilege than create the rival institution that would widen the gulf that separates Hindus and Muhammadans. I would add, however, that in taking the action I am now proposing in regard to Dacca, I am in no sense authorised to commit the Muhammadan community to the acceptance of a similar course in regard to the Calcutta University."

2-53 P.M.

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I desire to thank my Hon'ble friend Nawab Ali Chaudhri, because the suggestion he makes is that the words 'Muhammadan Advisory Board' should be deleted. The effect of keeping Muhammadan Advisory Board would be to accentuate differences which he and I agree are very undesirable. Therefore, I quite accept the suggestion that the words 'Muhammadan Board' should be deleted, and that no mention of any kind of Board be made."

2-54 P.M.

The Hon'ble Rai L. M. Chatterji Bahadur:—"Sir, I entirely support the suggestion of my Hon'ble friend."

2-55 P.M.

The Hon'ble Mr. Shafi:—"The Government of India welcome this happy settlement of another difficult point in connection with this Bill, and agree that the provision regarding the Advisory Board should be eliminated. This, of course, will not prevent the University itself hereafter from having either the one or both the Boards if they consider the existence of such Boards necessary and advisable."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I beg to withdraw my amendment."

The Vice-President:—"I may point out to the Council that if this amendment is now sprung on the Legislative Department, it may be impossible to pass the Bill to-day. A number of consequential amendments will be necessary and we shall have to re-number the whole Bill. I am afraid we cannot possibly pass the Bill to-day, unless the Legislative Department is given a wide discretion to make all necessary amendments. It is rather a big thing, but we are quite willing to do it."

The Hon'ble Mr. Surendra Nath Banerjea:—"We are willing to do that."

The Vice-President:—"The amendment put is this—that all references to Muhammadan Advisory Boards in the Act be deleted and the consequential amendments made."

The amendment was put and agreed to.

[18TH MARCH, 1920.] [Mr. Kamini Kumar Chanda; The Vice-President; Mr. Surendra Nath Banerjee; Mr. V. J. Patel; Nawab Saiyed Nawab Ali Chaudhuri.]

The Hon'ble Mr. Kamini Kumar Chanda:—withdraw his 2-57 P.M. amendments Nos. 29, 30 and 31.

29. That in clause 24 after the words 'Advisory Board' the words 'a Hindu Advisory Board' be inserted.

30. That in clause 25 (c) after the words 'Advisory Board' the words 'and the Hindu Advisory Board' be inserted.

31. That to clause 27 (c) the words 'and the Hindu Advisory Board' be added.

The Vice-President:—"Before we come to No. 32, perhaps Mr. Banerjee will state his proposals with regard to communal representation."

The Hon'ble Mr. Surendra Nath Banerjee:—"Sir, with 2-58 P.M. your permission, I desire to announce to the Council the compromise that we have arrived at in regard to communal representation which finds a place in this Bill. We had several anxious conferences about this matter with our Muhammadan friends, and we have at last agreed that all amendments in respect of communal representation which find a place in this Bill, whether proceeding from my Hon'ble friend Mr. Sita Nath Ray or myself or the Hon'ble Nawab Nawab Ali Chaudhuri, should be all withdrawn from the list of amendments. I hope, Sir, that is a compromise which will commend itself to the approval of this Council. In making this announcement, I desire to make one reservation and that is this, that we do not in the slightest degree, neither my friend Mr. Sita Nath Ray nor myself, nor the Hon'ble Nawab Nawab Ali Chaudhuri, we do not in the slightest degree deviate from the position which we have taken up in our several amendments in respect of our attitude in regard to communal representation. Our convictions are there, but for the sake of peace, for the sake of co-operation, for the sake of creating an atmosphere which will be helpful to the successful working of the Dacca University scheme and of the working of that greater scheme which awaits experiment, we have arrived at this compromise, and that in the highest interests of the country as I take it. I hope, Sir, that this announcement will be assented to by this Council and we shall be allowed to withdraw our amendments."

The Hon'ble Mr. V. J. Patel:—"May I know from the Hon'ble Member who were the partners to that agreement?"

The Vice-President:—"I am going to put the amendments Mr. Patel. The first amendment that arises on this question is No. 32. Does the Hon'ble Member (Hon'ble Nawab Ali Chaudhuri) desire to withdraw his amendment No. 32?"

32. That in clause 28 (2), after the word 'Statutes' where it first occurs the following words be inserted 'except those affecting the proportion or methods of Muhammadan representation on the Court, the Executive Council and the Academic Council' and that sub-clause (6) of clause 28 be omitted."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:— 3 P.M.
"Yes, Sir."

The amendment was by leave withdrawn.

The Vice-President:—"Mr. Sita Nath Ray, do you desire to withdraw amendments 35 and 37?"

35. That sub-clause (d) of clause 23 be omitted.

37. That to clause 22, the following proviso be added:—

'Provided that notwithstanding anything contained in this Act in every case where this Act provides for the special representation of the Muhammadan community by election, such election shall be by electorate consisting of Muhammadan and non-Muhammadans and the provision of the Act providing for such communal representation shall be in force for a period of ten years only.'

[*Rai Sita Nath Ray Bahadur; The Vice-President; [18TH MARCH, 1920.]*
Nawab Saiyed Nawab Ali Chaudhri; M.
Surendra Nath Banerjee.]

3.1 P.M.

The Hon'ble Rai Sita Nath Ray Bahadur:—"Yes, Sir, with these words that though I adhere to the view I expressed when the Dacca University Bill was introduced that it can do no good to any community to introduce the principle of communal representation in the matter of education, which should be conducted only by thoroughly efficient men and experts, we have been advised to withdraw all our amendments touching communal representation. To proceed in moving the amendments of which we gave notice would only lead to mutual bickering and ill-feeling. Therefore, with a view to restore peace and promote good feelings, both parties, I mean those interested in the Dacca University Bill, (I do not mean other Members of Council), have come to this understanding that all our amendments relating to communal representation should be withdrawn."

The Vice-President:—"Do I understand the Hon'ble Member withdraws Nos. 35 and 37?"

The Hon'ble Rai Sita Nath Ray Bahadur:—"Yes, Sir."

The Vice-President:—"Does the Hon'ble Nawab Ali Chaudhri withdraw No. 36, or does he wish to make any statement?"

35. 'That in clause 28 (6) for the words 'the previous sanction of the Governor General in Council' the following words be substituted 'the consent of three-fourths of the Muhammadan Members of the Court and the sanction of the Governor General in Council.'

3.3 P.M.

The Hon'ble Nawab Saiyed Nawab Ali Chaudhri:—"Sir it is a great satisfaction to us to find that the Government have accepted the principle of separate and communal representation in the University bodies. It was the earnest desire of the Muhammadans that those provisions of Statutes which provide for a definite representation of Muhammadans on the major authorities of the University should be brought into the Bill, in order that their amendment should not be possible without legislation. The proviso added to clause 28 is a compromise and some improvement on the Bill as originally drafted. The Muhammadans, however, rightly think that their representation has not been adequately safeguarded, while my friends the Hon'ble Mr. Banerjee and Rai Bahadur Sita Nath Ray consider it as an undue concession. As there has been a good deal of discussion on this point on a previous occasion, I am afraid that further discussion on a point in which the Muhammadans feel so strongly will result only in unpleasantness and bitterness. Sir, I am glad to be able to say that we have come to a compromise and on the promise of my friends the Hon'ble Mr. Surendra Nath Banerjee and Rai Bahadur Sita Nath Ray to withdraw all their amendments on the question of separate and communal representation, I too beg leave to withdraw my amendment. I should like to say that we are grateful, for our part, to the Hon'ble Education Member for the part he has played in suggesting a course which, while it does not wholly meet the views of either party, permits us both to retire with honour and satisfaction."

The Vice-President:—"Does the Hon'ble Mr. Banerjee desire to withdraw No. 44?"

44. 'Notwithstanding anything contained in this Act or the Statutes in every case where this Act or the Statutes provide for the special representation of the Muhammadan community by election, such election shall be by electorates consisting of Muhammadan and non-Muhammadan electors and the provisions of this Act and the Statutes providing for such communal representation shall not remain in force for a period of more than ten years.'

The Hon'ble Mr. Surendra Nath Banerjee:—"Yes, Sir."

The Vice-President:—"Then Nos. 32, 35, 36, 37 and 44 are withdrawn."

[18TH MARCH, 1920.] [*Mr. Shafi; The Vice-President; Mr. Kamini Kumar Chanda; Mr. H. Sharp.*]

The Hon'ble Mr. Shafi :—"Mr. Vice-President, before you put this question of withdrawal, I have a few words to say."

The Vice-President :—"I do not put the question. Hon'ble Members withdraw their amendments; it is not for the Council to give leave. The Hon'ble Member will have an opportunity of dealing with this question later. Mr. Chanda, will you move No. 33, unless you wish to follow the good example just set to you?"

The Hon'ble Mr. Kamini Kumar Chanda :—"I will withdraw a number of my amendments; but this one I wish to put. I shall do it without a speech. The object of this amendment is to give more powers to the Court for the initiation of legislation. I wish the following clause to be substituted for sub-clause (3) of clause 28 :—

'The Court may, on the recommendation of the Executive Council or on its own motion, when it sees fit, pass any Statute.....'

"That is the governing part of it and I think I need not read out the whole of it. That is the principle that I am asking for, that the Court should have larger powers of initiation. I trust this may commend itself to my Hon'ble friend."

The Hon'ble Mr. H. Sharp :—"Sir, as I understand this amendment, it has two objects in it. The first is to give to the Court the power of initiating any legislation, and the second is to give it certain untrammelled powers of carrying through legislation apart from the other bodies of the University. 3-5 P.M.

"As regards the former of these two points, there is a short passage in the report of the Commission which I should like to read to this Council. 'Besides this,' says the report—

'The Court would have important legislative functions to perform. All proposals for new Statutes, or for the amendment or repeal of existing Statutes would be laid before the Court by the Executive Council. The Court should, we suggest, have power to reject or refer back such proposals, but not to amend them. Its assent would be required before they were submitted for final sanction to the Governor of Bengal in Council. The fundamental legislation of the University would thus depend upon the assent of the Court.'

"I would commend that passage and the passages before it and after it to those who, like Mr. Chanda, think that the powers of the Court are insufficiently wide.

"But this proposal about initiation of legislation would be contrary not only to the intentions of the Commission, but also to the existing practice, so far at least as I know it, in Indian Universities. In the very forefront of the regulations of the Calcutta University we find that proposals must first be considered in the Syndicate, which is the executive of the University, before they are laid before the Senate, and I believe that the same is the case in the Allahabad University. Those are the two Universities with which I have been connected in the past, but I think that the same would probably also be found in the case of other Universities. Now these regulations of the Universities have been passed for the most part by the Universities themselves, and those bodies have seen the expediency of this rule.

"I pass to the second point. I am not sure whether Mr. Chanda in framing this amendment had read through to the end of this clause. I cannot see how his amendment could possibly stand along with the very important sub-clause (5), which runs as follows :—

'The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court, and shall be submitted to the Chancellor.'

[*Mr. H. Sharp; Mr. Kamini Kumar Chanda; Mr. Surendra Nath Banerjia.*] [16TH MARCH, 1920.]

"Now, if the second part of this amendment were to be adopted not only would there be an end of this sub-clause later on, but we should be placing in the hands of the Court an untrammelled power of legislation which has not been conceded to any other body; and, moreover, we should have the statute-making power, which, as will be seen from the clause before, is very wide, thrown open to all sorts of amendments, repeals, and so on, which had not been considered by the bodies which they concern.

"Now, the whole idea of this constitution, as built up by the University Commission, is a very careful arrangement of balances of power between the various constituent bodies of the University in such a way as to give each a fair degree of independence in its own sphere and yet to allow a wholesome action and re-action of influence between them. But, if Mr. Chanda's amendment were to be accepted, the whole of that carefully thought-out constitution would fall to the ground like a house of cards.

"I have to say, therefore, that Government cannot accept this amendment."

8-10 P.M.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, my difficulty is this that it is not always that you follow the recommendations of the University Commission. If you did that consistently, I could have no objection to it, but as you pick out a portion here and a portion there, I have also done the same, and in this view I have drafted this amendment. I think the larger body ought to have this power."

The amendment was put and negatived.

The Hon'ble Mr. Kamini Kumar Chanda:—"Sir, I beg to withdraw amendment No. 34:—

'34. That in clause 23 for the word 'Chancellor' in sub-clauses (4) and (5) the words 'Local Government' be substituted.'

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda:—"I also withdraw amendments Nos. 38, 39 and 40:—

'38. That sub-clauses (4) and (5) of clause 30 be omitted.

'39. That in clause 35 (1) for the words from 'an admission' to 'Council' the words 'Head of a Hall or Hostel subject to such regulations as to the number and other matters as the Academic Council may make' be substituted.

'40. That in clause 35 (2) for the words from 'the intermediate examination' to 'in force' the following be substituted:—

'an examination recognised by the Academic Council as suitable for admission to the degree course in the University.'

The amendments were by leave withdrawn.

8-12 P.M.

The Hon'ble Mr. Surendra Nath Banerjia:—"Sir, I beg to move:—

'That in clause 48 for the words from 'beyond' to 'of the University' the following be substituted:—'beyond the limits of the municipal area of Dacca.'

"Sir, the object of my amendment is to restrict the limits of the Dacca University to the municipal area of Dacca. I am anxious to make the University effective for the purposes for which it is created. It is to be a teaching and unitary University. That being so, the wider the limits, the less efficient it is likely to be. Therefore, the limits ought to be fixed with reference to the effective use of the power vested in the University within the prescribed limits.

[18TH MARCH 1920.] [Mr. Surendra Nath Banerjee; The Vice-President.]

"Now, Sir, in fixing the city limit, I stand upon very firm ground, and I feel that if I were appealing to a judicial tribunal the judgment would be given in my favour. Well, I trust that the Legislative Council will for a moment divest itself of whatever partiality it may have for a Bill which has been drafted by the Government and will approach the consideration of this matter in a judicial spirit. My first authority for making this suggestion is the Government of India. The Government of India in their letter No. 811, dated the 4th of April, 1912, addressed to the Government of Bengal, said :—

'It is desirable that new Universities should be, where possible, of the teaching and residential type binding together the colleges of a single town or of a single circumscribed area, that is to say, wherever a University is established in future it should, so far as possible, limit its activities to the area of a single town.'

"That is what the Government of India, the highest authority on the subject, said. Now, let us hear what the Government of Bengal has to say. Acting upon those instructions, the Government of Bengal in their Resolution No. 567, dated the 27th of May, 1912, laid down that the new University at Dacca should not include any college beyond the limits of the town. In their letter the Government of Bengal say 'The University should not include any area beyond the town.'

"And that is my amendment, namely, that the limits of the University should be fixed within the municipal limits. Now, let us hear what the Dacca University Commission, which was appointed with this object and this object only, and which went specifically into the matter, have to say. They observe :—

'We are instructed (of course the instruction comes from the Government of India and the Government of Bengal) that the University of Dacca should be of the teaching and residential and not of the federal type, and that it should be a self-contained organ unconnected with any colleges outside the limits of the city. We have carefully followed the instructions of the Government.'

"Therefore, Sir, we have got three authorities of the highest distinction and of the highest weight who urge that the University should be confined to within the municipal area. What is the justification for a departure from the instructions of the Government? Nothing that I can see but to accept the recommendation made by the Sadler Commission and that again subject to a reservation which does not apply in this case. Let me read the recommendation of the Sadler Commission, they say—'We think that the City limits proposed are rather too narrow, especially as the Government Agricultural Farm which is just outside this, might as we have suggested be associated in future with the Agricultural College.' Therefore, Sir, their departure from these recommendations is based mainly upon the consideration that the Agricultural Farm and College should come within the purview of the University, and therefore the limit should be extended to 5 miles. Indeed we have in the Bill quite a distinct provision—clause 48, that the Agricultural College might be beyond 5 miles and could be in any area, that the College should be considered as being within the University limits. Therefore, Sir, the objection of the Sadler Commission does not hold, whereas the authority of the Government of India and the Government of Bengal are there supporting the proposition which I have ventured to lay before the Council, namely, that the University should be confined within the City limits. I have, thus, authority on my side—the highest authority—and something more than that. Not only have I authority on my side, but the merits of the case favour my amendment. A Unitary University extending to somewhere about 5 miles cannot possibly be so effective in its operation as one with a more restricted area, otherwise the interests of teaching and discipline would suffer.

"On those grounds I venture to recommend this amendment for the favourable acceptance of the Council."

The Vice-President:—"I think it will be convenient if the Hon'ble Member who has the next two amendments will move them together. It will save time."

[*Nawab Saiyed Nawab Ali Chaudhuri.*]

[18TH MARCH 1920.]

3-19 P. M.

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:—

"Sir, I beg to move amendment No. 42 in the list standing in my name which runs as follows:—

'That in clause 48 for the word 'that limit' where they first occur the words 'the limit of fifteen miles from the Convocation Hall' and for the words 'that limit' where they occur for the second time the words 'the limit of fifteen miles' be substituted.'

"Sir, my object in moving this amendment is simply to protect the Dacca University from unfair competition with the University of Calcutta. We all know that the standard of the Examinations of the Calcutta University is very low. To illustrate my point, I would only ask my Hon'ble colleagues to visualise the fate of the Colleges at Allahabad for example, if the authorities of the Calcutta University are allowed to start a college there. In that case my Hon'ble friend Mr. De la Fosse will seriously have to consider the alternatives of hanging the sign-board of 'to let' on the walls of the imposing edifice of the Muir Central College or of applying to the learned Syndics of the Calcutta University to be graciously pleased to affiliate the Muir Central College to their temple of learning. It is to avoid a similar contingency with reference to the University of Dacca that I propose a neutral zone of ten miles to separate the boundaries of the two Universities. Ominous portents, Sir, are already visible, for the Calcutta University Senate, for reasons best known to themselves, want to restrict the Dacca University to the ludicrous limit of one mile only and rumours of the establishment of a new college at Narayanganj are even now in the air. Sir, I would only quote two distinguished educationists in support of my amendment and leave the Council to decide if I am justified in my apprehension. The Hon'ble Mr. Jennings, the Vice-Chancellor of the Patna University, in his opinion on the Dacca University Bill, remarks clause 48 deals with the territorial exercise of powers and lays down that the powers of the University shall not extend beyond the radius of five miles from the Convocation Hall. There is a good deal of prejudice against the territorial powers of Universities in India. It would appear, however, that in practice the great Universities of Europe have always had some such territorial power. Receiving their charter from the Pope, the Emperor or King the European Universities had practically a guarantee that no other University would be chartered so as to encroach upon their reasonable jurisdiction. The modern affiliating Universities have rendered it necessary explicitly to exclude rival institutions. I venture to think that under clause 48 there is nothing to prevent another University affiliating an educational institution at a short distance from the five miles radius of the Dacca University, and that such an institution may prove seriously inconvenient to the new University, interfering both with its standard and its discipline. The Hon'ble Nawab Sir Syed Shams-ul-Huda, K.C.I.E., Judge of the Calcutta High Court, also emphasises the same difficulty. He writes 'On one point of general interest, I feel very considerable doubt. The Bill provides in clause 48 a limit of five miles from Convocation Hall of the University as the area within which its activity should be confined. This limit seems to me either too narrow or too wide. However, I shall be content to leave it as it is, but I would add that within a limit, say of 15 miles, no non-residential college should be established and affiliated to any other University. The residential system is more costly and if a non-residential college were established at a place like Narayanganj, it will have the effect of drawing away a large number of students that would otherwise have gone to the Dacca University. Either because it would be less costly or because it will take time to create confidence in the new University. It is very likely that advantage will be taken by those opposed to the creation of a new University at Dacca to take the earliest opportunity to counteract the influence of the new University by establishing college affiliated to the Calcutta University in an important centre like Narayanganj."

"With these words I put the amendment before the Council."

[18TH MARCH, 1920.]

[*Haji Chaudhuri Muhammad Ismail Khan; Major Malik Sir Umar Hayat Khan; Rai Sita Nath Ray Bahadur; Mr. Kamini Kumar Chanda; Mir Asad Ali, Khan Bahadur; Mr. Shafi.*]**The Hon'ble Haji Chaudhuri Muhammad Ismail Khan** :— 3-24 P.M.

"Sir, I rise to support the amendment moved by my Hon'ble friend the Nawab. When you establish a University at Dacca and leave open the possibility of establishing a rival college within 5 miles or so you stultify yourself. I remember how Sir Ashutosh Mookerji deplored the establishment of a University at Dacca and one at Patna on the ground that curtailment of jurisdiction would result in a decrease of income for the Calcutta University. If it is wanted to make the University of Dacca a success, it will be necessary to leave ample powers for it to extend its radius; at least the possibility of a rival institution being set up within a few miles should be properly precluded."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"Sir, I 3-25 P.M.
just rise to say one word. I was very pleased to hear that there was a compromise on many points, and I was very thankful to my Hon'ble friend, Mr. Surendra Nath Banerjea for it. But, Sir, after saying that every facility should be given to us and that this should be one of the best Universities, I may add that, if this amendment is brought in and carried, we might as well be located in the Andamans or any other similar place where nobody is allowed to go. If you are going to restrict the college like that, how is it going to be prosperous? We have been trying yesterday and to-day to make this scheme a success; but what is the use if it has no jurisdiction? I am very sorry that such a thing has been brought in and I would have liked very much that this also was compromised. I think, Sir, that both the amendments should be rejected and some solution should be arrived at."

The Hon'ble Rai Sita Nath Ray Bahadur :—"Sir, I heartily 3-26 P.M.
support the amendment proposed by my friend, the Hon'ble Mr. Banerjea, that the jurisdiction of the University should be confined to municipal limits. It would be greatly inconvenient to extend the jurisdiction to an area of fifteen miles. If that is done in accordance with the amendment proposed by my Hon'ble friend, Nawab Nawab Ali Chaudhuri, that the jurisdiction of the Dacca University should be extended to an area of fifteen miles, it will greatly inconvenience the students outside Dacca in that area; because in that case they will be compelled to go to Dacca and study there, which is very costly. Therefore, we must not do a thing which will go to inconvenience the students who may not be able to take advantage or who may not be in a position to take advantage of the costly education that will be provided by the Colleges in Dacca. I therefore beg to support my Hon'ble friend, Mr. Surendra Nath Banerjea, in the amendment which he has moved that the jurisdiction of the University should be confined to the municipal limits. I beg to repeat that it will greatly inconvenience outsiders if this jurisdiction of the University were extended to a radius of 15 miles, which was never contemplated by anybody. It is something like a counterblast which has been introduced by my friend, Nawab Nawab Ali Chaudhuri."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, there is an 3-27 P.M.
amendment in my name also to the same clause*. If I move it, it will be a triangular fight. I think it is better to withdraw my amendment, and I join my friend, the Hon'ble Major Sir Umar Hayat Khan, in the hope that the best course would be to drop both these amendments and revert to the clause in the Bill as it stands."

The Hon'ble Mir Asad Ali, Khan Bahadur :—"Sir, I beg
to support the Hon'ble Mr. Chanda."

The Hon'ble Mr. Shafi :—"Sir, I feel sure that Hon'ble Members, at 3-28 P.M.
least the majority of them, will agree with me when I say that in this conflict of opinion the Government of India cannot do better than to stick to their original proposal. My friend, the Hon'ble Mr. Surendra Nath Banerjea, would confine the limit of jurisdiction of the new university to the town of Dacca."

* That in clause 48 for the words "five miles" the words "one mile" be substituted.

[*Mr. Shafi* ; *Mr. Surendra Nath Banerjea.*] [18TH MARCH, 1926.

I am sure he has visited the town of Dacca more than once, but probably his visit was confined to the town itself and he did not for himself see the university site which is proposed for the new educational institution. Otherwise, he would not have put forward this proposal ; for the acceptance of his proposal would make it absolutely impossible for the university to establish any college or build a hostel or hall outside the site which has been at present marked out for the university. Not very long ago the limits of the Dacca Municipality were confined to that portion which lies on the town side of the railway line. Even the present university site has been included within the limits of the municipality only recently. It will be absolutely impossible for the University authorities to extend the university site on the off-side of Dacca if the proposal put forward by Mr. Banerjea were to be accepted. So far as the proposal originally put forward by the Hon'ble Mr. Chanda is concerned, as he has withdrawn it, I need say nothing further. It seems to me, further, that a radius of five miles from the university Hall is a very appropriate and suitable limit of jurisdiction for our unitary teaching and residential university, and this Council ought to adhere to that limit."

3 31 P.M.

The Hon'ble Mr. Surendra Nath Banerjea :—" I just want to point out, Sir, that I have some local knowledge of Dacca ; I have been there several times ; but I cannot say that I possess that strict and accurate local knowledge which would enable me to make a statement contradicting the statement of my Hon'ble friend, the Education Minister in this Council. I learn from my Hon'ble friend to my right (Hon'ble Rai Sita Nath Roy Bahadur) who knows Dacca thoroughly well and visits the place several times in the year that the municipal limits of Dacca extend a mile and a half beyond the proposed university buildings. That is what he says ; he speaks with the authority of one who is thoroughly conversant with the topography of Dacca. I have some knowledge of the municipal law of Bengal, and if it is necessary it would be easy enough for the municipality of Dacca to extend its territorial limits with the sanction of the Government, and in a case of this kind the sanction of the Government would not be withheld. I think this completely meets the argument of my Hon'ble friend the Education Minister.

" But he said nothing about the authorities whom I have quoted, namely, the Government of Bengal and the Government of India. What has he got to say about—I was going to say disregard—the neglect of these authorities ? Both the Governments observe that the university should be confined to the city limits. You are going beyond the city limits ; what is your justification ? Absolutely none ; and in this Council you are not able to bring forward any valid reason for it. Therefore, the position that I have taken up upon the basis of these instructions of the Governments, remains unchallenged and undisputed.

" My friend, the Hon'ble Nawab Sahib says that we must extend the jurisdiction to a radius of 15 miles outside Dacca. Now, Sir, that completely ignores the fundamental idea of this university ; it is to be a teaching and unitary university, and as I said in my opening speech and what I wish to repeat now is, the wider the area the less effective the university becomes for the purposes for which it is created, namely, as a teaching and unitary university. Therefore, to extend the area of the University to 15 miles is to lay the axe at the root of the vital principle upon which this university is based. After that you need not have this university ; it becomes a federal university to all intents and purposes and the whole of this Bill is to create a teaching and unitary University.

" One word with reference to what fell from my friend, the Hon'ble Major Sir Umar Hayat Khan. This question stands upon a wholly different footing from the question of communal representation. We have agreed with reference to the question of communal representation ; but with regard to the details of the University we are at perfect liberty to form our own independent judgment, and it is to the interest of the University in which Hindus and Muhammadans are vitally concerned, it is to the interest of the University that these different standpoints should be focussed and discussed and a proper conclusion arrived at. Therefore, I think, I claim that I am doing a public service to the Muhammadan community in bringing forward the arguments that I have urged. This will be a Muhammadans University and

[*Mr. Surendra Nath Banerjea; Nawab Saiyed* [18TH MARCH, 1920.]
Nawab Ali Chaudhuri; The Vice-President;
Mr. Shafi.]

we Hindus are putting our shoulders to the wheel in order to make it a success, which a temple of learning ought to be. Therefore, Sir, I cannot withdraw my amendment. I think it ought to be accepted by the Council. My arguments remain unanswered, and I do appeal to my Hon'ble friend to reconsider the decision which he has arrived at and to accept my amendment."

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri :—Sir, 3-35 P.M.
 I do not propose to increase the area of the University. We are quite satisfied with five miles. My proposal was to define some area in which no institution can be affiliated to other universities, which will tell very much upon the Dacca University.

"I think the Hon'ble Member Mr. Sita Nath Ray misunderstands me. It was not my intention at all to enlarge the area of the Dacca University. My intention was to have some area in which no other institution could be affiliated by other Universities. On that point I have received no reply and I insist on my amendment."

The amendment was put and negatived.

The Vice-President :—"Nos. 41 and 42 are therefore lost; 43 and 44 are withdrawn :—

43. That in clause 48 for the words 'five miles' the words 'one mile' be substituted.

44. That after clause 48 the following be inserted as clause 48A :—

Notwithstanding anything contained in this Act or the Statutes in every case where this Act or the Statutes provide for the special representation of the Muhammadan community by election such election shall be by electorates consisting of Muhammadans and non-Muhammadan electors and the provisions of this Act and the Statutes providing for such communal representation shall not remain in force for a period of more than ten years."

The Hon'ble Mr. Surendra Nath Banerjea :—"I beg to 3-37 P.M.
 move :—

"That in clause 50 the words 'Governor in Council' be substituted for the words 'Governor General in Council'."

"This is a small matter and I hope my Hon'ble friend will see his way to accepting it. The Bill says the Vice-Chancellor must be appointed by the Governor General in Council. I think it must be the feeling of every educationist that our University should be autonomous. We have great respect for the Governor General and for his personality, he is the personal representative of the Sovereign, but why should he meddle in our affairs? Our University should be controlled by our Chancellor, the appointment of the Vice-Chancellor should be made by the Chancellor of our University who is the Governor and not the Governor General. It is the principle of autonomy that I desire to see introduced."

The Vice-President :—"I am afraid that is not the Hon'ble Member's amendment. It says by the Governor in Council."

The Hon'ble Mr. Surendra Nath Banerjea :—"Perhaps I made a mistake."

The Hon'ble Mr. Shafi :—"What my friend seeks to substitute is 'Governor in Council' for 'Governor General in Council'."

The Hon'ble Mr. Surendra Nath Banerjea :—"Be it so, still."

The Hon'ble Mr. Shafi :—"That does not make the University 3-40 P.M.
 autonomous."

The Hon'ble Mr. Surendra Nath Banerjea :—"It does make the University autonomous, because the Governor is the Governor of the Province, the Governor General does not represent the Province. I do not think the amendment departs from the spirit of that. The whole point is that we want a little

[*Mr. Surendra Nath Banerjea; Mr. Kamini Kumar Chanda; The Vice-President; Mr. Shafi.*] [13TH MARCH, 1920.]

interference from outside authority as possible. You ask the Governor General in Council to intervene in this matter, we say the Governor General has no place here and ought not to have any. If necessary, the Governor in Council should have a place here."

The Hon'ble Mr. Kamini Kumar Chanda :—"Sir, I beg to withdraw my amendment*."

The Vice-President :—"No. 46 is withdrawn."

3-13 P.M.

The Hon'ble Mr. Shafi :—"If amendment No. 46† is withdrawn then it follows that the Hon'ble Mr. Banerjea's amendment that 'Governor in Council' be for 'Governor General in Council' remains. That, I submit, knocks the bottom out of the whole argument put forward by my Hon'ble friend, because the Governor in Council is as much an outside executive authority as the Governor General in Council. Something could have been said on the point if Mr. Chanda's amendment had remained before the Council, and to that I would have been prepared to advance what I consider an adequate reply, but, as matters now stand, it is perfectly clear that the Hon'ble Mr. Banerjea would substitute one outside executive authority for another outside executive authority. Well, Sir, this particular clause of the Bill has been drafted on the recommendation of the Calcutta University Commission. If Hon'ble Members will turn to Volume V, page 211, paragraph 173, they will find that the Calcutta University Commission observed as follows: 'We are of opinion that the Vice-Chancellor of the University of Dacca should in the first instance be appointed by the Governor General in Council.' "

The Hon'ble Mr. Surendra Nath Banerjea :—"The Sadler Commission?"

The Hon'ble Mr. Shafi :—"Yes, and that subsequently the appointment should be made by the Chancellor of the University. Now this recommendation was the unanimous recommendation of the whole Commission, including the Hon'ble Sir Asutosh Mukherji, who, as I understood in Calcutta, was the life and soul of the Calcutta University. To employ an expression used by me the other day, I appeal from Mr. Banerjea to Sir A. Mukherji, that great veteran educationist of Bengal. I think the Council will agree with me that in this respect the recommendation of the Calcutta University Commission is sound and ought to be accepted."

3-46 P.M.

The Hon'ble Mr. Surendra Nath Banerjea :—"With reference to the observations that have fallen from my Hon'ble friend, I am reminded of the very long answer he gave yesterday about certain statements made by Sir Asutosh Mukherji in the Senate; and from that answer it did not appear to me that Sir Asutosh Mukherji was the object of his idolatry that he used to be when the Bill was first introduced. However that may be, it is a personal matter; but I am not deterred even by so sacrosanct an authority as that of Sir Asutosh Mukherji. I may be permitted to differ from him if I have sufficient grounds for doing so. My friend says that the Governor in Council is just as much an outside authority as the Governor General.

"Sir, is there not a degree of difference between the Governor in Council and the Governor General in Council? The Governor in Council is the Governor in Council of Bengal; Dacca is situated within Bengal and is the second capital of Bengal. Therefore, if there is any autonomy at all, there is more autonomy in my suggestion than in that of the Hon'ble Member. I do not want to make a violent change in the Bill, I have put that amendment forward and I want to move along the line of least resistance. My amendment is far more autonomous than the suggestion contained in the Bill."

The amendment was put and negatived.

[18TH MARCH, 1920.] [Mr. Kamini Kumar Chanda; Mr. Surendra Nath Banerjee; Mr. Shafi.]

The Hon'ble Mr. Kamini Kumar Chanda :—"I beg to withdraw my amendment,* Sir."

*47. That in clause 2(1) of the schedule to sub-clause (c) the following be added: 'and the Ministers of the Governor of Bengal'.

The amendment was withdrawn.

The Hon'ble Mr. Surendra Nath Banerjee :—"Sir, I beg to move :—

'48. That in sub-clause (iii) of clause 2 (1) of the schedule the word 'and' be omitted and the words 'and the first Subordinate Judge' be inserted after the words 'Sessions Judge'.

"This is a very small matter, and I hope my Hon'ble friend will accept it. I want to introduce the first Sub-Judge as one of the members of the Court. This matter was discussed in the Select Committee, and my Hon'ble friend did not see his way to accept it, but I hope he will do so now."

The Hon'ble Mr. Shafi :—"I am afraid I cannot accede to my Hon'ble friend's wishes. The Government think that local judiciary is sufficiently well represented on the Court by the District and Sessions Judge of Dacca, and that it is not necessary to extend the representation to any one else."

The Hon'ble Mr. Surendra Nath Banerjee :—"I beg to withdraw the amendment, Sir."

The amendment was by leave withdrawn.

The Hon'ble Mr. Kamini Kumar Chanda :—"I do not move any more."

Amendments Nos. 49, 50 and 51 withdrawn :—

49. That in clause 2(1) of the Schedule sub-clause (iii) be omitted.

50. That in clause 2(3) of the Schedule, for the word "forty" the word "twenty-five" be substituted.

51. That clauses 17 and 18 of the Schedule be omitted.

The Hon'ble Mr. Surendra Nath Banerjee :—"Sir, I move the deletion of the clause 18 of the schedule providing for the Selection Boards in England. Sir, the appointment of a Selection Board in England is altogether a novel procedure in this Bill. I do not think it finds a place—if I am not very much mistaken, I am open to correction—in any of our University laws. It being an altogether new thing, it has to be justified, and the burden of proof is on those who have introduced this provision in the Bill. That is my first point.

"Secondly, Sir, whatever evidence there is with regard to the working of Selection Boards such as they are in England, it is altogether unsatisfactory. I understand that at the present moment Selection Boards are constituted *ad hoc* for the recruitment of professors in Indian colleges. Well, I hold in my hand a list which shows the appointments made till 1913 by the various Selection Boards, and when I read out the figures I think the Council will agree with me that the result is poor and unsatisfactory. The figures are these. There have in all been 167 appointments. Out of these first class men were 54, that is to say 32 per cent.; second class men were 60, that is to say 36 per cent. and thus the number of the second class men is higher than that of first class men. Then the third class men were 26, or 16 per cent. Then come the Pass degree men, a very inferior sort of thing altogether in England, and their number is 15 or about 9 per cent., but I have not yet come to the end of this dismal tale. We have some men who have no degrees at all, and their number is 12 or about 7 per cent. Thus out of 167 we have at least 27 persons recruited for the office of professors in India who either had no degrees or degrees of a very inferior kind. Now do you regard this as a satisfactory outturn of work? I say it is work which is very unsatisfactory. But perhaps you might say this is ancient history. It is as old as 1913, and we are in the year of Grace 1920. To that my reply is this that the burden of presumption is raised against you that things are not

[*Mr. Surendra Nath Banerjee ; Mr. Sharp.*] [15TH MARCH, 1920.]

s they should be. A presumption is raised against you, and you have to rebut that presumption by the logic of facts. You have to show that the method of selection since 1913 has improved far better than what is disclosed in these figures. Where is that proof? I should like to have it from the Hon'ble Members on the Government Benches. But I have a more recent case, only one and it shows the temper in which these Selection Boards do their work. A very distinguished Indian, a high wrangler, a Smith's prize-man, applied for admission to the Indian Educational Service. He was refused admission. He came out to this country, and stayed here for two years doing nothing. At last in consequence of a vacancy having occurred owing to the accident of war, he was admitted as a professor of Mathematics in the Dacca College, and he is now one of the most distinguished professors in that College. What do you say to that? What have Hon'ble Members got to say to an Indian being treated in that way? It seems to me, therefore, that so far as Selection Boards are concerned, their work in the past has been unsatisfactory. There is no evidence that their work has improved; there is evidence, at least in the case of one, that their work is exceedingly unsatisfactory. Therefore, with this evidence before me I ask the Council to refuse their assent to the creation of these Selection Boards in England.

"Not only that, Sir, but there is one more point to be urged. Does public opinion count for aught in the Councils of the Government of India or in the deliberations of this Legislative Council. I hope it does. My Hon'ble friend Mr. Sastri in eloquent terms referred to the dissatisfaction which exists with regard to the manner in which selections are made in England for recruitment to the professorial staff in this country. Where have you got the professors of old whose names are household words amongst us at the present moment, men like Sutcliffe, Richardson, Cowell, Gravel, Ives, Tawney and others? Where are they? Who are their successors? I know of none at present. Therefore, I say the work has been unsatisfactorily done, and because it has been badly done, I say that there is no justification for the creation of these Selection Boards. You might ask me, 'all that is very well, but then how are we to recruit in England at all if there are to be no Selection Boards.' I will tell you the better method of doing it. What does a body like the Corporation of Calcutta do? What do the business firms do when they have to recruit men in England? They advertise, and they get a number of applications. They appoint a Selection Board which goes through those applications and then makes its choice. I know at least of one notable instance in which the exercise of this power of selection by such a body was attended with the best results. Many many years ago when I was a member of the Corporation of Calcutta the post of Health Officer became vacant. Dr. Mohendralal Sirkar, now dead, was a member of that Corporation. A Committee was appointed of which he was the Chairman, and we sent out advertisements inviting applications. We received a number of them, of which there were some from Englishmen, and we selected under the direction and guidance of Dr. Mohendralal Sirkar, Dr. Simpson as our Health Officer.

"Dr. Simpson came out to this country and has now earned as Health Officer world-wide fame. It seems to me that that is a perfectly feasible process to go through, a perfectly practicable thing to do—why have this incubus of a Selection Board? For these reasons I move that the clause be deleted and there be no Selection Boards established in England."

3 64 P.M.

The Hon'ble Mr. Sharp:—"Sir, before the Hon'ble Member for Education answers on this amendment, I should like to rise for one moment in order to say that I feel that I must put in a few words to defend the selections which have been made at home and the Indian Educational Service. Mr. Banerjee has given us some figures. I shall be very glad if he will, before he goes back to Calcutta, give me an opportunity of looking at those figures, and I think it possible that I may be able to show him, not perhaps that the actual figures are wrong, but that statistics are sometimes very fallacious. For instance, what is the meaning of talking about people who have no degrees? They may possess the very highest engineering qualifications.

"I will add two little things. When the Public Services Commission came to this country I made two lists of the Service, together with their qualifications, one a list of men mostly recruited some 20 years before, and the

[18th March, 1920.] [Mr. Sharp; Mr. Shafi; Mr. Surendra Nath Banerjea.]

other a list of men recruited later. I did not find much difference between the qualifications, although the earlier list showed slightly better qualifications. I happened to place that list before a very distinguished scholar, a Fellow of the Royal Society; I placed it before him quite humbly and asked him what he thought of it, and he said 'Those men possess qualifications of which any service in the world might well be proud.'

"The other thing is this. There is a certain college in India—it is quite a small college too—which within the last few years has had men recruited by the Selection Board at home, every one of whom has a European reputation."

The Hon'ble Mr. Shafi:—"Sir, in their recommendation, the Calcutta University Commission in Volume IV, page 157, paragraph 59, observed as follows:— J. P. M.

'We are clearly of opinion that it is essential, if the new university is to be started on right lines, that it should have the assistance of a number of capable teachers recruited in Europe.'

"Hon'ble Members will notice that to this part of the recommendation of the Commission the Hon'ble Mr. Surendra Nath Banerjea does not object. What he objects to is the selection of men from England by means of a Selection Board of the kind which we have proposed in this clause. Now the Commission go on to say:—

'It is quite true that a Committee of selection, constituted in the way described, will not be debarred from choosing its candidates from Europe or America, but this process would always take time and we think that it should be laid down that a certain number of posts should be filled by the Secretary of State acting on the advice of a specialist Committee in England to whom the University would furnish the necessary particulars. We recommend that the procedure adopted should be similar to that which we shall recommend for corresponding appointments in the Presidency College.'

"It will be noticed that the procedure which we have proposed in the clause under discussion is a distinct improvement upon the procedure suggested by the Commission. It must, further, be obvious that competent men on the spot are in a better position to make suitable selections than people sitting in consultation thousands of miles away out here in India. The real thing is to secure a suitable constitution for this Selection Committee so that the Selection Committee shall not consist of mere nominees of the Secretary of State, but should mainly consist of persons selected and appointed from India, partly by the University itself and partly by the head of the University, meaning the Chancellor. That is fully secured in our proposals. It seems to me that a Committee consisting of five members, one of whom is nominated by the Chancellor, two selected by the University and two selected by the Secretary of State will constitute a Selection Board perfectly competent to make proper selections, and in a position to make such selections. The mere fact that in the past a number of men have been selected, some of whom were first class and some second class men and so on, is neither here nor there. The real test is, have these men, selected in the past, been successful in the performance of the respective duties which were allotted to them when they came out to India or not. My hon'ble and venerable friend has not been able to point out a single instance in which any of the persons selected by these Selection Boards proved a failure out here in India when he was placed in charge of whatever duties were entrusted to him. It seems to me, Sir, that the constitution of this Selection Committee having been made as it has been made in the Select Committee, this discussion ought now to stop. The proposals embodied in this clause are worthy of the acceptance of this Council and I have no hesitation in recommending them to the Council."

The Hon'ble Mr. Surendra Nath Banerjea:—"Sir, I have been challenged to point out a single case where there has been a failure. I am sure my hon'ble friend does not want me to enter into personal matters in this Council. I should be very sorry to point to even a single notorious case J. P. M.

[*Mr. Surendra Nath Banerjee.*]

[18TH MARCH, 1920.]

of failure if I knew of it and I should not like to do it. Here we discuss questions on general grounds, and I brought forward these figures, not with a desire in the slightest degree to cast any reflection on any person or any member of the Educational Service, but in order to make my point, that there was not sufficient justification for the appointment of a Selection Board, and I think it was a fair argument. I think I was perfectly justified in placing these facts before the Council without any extenuation or any exaggeration, and having been gathered from the official records, there can be no question of their accuracy. Then my hon'ble friend says that to point out that these are first class men or second class men is neither here nor there. Is there not a presumption that a first class man will be better than a second class man, and a second class man better than a third class man, and a man without any degree would be very bad indeed? I think that is a fair presumption, and I think I was quite right in pointing out that there were these figures, the first class men not being in the majority, but the second class men being in the majority. However that may be I do not want further to elaborate this somewhat unpleasant theme, and I do not see my way to withdraw my amendment. I beg, Sir, that you will put it to the vote."

"The amendment was put and lost.

The Council divided as follows :—

<i>Ages—9.</i>	<i>Nocs—39.</i>
The Hon'ble Mr. S. N. Banerjee.	The Hon'ble Sir Clando Hill.
„ Mr. S. Sastri.	„ Sir George Lowndes.
„ Mr. R. Ayyangar.	„ Sir George Barnes.
„ Sir Dinshaw Wacha.	„ Sir William Vincent.
„ Mr. V. J. Patel.	„ Mr. Shaf.
„ Sir Fazulbhoj Carrimbhoj.	„ Mr. W. M. Hailey.
„ Ray Sitanath Ray Bahadur.	„ Sir Arthur Anders m.
„ Maharaja Sir M. C. Nandi.	„ Sir Thomas Holland.
„ Mr. K. K. Chanda,	„ Mr. W. K. Crum.
	„ Mr. C. F. de la Fosse.
	„ Mr. E. M. Cook.
	„ Mr. H. Sharp.
	„ Mr. H. McPherson.
	„ Mr. A. H. Loy.
	„ Sir William Marris.
	„ Mr. R. A. Mant.
	„ Major-General Sir Alfred Bingley.
	„ Mr. E. Bardou.
	„ Sir Sydney Crookshank.
	„ Mr. H. R. G. Dobbs.
	„ Sir John Wood.
	„ Surgeon-General W. R. Edwards.
	„ Rai Bahadur L. M. Chatterjee.
	„ Mr. G. R. Clarke.
	„ Mr. H. Moncrieff Smith.
	„ Mr. A. P. Muddinan.
	„ Mr. G. A. Barron.
	„ Mir Asad Ali, Khan Bahadur.
	„ Mr. N. E. Marjoribanks.
	„ Mr. K. C. De.
	„ Nawab Ali Chaudhuri Khan Bahadur.
	„ Mr. L. F. Morshead.
	„ Mr. C. A. Kincaid.
	„ Mr. P. J. G. Pipon.
	„ Sir Umar Hayat Khan.
	„ Mr. H. A. Casson.
	„ Rai Bahadur K. V. Reddi.
	„ Mr. B. C. Allen.
	„ Mr. G. F. S. Christie.

The amendment was therefore negatived.

[15TH MARCH, 1920.] [*Mr. Surendra Nath Banerjee; Mr. Shafi; The Vice-President.*]

The Hon'ble Mr. Surendra Nath Banerjee :—“ Sir, I beg to 4-13 P.M.
move—

“ That in clause 18 of the Schedule for the whole of sub-clause (1) and the first two lines of sub-clause (2) from the words ‘ The Committees of selection ’ to ‘ as follows ’ the following be substituted :—

‘ (1) Such Professors shall be recruited in England as the Executive Council on the recommendation of the Academic Council may determine and when such a recommendation has been made a Committee of Selection for the purpose shall be constituted as follows.’

“ My objection to this clause is of a twofold character. In the first part of the clause you say that one-third of the Professors shall at least be recruited in England. My first objection is what is the data for that proportion? Why not one-half, one-eighth, one-tenth? I asked for the data in the Select Committee, I could not get the information. I repeat my request for it to-day. What is the data for fixing this proportion of one-third? I suppose I shall be told that it is the recommendation of the Sadler Commission. Well, Sir, great as may be our respect for Sir Michael Sadler and his colleagues, I do not think we are prepared to surrender our conscience or our judgment to their decision. Their decision can only command weight when backed by facts and arguments. Now what are the arguments for fixing that minimum figure at one-third? I should like to have an explanation from the Hon'ble the Education Member about this matter. Well, Sir, that is my objection, and I therefore suggest that, instead of fixing a proportion in that way, the words should run ‘ Such Professors shall be recruited in England as the Executive Council on the recommendation of the Academic Council may determine ’. The number, the percentage, is to be left to the discretion of the Executive Council upon the advice of the Academic Council. They will be on the spot; they will know the circumstances which may vary from year to year. Therefore, this matter ought to be left flexible and elastic. But, instead of that, you fix a minimum and there is no data for fixing that minimum.

“ That is my first point.

“ Secondly, if my amendment is accepted and I hope, as my hon'ble friend has been rejecting so many of my amendments, he will see his way to accept this one, I will ask for the deletion* of the words ‘ and Readerships.’

The Hon'ble Mr. Shafi :—“ My hon'ble friend is taking both the amendments, together.”

The Vice-President :—“ I think Mr. Banerjee must confine himself to amendment No. 53 ”

The Hon'ble Mr. Surendra Nath Banerjee :—“ These are my arguments. The matter ought to be left to the discretion of the Executive Council who will act in accordance with the recommendations of the Academic Council. For this reason I beg to recommend this amendment for favourable acceptance.”

The Hon'ble Mr. Shafi :—“ Sir, I am afraid that I cannot accept 4-15 P.M.
this amendment, partly for the reason that I am going to accept the next. My hon'ble friend would like to delete ‘ Readers ’ from this clause. If we take ‘ Readerships ’ out of the purview of the Selection Boards, what remains is that 30 per cent. of the professors will be selected by them in the manner laid down in England. I think my hon'ble friend ought to be satisfied with that and ought not to press the matter further.”

The Hon'ble Mr. Surendra Nath Banerjee :—“ My 4-19 P.M.
difficulty, Sir, is this. I want a proper explanation. I want to know the data of this 30 per cent. If you can give me reasonable data upon which I can proceed I will accept 40 per cent. or more, but I must have the data. I want your calculation and unless you give me

[*Mr. Surendra Nath Banerjea ; Mr. Shafi ; The Vice-President ; Mir Asad Ali, Khan Bahadur.*] [18TH MARCH, 1920.]

your calculations I am not prepared to subscribe to this as a responsible legislator of this Council."

The Hon'ble Mr. Shafi:—"Thirty per cent is selected simply on the ground that the figure represents a suitable proportion. If we had selected 50 per cent. I have no doubt that my hon'ble friend would have put the same question and if we had selected 25 per cent. I feel sure he would have put the same question.

"To us it appears that 30 per cent. is a suitable proportion in the matter of the selection of professors from England."

The Vice-President:—"I might point out to the Hon'ble Member that according to the clause it is 33 per cent."

The Hon'ble Mr. Shafi:—"I am sorry for having stated 30 per cent. It is 33 per cent. that is to say one-third of the total number of professors. Having taken 'Readership' out of the clause the number will be reduced to much less than one-quarter of the entire staff."

The Hon'ble Mr. Surendra Nath Banerjea:—"Well, I have stated my facts. I do not know that my hon'ble friend has brought forward any arguments which may be taken as an effective reply to the arguments that I have brought forward, and therefore I ask him to put the matter to the vote of the Council."

The amendment was put and negatived.

The Vice-President:—"I understand that amendment No. 54 is accepted."

The Hon'ble Mr. Shafi:—"It is accepted, Sir."

The Vice-President:—"In that case I do not think there is any need formally to put it to the Council."

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

4.20 P.M.

The Hon'ble Mir Asad Ali, Khan Bahadur:—"With your permission, Sir, I should like to congratulate the Government of India on the Dacca University Bill about to be passed in this Council. As this measure becomes law one more University will come into existence in India. It will be the first University of its kind—a unitary teaching and residential University on lines more or less similar to those suggested by the weighty report of the Calcutta University Commission. While the vastness and immense educational possibilities of this country may require quite a number of such universities, it is none too soon that the Dacca University scheme has been ushered into existence. What is particularly gratifying from the Muhammadan standpoint is that a suitable provision for the adequate representation of Muhammadan interests on the governing bodies of the University has been embodied in the Bill. By doing so, the Bill as a whole has come to find favour with the Muslim community all over India. In this connection I desire on behalf of my community to thank heartily the Hindu members of this Council not only for the cordial support they have accorded to this measure, but for their generous aid to the cause of Muslim communal representation on the managing bodies of the New University. I trust, Sir, that similar universities will at no distant date spring forth in some of the major provinces of India. With these words I heartily welcome the Bill before the Council."

[15TH MARCH 1920.]

[*Nawab Saiyed Nawab Ali Chaudhuri.*]

The Hon'ble Nawab Saiyed Nawab Ali Chaudhuri:—

4-23 P.M.

"Sir, before I make any remark on the motion I think I should take this opportunity of drawing the attention of the Hon'ble Education Member to certain passages in the speech he delivered when he referred the *Dacca University Bill* to Select Committee, that has given rise to some apprehension in the mind of the Mussalmans. Referring to the available sites in *Dacca* he said 'in the extensive site surrounding these beautiful buildings we have room not only for erection of the Muhammadan and Jagannath Hall and so on Thus it seems, that it is proposed that a new building will be erected for the Muhammadan Hall; but that is not what the Muhammadans were all along given to understand was the intention of the Government. The old Secretariat Building has always been looked upon as the future Muslim Hall and the Muhammadan students of the *Dacca* College have been accommodated in that house in anticipation of the building being turned into the Muslim Hall. Alterations have even been made at an enormous cost in the building with a view to utilising it as a Muslim Hall, but now we are told that the Muhammadan boys are to be turned out of the beautiful building to make room for others. Calcutta University Commission on page 237, Volume 4 of their Report, recommend 'the two wings of the old Secretariat might be used for the teaching of Islamic studies, and Law, respectively. The central portion of the Secretariat (now a Muslim Hostel) should form part of the Muslim Hall. Two more blocks could be built for this Hall immediately behind the Secretariat and in close proximity to the present Muslim Dining Hall. The Government is pledged to give effect to the recommendations of the Calcutta University Commission, and we want an assurance from the Government that the Muhammadan boys should not be transferred to any building old or new, leaving the Secretariat to be occupied by students of other Halls or to be utilised for some other purpose.

"Sir, I should like to press another point on the attention of the Government. As I had said before the appointment of the Mussalmans to the University teaching staff is the most vital of all the matters that affect the Muhammadan interest. It is the voice of the University teachers that alone will count in the administration of the University and it is absolutely necessary that in making appointments the Government should pay special attention to the claims of the Muslim candidates. The Calcutta University Commission have also strongly emphasised this point. They remark 'the Committee of selection should as a rule bear in mind the necessity of appointing an adequate number of Mussalmans in the teaching staff, and should the general opinion demand it, the final appointment should be left to the Chancellor of the University so as to leave open to the possibility of Representation if either the Hindu and the Muslim Community were likely to suffer owing to the disproportionately small number of appointment of members of that community.'

"It is of course impracticable to provide in the Act itself for the appointment of teachers in the University and the absence of statutory provision should therefore be made good of by the assurance of the Government that these recommendations should liberally be given effect to. Sir, the crux of the whole problem is here. We want an adequate number of Muhammadan professors and we want them urgently. Competent teachers I repeat, once again, are available, and the Muhammadans are not prepared to believe any statement to the contrary. It will be sorely disappointing to them if the University which in the words of the Right Hon'ble Mr. Montagu is 'intended to offer to the Mussalmans the best opportunity of University Education that they yet had' is staffed mostly with professors of alien race and religion who are not in a position to understand and sympathise with Muslim ideals and so are ill competent to infuse that spark of enthusiasm which a Muhammadan professor will inspire in the mind of the students of his own denomination. This is the most important factor, the most essential to galvanise our lethargic community to further activity and exertion in the field of education. Sir, my community feels very strongly on the subject and my earnest prayer is that the Hon'ble Education Member would give us the assurance that Muhammadan element will be sufficiently and strongly represented in the teaching staff of the University.

[*Nawab Saiyed Nawab Ali Chaudhuri.*] [15TH MARCH 1920.]

"One of the most satisfactory features of the debate to-day has been the spirit of compromise and conciliation manifested by my Hindu Colleagues in withdrawing their opposition from the question of separate Muhammadan representation out of regard for the feelings of the Mussalmans. I thank them cordially for their generous attitude which, I am sure, will pave the way for the co-operation of both the communities for the success of the Dacca University.

"I sincerely hope that in future the relation between the Hindus and Muhammadans will be marked by the same spirit of mutual good-will and mutual understanding which we had the pleasure of witnessing in the discussion in the Council to-day.

"Sir, it is seldom that I rose with greater pleasure than I do to-day to support the motion now before the Council. After great vicissitudes of fortune the Dacca University scheme is now going to receive the Legislative sanction. At this Supreme moment of the fruition of our long cherished desire, it is perhaps appropriate that we should pay a fitting tribute to those whose labours have been mainly responsible for pushing on the scheme to the stage it has now reached. My friend Mr. (now Sir Robert) Nathan and his Committee deserve our special thanks for the spade work which they did in the beginning. As a member of the Committee, I can testify how far the success of the Committee was due to the energy, tact and sympathy of its resourceful president. To the Calcutta University Commission lies the credit of modernising the scheme, of adopting it to the new ideals of the University and to the needs and requirements of the people of the Province, and we offer our grateful thanks to the distinguished members of the Committee who had so creditably acquitted themselves of the difficult task of solving the problem of University Education in Bengal. Coming to the Government of India, I shall be failing in my duty if I do not express our deep sense of gratitude to His Excellency Lord Chelmsford who even under the stress of great financial stringency caused by a devastating war had never for a moment wavered in the determination to fulfil the pledge given to the Mussalmans by his predecessor, Lord Hardinge, to whom my community feel greatly indebted. His Excellency's pronouncements from time to time had kept alive the hopes of Mussalmans, and it is particularly gratifying to them that His Excellency's Government took the earliest opportunity after the war, of giving effect to the scheme meant for the educational advancement of the Mussalmans of Eastern Bengal. In this connection it is my pleasant duty to pay the well deserved thanks to Mr. Shafi, the Hon'ble Member for Education. The Muhammadans, Sir, gratefully appreciate the vigour and promptness with which he took up the Dacca University Scheme soon after the publication of the Report of the Calcutta University Commission and the tact and judgment and ability with which he piloted the Bill through the Select Committee and the Council. I think I am not betraying the secrets of the Select Committee when I say that it has been a novel experience of my life to be engaged in a regular tug of war with my Hon'ble friend on those very points which, under his distinguished leadership, we had, so often in the past, fought on a common platform. But I realise his difficult position and appreciate all the more the services he rendered to the Mussalmans of Eastern Bengal. The Hon'ble Members will, I think, agree with me that his bold and courageous championship of the Muslim Representation was one of the most prominent events of this Session of the Council, and I can assure him that the numerous letters I received from Eastern Bengal were all very enthusiastic in their admiration and appreciation of his services to the Muslim cause. The services of my hon'ble friend Mr. Sharp too have a great claim on the gratitude of the Mussalmans. It may be some gratification to him to learn that the Mussalmans of Eastern Bengal still remember him as the Director during whose tenure of office Muhammadan education received the greatest impetus, and its progress was accelerated at a pace never attained before. Last though not the least of all, our thanks are due to you, Sir, who as the Chairman so impartially umpired in the triangular contest in the Select Committee and to whose wise and sympathetic judgment we owe much of the improvement that has been effected in the Bill.

[15TH MARCH, 1920.]

[*Nawab Saïyed Nawab Ali Chaudhuri; Major Malik Sir Umar Hayat Khan; Mr. K. V. Reddi.*]

"Sir, the Dacca University is fortunate in making its beginning under the most auspicious conditions. For in Lord Ronaldshay it will possess a Chancellor who is already taking a keen personal interest in the establishment of the University. The earnestness he has already shown in pushing forward the scheme and setting the necessary machinery in motion, makes us fully confident that the University will have a glorious future under his fostering care and patronage. We can also assuredly count upon the active support and assistance of the Hon'ble Maharajadhiraja Bahadur of Burdwan whose sympathy with educational advancement of his countrymen is well-known and whose fairness and impartiality have won for him the love and esteem of both the Hindu and Muhammadan communities in Bengal.

"Before I sit down, Sir, I desire to make one request to the Government, which I hope will receive their sympathetic consideration. It is the earnest desire of the people of Eastern Bengal that His Royal Highness the Prince of Wales should open the University at Dacca. I hope the Government will see their way to arranging the matter accordingly.

"Sir, we hope that the Dacca University will as foreshadowed by the Calcutta University Commission serve as a new home for the study of that Arabic, Philosophy and Science which gave fresh intellectual life to Europe during the middle ages and will bring about a fresh synthesis of eastern and western culture, that it will ultimately fulfil the high expectations of its founders would justify its existence by stimulating the educational progress of the Mussalmans, will produce generations of scholars well-equipped to discharge the duties of citizens of this great empire; and we trust, Sir, that it will for ever remain a living monument of His Excellency Lord Chelmsford's efforts for the uplift of my countrymen in Eastern Bengal. With these words, Sir, I support the motion before the Council."

The Hon'ble Major Malik Sir Umar Hayat Khan :—"Sir, 4.35 P.M.
I only stand to congratulate the Education Member on behalf of the Muhammadans of his own province. I also congratulate the Hon'ble Nawab Nawab Ali Chaudhuri for bringing into this Bill a particularly useful thing, *viz.*, Eastern education which I am very glad the Government has accepted. I think we have been suffering through western knowledge alone; and if eastern knowledge also which inculcates respect to God and elders is imparted in this University, I think the trouble we are now having will be much lessened."

The Hon'ble Mr. K. V. Reddi :—"I wish to join, Sir, in offering 4.50 P.M.
along with my other friends our hearty and sincere congratulations to the Hon'ble the Education Member for having piloted this Bill through, somewhat troubled waters.

"Founded on the latest model, and endowed with the most equitable and liberal constitution the University of Dacca bids fair to be the best of its kind. It differs from ancient institutions in many many ways. Perhaps there is not much in comparison between the older Universities and this one. It differs even from the more recent ones. It has not got the denominational character of the Benares University; it has not got the half and half way of the Patna University. Sir, it occurs to me that in this great country of mine the firmament is beginning to be illumined day by day and to-day a bright star has appeared there and many a dark pathway will be illumined. When, before the Joint Committee I said with reference to the Reforms Scheme that it was a colossal scheme with far-reaching consequences, one of my countrymen disputed the statement and said it was a little thing. On the 8th of this month when I stated that the financial condition of this country is one of abounding confidence murmurs were heard giving rise to misgivings, on account of the sale of Reverse Councils. But I am perfectly certain of this that on this question of education my country is moving, moving forward, moving progressively, and I do not think there will be at least on this matter any dissentient voice. Sir, we have every reason to congratulate the country and the Education Minister on the passage of this Bill. It fills me with hope and if only we

[*Mr. K. V. Reddi; Rai Bahadur E. M. Chatterji.*] [18TH MARCH, 1920.]

have more Universities of this type, India's place in the civilized nations of the world will be made secure. There is need for any number of such Universities. Sir, I come from a part of the country which has got a literature of its own, a culture of its own, and a civilization of its own, but owing possibly to a mixture of communities and languages that culture and civilization had not received their polish and finish. My hon'ble friend Mr. Sarma has been trying his best in this direction to prevail on the Government to obtain a separate University for us, the Andhras in the near future. Let us hope that very soon the Hon'ble Member for Education will extend the sympathy of his noble heart to people perhaps a little further than Dacca and see his way to establish an Andhra University. There is only one other matter on which I shall congratulate not merely the Hon'ble Member but the Council if I may do so without presumption. I refer to the spirit of compromise, to the spirit of conciliation that has been so generously and nobleheartedly shown in this hall to-day in settling the question of communal representation. It shows me that this Council has risen high above the people in many parts of the country. For two or three years we have been fighting in Madras and fighting without hope, on the mixed question of communal representation to the Non-Brahmins and we could not come to a compromise. The spirit of conciliation so nobly shown in this the highest Council in the land is one which deserves to be copied in every part of the Empire. You have set an example and a noble one indeed."

4-30 P.M.

The Hon'ble Rai Bahadur E. M. Chatterji :—" Sir, I desire to associate myself heartily with what has fallen from the Hon'ble Nawab Nawab Ali Chaudhuri. I wish to congratulate the Hon'ble the Member for Education on the tact with which he has carried this Bill through. I join the Hon'ble Nawab in expressing our congratulations to all those who have helped in shaping this University both here and in Bengal. What this Bill gives us is a means of attaining an ideal, and that ideal, is suggested in the various sections of the Bill. We recognize that in the matter of principle some of us have had to give way, but I also recognize that absolute principles cannot always be pushed to their logical extremes. This Dacca University scheme has been a long time being carried into effect and since it was first mooted a great deal has happened. It has been considered by various bodies, and what we have now attained is the result of long deliberation. What the University is going to be really, will depend a great deal on ourselves. The Bill supplies the means, the machinery, the ideal is for us to pursue. This new University has now been established after the publication of the monumental report of the Sadler Commission. There are certain matters mentioned by the Hon'ble Nawab, such as the allotment of buildings. These are little matters. He has also raised the question of Muhammadan teachers, and I have no doubt that when the University bodies are created they will fully consider these various matters. After all these matters should be left to the University bodies who have knowledge of local conditions. There is one little matter to which I should like with your permission, Sir, to draw the attention of the Council. It relates to appeals to the Chancellor. The words are 'an appeal may be made by petition to the Chancellor against the order of any officer or authority of the University affecting any class of persons in the University' I confess this section gives rise to some misgivings in my mind. What is the class of persons who may apply? Students who feel themselves aggrieved? I take it that that was not the intention of those who introduced this section. But I should like to have a pronouncement from the Hon'ble the Member for Education on this point and one which will make the point clear to the Council and to the country at large. We must very carefully guard the discipline of the University. It will not do for the question of internal discipline to go to authorities outside the University. The University is the best authority to decide the final question. I want to say one more word if I may, and that is to acknowledge the very great fairness with which you, Sir, have conducted the deliberations on the Bill through the Select Committee. We were greatly impressed with it and we have had full opportunity given to us of presenting

[18TH MARCH 1920.]

[*Rai Bahadur L. M. Chatterji; Mr. Srinivasa Sastri.*]

our views before the Committee. I take this opportunity also of expressing our appreciation of the earnestness with which the Hon'ble Nawab Nawab Ali Chaudhri has put his views on the various problems before us.

"We differed, but we agreed to differ in most cases, with equal earnestness the Hon'ble Mr. Banerjee presented the other side of the case.

"I hope, now that we have come to an agreement with regard to communal representation. There will be no difficulties, no differences, no embittering differences, in the future and I hope that the University will show that Hindus and Muhammadans can work side by side in a friendly manner with only one ideal before them, namely, the ideal of pursuing sound culture and of shaping the life and character of our youngmen which, I hope, is the main object of this new University."

The Hon'ble Mr. Srinivasa Sastri:—"Sir, I have no difficulty in persuading myself to vote in favour of the motion. As a general rule, I am quite willing to accord my consent to the establishment of a new centre of learning anywhere and almost in any shape or form. In the second place, I have noticed the enthusiasm of the people of Eastern Bengal, particularly of the Muhammadan residents therein, for the establishment of a University of this character. They have been promised the establishment of such a University, and they have looked forward to such establishment as in part a solution for Eastern Bengal having been deprived of the rank of a province. I am, therefore, Sir, entirely in sympathy with the motion that has been made.

"At the same time, there are some features of this Bill which I deprecate and which I deplore. On the whole, however, I believe that a great centre of learning, howsoever started in the beginning, will be able to improve itself, and I have hopes that Saraswati will know how to cleanse her temple of all dross. This new University, Sir, has been criticised in some very unfriendly quarters as really a Moslem University sailing under a false name. One or two imprudences perhaps on the part of Government have given rise to this misconception. But a fair examination shows that this is a grievous and unwarranted exaggeration. The provision made for the representation of Muhammadans never exceeds one-half. It is, therefore, wrong to say that this University is predominantly a Moslem University. I recognise, and gladly recognise, that this provision for communal representation that has been made proceeds from a desire merely to safeguard the interests which otherwise are considered to stand in peril of being forgotten. I cannot see that there is anything in this Bill to justify the charge that it is going to be practically a Moslem University open, however, to all classes in name.

"I spoke of one or two imprudences. May I mention one of them? One of the clauses in this Bill, clause 5, is expressly there for the purpose of saying that this University shall be open to all persons of either sex, and of whatever race, creed or class. Now a statement of that kind has so far been found in University legislation in this country only in the case of the Benares Hindu University which is expressly for the benefit of the Hindu population. It was right that a clause of that kind should be included in the Act which incorporated the Hindu University. If this be a cosmopolitan University, if we are to follow the University incorporation Acts in this country, say for example, the Patna University Act, there is no need for putting in a clause of this character. That has given rise to the suspicion that perhaps the framework of this Bill is for the purpose of creating a Moslem University, and this is merely an exception provided therein. But, Sir, there is a smaller object achieved by clause 5 to which I must draw attention. This is in virtue and in pursuance of a recommendation of the Sadler Commission itself. They have recommended the inclusion of a clause to this effect, and they have further said that there shall be no religious or other tests provided, no restriction on the followers of any particular religion for receiving the benefits or enjoying any positions of this University. That again seems to show that there was in the mind of somebody or other a suspicion that things would be otherwise. That, however, is

[*Mr. Srinivasa Sastri.*] [18TH MARCH 1920.]

comparatively a small matter. The insistence on religious tests, however, carefully safeguarded as a general rule, is admitted in respect of certain matters. One of them is when any particular benefaction accepted by the University requires such a test, that is religious test, and that is made a condition thereof by any testamentary or other instrument creating such benefaction. This is a necessary exception. Obviously it would be very desirable to allow Hindus and Muhammadans to found scholarships or studentships for the benefit of people belonging to their own communities. It is therefore necessary to provide for this exception. But the exception itself, as proposed by the Sadler Commission, should be safeguarded in an important particular, and that safeguard I do not find in the Bill. It is possible to supply the omission which, in my opinion, is unfortunate, it is possible to supply the omission by Statute later on, and that is why I make this suggestion at the present moment. The Sadler Commission say:—"We are of opinion that the only benefactions in which there should be limitations of any kind to particular communities are benefactions for scholarships or bursaries, etc., or the provision of religious teaching and that the University should discourage benefactions with racial or religious limitations of any other character."

"For no other purpose should the religious tests be admitted. It is not, however, made clear in the Bill. Now my gratification is quite as great as that of my friend Mr. Reddi, that questions of communal representation have been settled by mutual accommodation. I am not, however, Sir, going to approve of the result of the compromise. I am only expressing my gratification at the fact that a compromise has been arrived at by mutual agreement, for in my judgment in all these matters it is much better to arrive even at a wrong solution by mutual accommodation of the parties interested than that we should go on wrangling, and finally allow third parties to arrive, it may be, at the right solution."

"I must now state why I am not quite pleased with the result of this compromise. I said the other day, in speaking at an earlier stage of this Bill, that I would admit the principle of communal representation into the constitution of the Dacca University as an inevitable necessity. I only pleaded that day for the introduction, along with this inevitable necessity, of suitable correctives thereto. The amendments of the Hon'ble Mr. Surendra Nath Banerjee and others were calculated to supply correctives. In so far as the correctives have been ruled out by the compromise, I consider that the compromise is unfortunate. But there is another aspect of the case which somewhat travels beyond the region of the Dacca University. The Dacca University has been framed largely on the recommendations of the Sadler Commission, and it is well understood all over India that the recommendations of the Sadler Commission ought to be considered as a sort of inspiration not only for the Universities of Calcutta and Dacca, but for Universities all over India. Already every University, or every Government has appointed a committee for the consideration of what changes would be appropriate in pursuance of the recommendations of the Sadler Report, and in the University of the Punjab at all events, I am informed that amongst the changes contemplated, one is the introduction of communal representation on the Dacca model. I am, therefore, Sir, bound to draw the attention of this Council and of the country to one of the very undesirable consequences of our doing wrong in one place under pressure of local circumstances. We have yielded to the necessity of the inhabitants of Eastern Bengal. The inhabitants of the Punjab, situated similarly, are asking for the same thing, and it will be very difficult, indeed, to resist the extension of this principle or even to demand that the correctives thereto suggested by the Hon'ble Mr. Surendra Nath Banerjee should have admission into the new constitution of the Punjab University. I fear that elsewhere too an opening will be sought to be made for the separatism, and it is, therefore, necessary that, in giving my assent to the passing of this motion, I should, on behalf of the Madras University, with which I have been connected, state that when the principle of communal representation is sought to be introduced there, I should consider myself at all events free to combat it. Of all the sad features, attendant on the introduction of this principle, one, Sir, deserves prominent

[18TH MARCH 1920.] [*Mr. Srinivasa Sastri.*]

notice. The Muhammadan community, the Indian Christian community and other communities in a minority which consider their interests imperilled by being mixed up with the interests of a large and preponderant majority, these communities ask for separate representation, and separate representation is granted to them because it is desirable that the wishes of considerable minorities should be respected and their alarms removed. But there is another principle which we ought not to forget in doing this. Let it be understood clearly that I do not object to this, but I am asking that, in doing so, we ought not to forget another principle of equal importance. Every individual, to whatsoever community he belongs, has the right to judge where he actually shall belong for the purposes of general election. If a Muhammadan or an Indian Christian, for example, felt that he was an Indian before being a Muhammadan or an Indian Christian, and that he would like to belong to the general community for the purposes of election, he ought to be free to do so. We now deprive him of the opportunity of belonging to the general community. I know many Muhammadans, I know many Indian Christians who deplore this communal representation and would, if the laws of the land only allowed it, choose to belong to the general electorates in preference to their own communal electorates. I will not name any Muhammadans because I have not taken their consent. I have, however, the liberty to name from amongst the Indian Christian community two or three people. One of them must be known to all here, namely Principal Rudra of St. Stephen's College. He would be glad to belong to the general electorate in preference to his own community. So would Dr. Datta, well known to workers of the Young Men's Christian Association in the battlefronts. So would Mr. K. T. Paul, General Secretary of the Young Men's Christian Association in India. Now what is to become of all these people? Why should they not be allowed to choose to belong to general electorates in preference to their own electorates? It seems to me that in not permitting this option, the principle of communal representation is admitted without a necessary corrective element.

"I must also draw the attention of this Council to another point, however small, which fills me with grief. In the course of to-day's discussion this cause of my grief became prominent. The Education Member himself moved two amendments, both of which had the object of removing from the constitution of the Dacca University the one election in which Hindus and Muhammadans would have co-operated together. He explained it to us by saying that in the course of the Select Committee's proceedings they decided that Hindus and Muhammadans belonging to the Court should vote in separate compartments, that each community should have two representatives elected to the Council, and that therefore it was inconsistent with the Statute where this matter finds embodiment to have in the Act another provision of a different tenor. It appears to me there is nothing inconsistent whatever in that. What does it matter if in the Statutes there was provision for Hindus and Muhammadans voting separately? That is not the highest type of voting; that is not the ideal of co-operation in a seat of learning. It would not have been inconsistent at all if at the same time the Bill itself had retained a provision for one seat at least being filled up by a mixed election. What need was there for removing this? Besides, Sir, if the Act and the Statutes were mutually inconsistent, I should have thought that the proper course was to bring the Statutes into conformity with the Bill and not to bring down the Bill so as to be in conformity with an inferior type of provision made in the Statutes. If, even by mistake, a provision for enabling Hindu graduates and Mussulman graduates to sit and vote together once in a way, if even by mistake a provision of that kind had crept into the Bill, I deplore the anxiety of the Education Minister to pull it out and to insist on having it pulled out. Could not one election out of five elections be marked by the harmonious co-operation of Hindu and Muslim graduates sitting together in one session? Was that too much?

Now, Sir, in my earlier speech on this Bill I referred to the tightness of the control to be exercised by Government over the affairs of this Univer-

[*Mr. Srinivasa Sastri ; The Vice-President.*] [18TH MARCH 1920.]

sity. I am afraid my complaint does not lose, by the changes made either by the Select Committee or in the course of these discussions, any particle of its original force. The control of Government is to be seen everywhere on the face of this Bill. The Chancellor appoints the Vice-Chancellor; he appoints also a certain number of persons to the Court and to the Executive Council; he appoints or takes part in the appointment of Professors. Besides, his consent is necessary to the passing of Statutes; his veto may be placed on the Ordinances. Everywhere his hand is visible. Now, the Hon'ble Mr. Shafi, in speaking to one of the propositions before us to-day, made a somewhat subtle distinction between the Chancellor and the Governor of the local province. I myself am subtle enough to understand that there is a difference, but it is a difference without any substance in it. The Chancellor, no doubt, belongs, as the highest official, to the University. But, Sir, he never takes part in any of the proceedings except at the formal function of Convocation. He really stands outside a kind of appellate authority on all questions, in the first place of capital importance, and in the second place on all questions in dispute between authorities. Besides, how does the Chancellor exercise his all-important powers in the affairs of the University? He does not possess personal knowledge of many of these matters. He relies on either the Vice-Chancellor or on the Director of Public Instruction for detailed advice regarding University affairs. Now the Vice-Chancellor and the Director of Public Instruction are up to the neck in all affairs of the University. They have a previous voice and a voice of great power in preparing affairs belonging to the University and at the last stage, when matters come up on appeal to the Chancellor, they still have the opportunity regularly provided for them of influencing the final decision. Am I then wrong in saying that it is the Local Government, that is the Governor of Bengal really, that would exercise all the powers of the Chancellor? The distinction then, Sir, made by the Hon'ble Mr. Shafi, seems to me not to take away at all from the control to be exercised over this University by the Government of Bengal. Now, I am one of those who believe that, although Government would probably supply nine-tenths of the funds necessary for the carrying on of this University, nevertheless Government would be doing the right thing, would be doing nothing unusual, would be doing nothing out of conformity with the practice of the best Governments in the world, if at the same time that they gave funds they also gave a free hand to those who expended those funds. It is not always, it is not in every department of administration, that the supplying of the funds carries with it the power to determine policy or to control detailed action. In affairs, at all events concerning the University, it would have been wise if our Bill had provided that the Government's control should be as little as possible. Take, Sir, the most recent instance in England. The other day two very influential Committees were appointed in connection with the Universities of Oxford and Cambridge which both wanted assistance out of the funds that may be voted by Parliament. Two committees have been appointed, but Mr. Fisher, in mentioning the appointment of those Committees, took care to add that nothing would be done to take away from the complete independence in all internal matters which the Universities had hitherto enjoyed notwithstanding the fact that Government intended to subsidise them largely. The Sadler Commission allude in many places to the idea of University autonomy. They quote eminent authorities, English, American and Indian in support of this idea of University autonomy.

"They themselves commend it. Having, however, admitted in theory this idea of University autonomy, the Sadler Commission proceed to qualify it in an extraordinary way in the case of the Dacca University by a peculiar consideration that I shall now bring before the Council. I read, Sir, from their Report....."

The Vice-President:—"I do not know whether the Hon'ble Member would like me to adjourn now. We must adjourn very shortly."

[18TH MARCH 1920.] [*Mr. Srinivasa Sastri; The Vice-President; Mr. Shafi.*]

The Hon'ble Mr. Srinivasa Sastri:—"Is it usual, Sir, to adjourn in the middle of a speech?"

The Vice-President:—"We usually adjourn at fixed periods. I will, however, go on if the Hon'ble Member thinks he will finish by half past five."

The Hon'ble Mr. Srinivasa Sastri:—"I will, and you may ask me to sit down even if I happen to be in the middle of a sentence at half past five."

"On page 153 we read these somewhat startling statements. 'This suggests a general consideration which is of importance. We have referred elsewhere to a certain popular suspicion of Government control over education.'

"The Muslim Community does not appear to share in this suspicion. On the contrary, it still looks with confidence to the Government and appears reluctant to entrust its destinies to any popularly constituted body.

"The statement made by my Hon'ble Colleague Nawab Saiyed Nawab Ali Chandhuri is quoted in support of it. I will only read one or two sentences. 'Muhamedans are afraid that the special facilities which now exist in secondary education will no longer exist, if secondary education be entrusted to a Board. From the experience of the University of Calcutta, Muhamedans will be afraid that the advantages and special facilities which they now enjoy and which they expect to get in future, will all be set aside by the Board should it unfortunately be created.'

"Now, Sir, that seems to me to mark the state of feeling which I would hope, and hope with all my heart is peculiar to the Muhammadan Community in Eastern Bengal. I cannot think that this feeling would be shared by Muhamedans in any other province. Now I come to my last point which was also my last point in my former speech with reference to the Board of Selection in England. My criticism on that occasion has caused a few changes in the Report of the Select Committee. I gladly acknowledge the changes as going some way to meet my point; but the principal feature of my point has been altogether missed. I objected to the provision that one-third of the professorships and readerships in this University should necessarily be filled up by appointments in England.

"Is this, Sir, one of those numerous public services with which the Public Service Commission dealt? Was it necessary that a racial proportion should be struck in the service of the University of Dacca? My hon'ble friend, Mr. Banerjee contended that one-third might be too high. The only way in which my hon'ble friend Mr. Shafi could meet him was by saying 'I have now struck out the readerships, you ought now to be satisfied' which means.

The Hon'ble Mr. Shafi:—"A word of explanation, Sir. I said that in our judgment it was a suitable proportion. The rest was only a side remark."

The Hon'ble Mr. Srinivasa Sastri:—"It was a side remark, but it indicates clearly the origin of this provision. It is merely to provide that a certain suitable proportion should belong to the Europeans. I would ask why is this necessary at all in the case of the University of Dacca. We are quite prepared and I am perfectly certain the Academic Council every time a vacancy occurred would decide whether it would want recruitment to be made in England or whether it would want recruitment to be made in India. I am perfectly certain myself that if I were there I would go to England for recruitment in several cases. Wherever there was such a need, wherever there were technical attainments to be taken into consideration, wherever there was scientific knowledge wanted I am perfectly certain that no responsible University authority would have been backward in choosing their professors from any part of the world."

[*Mr. Srinivasa Sastri; The Vice President.*] [18TH MARCH 1920.]

"How can it be necessary to strike a proportion for which no justification can be found, but this one justification? How far it is possible to go in making that provision, is a mere matter of negotiation. There is no principle involved in it. It will work out very badly for the University in this way. How are you going to provide what that one-third should do? What professorships will you include in this one-third, if the number professorships that must be recruited in England come up only to one quarter? The remaining one-sixth must be put into this category merely to satisfy the statutory proportion.

"Besides, Sir, supposing when a vacancy occurs the most suitable person in the world was to be found in the Calcutta University, in the Bonares University, or in the Allahabad University, this provision would make it obligatory on the part of the University to go to England to find a man—and possibly find a misfit—. Of all the provisions in this Bill I regard this as the most ill-judged and unnecessary. Of course a certain amount of justification could be pleaded in its favour by quoting the Report of the Sadler Commission and it is very interesting indeed—this quotation—I cannot withhold from the Council the origin of this provision. It is most interesting and I would ask the most earnest attention of the Council to these passages:—

'From the point of view both of teachers and of the University, we think, therefore that the system of appointment to specific posts which we propose is more advantageous than the service system. But we are aware that the abandonment of that system may raise some misgivings in the minds of the Muslim Community. The Community feel that if Dacca is to exercise the attraction for Muslim students which it is intended to exercise, the Muslim and European teachers must not be altogether outnumbered, as they are both in Calcutta, and in the existing Dacca colleges, by Hindu teachers; and some influential Mussalmans at any rate, are inclined to think that it is only by the direct intervention of Government that such a proportion can be secured.'

So that is the object. Hindu teachers may be outnumbered in this way but Mussalman teachers must not be outnumbered. Now the Commission go on to speak merely of 'a certain number' of posts which might be filled by the Secretary of State acting on the advice of a special committee in England. The certain number of posts, I dare say, is to be arrived at after careful examination of the professorships to be instituted in the University. If on going through the list of professorships for which the University will have to recruit, they arrive at the figure five or the figure six as the number for which recruitment might be thought suitable in England, it must stop there. How has this fractional proportion of one-third been arrived at? I do not see any justification for that in the Report of the Sadler Commission, it is only 'a certain number' of posts that they have mentioned. Now, Sir, it seems to me that the appointment of professors is the most important duty of the University—for they constitute the very life and soul of the University. It is their character that is going to be impressed on the University however admirable our constitution may be, if the professors are not chosen by appropriate methods the University is not going to function on a high level.

"I should have been better pleased if more suitable provisions had been made for the appointment of professors in this University. I cannot believe, Sir, that the absolute fixation of a proportion—in the words of the Bill 'not less than one-third to be filled in England'—I cannot believe that that absolute fixation of one-third is beneficial to the University.

"I have spoken with some feeling as to some of the drawbacks which disfigure in my judgment the Bill that we are about to pass. Nevertheless as I said before, there are weighty considerations proceeding from the fact that we are after all organising a big University after a new type, proceeding also from the circumstance that a large and influential community are bent on having a University of some sort; it is those considerations that impel me to vote in favour of this Bill. I gladly do so."

The Vice-President:—"The Council will now adjourn till 8-30 P.M. I understand there are a number of members who still desire to speak."

[15TH MARCH 1920] [Sir Fazulbhoj Currimbhoj; Pandit Madan Mohan Malaviya.]

The Hon'ble Sir Fazulbhoj Currimbhoj:—“ I rise to accord my hearty support to the hon'ble Member for Education for having piloted this Bill so successfully through the Council. I am sorry that the hon'ble Mr. Sastri should have brought in this question of the communal representation at the far end of the debate. The conciliatory arrangement that had been arrived at was expected to have good effects both in this Council and in the country. It seems rather a pity that our Hindu friends should begrudge the Muslims facilities for education. Unfortunately all the good effects that were produced were lost through Mr. Sastri's criticisms. Muhammadans are very backward in the matter of education and if they wish to give their children the benefits of education we do not think this should be begrudged to us by our Hindu friends. If Muhammadans do not get these facilities the social and political progress of India will be retarded. I wish Mr. Sastri had spoken at the beginning of the debate for then my friend the Hon'ble Nawab Ali Chaudhuri would have got an opportunity of replying to him. I trust my Hindu friends will not oppose or begrudge Muslims having a fair share in the representation of the University. I support the Bill.”

The Hon'ble Pandit Madan Mohan Malaviya:—“ Sir, I have great pleasure in giving my wholehearted support to the motion which is now before the Council. I offer my cordial congratulations in the first instance to my friend the Hon'ble Nawab Ali Chaudhuri on the stage that this Bill has reached. I remember that he has for years past most earnestly devoted himself to the cause of the Dacca University. I am sure that at this moment there is not one of us who rejoices more than he does at the prospect of the Bill becoming law. I offer my congratulations to the Hon'ble the Education Member for his labours in carrying this Bill through. Nor can I forget the Hon'ble Mr. Sharp who has been working at it for a long time and has done a great deal to help to carry this Bill through the Council. But, Sir, most of all our congratulations are due to the people of Eastern Bengal. I am sure that the moment the news reaches them it will gladden the hearts of thousands and tens of thousands who have been looking to the passing of the Bill. Dacca is one of the most important cities in this country; about a hundred years ago it was one of the most prosperous and had a population of 2 lakhs of people. The population has dwindled to something over a lakh, but Dacca deserves to be once more as prosperous and bright as it was in days gone by, nay even brighter and more prosperous and the foundation of this university will pave the way for the prosperity of Dacca and the people of Eastern Bengal. I have long thought that the delay in the establishment of the University at Dacca was a matter of regret. The people of Dacca are of keen intelligence, they have virile intellects and if they are furnished with the means of education they will make the fullest use of them. Much of the greatness and the intellectual glory of Bengal is due to Dacca and Eastern Bengal. I expect that when this university is established many a youth will be enabled to make a record of intellectual achievement which will be a matter of sincere satisfaction to every lover of the mother land. I look forward to this university broadening the minds of the people, of perfecting their knowledge of the Arts and Sciences and of enabling them to take their proper place in the country. I look forward to the period when this university will impart education not merely in the Faculties mentioned in the Act but also in Technology, Commerce, and also in other departments of human activity in which instruction should be imparted. I look forward to the Dacca University taking its place among the best universities in the country. It is therefore high time that the Dacca University was established. I do not think that this is a matter in which one community alone is interested. I rejoice to think how my Muhammadan friends will be pleased by the establishment of this university. I cannot believe for one moment that my Hindu countrymen in Eastern Bengal will not be equally pleased by the establishment of the university. The population of Eastern Bengal is neither purely Muhammadan nor purely Hindu, they are both in the province. If the population were purely Muhammadans and if the University of Dacca

were going to be established for the education of Muhammadan youths alone I would rejoice as much as I do to-day at the prospect of this university affording facilities for imparting education to both Muhammadans and Hindus and it is our duty to see that every youth in the country receives the best kind of education that is possible, whether he be Muhammadan, Hindu, Christian, Brahmin or Pariah, whoever he may be, it is our duty to see that every youth receives the best education. When education is thus afforded it is a national work for which we ought to express our sincere thanks to God. Therefore even if it were a purely university for our Moslem friends I would rejoice at its establishment but it is not so. I regard this as a national university and I expect that every young man who desires to do so will be free to go and benefit by the university. This will be one of the most important centres of national education. I am sorry that in the debate to-day there has been a little feeling expressed in regard to some of the features of the Bill; that the Bill is not a perfect piece of legislation does not require to be said. I quite admit and recognise that there are unfortunately some features in the Bill to which some of our members, some of the most earnest well-wishers of the country are opposed. I recognise that there are differences of opinion on this question, but I think we have agreed to bury these differences. As we have agreed to bury these differences we have come to a compromise, and I thought there was no more to be said on the point. When we arrived at a compromise every one of us was a party to it and responsible for it. I therefore think that the responsibility for any feature of the Bill does not rest upon any one or any few members of the Council but upon us all. I do not think that taking a view of the whole situation there is any reason to feel gloomy about the Bill. The question of communal representation has given rise to differences of opinion. Our Muhammadan friends owing to their experience of the past do feel nervous about the situation. Should they desire to protect Muhammadan interests this is due to no desire to hurt Hindu interests, but purely out of a desire to safeguard the interests of Muhammadans. This is their genuine conviction and it is our bounden duty to respect that conviction and to fall into line with it as far as we can. We feel that there ought to be some special provision made in the Bill for the protection of Muhammadan interests and for the accommodation of Muhammadan teachers in the colleges and institutions belonging to the university. Well, that feeling is genuine and deep-seated we recognise that feeling and we regret that there should be circumstances which should give rise to that feeling. We recognise the facts and agree not to divide over the question but feel that this great institution should be launched into existence under the most happy circumstances. Once we have arrived at a conclusion we must abide by it. I think the best remedy for the state of things that we deplore is to be found only in the creation of a university and by the broadening and enlightening influences which will bind both Hindus and Muhammadans.

"I look forward to the time when Hindus and Muhammadans will do away with the element of communal representation, and I expect that the University itself will do a great deal of work in that direction.

"Then there is also, no doubt, the question of official control. I must say that I feel that more official control has been provided in the constitution of this University than seems to me to be desirable. At any rate, I say with gratefulness that we are in this University much better off than under the constitution of the Benares Hindu University, and I really wish that the control had been less tight than it is. But here again, now that the Bill is in its last stage, we must recognise the difficulties of the situation. I feel that all our Muhammadan friends of Eastern Bengal do not see eye to eye with some of our Hindu friends who would desire to have less official control. That is a fact which has to be recognised, and so long as there is that feeling, that difference of opinion, among ourselves, among those who are equally interested in the progress of this University, I think we may regret the circumstance, but we cannot entirely overlook or ignore the fact, and therefore we cannot complain of the measure of official control which has been provided as we would have complained if Hindu and Muhammadan opinion was united in demanding a

[18TH MARCH 1920.] [*Orator: Pandit Madan Mohan Malaviya.*]

less strong measure of control. But I take it, Sir, I feel no doubt that even with the constitution which has been provided, there are many liberal elements in the constitution of this University which are wanting in many of the existing Universities, and that is a matter for sincere congratulation and thankfulness. I expect that the University even under the constitution which has been given to it, can have a great future before it, I hope and trust it will have a great future before it. Within the constitution which has been provided, there is a great deal of room for earnest, honest, effort to provide the highest facilities for the highest kind of education for the youths of our country, and I do hope and trust that those facilities will be provided.

"The passing of this Bill opens, as I say, a new era for Eastern Bengal, and as the University is worked, experience will show wherein amendments will be made in the Act. The question of the Selection Committee also, I expect, with experience will prove the necessity for a modification of this provision, but as the provisions stand now, and looking at the Bill as it has emerged after all this discussion on the question, the question that I put to myself is, with this Bill given to Dacca under the constitution which has been provided for it, what is the prospect for higher education there? and my answer is unhesitating and clear. I say the prospects are very bright, and the prospects are such that we ought to feel really thankful and congratulate our countrymen of Eastern Bengal on it. The Government have to be congratulated for the attitude they have taken up in regard to this Bill. The thing that now remains to be done is that, as soon as the Bill is passed, steps should be taken to put the Act into execution as early as may be practicable. The Faculties that have been provided will demand all the best efforts, all the best attention of the best men in Dacca, Hindu and Muhammadan, and I look forward to a close co-operation in giving effect to the provisions of the Act and building up a great centre of enlightenment. I hope that in the working of the institution there will be no small feelings, no narrowness of views allowed to have any play. I think that the one object for which they are all united, namely, the desire to give the best facilities for our youths, will be the dominating desire of every Hindu and Musalman in Eastern Bengal, and I have no doubt that they will have the sympathies of the whole of India, of every educated Indian, in the great task that lies before us. On the occasion of the birth of a son in a Royal House there is always great rejoicing in the land. I regard the birth of a new institution like the Dacca University as something akin to the birth of a son in a Royal House, if not as a matter for even much greater congratulation and satisfaction, and I consider that this is a happy day when the legislature is going to put on the Statute-book the Dacca University Act under which I expect great things will happen for the young men in Eastern Bengal.

"I once more congratulate my countrymen of Eastern Bengal and my friends who have worked to see this Bill through the Council and on the success of their efforts, and I hope that we shall hear most excellent accounts of the progress which this University will make in the near future. This University starts at a time when the advantages of the recommendations of the Calcutta University Commission have been available to University education. This University starts in one respect in a better condition than every other University, while other Universities are considering as to how they should remove the intermediate classes from the College and the University, this University starts from that basis and it will admit to its college classes only such students as have passed the Intermediate Examination. This is one great advantage. This University starts with the Faculty of Agriculture as one of its Faculties. In Eastern Bengal there is a vast field for agriculture. I believe in the great potentialities of agriculture, and I believe that by means of scientific education and scientific agriculture, the produce of this land will not only be doubled but quadrupled, and I consider that the establishment of an Agricultural College as one of the means of ameliorating the poverty of the people and also the conditions under which millions of our people live and grow at present. I look forward to the

[*Ustad Aladan Mohan Malaviya; Haji Chaudhri Ismail Khan.*] [18TH MARCH 1920.]

development of the Agricultural Faculty as a special means of improving the lot of our countrymen in Eastern Bengal, and I offer my hearty congratulations to all concerned on this."

6 1/2 P.M.

The Hon'ble Haji Chaudhri Ismail Khan:—"Sir, I have no desire to speak at present at this stage except to admire the friendly spirit which my Hindu colleagues have evinced and to congratulate the Government on the very smooth passage of the Bill. From the very beginning of the discussion of this measure the Hindu and Muhammadan members of the Council have co-operated in a most friendly spirit and just at the moment when we were rejoicing at the culmination of our harmonising effort, Mr. Sastri's undeserved and if I may say so unjustified attack not only on the principle of communal representation but also at the compromise which we arrived at in order to avoid any unpleasantness of feelings between the two sister communities, shatters to the ground the edifice of mutual concessions and understanding which my Hon'ble friend Nawab Syed Nawab Ali Chowdhury had taken so much pain to evolve to-day. I however hold Mr. Sastri condemns a thing to-day which he called 'inevitable necessity'. He himself admits that those who ask for communal representation do so under the feeling that their communal interests will not be safe without it. Sir, I do not wish to imitate Mr. Sastri's example and to mar the pleasantness of Hindu-Muslim understanding which was in evidence throughout the discussions of the Council to-day. Otherwise, I could unfold a sorrowful tale of aggressiveness of our Hindu brethren which has so ruthlessly handicapped the educational progress of the minor communities throughout India. You have heard from Mr. Reddy of the attempt to keep out of public life the non-Brahmins of Madras but the tale of Muslim woes is still more sad and Mr. Sastri cannot be ignorant how Muslim interests have been trampled in various provinces in matters of public services, public life and civic activities.

"But I will imitate the example of the Hon'ble Nawab Sahab and bring no unpleasantness in the harmonious feeling which has prevailed the whole day. I admire the Nawab Sahab's generous desire to sink all personal feelings in face of the great desire to bring about harmony and accord between the Hindus and the Muhammadans. I only wish Mr. Sastri had followed his example and refrained from sounding a discordant note at the eleventh hour. The compromise was entered into not with the Hon'ble Mr. Banerjea personally but with the party and the community he represented. While Muhammadans loyally abide by their part of the compromise as accepted by our respected colleague the Hon'ble Nawab Syed Nawab Ali Chowdhury even the moderate party it seems is unwilling to follow the lead of Hon'ble Mr. Banerjea. I regret that the broad spirit of give and take which inspires the Muhammadan is not shared by the Hindus, especially of the moderate type to which Mr. Sastri belongs, and they will ask us to give up everything as a price of our union, even our vital communal interest without giving anything to us in return. May I be allowed to say, Sir, that even to-day's compromise was due to the generous feeling of concession shown by the Muhammadan members. The Hon'ble Nawab Syed Nawab Ali Chowdhury went so far as to himself propose the abolition of the Muhammadan Advisory Board, which was recommended by the Calcutta University Commission as of the most vital necessity to safeguard the Muhammadan interests, though this concession formed no part of the compromise. But it is most disappointing to find how this generous spirit was reciprocated by Hon'ble Mr. Sastri. I hope, however, the Hindu community do not share Mr. Sastri's views and values at its true worth the self-sacrificing spirit which the Muhammadans are showing in every way. I shall be glad to see my Hindu colleagues repudiating the attitude taken up by Hon'ble Mr. Sastri and thus help to undo the pernicious effects of the speech delivered by him. Before I sit down, I would congratulate the Government of India and my Hon'ble friend Mr. Shafi for the great ability with which he discharged the difficult task of conducting the Bill through many controversial stages."

[18TH MARCH 1920.] [*Rao Bahadur B. N. Sarma.*]

The Hon'ble Rao Bahadur B. N. Sarma:—“The Govern-^{6-54 P.M.}ment of India many years ago promised the people of Eastern Bengal a University at Dacca, and I am sincerely glad that they have been able to fulfil that pledge the moment the war is over. I must congratulate the Hon'ble Mr. Shañ upon his good fortune in being able to add at such an early stage of his career another University to the existing number, and that of a new type, the unitary teaching type. Some time ago we looked forward to the new constitution that may be provided for the Dacca University as being a possible model on which the other Universities might be built up, but we recognised at an early stage that the conditions were exceptional. The Government gave certain pledges. We are now living in troublous times and political expediency is governing even in matters where high principle should rule. The University is being created for the benefit of the Muhammadan population and it would not serve its purpose, howsoever satisfactory its constitution may be, if the Muhammadans were to start with a prejudice and feel that it would not suit them. We can recognise, therefore, the difficult position in which the Government was placed in adapting itself to the conditions under which they had to start a University at Dacca. If the new University was to do any good, it must gratify Muhammadan sentiment, and it must not go so far as to violate unnecessarily any susceptibilities of the Hindus. I am glad that a compromise has been arrived at between the two communities of Bengal so that there is a chance now of looking forward to the growth in the near future of such a friendly feeling between them as to enable them to come forward and ask that the clauses providing for communal representation may be deleted from the Statutes. I said, Sir, at a very early stage of the debate that we recognised that this was a matter exclusively for Eastern Bengal and Dacca, and that was the reason why I for one felt I would not be justified in pressing views of my own, however strong they may be, as have absolutely no chance of being accepted, and which may only irritate where no irritation was meant. I feel sure that the Muhammadans do themselves recognise that this special representation that they are asking for is only by way of a transitory arrangement. If this is recognised then at the earliest possible moment when confidence can be restored that their interests are duly safeguarded, they would reject communal representation as absolutely inconsistent with the new nationalism we are hoping to build up. But at the same time, Sir, I hope my friends the Muhammadan brethren here, will excuse me if I ask them to be a little more thick-skinned in bearing with criticism than they seem to be. When Mr. Sastri criticised this measure, he did so in his desire to uphold what he considered to be the correct principle. I do not think any one who feels strongly on this communal question can be attacked if he expresses his views here, simply because just now principles happen to be at a discount in India, or at any rate in this Assembly. We recognise that the conditions of India at the present moment may not admit of any different treatment of the subject, but we do deplore that this division, this cleavage is descending from the political arena into the educational arena, and we therefore, some of us, desire to guard ourselves against being treated as parties to a scheme which might be urged in future as a model scheme for the rest of India. It is that misconception we hope to avoid, and that is the reason why we have excluded ourselves from any active participation in the discussion and shaping of this measure, and not because we do not take a very keen and lively interest in university development. I hope our attitude in the matter will not be misunderstood by our friends in Bengal, who I know have taunted us regarding our inactivity during the passage of this measure. It is because we desired to leave them to settle the matter for themselves unhampered by outside criticism, it is because we did not desire to irritate them by any hostile criticism, it is because we know that no amendments would have any chance in a Council that we assumed that attitude. But these excrescences are based on trivial, passing considerations which do not affect the vital principle of the measure. Criticism has been made that Dacca would be an officialised University. I tried to see if there was any escape from it. I found that Dacca is a small town and unless it be officialised, perhaps there would be no chance of constituting an effective working body which can carry on the work of the University. I resigned

[*Kao Bahadur B. N. Sarmu; Maharaja Sir Manindra Chandra Nandi; Mr. C. F. dela Fosse.*] [18TH MARCH 1920.]

myself to the situation on that ground and no other. I hope that state of things will soon pass away and it will be possible for the constitution to be so arranged as to make the University a really living non-official unit.

"Well, Sir, we sincerely trust that more unitary teaching universities will be started in the immediate future, adopting all the good points of the Dacca University scheme, while avoiding as far as possible such as have been introduced owing to the peculiar conditions of Eastern Bengal, the pledges given and the times in which we are living. I am sure this harmony between the Hindus and Muhaminadans of East Bengal would be promoted by their having to work together in the University which it would be their joint object to make a model University for the rest of India. I hope this feeling would promote better relations for all practical purposes.

"I cannot help thinking that the limitation of the University area to the city of Dacca would promote a corporate feeling. It would be a very healthy feeling and it would engender a corporate spirit. The Dacca University has to work for its own reputation, build it up and cherish it if it is to be a University worth the name, and, inasmuch as the citizens of East Bengal are thrown upon their own resources, I feel sure they would rise to the occasion and make the Government, which has enabled them to get this University, feel that they have done a right, noble and good deed."

7-2 P.M.

The Hon'ble Maharaja Sir Manindra Chandra Nandi:—

"Sir, I have much pleasure in thanking the Government and congratulating our Educational Member and all my Eastern Bengal friends on the passage of the Dacca University Bill. It is gratifying to be assured that in this new University will first materialise some of the suggestions of the Sadler Commission, and I have great pleasure in congratulating our Mussulman friends over this initial departure in the educational policy of the Government of India. Of course, there are some differences between ourselves and the Mussulmans regarding the question of communal representations, but as the Mussulmans are very anxious to have their special representatives on the Dacca University, we have given in to their wishes in the hope and confidence that after a few years they will themselves find out the error of their ways and knock all communal representation in the University on the head. So, we accepted the compromise just mentioned by Mr. Banerjee, and we have a great hope that, after a few years, when our Mussalman brethren are fully educated, they will come into line with the general currents of Indian thought on the subject.

"With these few words, I congratulate the Hon'ble the Education Member on the passage of this Bill."

7-4 P.M.

The Hon'ble Mr. C. F. dela Fosse:—"Sir, at this late hour I do not propose to inflict a speech upon the Council. I merely rise with a view to remove a misconception which may arise in the public mind in regard to something which fell from the Hon'ble Mr. Sastri. The Hon'ble Member made, I am quite sure without intending it, a somewhat undeserved reflection upon the Calcutta University Commission in reference to the Selection Committees appointed in Great Britain. He suggested that their motive for proposing Selection Committees in Great Britain was that they wished to secure the appointment of a proportion of European members upon the staff of the new University. Now, Sir, so far from wishing to do anything of the kind, they were careful to guard against giving any such impression; and, if you will allow me, I will read three brief passages which will show what their real views were upon this subject. I only do so, because I do not wish it to go out to the public that this Commission, consisting of so many distinguished educationists, was guilty of the charge which the Hon'ble Mr. Sastri has brought against it. I will, Sir, with your permission, just read three brief extracts which will give their real views on this point and

[18TH MARCH 1920.] [Mr. C. F. de la Fosse; Mr. Shuff.]

the reasons which led them to make this recommendation. In Chapter XXXIII, paragraph 59, they say:—

‘Further, we are clearly of opinion that it is essential, if the new University is to be started on right lines, that it should have the assistance of a number of capable teachers recruited in Europe. * * * * * We recommend that the procedure adopted should be similar to that which we shall recommend for corresponding appointments in the Presidency College.’

‘The Council will notice that they were careful to use the words ‘recruited in Europe.’ They go on later to speak of Western trained teachers. Their object was not to secure a proportion of Europeans but to secure a certain proportion of Western trained teachers of the highest academic standing.

‘Then, Sir, in another passage they refer to another point which the Hon’ble Mr. Sastri brought up. He said that, if there was a distinguished Indian in this country serving in Allahabad or in Bombay, the Selection Committee would pass him over in favour of some European who was present on the spot. They were careful to guard against that and this is what they say on that point:—

‘We therefore suggest that in notifying the vacancy and asking for the appointment of a Committee of Selection the University should forward through the Secretary of State a statement of the special needs and conditions which ought to be kept in view and also a statement in regard to any Western trained scholars resident in India whose claims ought, in their judgment, to be seriously considered. The Committee of Selection would then be in a position, with full knowledge of the circumstances, to nominate the candidate who seemed to them most suitable.’

‘And then, as to the general question, about showing a racial preference or a preference for Muhammadan professors, these are their remarks:—

‘But we are convinced that in making appointments to the principal teaching posts of the University it would be fatal to depart from the principle that the best qualified man should be appointed without reference to his race or religion. A University which departs from this principle will not make the contribution which it should make towards the solution of those vexed and perplexing problems of national life of which the subject-matter of this Chapter is one.’

‘Those, Sir, are the points which I wished to bring out on behalf of the Commission, so that it might not go out to the public that they had any other motives than those which they have themselves expressed in these passages.’

The Hon’ble Mr. Shafi:—“Sir, I am deeply grateful to my Hon’ble colleagues for the very kind words which they have spoken in connection with the part which I have taken in carrying this Bill through its various stages in the Select Committee and this Council. I can assure them that it has been a source of the utmost satisfaction to me to have taken, even though a very humble part, in laying the first step towards the realisation of the ultimate goal set before us by the Calcutta University Commission, that is to say, the establishment of unitary teaching and residential Universities in the various educational centres in this country. 7-10 P.M.

‘My Hon’ble friend Nawab Ali Ohaudhuri, while expressing feelings of satisfaction which in his case are very natural, referred to an expression that had fallen from my lips on the last occasion. He is apparently afraid that the Muhammadan students would be removed from the Secretariat building. I can assure him that the expression used by me was a mere figure of speech. The question of the location of various halls of the University does not rest with the Government of India or with me as Education Member: it is a matter which will be settled hereafter by the Local Government in consultation with local representatives. He also referred to the necessity of having an adequate number of Muhammadans on the staff of the University. May I remind him of clause 51, sub-clause (1) (c) in the Bill? This is how the clause runs:—

‘At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted teachers of the University shall be appointed by

the Governor of Bengal after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction, Bengal, and such other person or persons if any, as the Governor of Bengal thinks fit to associate with them'.

"The Government of India have no doubt whatever that the Governor of Bengal, when making appointments to the staff on the advice of this Committee, will bear this aspect of the matter in mind. In thanking me for my work in connection with this Bill, my Hon'ble friend referred to the 'tug of war' as he characterised it, which took place between us during the sittings of the Select Committee, in connection with matters with regard to which, my Hon'ble friend reminded me, we were co-workers when I was in public life. May I remind him that at the time to which he was referring I was a representative and an advocate of the Muslim Community. Now, as the Indian Member of the Government of India, I am the representative of all India and not of any particular community. And as a Member of the Government I have to hold the scales even, in so far as it lies in my power, between the various communities which have so important a stake in the country.

"My Hon'ble friend also expresses a wish that the new University may be opened by His Royal Highness the Prince of Wales when he comes out to this country. All I can say is this, that I shall convey this wish to His Excellency the Viceroy.

"Coming now to the speech delivered this afternoon by my Hon'ble friend Mr. Sastri. He believed that the University which is going to be established at Dacca will come to be a great centre of learning, and will, as time passes, greatly improve itself. He also acknowledged that it was a grievous and unwarranted statement on the part of anybody to say that this University was a predominantly Mussalman University. However, he went on to make an attack upon three of the features of the Bill which is now before the Council. I do not propose to enter into controversy with him at this late stage of the discussion in connection with these points. But I do wish to make a complaint. I venture to submit that I am entitled to make that complaint and am perfectly warranted in doing so. My Hon'ble friend has this afternoon assumed the role of an outside critic who after the publication of a work writes an essay in a magazine criticising that work. He has forgotten that he is a part-author, a co-author of this work. He is a Member of this Council and has been present all along when every one of these provisions in the Bill was under discussion. And I submit that it is very hard on me, it is very hard on the Council, that he should have kept quiet, should have adopted an attitude of silence when these provisions were under discussion and now, when the Bill is about to be passed, he should have stood up in his seat and instituted a critical review of some of the provisions in this Bill in the manner in which he has done. I do not propose to dwell on this painful aspect of the matter any further, but I do wish to say that instead of welcoming the compromise, the happy compromise between the Hindu and the Muhammadan representatives of Bengal in connection with a difficult matter, I wish he had not characterised that compromise as unfortunate. So far as the Government of India are concerned, I can assure Hon'ble Members that they are sincerely gratified that the compromise suggested by them has, as the result of an amicable settlement, been accepted by the representatives of the two communities mainly interested in the establishment of the Dacca University. I regard this signal display of mutual harmony and good-will as conclusive proof of the fact that the earnest appeal for inter-communal co-operation made by His Excellency the Viceroy and the Right Hon'ble the Secretary of State in their Joint Report has found a responsive echo in the hearts of all sincere well-wishers of the country.

"Sir, I believe that I am not guilty of exaggeration when I say that during my somewhat long experience of Imperial and Provincial Councils, I have never known a Legislative Session in which there was, apart from healthy and honest differences of opinion, greater harmony and co-operation between the various elements in the Legislative Council, Official and Non-official, European and Indian, Hindu and Muhammadan. And if during the last eight months of my tenure of office I have, in some slight measure, made

[18TH MARCH, 1920.]

[*Mr. Shaf.*]

some effort towards this desirable consummation, all I can say is that I am proud of having assisted in what I have always believed to be one of the foremost duties of the Indian Member of His Excellency the Viceroy's Council. I beg to tender my sincere congratulations to my Hindu and Muhammadan brethren for this amicable settlement of a difficult problem which constitutes a happy augury for the success of the Dacca University scheme.

" Sir, I do not propose to detain the Council much longer. Before I conclude, it is my duty to offer, on my own behalf as well as on behalf of the department, my best thanks to the Hon'ble Mr. De la Fosse for the work which he has done, for the indefatigable energy which he has displayed, for the great assistance which he has rendered to us in the evolution of this Bill through its various stages from the commencement until now, when the Bill is to be placed on the Statute-book. I desire also to offer my acknowledgments to the invaluable help which was rendered to this department by Mr. Anderson in the early stages of the preparation of this Bill before he went home on leave on account of illness. And, in the end I can only express my wish that the Dacca University scheme will take shape on the spot and will be worked by all those who will have a hand in its future progress in the same spirit of co-operation, harmony and good-will which has been displayed by the representatives of Bengal in the final stage of this Bill to-day."

The motion was put and agreed to.

The Council adjourned till Monday, the 22nd instant, at 11 A.M.

A. P. MUDDIMAN,

DELHI :

The 29th March, 1920. }

Secretary to the Government of India,

Legislative Department.